



# Maryland State Highway Administration Title VI Program Implementation Plan

For Federal Fiscal Year 2023

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## **I. INTRODUCTION**

The Title VI Implementation Plan is published yearly to provide the public information on the State Highway Administration's processes and procedures for preventing discrimination in all programs and activities. Title VI of the 1964 Civil Rights Act was written to ensure that no person in the United States would be discriminated against based on their race, color, or national origin by any program receiving federal money.

Several federal laws regulate state business practices. The Title VI Civil Rights Act of 1964 is one of the most important laws which ensures that Maryland's citizens receive fair treatment and are not denied services based on their race, color, or national origin.

MDOT SHA is dedicated to following Title VI of the 1964 Civil Rights Act and other non-discrimination laws and makes every effort to ensure that no person is excluded from participation in, denied the benefits of, or subject to discrimination in any MDOT SHA program or activity on the basis of race, color, national origin.

Specifically, MDOT SHA's mission is to provide customers with a safe, well-maintained and attractive highway system. The MDOT SHA will work with sub-recipients to develop and execute their Title VI program in a way that is fair and free from discrimination.

The Maryland State Highway Administration is dedicated to the vision to allow equal access to everyone in all program activities. The Office of Equal Opportunity has been designated to oversee the State Highway Administration Title VI program and to help citizens that may have questions or complaints regarding MDOT SHA projects or procedures.

To contact the Equal Opportunity Program Manager please see the information below:

Maryland State Highway Administration  
Office of Equal Opportunity  
Title VI Program Manager  
211 East Madison Street, Mailstop MLL-3  
Baltimore, Maryland 21202  
Main Number: 410-545-0404, Toll Free: 1-888-545-0098  
Fax: 410-209-5008

## **II. U.S. DOT TITLE VI ASSURANCES**

The Maryland State Highway Administration (“MDOT SHA”) (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration is subject to and will comply with the following:

### **Statutory/Regulatory Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Non-discrimination in Federally-Assisted Programs of The Department of Transportation-Effectuation of Title VI of The Civil Rights Act Of 1964*);
- 28 C.F.R. Section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

### **General Assurances**

In accordance with the Acts, the Regulations, and other pertinent 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, 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 DOT, 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 nondiscrimination 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 agrees with and gives the following Assurances with respect to its Federally assisted Federal-Aid Highway Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated or will be (with regard to a "facility") operated or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source.

*The Maryland State Highway Administration, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that 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, or national origin in consideration for an award."*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to any rights to space on, over, or under such property.

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
  
8. 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.
  
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, 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.
  
10. 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 Maryland State Highway Administration also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Highway Administration's 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 by the Federal Highway Administration. You must keep records, reports, and submit the material for review upon request to the Federal Highway Administration,

or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Maryland State Highway Administration gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal-Aid Highway Program. This ASSURANCE is binding on Maryland, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

**The Maryland State Highway Administration**

By \_\_\_\_\_

Tim Smith, Administrator

Date \_\_\_\_\_

For Signed Assurances See **Appendix 1**



## APPENDIX A OF THE TITLE VI ASSURANCES

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) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, 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, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the 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 Subcontracts, 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 will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate and will set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance: In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. Incorporation of Provisions: The Contractor will include the provisions of paragraphs one through six 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 will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX B OF THE TITLE VI ASSURANCES

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation, as authorized by law and upon the condition that the MDOT SHA will accept title to the lands and maintain the project constructed thereon in accordance with (Name of Appropriate Legislative Authority), the Regulations for the Administration of the Federal-Aid Highway Program, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the MDOT SHA all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### (HABENDUM CLAUSE)

**TO HAVE AND TO HOLD** said lands and interests therein unto the MDOT SHA and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the MDOT SHA, its successors and assigns.

The MDOT SHA, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the MDOT SHA will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

*(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)*

## APPENDIX C OF THE TITLE VI ASSURANCES

### CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into MDOT SHA pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
  - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, MDOT SHA will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued. \*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, MDOT SHA will have the right to enter or re-enter the lands and facilities thereon, and the above-described lands and facilities will there upon revert to and vest in and become the absolute property of the MDOT SHA and its assigns. \*

*(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)*

## APPENDIX D OF THE TITLE VI ASSURANCES

### CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by MDOT SHA pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
  
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, MDOT SHA will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued. \*
  
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, MDOT SHA will there upon revert to and vest in and become the absolute property of MDOT SHA and its assigns. \*

*(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)*

## APPENDIX E OF THE TITLE VI ASSURANCES

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:

*\*The following are a list of potentially pertinent provisions which would be included if applicable.*

### **Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 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 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 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 U.S.C. § 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 prohibit 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 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 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 ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons 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 persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which discrimination because of sex in education programs or activities (20 U.S.C. 1681 et seq).



### **III. NONDISCRIMINATION PROVISIONS AND AUTHORITIES**

#### **NONDISCRIMINATION STATUTES**

**Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4)** – provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

**The Age Discrimination Act of 1975** (Section 6101-6107, Title 42 U.S.C) – prohibits age discrimination in Federally Assisted Programs.

**The Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970** (42 U.S.C 4601) – provides for fair treatment of persons displaced by Federal and Federal-aid programs and projects.

**The Federal-aid Highway Act, (49 U.S.C. 306)** – Outlines responsibilities of the U.S. DOT and the Secretary’s authority to determine compliance with applicable Civil Rights statutes.

**The 1973 Federal-Aid Highway Act** (23 U.S.C 324) – added the requirement that there be no discrimination on the grounds of sex.

**The Civil Rights Restoration Act of 1987, P.L.100-209** – restores the broad, institution-wide scope and coverage of the nondiscrimination statutes to include all programs and activities of Federal-aid recipients, sub-recipients and contractors, whether such programs and activities are federally assisted or not.

**The Uniform Relocation Act Amendments of 1987, P.L. 101-246** – Updated the 1970 Act and clarified the intent of Congress in programs and projects which cause displacement.

**The Civil Rights Act of 1991**, in part, amended Section 1981 of 42 U.S.C. to provide a definition for the term “make and enforce contracts”, and to provide protection of the rights protected by this section against impairment by non-governmental discrimination under color of State law.

**Title VIII of the 1968 Civil Rights Act** (42 U.S.C. 3601) – Prohibits discrimination in the sale or rental of housing, FHWA and States under Title VI are responsible for preventing discrimination in the function of Right-of-Way.

**The National Environmental Policy Act of 1969** (42 U.S.C. 4321) – Requires the consideration of alternatives, including the “no-build” alternative, consideration of social, environmental and economic impacts, public involvement, and use of a systematic interdisciplinary approach at each decision-making stage of Federal-aid project development.

**Title IX of the Education Amendments of 1972** – makes financial assistance available to institutions of higher education.

**Section 504 of the Rehabilitation Act of 1973** (29 U.S.C. 790) – prohibits discrimination based on physical or mental handicap.

### **NONDISCRIMINATION EXECUTIVE ORDERS**

**E.O. 12898** (issued February 11, 1994) – initiated Federal actions to address Environmental Justice in minority populations and low-income populations.

**E.O. 13166** (issued August 11, 2000) – requires Federal agencies and their recipients to improve access to federally sponsored programs for persons with Limited English Proficiency (LEP)

### **NONDISCRIMINATION REGULATIONS**

**23 CFR §200** – Federal Highway Administration’s Title VI Program Implementation and Review Procedures

**23 CFR Part 420.121(h)** – the part of FHWA’s planning regulations that specify the applicability of Title VI of the 1964 Civil Rights Act and Restoration Act of 1987 to FHWA funded planning and research activities.

**23 CFR Part 450** – Federal Highway Administration’s Statewide and Metropolitan Planning Regulations

**23 CFR Part 450.316(b) (2) & (3)** – requires that metropolitan planning process to be consistent with Title VI of the 1964 Civil Rights Act and the recipient’s Title VI Assurances

**23 CFR Part 633, Subpart A** – specifies required contract provisions to be included in all Federal-aid construction contracts, including Title VI and other proscriptions included in Form FHWA 1273

**23 CFR Part 633, Subpart B, Appendix A** – specifies the types of contracts to which Title VI of the 1964 Civil Rights Act applies

**23 CFR Part 771.105(f)**—Federal Highway Administration’s Policy on Title VI – expands on 23 CFR 200.7 and names categories covered with wording similar to Title VI of the Civil Rights Act of 1964 – race, color, national origin, age, sex, handicap

**28 CFR Part 35** – the Department of Justice’s regulations governing Nondiscrimination on the basis of disability in State and local government services

**28 CFR Part 41** – requires the Department of Justice to coordinate the implementation of Section 504 of the Rehabilitation Act (Provides guidelines for determining discretionary practices)

**28 CFR Part 42, Subpart C** – DOJ’s regulation implementing Title VI of the Civil Rights Act of 1964

**28 CFR Part 42.200, Subpart D** – “Nondiscrimination in Federally-assisted Programs – Implementation of Section 815 (c) (1) of the Justice System Improvement Act of 1979” – Also implements E.O. 12138

**28 CFR Part 50.3** – DOJ’s Guidelines for the enforcement of Title VI, Civil Rights Act of 1964

**49 CFR Part 21** – U.S. Department of Transportation’s Implementing Regulations of Title VI of the Civil Rights Act of 1964

**49 CFR Part 24** – DOT’s regulation implementing the Uniform Relocation and Real Property Acquisition Act for Federal and federally assisted programs requiring compliance with Nondiscrimination Statutes and Executive Orders

### **NONDISCRIMINATION DIRECTIVES & GUIDANCE**

**DOT Order 1000.12** – Implementation of the Department of Transportation Title VI Program

**DOT Order 1050.2A** – Standard Title VI Assurances

**DOT Order 5610.2** – U.S. Department of Transportation Order to Address Environmental Justice in Minority Populations and Low-Income Populations

**FHWA Order 6640.23** – Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

### **2010 Title VI Coordination and Enforcement Memorandum**

**DOT Policy Guidance Document dated December 14, 2005** – Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) persons

**DOJ Policy Guidance Document dated October 26, 2001** – Memo re: E.O. 13166, Improving Access to Services for persons with Limited English Proficiency

**DOJ Policy Guidance Document dated January 11, 2002** – Memo re: E.O. 13166, Improving Access to Services for persons with Limited English Proficiency

**DOJ Policy Guidance Document dated January 18, 2002** – Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons

#### IV. ABBREVIATIONS

AAP	Affirmative Action Plan
CFR	Code of Federal Regulations
CID	Construction Inspection Division
DEOO	District Equal Opportunity Officer
E.O.	Executive Order
EEO	Equal Employment Opportunity
EIS	Environmental Impact Study
EJ	Environmental Justice
EO	Equal Opportunity
FHWA	Federal Highway Administration
LEP	Limited English Proficiency
MDOT	Maryland Department of Transportation
OEO	Office of Equal Opportunity
OHD	Office of Highway Development
OPPE	Office of Planning and Preliminary Engineering
ORE	Office of Real Estate
PI SECTION	Public Involvement Section
RCE	Regional Construction Engineer
MDOT SHA	State Highway Administration
STA	State Transportation Agency
STP	Special Training Provision
USC	United States Code
U.S. DOL	United States Department of Labor
U.S. DOJ	United States Department of Justice
U.S. DOT	United States Department of Transportation

## V. DEFINITIONS

**Administrator** – the Senior Manager designated by the Secretary of Transportation to lead State Highway Administration.

**Annual Work Plan** – This is an outline of monitoring and review activities determined for the next planning year and respective target dates, as well as a list of personnel assigned to activities.

**Beneficiary** – any person or group of persons (other than States) entitled to receive benefits, directly or indirectly, from any federally assisted program, i.e., relocates, impacted citizens, communities, etc.

**Compliance** – condition that exists when a Recipient has effectively implemented all Title VI requirements and can demonstrate that there is no evidence of discrimination.

**Deficiency Status** – the interim period during which the Recipient has been notified of deficiencies but has not voluntarily complied with Title VI.

**Discrimination** – the act or action, whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, sex, or national origin, has been otherwise subjected to unequal treatment.

**Federal Assistance** – includes:

- 1.) Grants and loans of Federal funds,
- 2.) The grant or donation of Federal property and interests in property,
- 3.) The detail of Federal personnel,
- 4.) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the Recipient, or in recognition of the public interest to be served by such sale or lease to the Recipient and,
- 5.) Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

**Limited English Proficient** – an individual who does not speak English as a primary language and has limited ability to read, speak, write or understand English.

**Minority**-A person who is:

- (a) Black (a person having origins in any of the black racial groups of Africa);
- (b) Hispanic or Latino (a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race);
- (c) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent;
- (d) American Indian and Alaskan Native (a person having origins in any of the original people of North America, South America, (Central America) and who maintains cultural identification through tribal affiliation or community recognition)

(e) Native Hawaiian and other Pacific Islander people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands

**Non-compliance** – the condition that exists when a Recipient has failed to meet prescribed requirements.

**Program** – includes any highway, project, or activity for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the Recipient of Federal financial assistance or provided by others through contracts or other arrangements with the Recipient.

**Program Area-** Divisions identified within the State Highway Administration to have a potential for Title VI impact.

**4(f) Properties-**Parks, recreation areas, and refuges are three common types of properties protected by Section 4(f) 23 CFR Part 774. In order to qualify as a park, recreation area, or refuge under the statute, a property must meet all the following criteria:

- It must be publicly owned
- It must be open to the public
- Its major purpose must be for park, recreation, or refuge activities
- It must be significant as a park, recreation area or refuge determined and documented by the official with jurisdiction as being significant as a park, recreation area, or refuge.

**Minority Populations:** MDOT SHA uses the race and ethnicity categories established by the Office of Management and Budget in its October 30, 1997, Federal Register Notice: *Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity*. The race and ethnicity categories below are included in the definition of “Minority” provided by: The Council on Environmental Quality *Environmental Justice Guidance Under the National Environmental Policy Act*, the U.S. Department of Transportation (U.S. DOT) Order 5610.2(a), and FHWA Order 6640.23A.

**Recipient** – any State, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentally thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico to whom Federal assistance is extended, either directly or through another Recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term Recipient does not include any ultimate beneficiary under any such program.

**State Highway Administration**– the department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term State would be considered equivalent to State Highway Administration if the context so implies.

**Title VI Program** – the system of requirements developed to implement Title VI of the Civil Rights Act of 1964.

## **VI. TITLE VI ORGANIZATIONAL RESPONSIBILITIES**

MDOT SHA's Administrator is ultimately responsible for assuring full compliance with the provisions of Title VI and has directed that non-discrimination is required of all agency employees. Pursuant to 23 CFR 200.9 (b) (1), MDOT SHA has established a civil rights unit to fulfill Title VI statutory and regulatory requirements. This civil rights unit, located at MDOT SHA Headquarters, is known as the Office of Equal Opportunity (OEO). The OEO is part of MDOT SHA's Administration Division under the Deputy Administrator for Administration (See Appendix 2 MDOT SHA Organizational Chart). Pursuant to 23 CFR 200.9, the OEO has been delegated the responsibility for Title VI actions and its Manager has access to the MDOT SHA Administrator via the Deputy Administrator for Administration.

The Office of Equal Opportunity (OEO) is an office that has responsibility for planning, developing, implementing, monitoring and evaluating all Equal Opportunity Programs within the Maryland State Highway Administration. A fundamental obligation of OEO is to ensure that all barriers for employees, applicants, and beneficiaries of MDOT SHA's programs, services, and activities, are identified, addressed, and eliminated.

OEO encourages, supports, and monitors all employment practices and policies to ensure that:

- Internal practices do not have a disparate impact on any protected classes, or groups of people.
- Ensure that discrimination does not exist in MDOT SHA's day to day business practices and operations.

The OEO does this by providing the following services:

- Sponsoring On-the-Job Supportive Services Programs;
- Civil rights complaint investigation and resolution;
- Facilitating Environmental Justice and Limited English Proficiency requirements in programs and reporting;
- Improving communication links and eliminating silos between the OEO, MDOT SHA district Offices, and MDOT SHA divisions and staff;
- Implementing updated Title VI plans, monitoring and reporting mechanisms; and
- Monitoring civil rights programs and offering guidance.

## **VII. TITLE VI STAFFING RESPONSIBILITIES**

### **DIRECTOR**

The Director for the Office of Equal Opportunity provides guidance and support to the Deputy Director and Title VI Manager to ensure that MDOT SHA staff and divisions understand Title VI Program responsibilities at the state level. The Director works closely with the Deputy Director and Deputy Administrator for Administration, Title VI Manager, and FHWA to ensure that all program areas, agency processes, and business practices are free from discrimination in all programs and activities.

### **DEPUTY DIRECTOR, OFFICE OF EQUAL OPPORTUNITY**

The Deputy Director for the Office of Equal Opportunity provides general guidance and support to the Title VI Manager to ensure that MDOT SHA staff and divisions understand Title VI Program responsibilities at the state level. The Deputy Director and Title VI Manager work closely with MDOT SHA divisions to ensure that all program areas, agency processes, and business practices demonstrate non-discrimination in all programs and activities.

### **TITLE VI MANAGER, OFFICE OF EQUAL OPPORTUNITY**

The Title VI Manager for the Office of Equal Opportunity is responsible for establishing a formal program in monitoring and enforcement of non-discrimination for all Title VI Implementation Plans and Accomplishment and Goal Reports pursuant to 23 CFR § 200.9 (b) (11). The Title VI Manager is responsible for ensuring that the Title VI Assurances are included in all MDOT SHA solicitations and contract language as required by the FHWA.

The Title VI Manager provides direct guidance and support to all MDOT SHA staff and divisions. The Title VI Manager works particularly close with program areas to ensure that all Title VI components under the FHWA Title VI Program are addressed and monitored accordingly. The Title VI Manager and the program areas work in partnership to ensure that all MDOT SHA programs and activities are free from discrimination.

To provide direct guidance to each program area and to comply with federal requirements, the Title VI Manager and the Title VI Compliance Officer work together to conduct program area reviews (PARs) on each program area to ensure that each program's process is in compliance with federal regulations.

The Title VI Manager monitors all MDOT SHA projects with assistance from Program areas and DEOs to ensure that all projects are assessed and considered for Title VI impact under Environmental Justice where low-income and minorities are consistently considered. The Title VI Manager is responsible for ensuring that the collection of statistical data (race, color, national origin) on participants in and beneficiaries of the Department's programs, activities and services is analyzed. The Title VI manager is responsible for ensuring that all Limited English Proficiency (LEP) requests are monitored and addressed appropriately and in a timely manner.

The Title VI Manager is responsible for ensuring that all Title VI complaints are addressed and investigated appropriately. The Title VI Manager ensures that no one faces discrimination when



filing a Title VI complaint. The Title VI Manager ensures that all parties involved in the complaint are notified of the process and appropriate timetables.

The Title VI Manager provides guidance to MDOT SHA subrecipients with the assistance of the Title VI Compliance Officer and the District Equal Opportunity Officers (DEEO). The Title VI Manager is available to all subrecipients to answer any questions or concerns and provide assistance with the Title VI program structure and specific subrecipient responsibilities.

**TITLE VI COMPLIANCE OFFICER, OFFICE OF EQUAL OPPORTUNITY**

The Title VI Compliance Officer provides assistance to the Title VI Manager on all Title VI components to include: Program Area Reviews (PARs), Limited English Proficiency, Environmental Justice, subrecipient monitoring and oversight, complaint investigations, and report writing. The Title VI Compliance Officer assists in analyzing statistical data for the purpose of capturing project trends and impacts.

**DISTRICT EQUAL EMPLOYMENT OPPORTUNITY OFFICERS, OFFICE OF EQUAL OPPORTUNITY**

MDOT SHA has engineering district offices throughout Maryland to better serve its customers statewide. All but one of the districts has an assigned DEEO. The DEEOs are responsible for monitoring compliance and identifying potential Title VI Program deficiencies at the project level. The DEEOs also serve as the Title VI point of contact at the district level. The DEEOs are responsible for communicating all Title VI matters and concerns to the Title VI Manager located at the Headquarters office. The DEEO with guidance from the Title VI Manager are responsible for taking corrective action if necessary.

The DEEOs work closely with district staff to ensure that LEP speaking individuals are addressed appropriately in the field and at the district level. The DEEOs are responsible for tracking LEP requests in the districts and reporting to the Title VI Manager.

The DEEOs coordinate with the Title VI Manager to attend public meetings and public hearings in accordance with the district locations. The DEEOs are available to address Title VI issues and concerns for their district. The DEEOs investigate Title VI complaints with guidance from the Title VI Manager. The Engineering Districts are divided as follows:

<b>DISTRICT</b>	<b>COUNTIES</b>
<b>District 1</b>	Dorchester, Somerset, Wicomico and Worcester Counties
<b>District 2</b>	Caroline, Cecil, Kent, Queen Anne's and Talbot Counties
<b>District 3</b>	Montgomery and Prince George's Counties
<b>District 4</b>	Baltimore and Harford Counties
<b>District 5</b>	Anne Arundel, Calvert, Charles and St. Mary's Counties
<b>District 6</b>	Allegany, Garrett and Washington Counties
<b>District 7</b>	Carroll, Frederick and Howard Counties
<b>Hanover Complex</b>	Office of Traffic & Safety, Office of Maintenance & Statewide Operations Center
<b>Headquarters</b>	Statewide

## TITLE VI LIAISON TEAM

Each Program Area (e.g., Public Involvement, NEPA Compliance, Real Estate) has designated a Title VI liaison team member to ensure that each program area is administering its program in accordance with FHWA's Title VI Program. The Title VI liaison team serves as the link between the program area and OEO. The Title VI liaison team member participates in the program area review for their specific program. The Title VI liaison team communicates regularly with the Title VI Manager and keeps OEO abreast of any Title VI concerns or complaints in accordance with their specific program areas.

## **VIII. METROPOLITAN PLANNING ORGANIZATIONS**

Refer to Appendix 6 for information regarding the Metropolitan Planning Organizations (MPO).

## **IX. PROGRAM AREA REVIEW PROCEDURES AND DESCRIPTION**

In an effort to proactively demonstrate that MDOT SHA is fully committed to FHWA's Title VI program MDOT SHA has designated internal program areas to ensure non-discrimination in all programs and activities. All program areas have a designated representative referred to as Title VI liaison team members. Each team member is responsible for ensuring that their program area is aware of the federal requirements as defined by the FHWA and other appropriate statutes and regulations. Additionally, each liaison team member is responsible for communicating the Title VI Program responsibility to other staff member in the division.

MDOT SHA has identified seven key program areas to assist in ensuring Title VI compliance throughout MDOT SHA's programs and activities. The Office of Planning and Preliminary Engineering (OPPE) is the largest office within MDOT SHA identified to have the most potential for Title VI impact. The seven key program areas are Office of Finance, Office of Procurements and Contracts, Public Involvement and NEPA Compliance, Office of Real Estate, Office of Construction, and Office of Maintenance and district maintenance.

These areas, as applicable, provide accomplishments for FHWA's Annual Accomplishments and Goals Report. OEO meets with the program areas on a quarterly basis to address any Title VI issues or concerns in the program areas, Title VI program updates, and/or any changes to MDOT SHA's Title VI Program.

OEO will conduct program area reviews to the maximum extent reasonable to ensure that all program activities and business practices demonstrate fairness and provide open access to all members of the public. The review process is also used to summarize and highlight efforts of each program areas' program and activities.

The selection of the program area review involves a risk-based analysis of business practices. This includes an in-depth analysis of program area business practices and Title VI involvement. Program areas with the highest potential for Title VI impact are considered high priority for review. Each review consists of Title VI-related data specific to that program area. OEO evaluates the program procedures for each area as well as the implementation of those procedures on projects. OEO then meets with the program area liaison to discuss business practices and policies to ensure that the program area conducts business in accordance with Title VI. OEO reviews project information and evaluates demographic information to capture any demographic trends. If necessary OEO makes recommendations to enhance business practices to ensure non-discrimination in program activities.

The following are descriptions of MDOT SHA's seven (7) major program areas.

### OFFICE OF FINANCE

This Office, which consists of four divisions, is responsible for budget preparation, expenditure reporting, financial and statistical records and reports, accounts receivable, vouchers payable, programming certification and collection of federal funds for the Administration, Baltimore City, Counties and Municipalities and program management. The Director of the Office of Finance reports directly to the Administrator. The four divisions have the following responsibilities:

#### *Accounting Operations Division:*

This division consists of five sections that provide the day-to-day accounting operating functions for the MDOT State Highway Administration. The Vouchers Payable Section processes and pays approximately 60,000 invoices annually to State governmental units and private vendors. The Credit Card and Employee Expense Statements Section manages the credit card and expense statement programs. The Accounts Receivable Section bills approximately \$130 million dollars annually to outside sources. The Cash Receipts Section receives approximately \$150 million dollars in cash receipts annually and the FMIS Contract Monitoring Section is responsible for performing reviews of all procurement contracts and agreements/MOUs.

#### *Capital Program Division:*

The Capital Program Division is responsible for the financial administration of the capital program at MDOT SHA. The primary duties of the division include the creation, monitoring and maintenance of cash flows on current and future construction projects, the establishment of project identification numbers to facilitate the capture of costs on specific projects, the matching of specific projects with federal funding sources in accordance with Federal Highway Administration policies and procedures, and the creation and submission of bills to the Federal Highway Administration to collect funds on federally participating projects.

#### *Budget and Financial Accounting Division:*

This division consists of two areas of responsibility that provide financial support for the MDOT State Highway Administration. The Budget Section is responsible for preparing as well as monitoring MDOT SHA's annual budget. This includes analyzing expenditures to determine accuracy, trends, and the financial impact of policy changes that may result in current or future budget amendments. This section also prepares the information presented at the budget hearings during the legislative sessions. The Financial Accounting Section processes interfaces from other systems into FMIS, records all cancelled checks and chargebacks, develops various cost accounting rates, distributes the payroll to other MDOT agencies, and records all cash receipts received electronically. In addition, this section processes all interagency transfers, processes required journal entries to both MDOT and State FMIS systems, co-ordinates monthly reconciliations and performs the fiscal year-end closing transaction process.

#### *Financial Systems and Inventory Support Division:*

This division consists of 3 areas of responsibility that provide day-to-day support of fiscal systems for MDOTSHA. The Inventory Management Section (IMS) oversees MDOT SHA's fixed assets and materials and supplies inventories, both as the internal manager of the automated systems and as the liaison with other agencies, such as DGS. In addition, the IMS is responsible

for the collection and costing of MDOT SHA's vehicle & equipment usage data. The Data Control Section provides day-to-day support for software applications and hardware issues for MDOT SHA's Office of Finance (OOF). This section also develops programs, databases and spreadsheets to assist the OOF in the analysis of financial data. Finally, the FMIS Support Section monitors and maintains the security profiles of the MDOT SHA FMIS and WebFOCUS user community. In addition, the FSC acts as a liaison between MDOT SHA and MDOT TSO with respect to user requests, software changes and software/platform upgrades.

### *Title VI Considerations*

When preparing the budget and managing agency expenditures, it is important to consider the allocation of funding with a geographical lens and to make sure the disbursement of funds is distributed fairly. Specifically, because it is important to ensure that agency services are distributed appropriately across the state. For example, it is MDOT SHA's responsibility to ensure that there is no discrimination in the distribution of project benefits based upon race, color and national origin.

### *Program Area Review Process*

While ensuring the fair disbursement of funds across Maryland is an overall agency responsibility, The Office of Finance within MDOT SHA is the office that houses all payment information for MDOT SHA. To ensure nondiscrimination in the allocation of funding throughout Maryland, OEO will work with the Office of Finance to identify and analyze the geographical locations and expenditures of agency projects throughout Maryland. OEO will consider the following when conducting a review:

- The process in which projects are selected.
- The disbursement of agency funds.
- The demographic analysis of agency expenditures.

### *Data Collection*

The following data may be reviewed/collected:

- Project Payments made during a specific fiscal year or quarter.
- Payments made in any quarter/fiscal year which could be sorted by county, or project amount.

## THE OFFICE OF PROCUREMENT AND CONTRACT MANAGEMENT(OPCM)

The Office of Procurement and Contract Management is responsible for two separate procurement functions, Architectural and Engineering Procurement through the Consultant Services Division and General Procurement through the Procurement Services and Support Division. The Office of Procurement and Contract Management develops and conducts agency-wide procurement certification training, establishes procurement policies and procedures, provides internal control oversight, and acts as principal contact for BPW, DGS, and DBM. The Consultant Services Division is responsible for all architectural/engineering procurements required by MDOT SHA. This Division provides support to the Transportation Professional Services Selection Board (TPSSB) and assists all other MDOT Modal Administrations in their architectural/engineering procurement. The Procurement Services and Support Division provides support throughout the agency where decentralized procurement operations exist for all small

procurement purchases agency-wide, services contracts, and commodity purchases. The Office of Procurement and Contract Management is a direct report under the Deputy Administrator for Administration.

#### *Title VI Considerations*

When awarding contracts, it is important to give all bidders and potential contractors a fair opportunity to submit proposals. MDOT SHA provides public access to upcoming project information which can be found on:

<https://emaryland.buyspeed.com/bs0/external/advsearch/advancedSearch.sdo> and <https://emaryland.buyspeed.com/bs0/login.sdo>. Contractors must register to have access to *eMaryland Marketplace*. Title VI Contract provisions should be included in all contracts.

#### *Program Area Review Process*

OEO will use the Minority Business Annual Procurement Report<sup>1</sup> which captures total contract award by procurement category and prime contract awards to aid in capturing demographic data. OEO partners with OPCM whenever necessary to gather procurement information. OEO considers the process in which contractors are selected for award and determines if adequate outreach efforts are made to solicit contract proposals from a diverse population. OEO will consider the following when conducting a review:

- Programmatic and implementation of internal procedures;
- Solicitation process;
- Contract award process;
- Selection process of on-call contractors;
- Whether appropriate contract provisions are incorporated into all contracts to include inter-agency agreements, construction contracts, maintenance contracts, consultant contracts, and any other agreements by which an entity provides a service to MDOT SHA; and
- Contractor ownership demographics.

#### *Data Collection*

The following information may be collected/reviewed during a program area review:

- Race, color national origin of prime contractors' awards for a specified fiscal year or quarter.
- Information regarding procurement practices.
- Contract award specified by contract type and their award amounts.
- OPCM Outreach efforts for a specified fiscal period; identify which parts in the state received outreach.

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<sup>1</sup> Minority Business Annual Procurement Report submitted to Governor's Office of Small Minority & Women Business Affairs. Report includes total MBE/DBE prime contract awards. Awards are broken down by MBE/DBE classifications by procurement categories (African American, Asian, Hispanic, Native American, Women, African American Women, Asian Women, Hispanic Women, Native American Women). Report allows MDOT SHA to determine total award to non-minority primes as well as minority prime contractors.

## OPPE-PUBLIC INVOLVEMENT SECTION

The Public Involvement Section is a part of the Office of Planning and Preliminary Engineering. The Public Involvement Section (PI Section) is the primary office within MDOT SHA that manages and oversees all public involvement activities for planning and system preservation projects. The PI Section is the first office during the planning phases of a project to come in contact with the public.

The goal of the PI Section is to get stakeholders informed and involved with project teams that are developing transportation improvements that will affect the stakeholders' community. Public Involvement staff work with project teams at MDOT SHA and project stakeholders to reach out to the public to inform and educate about the project, gather information about project-area demographics, resources, and features; enable stakeholders to participate in the development of a transportation solution; and ensure that all public involvement programs and activities comply with all relevant state and federal requirements.

Early in the public involvement process, the PI Section develops a Public Involvement Strategy that outlines the exact steps the project team will take to ensure that the public is informed and engaged throughout the planning phases. Each project is different, and the public involvement plan is project specific. The PI Section considers Limited English Proficiency (LEP) and Environmental Justice in all outreach efforts.

The PI Section is responsible for producing as appropriate:

- Advertisements;
- Mailings;
- Surveys;
- Community Inventory;
- Transcription;
- Milestone Meetings;
- Community/Targeted Meetings;
- Non-traditional Outreach;
- Translations; and
- Place advertisements in English and non-English language publications for project meetings and other milestones

PI Section Services:

- Develop public outreach strategies;
- Provide meeting facilitation services;
- Write, edit, design, and format public involvement materials and presentations;
- Coordinate assistance for persons with limited English proficiency (LEP) and disabilities;
- Develop and maintain project mailing lists;
- Newsletters/Fliers/Booklets;
- Newsletters/Fliers/Booklets in other languages;
- Multimedia Presentations;

- Web-based Products;
- Maps/Displays;
- Public Involvement Strategies;
- Coordinate mailings for project-related materials; and
- Coordinate public meetings, alternative workshops, and public hearings.

The Maryland Action Plan (MAP) is a document available to the public and details MDOT SHA's public involvement and participation processes. The MAP details how MDOT SHA notifies the public regarding development of transportation plans and Improvement Programs, solicits the public's comments and addresses their concerns in the final NEPA documents. The MAP details how MDOT SHA notifies the public regarding Public Meetings and Public Hearings. The MAP is available to the public online <http://www.roads.maryland.gov/oppen/Maryland-Action-Plan-2011.pdf> (See Appendix 3 MAP).

The Maryland Action Plan was written in accordance with FHWA regulations and Title VI requirements. To ensure that MDOT SHA is effectively following procedures outlined in the MAP, the Title VI Manager and OPPE staff works closely in all planning phases. OEO attends as appropriate project milestone meetings to ensure that Environmental Justice and Title VI concerns are addressed through the life of a project. Meetings may include: scoping meetings, alternatives retained for detailed study and the preferred alternatives meetings. OEO participates in said meetings in order to review NEPA documents to ensure the documents address public concerns.

#### *Title VI Considerations*

All members of the public should be given equal opportunity to participate in the planning process. The Public Involvement office provides the Office of Highway Development and Office of Structures with all public outreach initiatives. The overall outcome of the public involvement process is to satisfy transportation needs while retaining or improving the community and quality of life for all people impacted by a project. A public involvement strategy includes outreach to LEP persons, or individuals who do not speak English as their primary language. They also have a limited ability to read, speak, write, or understand English. These individuals are entitled to language assistance with respect to a service, benefit, or encounter.

At MDOT SHA, project team representatives from the Project Management Division, the Environmental Planning Division and the Public Involvement Section evaluate the need for LEP outreach in the early phases of a project or study. Determination for LEP Services is assessed on an individual project basis. Quantifiable indicators, along with qualitative measures, can improve results derived through public involvement. The team begins by defining the study area and researching census data using the U.S. Census, American Fact Finder, and other data sources which show what languages are spoken within a given boundary by percentage. Once a general knowledge of languages within the study area is obtained, then the data is broken down to a more detailed level (census tract or census block group) to pinpoint any areas where the percentage of a language spoken is significantly higher than that of the general study area. LEP research cannot only be quantitative and must include qualitative research as well in order to get a true description of a study area.



### *Program Area Review Process*

Because the PI Section is one of the main offices to come into contact with the public, OEO will work with the PI Section to determine outreach efforts during a specified time period. Additionally, OEO will identify if any LEP services that were provided to the public in order to ensure that all people had a fair opportunity to be informed of project information. OEO will also work with PI Section to identify a process which captures public meeting locations throughout the state. OEO will consider the following when conducting a review.

- Policies and procedures for public outreach efforts as well as implementation of those procedures.
- Language translation for projects mailings and meetings.
- The community liaisons in participation in the public involvement process including the analysis and removal of potential barriers to participation.
- Information on coordination with the Communication Division to address the needs of individuals with Limited English Proficiency.

### *Data Collection*

The PI Section is the primary office within MDOT SHA that coordinates meetings with the public. The PI Section works closely with the NEPA Compliance Section to collect and analyzes U.S. Census and other data regarding populations expected to be impacted by MDOT SHA projects. MDOT SHA staff analyzes demographic maps that include income levels per county and racial/ethnic makeup at the U.S. Census tract level. Race, ethnicity, and language data is collected during the planning phases of the project and during the project study.

All offices in MDOT SHA are required to coordinate public meetings with the PI Section to ensure that the communities surrounding the project area receive the project information. Each project manager is provided with a Title VI Volunteer Survey, which is provided at all public meetings, alternative workshops, and public hearings. Each survey is project specific and designed to assist MDOT SHA in analyzing project trends and capture demographic information about attendance. The community is encouraged to fill out the surveys during the meetings. To that end, the project manager returns the surveys to the Public Involvement Section. The Public Involvement Coordinator gathers the results and submits to the civil rights staff in OEO where the surveys are analyzed for project trends and community impacts.

The following information may be collected/reviewed during a program area review:

- Advertisements;
- Public involvement strategies used for engaging minority and LEP populations in transportation decision-making and for reducing participation barriers;
- Information on coordination with the Communication Division to ensure that formal and informal public comments are incorporated into the transportation decision-making process;
- Data and information regarding the demographics of public meeting participation, including comparisons to the relevant population for each project.
- Promptly refer Title VI complaints to the Civil Rights Officer and assist with the investigation of these complaints;

- Mailings;
- Surveys;
- Community Inventory;
- Meeting Transcriptions

## OPPE-NEPA COMPLIANCE SECTION

The NEPA Compliance Section is a part of the Office of Planning and Preliminary Engineering. The NEPA Compliance Section is the primary section that ensures that projects comply with the National Environmental Policy Act (NEPA)/Maryland Environmental Policy Act (MEPA) and related federal and state laws and regulations. The NEPA Compliance Section secures federal and state environmental approvals for MDOT SHA and other local/county partners through interagency coordination and public involvement to complete project area inventories, assessment of potential impacts, technical studies when warranted, formal public involvement when warranted, and environmental documentation. The NEPA Compliance Section evaluates the project purpose and need, and early design plans to analyze possible community, cultural, and environmental impacts of project alternatives. The following are social and economic aspects of a community that are examined by the NEPA Compliance Section to understand potential project impacts:

- Environmental Justice and community
- Cohesiveness/demographics;
- Spiritual/religious practice;
- Effects on businesses; tax base/property values);
- Regional employment;
- Land-use patterns; and
- Property displacement, sensory/aesthetic, and safety/health considerations.

This compliance is necessary to ensure that:

- Impacts on community, cultural and environmental resources are avoided, minimized, or mitigated;
- Such impacts are balanced with project needs; and
- Project decisions are made in the best overall public interest.

Depending on the potential level of impacts and public/agency concerns, the NEPA Compliance Section produces the following documents where applicable:

- Categorical Exclusion (CE)- Actions that do not individually or cumulatively have a significant environmental effect are excluded from the requirement to prepare an EA or EIS. A specific list of CEs normally not requiring NEPA documentation is set forth in 23 CFR Sec. 771.117(c).
- Environmental Assessment/Finding of No Significant Impact (EA/FONSI)- A federal agency can determine that a Categorical Exclusion does not apply to a proposed action. The federal agency may then prepare an Environmental Assessment (EA). The EA determines whether a federal action has the potential to cause significant environmental effects.

- Environmental Impact Statement/ Record of Decision (EIS/ROD)- Federal agencies prepare an EIS if a proposed major federal action is determined to significantly affect the quality of the natural and/or human environment. The regulatory requirements for an EIS are more detailed and rigorous than the requirements for an EA.

### *Title VI Considerations*

OEO works with the NEPA Compliance section to ensure that community and environmental impacts are considered in all studies. When evaluating projects for consideration it is important to ensure that the scoping process sufficiently considers potential impacts to minority populations and that potential impacts to minority populations are considered in the selection of the type of environmental review for each project.

### *Program Area Review Process*

A description of the methods used to ensure that issues/concerns which were raised by minority and underrepresented populations were appropriately considered in the transportation decision-making process. This includes formal and informal records of public comments and integration into environmental documents. OEO will consider the following when conducting a review:

- The study area selection and consider community impacts.
- Evaluate mitigation efforts and ensure that mitigation is implemented when potentially disproportionate and adverse effects to minority populations are identified.
- Monitor NEPA’s Title VI accomplishments and challenges and data requests timely.
- The number and types of environmental reviews.
- Information on coordination with the PI Section to ensure that formal and informal public comments are incorporated into the transportation decision-making process.
- The methods for identifying minority populations for Title VI purposes.
- Title VI complaints received regarding the environmental review process.

### *Data Collection*

The following information may be collected/reviewed during a program area review: Data and information regarding the potential disproportionate impacts on minority populations with regard to:

- a. Air quality
- b. Noise
- c. Community cohesion
- d. Relocations
- e. Community services
- f. Mitigation measures

## OFFICE OF REAL ESTATE

The Office of Real Estate (ORE) through its “Right-of-Way” program provides property rights for construction of transportation projects in accordance with Title VI of the Civil Rights Act of 1964. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, requires people affected by transportation projects to be treated fairly and equitably.

These activities require ongoing interaction with the general public during all phases of the project particularly in the following areas:

- Appraisals
- Property Management
- Acquisitions
- Condemnation
- Relocation Assistance Program

The ORE considers the following in the construction of transportation projects:

- An offer of fair market value was made to the property owner for the full amount of the review appraiser's determination.
- Property owners were fully informed of their rights to receive just compensation their property before any donation of such property.
- Every effort was made to negotiate for required property before filing condemnation.
- Consistency exists in the determination of severance damages.
- The selection of comparable replacement housing is fair, consistent and without discrimination.
- Selection of comparable sales and rental rates do not reflect discrimination and stereotypes.
- Relocation advisory assistance was provided equitably and without discrimination to the displaced individuals.
- Decent, safe and sanitary inspection standards are consistently applied.
- The procurement of bids provides equal opportunity.
- Consistency of personal contacts.
- The determination of rent amounts is equitable.
- The maintenance of rental properties on projects is adequate and consistently performed for all tenants.

#### *Title VI Considerations*

Often, during the planning phase of a project the alternative routes may identify potential property acquisitions that require assistance for the relocation program. While this is a part of the project planning phase and cannot be avoided, it is MDOT SHA's responsibility to identify and evenly distribute the burden and not discriminate based on race color, and national origin.

#### *Program Area Review Process*

OEO works with ORE to develop and implement a process which can effectively capture the demographic data and fair market value offers to the individuals whose properties are impacted by MDOT SHA projects. This process will help ensure that the agency is practicing a due process when making business decisions. OEO will consider the following when conducting a review:

- Efforts made to provide information in appropriate languages and/or number of times interpreters used.
- Title VI complaints received regarding the right-of-way process, i.e., appraisals, negotiations, relocation assistance, and payments.

- Significant Title VI accomplishments attained since last Title VI report and Title VI actions planned for the coming year.

#### *Data Collections*

ORE utilizes a data management system called Office of Real Estate Management System (OREMS) to capture demographic data associated with property owners that ORE comes in contact with during the various phases of transportation projects.

The following information may be collected/reviewed during a program area review:

- Data and information related to the demographics of relocates and other beneficiaries of the MDOT SHA Right-of-Way Division. This includes persons and businesses that receive relocation counseling and who attend informational meetings.
- Data and information related to the appraisal process, including just compensation offers and supporting documentation.
- Number of minority firms utilized, and efforts made to encourage minority firm bidding; Data concerning consultant contracts entered for Right-of-Way Division activities, including the award amounts and demographic data on firm ownership.
- The analysis of Right-of-Way acquisition costs to the local demographic location.

#### OFFICE OF CONSTRUCTION

The Office of Construction (OOC) includes the administration of all phases of highway construction and professional services contracts including prequalification of contractors, advertisement, competitive bid letting or proposal selection, award of contract, change orders, contract modifications, inspection and acceptance of work, and payment.

The OOC's primary responsibilities are to provide for public safety and convenience and perpetuate public trust through construction engineering and contract administration. The OOC focus is placed on the construction, operational improvement and general maintenance of projects that provide and promote the transportation needs for the people of the State of Maryland.

#### *Title VI Considerations*

Although Title VI is carefully monitored during the planning phases of a project it is equally as important to monitor the contract through the construction phase. To ensure effective monitoring of Title VI throughout the life of the project, mitigation efforts such as sound walls built for noise pollution, air quality measures taken, detours during construction, etc. identified during the planning phase must be implemented during construction. More specifically it is the responsibility of the project engineer to ensure non-discrimination of temporary issues such as detours, people being inconvenienced, rerouting traffic, pedestrian access, and bus routes.

#### *Program Area Review Process*

This practice will include mitigation efforts identified in design, environment, planning, etc. that are necessary to ensure that there is not an unfair, disproportionate impact on minority and disadvantaged populations. The Title VI office will review mitigation in areas such as air, noise,

pedestrian paths, detours, right of way, 4(f) properties (to include parks, recreation areas, and refugees) and any other area which will have impacts on populations based on race, color, or national origin. The data collection process will be reviewed by examining how the Project Engineer captures information, implements change orders for mitigation, design exceptions, pedestrian and traffic routing, and who approves these actions. Additionally, the review will include executed change orders. Through this process, OEO will determine if measures were established to mitigate effects on the minority populations effected by MDOT SHA projects and how they are being carried out according to planning, environmental and design documents. The following information may be considered during a program area review:

- Whether construction work results in disparate treatment or impacts to protected groups.
- Required mitigation(s) has been effectively implemented.
- Whether the contractor or applicant has any unresolved Title VI violations when awarding a contract or grant.

#### *Data Collection*

The following information may be collected during a program area review:

- Future sampling and standard language for all areas – (e.g.) MDOT SHA will conduct periodic reviews for compliance.
- OEO may select project review based on size, location, environment, potential impacts, schedules, budget and requests.
- Data and information related to project area demographics.
- Information regarding project impacts such as temporary traffic and pedestrian routing as well as mitigation actions.

### OFFICE OF MAINTENANCE AND DISTRICT MAINTENANCE

The Office of Maintenance (OOM) Division of Highway Maintenance provides support for all highway maintenance operations throughout the State. The Division is organized into four sections: Contracts & Procurement, Operations Support, Quality Assurance, and Training & Certification.

#### *Title VI Considerations*

- The monitoring / inspection for all MDOT SHA maintenance operations.
- Required mitigation(s) has been effectively implemented.
- Uniformity exists in changes and supplemental agreements.
- Uniformity exists in the assessment of sanctions or suspension/termination of contracts.

#### *Program Area Review Process*

- OEO will review any procedures and processes related to maintenance. OEO will review the selection of and distribution of projects within a geographic area and compare the demographics of those areas. This would include funds expended.

#### *Data Collection*

OEO may consider the following during a review:

- A review of a random sampling of requests made of OOM demographics of populations served.
- Sampling of contracts for construction and traffic and pedestrian routing.

## **X. SUB-RECIPIENT MONITORING PROGRAM**

Sub-recipients are local governmental entities, which include colleges, municipalities, counties, and cities, that receive federal financial assistance through MDOT SHA. MDOT SHA has approximately 23 counties that utilize Federal Highway Administration (FHWA) funds to build and maintain their roads and bridges. As a recipient of federal funds, the sub-recipient must sign an assurance of nondiscrimination and agree to carry out the requirements of the Title VI program.

Prior to conducting reviews of the sub-recipients' Title VI Program, MDOT SHA will provide updated training to all sub-recipients to ensure that the sub-recipients understand their obligations and requirements as a recipient of federal funds.

Once training is complete and the assurance statement has been signed, MDOT SHA intends to perform a desk audit at least one sub-recipient every year. The sub-recipient selected for review will be a combination of small, medium, and large entities.

The selected sub-recipient will be required to submit their signed assurances and the Title VI plan for review. See Appendix 4, Title VI Requirements for MDOT SHA Sub-recipients for a list of activities that MDOT SHA will review during its sub-recipient reviews. The results of the desk audits will be reported in MDOT SHA's annual Accomplishments and Goals Report to FHWA. MDOT SHA may also conduct a more in-depth review or conduct a site visit if the results of a desk audit show the possibility of a sub-recipient being non-complaint.

## **XI. COMPLAINT DISPOSITION PROCEDURES**

**Who can file?** Any person who believes they—or with a specific class of persons—were subjected to discrimination on the basis of race, color, or national origin in the programs and activities of a Federal-aid Recipient may file a Title VI complaint.

**Where can one file?** Complaints may be filed with MDOT SHA, FHWA Division Offices, the FHWA Headquarters Office of Civil Rights, the United States Department of Transportation (U.S. DOT) Departmental Office of Civil Rights, or the U.S. DOJ.

**When must one file?** According to U.S. DOT regulations, 49 CFR §21.11(b), a complaint must be filed not later than 180 days after the date of the last instance of alleged discrimination, unless the time for filing is extended by the investigating agency.

**What should a complaint look like?** Complaints should be in writing and signed and may be filed by mail, fax, in person, or e-mail. However, the complainant may call the agency and provide the allegations by telephone, and the agency will transcribe the allegations of the

complaint as provided over the telephone and send a written complaint to the complainant for correction and signature. A complaint should contain at least the following information:

- A written explanation of what has happened;
- A way to contact the complainant;
- The basis of the complaint (e.g., race, color, national origin);
- The identification of a specific person/people and the respondent (e.g.) agency/organization) alleged to have discriminated;
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance; and
- The date(s) of the alleged discriminatory act(s). Complaint should indicate if the alleged discrimination is on-going.

**How are complaints routed?** Division Offices do not investigate Title VI complaints. Likewise, MDOT SHA (like all Recipients, including Subrecipients) does not investigate complaints filed against themselves. If a complaint is filed against a State DOT, then it will be forwarded to the FHWA Division Office, which will forward the complaint to the FHWA Headquarters Office of Civil Rights (HCR) for processing and potential investigation. If a complaint is filed against a Subrecipient to the State DOT, then the State DOT may process and investigate the complaint, or the State DOT may refer it to HCR for investigation. If a FHWA Division Office receives a complaint against a State DOT or a Subrecipient, then it will refer the complaint to HCR for processing and investigation. Complaints may be sent to:

**U.S. Department of Transportation (U.S. DOT)**  
Federal Highway Administration (FHWA)  
George H. Fallon Federal Building  
Attention: Civil Rights Specialist  
31 Hopkins Plaza, Suite 1520  
Baltimore, Maryland 21201

**U.S. Department of Transportation (U.S. DOT)**  
Federal Highway Administration Headquarters,  
Office of Civil Rights  
Southeast Federal Center  
1200 New Jersey Avenue, SE  
HCR-40, Room E81-101  
Washington, DC 20590  
202-366-0693 or Fax: 202-366-1599  
TTY: 202-366-5751



Complaints alleging violations of Title VI filed against a subrecipient to MDOT SHA (*e.g., city, county, college or university, contractor, consultant, etc.*) may be filed in writing directly with the following MDOT SHA office at:

**Maryland State Highway Administration**

Office of Equal Opportunity

Attention: Title VI Manager

211 East Madison Street, Mailstop MLL-3

Baltimore, Maryland 21202

Office#: 410-545-0404 or Toll Free: 1-888-545-0098

Additionally, complaints filed against subrecipients to MDOT SHA may be filed with FHWA or the U.S. Department of Justice at:

**U.S. Department of Justice**

Civil Rights Division

950 Pennsylvania Avenue, N.W.

Criminal Section, PHB

Washington, DC 20530

**How do Agencies process complaints they receive?**

Whenever possible, the investigative agency (Agency) will first send the complainant an acknowledgement letter, stating that it is in receipt of the complaint. Next, the Agency will determine whether the complaint should be accepted, referred, or dismissed. There is no statutory or regulatory timeframe for making this decision, and it is highly fact sensitive.

**What are the potential outcomes for processing a complaint?**

There are four potential outcomes for processing complaints:

- **Accept:** if a complaint is filed within 180 days (or MDOT SHA grants the complainant a waiver) (49 CFR §21.11(b)), contains sufficient information to allege a prima facie case under Title VI, and concerns matters under the MDOT SHA's jurisdiction, then the Agency will send the complainant, the respondent, and the FHWA Division a written notice that it has accepted the complaint for investigation.
- **Preliminary review:** if it is unclear whether the complaint alleges a prima facie case, then HCR may (1) dismiss it or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent.
- **Procedural Dismissal:** if a complaint is not filed within 180 days (and FHWA does not grant a waiver of the filing deadline), is not in writing and signed, or features other procedural/practical defects, then Headquarters Civil Rights (HCR) will send the complainant, respondent, and FHWA Division a notice that it is dismissing the complaint.
- **Referral/Dismissal:** if the complaint is procedurally sufficient but MDOT SHA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the public entity, then the MDOT SHA will either dismiss the complaint or refer it to another agency that does have jurisdiction. If MDOT SHA dismisses, it will send the complainant, respondent, and

FHWA Division a copy of the dismissal notice. For referrals, the Agency will send a referral notice with a copy of the complaint to its Title VI counterparts at the proper agency and a copy to the U.S. DOT Departmental Office of Civil Rights.

### **What are the timeframes for investigations?**

For FHWA, there is no regulatory timeframe for completing investigations. However, FHWA strives to complete all tasks within 180 days from the date of acceptance. 23 CFR §200.9(b)(3) provides that MDOT SHA must complete investigations within 60 days from receipt.

Investigation files are confidential and will be maintained by MDOT SHA OEO. The contents of such files will only be disclosed to appropriate MDOT SHA, MDOT personnel and federal authorities in accordance with Federal and State laws. MDOT SHA will retain files in accordance with records retention schedules and all Federal guidelines.

**NOTE: For more information on the FHWA Title VI Complaint process see [https://www.fhwa.dot.gov/civilrights/programs/docs/FHWA\\_Title\\_VI%20\\_Complaint\\_QA.pdf](https://www.fhwa.dot.gov/civilrights/programs/docs/FHWA_Title_VI%20_Complaint_QA.pdf) and <https://www.fhwa.dot.gov/civilrights/programs/finalcomplaintmanual110410.cfm>. See Appendix 5 for a copy of MDOT SHA's Title VI complaint form.**

## **XII. PROCESS TO IDENTIFY/ELIMINATE DISCRIMINATION**

MDOT SHA is committed to the FHWA Title VI Program. All divisions within MDOT SHA work together in an effort to identify any potential Title VI impacts resulting in potential discrimination. OEO meets with the program areas on a quarterly basis to address any Title VI concerns of possible discrimination in the program areas for the quarter. OEO provides quarterly Title VI program updates, and/or any changes to MDOT SHA's Title VI Program during the quarterly meeting.

OEO works very closely with the PI Section and NEPA Compliance Section during the planning stages of a project. OEO participates in scoping meetings and the selection of alternatives to ensure that all Environmental Justice concerns, and any negative community impacts are addressed in the early phases of the planning process.

The Program Area Reviews serve as a guide created to help OEO identify any potential concerns of discrimination. In the event that any deficiencies are found, OEO works with the Program Area to create a plan to mitigate and address the deficiencies.

## **XIII. PROCESS TO IMPLEMENT RECOMMENDATIONS BY FHWA**

If the FHWA finds MDOT SHA's Title VI Program in a non-compliant or deficient status, then MDOT SHA will correct its programs and activities to comply with federal regulations through a Corrective Action Plan (CAP), per 23 CFR Part 200.11. The MDOT SHA CAP is approved by the Deputy Administrator for Administration and shared with the MDOT SHA Administrator.

MDOT SHA will submit a CAP outlining a plan to correct all FHWA recommendations and identified deficiencies to the Maryland FHWA Civil Rights Specialist for approval. Once the CAP is approved, OEO will notify the Program Areas of FHWA findings and MDOT SHA CAP. OEO will work with the Program areas to ensure that the items in the CAP are addressed and implemented accordingly.

In an effort to keep FHWA abreast of MDOT SHA's progress in accordance with the CAP in the event deficiencies are identified, MDOT SHA submits monthly CAP progress reports to:

**U.S. Department of Transportation (U.S. DOT)**  
Federal Highway Administration (FHWA)  
George H. Fallon Federal Building  
Attention: Civil Rights Specialist  
31 Hopkins Plaza, Suite 1520  
Baltimore, Maryland 21201

#### **XIV. TITLE VI PROGRAM TRAINING**

The OEO is responsible for conducting Title VI Program training and program outreach to the Title VI Liaisons. The OEO provides training to the Program areas on a quarterly basis. The OEO in partnership with the Federal Highway Administration's Resource Center will organize various types of Title VI training sessions for MDOT SHA staff and sub recipients. These training sessions will cover Title VI basics as well as program specific information. Training may be conducted in 3 three ways:

1. Traditional classroom style.
2. One-on-one sessions.
3. Web based.

#### **XV. LIMITED ENGLISH PROFICIENCY**

All recipients of U.S. DOT funding are required to take reasonable steps to ensure meaningful access to their programs and activities by Limited English Proficient (LEP) persons. LEP individuals are those individuals for whom English is not their primary language and have a limited ability to speak, read, write, and understand English. All recipients must comply with Executive Order #13166, *Improving Access to Services for Persons with Limited English Proficiency*. (August 11, 2000) and the U.S. DOT Guidance implementing the Executive Order, *Policy Guidance Concerning Recipients' Responsibility to Limited English Proficient (LEP) Persons* (Dec 14, 2005) (70 Fed Reg 74087). To ensure meaningful access to LEP individuals, recipients are expected to conduct a Four-Factor Analysis to identify language barriers of LEP beneficiaries to meaningful participation in federally assisted programs and activities.

As a recipient of federal financial assistance, MDOT SHA must assure that LEP individuals have meaningful access to MDOT SHA programs and activities. If MDOT SHA does not provide meaningful access to LEP individuals, then MDOT SHA may be discriminating on the grounds of national origin which is prohibited by Title VI. The goal of the four-factor analysis is to address the language needs of the LEP population. The analysis will include specific steps

toward establishing a language assistance program that is compliant with the federal laws and all related state laws and regulations.

The Federal guidance outlines four factors that recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons. The four factors are:

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.

The greater the number or proportion of eligible LEP persons, the greater the frequency with which they have contact with a program, activity, or service; and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets. The intent of DOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

After completing the above four-factor analysis, recipients can determine the appropriate combination of LEP services required. Recipients have two ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct combination should be based on what is both necessary and reasonable in light of the four-factor analysis. For instance, a motor vehicle department or an emergency hazardous material cleanup team in a largely Hispanic neighborhood may need immediate oral interpreters available and decide to hire full-time bilingual staff. In contrast, there may be circumstances where the importance and nature of the activity and number or proportion and frequency of contact with LEP persons may be low and the costs and resources needed to provide language services may be high. In this case, pre-arranged language services for the particular service may not be necessary. The languages spoken by LEP individuals with whom the recipient has frequent contact often determine the languages into which documents will be translated and the types of interpreters provided.

### **Language English Proficiency Plan (LEPP)**

The purpose of the LEPP is to make reasonable efforts to eliminate or reduce barriers to MDOT SHA programs and activities for people who have limited ability to speak, write and/or understand the English language. This LEPP establishes guidelines in accordance with Executive Order 13166 and related Department of Justice (DOJ) Policy Guidance.

Although many residents of the State of Maryland, and travelers to the state, read, write, speak and understand the English language, many within MDOT SHA's jurisdiction have limited ability to read, speak, write or understand English.

MDOT SHA's approach to public involvement is based on the principle that everyone who uses Maryland's transportation system is a customer and that high-quality public participation can only be carried out when customers are brought into the planning process early and kept involved throughout all phases of transportation decision-making.

To ensure that MDOT SHA is committed to the LEP population, the Office of Planning and Preliminary Engineering works with their divisions of Environmental Planning and Public Involvement to maintain a project specific approach to the four-factor analysis when determining LEP services for the public. Such that each project is studied closely to identify all LEP populations that could be impacted by the project. In an effort to make sure that such populations are adequately notified, MDOT SHA provides notifications, brochures, and public notices in the different languages to the LEP populations identified in that project area.

In addition to direct public outreach, MDOT SHA provides project information in any language, directly on their website. MDOT SHA is committed to the principle that all people should have access to and benefit from the services that MDOT SHA provides.

## **XVI. EXTERNAL COMMUNICATION**

Title VI information is accessible to the public and can be found at <https://roads.maryland.gov/mdotsha/pages/Index.aspx?PageId=423>. OEO is working with the Office of Communication to enhance their web content to include information and guidance to members of the public to include:

- Sub-recipients Title VI obligations/Nondiscrimination under FHWA's Title VI Program.
- Public's right and protections against discrimination under Title VI.
- Dissemination of Title VI Information via accessible printed and electronic media.
- MDOT SHA's Nondiscrimination Policy.
- Procedures to file a discrimination complaint against MDOT SHA.

## **XVII. REPORTING TO FHWA**

As a recipient of federal funds, MDOT SHA is obligated to submit the following annual reports to the FHWA:

- Annual Title VI Accomplishments and Goals report.
- Title VI Program Plan-updated annually no later than October 1.
- In addition, the MDOT SHA will fulfill FHWA requests for information within a reasonable timeframe.

# Appendix 1: Signed Title VI Assurances

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## **USDOT TITLE VI ASSURANCES 1050.2A**

The Maryland State Highway Administration (“SHA”) (herein referred to as the “Recipient”) **HEREBY AGREES THAT**, as condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the **Federal Highway Administration** is subject to and will comply with the following:

### **Statutory/Regulatory Authorities**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination in Federally-Assisted Programs of The Department of Transportation-Effectuation of Title VI of The Civil Rights Act Of 1964);
- 28 C.F.R. Section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

### **General Assurances**

In accordance with the Acts and Regulations and other pertinent 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, 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 DOT, 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 nondiscrimination 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 agrees with and gives the following Assurances with respect to its Federally assisted Federal-Aid Highway Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source.

*The Maryland State Highway Administration, in accordance with the provisions of 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 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, or national origin in consideration for an award."*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. 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.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, 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.
10. 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 Maryland State Highway Administration also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Highway Administration's 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 by the Federal Highway Administration. You must keep records, reports, and submit the material for review upon request to the Federal Highway Administration, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Maryland State Highway Administration gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal-Aid Highway Program. This ASSURANCE is binding on Maryland, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

**The Maryland State Highway Administration**

By \_\_\_\_\_ Tim Smith \_\_\_\_\_

Tim Smith, Administrator

Date \_\_\_\_\_ 08/05/2022 \_\_\_\_\_

## APPENDIX A OF THE TITLE VI ASSURANCES

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) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, 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, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the 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 Subcontracts, 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 will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non- discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.

6. Incorporation of Provisions: The Contractor will include the provisions of paragraphs one through six 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 will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX B OF THE TITLE VI ASSURANCES

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the SHA will accept title to the lands and maintain the project constructed thereon in accordance with the *Consolidated and Further Continuing Appropriations Act, 2013 (Pub. L. 113-6, March 26, 2013)*, the Regulations for the Administration of the Federal-Aid Highway Program, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the SHA all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### (HABENDUM CLAUSE)

**TO HAVE AND TO HOLD** said lands and interests therein unto the SHA and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the SHA, its successors and assigns.

The SHA, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the SHA will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

*(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)*

## APPENDIX C OF THE TITLE VI ASSURANCES

### CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into SHA pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
  1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, SHA will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, SHA will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the SHA and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

## APPENDIX D OF THE TITLE VI ASSURANCES

### CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by SHA pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
  
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, SHA will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
  
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, SHA will there upon revert to and vest in and become the absolute property of SHA and its assigns.\*

*(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)*

## APPENDIX E OF THE TITLE VI ASSURANCES

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:

*\*The following are a list of potentially pertinent provisions which would be included if applicable.*

### **Pertinent Non-Discrimination Authorities:**

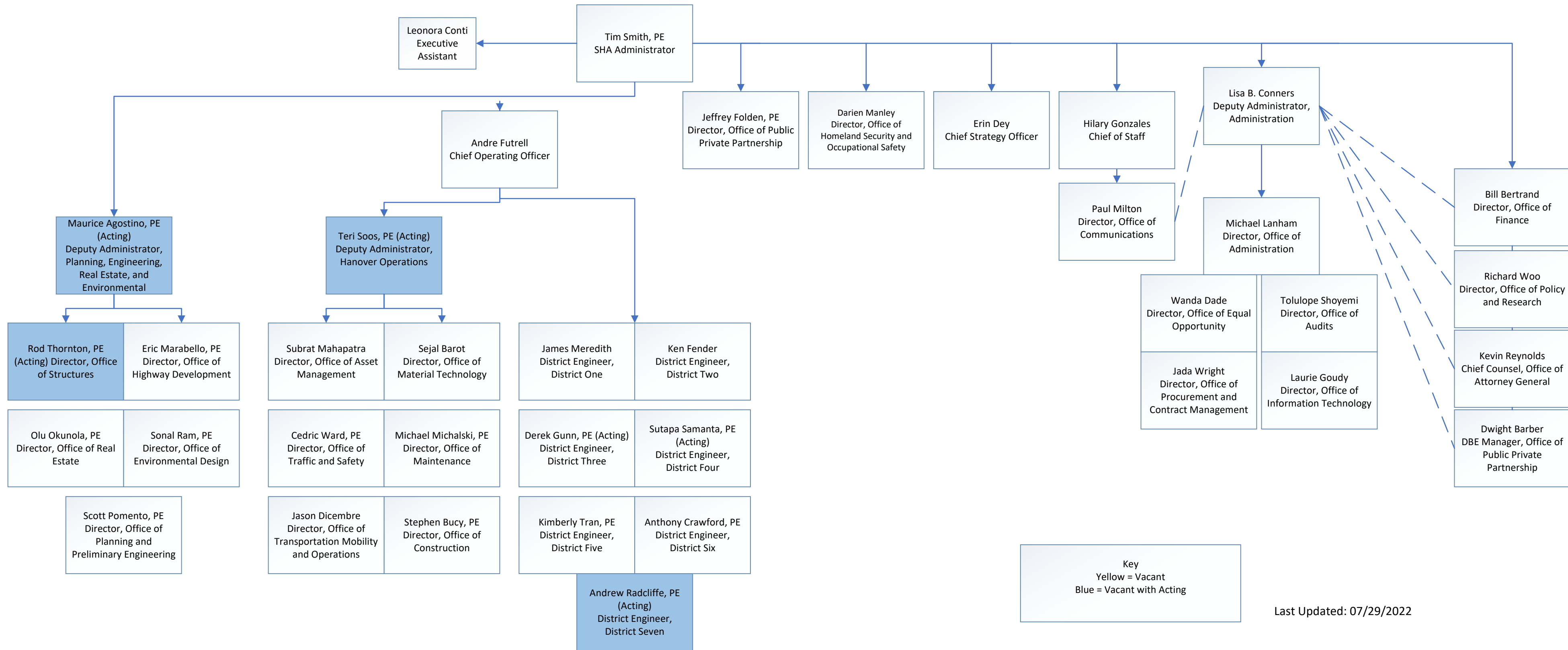
- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair 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 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 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 U.S.C. § 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 prohibit 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 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 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 ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons 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 persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);

- Title IX of the Education Amendments of 1972, as amended, which discrimination because of sex in education programs or activities (20 U.S.C. 1681 e seq)



# Appendix 2: MDOT SHA Organizational Chart



Key  
 Yellow = Vacant  
 Blue = Vacant with Acting

Last Updated: 07/29/2022

# Appendix 3: Maryland Action Plan

# Maryland Action Plan

## Highway Project Development

Maryland Department of Transportation  
State Highway Administration  
2011



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**DelMar Division**

August 25, 2011

10 South Howard Street, Suite 2450  
Baltimore, MD 21201  
(410) 962-4440  
(410) 962-4054  
<http://www.fhwa.dot.gov/demddiv/>

In Reply Refer To:  
HDA-MD

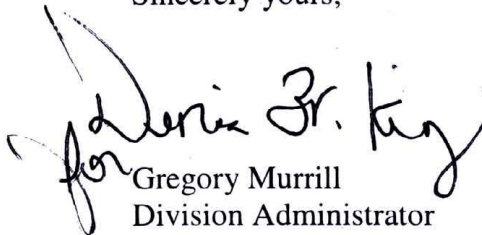
Mr. Darrell Mobley  
Acting Administrator  
Maryland State Highway Administration  
707 North Calvert Street  
Baltimore, MD 21202

Dear Mr. Mobley:

One of the follow-ups from the Public Involvement Process Review was to update the Maryland Action Plan (MAP) in accordance with SAFETEA-LU. The MAP contains the public involvement procedures for your agency. Denise King from my staff led an Interdisciplinary review of the revised MAP and coordinated comments with your staff.

We are in receipt of the final 2011 MAP from your staff. In accordance with 23 CFR 771.111(h) this letter serves as FHWA's approval of the state to carry out the public involvement/public hearing program pursuant to 23 U.S.C. 128 and 139 and CEQ regulations.

Sincerely yours,

  
for Gregory Murrill  
Division Administrator

cc: Greg Slater, SHA  
Bruce Grey, SHA  
Donald Sparklin, SHA

# MARYLAND ACTION PLAN

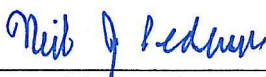
## PUBLIC INVOLVEMENT, PUBLIC HEARING PROCEDURES AND HIGHWAY PROJECT DEVELOPMENT

Prepared by: Maryland Department of Transportation, State Highway Administration in cooperation with the US Department of Transportation, Federal Highway Administration in accordance with 23 CFR 771, 23 USC 128, 40 CFR Parts 1500-1508 and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).



Recommended by: Gregory I. Slater  
Director, Office of Planning and  
Preliminary Engineering  
Maryland State Highway Administration

3/2/11  
Date



Approved by: Neil J. Pedersen  
Administrator  
Maryland State Highway Administration

3/2/11  
Date

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# MARYLAND ACTION PLAN

## Public Involvement, Public Hearing Procedures, and Highway Project Development

### INTRODUCTION

This document updates the 1993 Maryland (MD) Action Plan (Plan) as recommended in the 2006 Federal Highway Administration (FHWA) Public Involvement Process Review and is consistent with the MD State Highway Administration's (SHA) and the 2007 FHWA-- Delmar Division's Stewardship and Oversight Agreement (Stewardship Agreement). The update has been done in accordance with the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Ways to inform and involve the public and agencies early in the project- development process to influence project decisions have been revised, and an overview of the SHA's federal-aid highway project- development process phases has been included. Additionally, the procedures to be followed by local governments seeking to use federal-aid funds and the processes used for projects funded entirely with state funds have been summarized.

SHA's public involvement efforts incorporate Context Sensitive Solutions; Limited English Proficiency (LEP) regulations, procedures, and guidelines; Title VI law and regulations; Environmental Justice (EJ) guidelines; Community Effects Assessment guidelines; and changes brought about by SAFETEA-LU. Of particular note for major federal-aid projects for which an Environmental Impact Statement (EIS) is anticipated is the requirement for the opportunity for public involvement (see the definition in the Glossary) in the development of the Purpose and Need Statement, the identification of the range of alternatives, and the level of environmental analyses.

To ensure that adequate information is considered to address federal-aid project approval and permit requirements, the Plan cites (1) coordination and consultation with the FHWA and (2) continuing interaction with federal and state regulatory/review and local government agencies (e.g., US Army Corps of Engineers (Corps), Environmental Protection Agency (EPA), MD Historical Trust (MHT), MD Department of the Environment (MDE), and MD Department of Natural Resources (DNR)). Such coordination and continuing interaction result in safe, cost-effective projects that are sensitive to the human and natural environmental effects and that involve mitigation measures and stewardship opportunities, as appropriate.

Federal-aid projects are classified as major or minor. Major projects are typically those with several alternatives on new location or along an existing road that are greater than a mile in length and may include additional through- traffic capacity lanes, interchanges, transit, or high- occupancy- vehicle (HOV) options. Minor projects are usually less complex in scope and include system- preservation improvements such as resurfacing and rehabilitating existing roadways and associated structures, adding auxiliary lanes,



correcting substandard curves and intersections, adding or improving signing and/or lighting, and implementing streetscapes.

The SHA's public- involvement and highway project- development processes are consistent with the current federal highway authorization law (SAFETEA-LU); federal and state interagency agreements; and environmental laws, regulations, executive orders, and policies, including but not limited to the following:

- National Environmental Policy Act of 1969 (NEPA), as amended August 1973
- Maryland Environmental Policy Act (MEPA)
- Clean Air Act and amendments
- Section 404 of the Clean Water Act
- Title VI of the Civil Rights Act of 1964 (as amended)
- Executive Order 12898-Environmental Justice (EJ) and Executive Order 13166-Limited English Proficiency (LEP)
- Section 106 of the National Historic Preservation Act
- Fish and Wildlife Coordination Act
- Nontidal Wetlands Protection Act
- Chesapeake Bay Critical Area and Coastal Bays Protection Act

The preceding citations and others not specifically noted support an interdisciplinary approach to highway project development and decision making.

## **PUBLIC INVOLVEMENT**

The SHA believes that early and continuous interaction with the public is important and requires that such interaction be included in all phases of the highway project-development process. Interested members of the public are provided with project information and opportunities to express their opinions, suggestions, and concerns (where applicable).

### Project Identification

The identification of a project occurs at annual fall tour meetings (Tour). During the Tour, presentations and participatory discussions about project priorities take place between the Secretary of the Maryland Department of Transportation (MDOT), the SHA's Administrator and staff, and state and local officials. After the Tour, decisions are made regarding which projects will be included in the Consolidated Transportation Program (CTP), MDOT's capital programming document.

The CTP includes projects funded for the current fiscal year and for five fiscal years in the future. The classification of a MD highway helps determine which projects will be included in the CTP. Maryland has two broad road classifications of highway systems: primary and secondary. The primary system includes interstate highways and arterial routes that serve longer- distance statewide and regional transportation needs. The secondary system includes the majority of state routes and generally serves shorter-

distance and local transportation needs. Projects on the primary system may be advanced from a Statewide Long Range Plan (LRP) to the CTP based on their identification as priorities of state and local elected officials in each County, while projects on the secondary system are advanced to the CTP in consultation with local elected officials.

### Public Outreach and Participation Methods

Early and continuous public notification and input contribute information about design options for the places and resources the public values. Depending on the type of project, its complexity, and its location, SHA's public outreach, involvement, and participation methods can be modified to ensure that appropriate techniques are used to inform members of the public and obtain their input. When a project has been included in the CTP, SHA may use any of the following public outreach and participation methods:

#### **Mailing and/or Email Lists**

For all major projects, and occasionally for minor projects, mailing and/or email lists will be established. Persons on the lists, including property owners and tenants directly affected by a project, receive notifications about project meetings and other project-related material (e.g., post cards, brochures, and newsletters). Advertisements/public notices are placed in local newspapers (including, as appropriate, newspapers for minority populations) and published in languages other than English (based on project-area census data, other secondary data, informative sources, etc.) to request that individuals submit their names for inclusion on project mailing (and sometimes email) lists. The advertisement/notice advises individuals that they may sign up for the mailing list on project-specific web sites that meet Americans with Disabilities Act (ADA) requirements, or by telephoning or emailing the Project Manager (PM). Mailing and/or email list solicitations are also requested at public meetings, workshops, and hearings, and sometimes via project newsletters. Persons requiring assistance may contact the PM via the Maryland Relay Service at 7-1-1.

These lists also include government agencies, elected officials, and known community organizations (identified by local planning agencies or individuals) and will be updated periodically as organizations and individuals request that their names be added. Project data may also be exchanged with the PM by email.

#### **Brochures, Newsletters, Advertisements/Notices, Websites**

Before conducting Alternatives Public Workshops, Informational Workshops (Workshops), and Location/Design Public Hearings (Public Hearings), SHA will prepare a brochure summarizing the Purpose and Need Statement and the alternatives developed to date and including the approximate costs and environmental impacts of the project. Individuals to contact for project information are noted, and a self-addressed postage-paid form is included for the submission of written comments. Brochures will also be developed in alternative formats or languages, where applicable. Availability of the brochure is advertised in the same media as the Workshops or Public Hearings. Persons on the mailing list will receive a brochure two to three weeks before the Workshop or Public Hearing is held. Brochures will also be placed in SHA District Offices and other

convenient project- area locations such as local libraries, government offices, and activity or community centers and will be posted on the project- specific page of the SHA website (go to [www.roads.maryland.gov](http://www.roads.maryland.gov) and click on Projects and Studies/Public Meetings or Projects and Studies/County).

The frequency with which newsletters are distributed to the mailing list depends upon the project scope, issues, and decisions (e.g., When an EIS is anticipated for a project or when an optional Informational Workshop is scheduled).

Display or legal advertisements/notices for Workshops and Public Hearings are published in newspapers with a general circulation in the project area including, as appropriate, those for minorities and persons with Limited- English Proficiency and may be announced via other media outlets (e.g., radio or television). They are also sent to persons on the mailing and/or email lists and included on SHA's website.

Websites will be used to communicate with the public. Project- specific websites will be updated with advertisements/notices, brochures, newsletters, and future project activities. The public may also visit the SHA website at [www.roads.maryland.gov](http://www.roads.maryland.gov) and click on Projects and Studies/County or Projects and Studies/Public Meetings.

Brochures, newsletters, advertisements/notices, websites, emails, and press notices will be translated into languages of identified LEP communities in the project area. SHA is also evaluating the use of social networking sites and other emerging technologies (e.g., business versions of Facebook or Twitter) to notify the public and receive or provide project information.

### **Environmental Documents and Technical Reports**

Environmental documents summarize the engineering aspects and the environmental effects of proposed major projects. The documents are prepared in plain English at the high- school level and meet LEP and ADA requirements. Technical reports provide detailed project- related environmental and engineering data. The type of environmental document varies by project.

Copies of draft and final environmental documents will be available for review and copying at SHA Headquarters, District Offices, and other convenient locations during normal business hours, generally 8:00 am to 4:30 pm. In most instances, environmental documents and associated technical reports will be found on SHA's website by going to [www.roads.maryland.gov](http://www.roads.maryland.gov) and clicking on Projects and Studies/County.

Upon request to the PM and on a limited basis, electronic or hard copies of draft and final environmental documents (Draft and Final EIS, Environmental Assessments (EA), and Findings of No Significant Impact (FONSI)) will be provided to interested persons free of charge.

A limited number of draft environmental documents that may be taken home will be available at Public Hearings.

### **Public Workshops/ Hearings, Community Meetings, and Stakeholder Panels**

Public Workshops, Public Hearings, and community meetings sponsored by SHA are the basic elements of an interactive communication process with the public. Procedures vary according to the type of meeting. All meeting locations will be accessible to persons with disabilities, and SHA will provide interpreters or translation services at meetings free of charge, through State of Maryland contractual firms or by identified SHA employees, as necessary.

A written record of public meetings must be developed. It will include the meeting date, location, and attendance sheets and will document public comments that are addressed by SHA. Relevant workshop or hearing information may be posted on project-specific websites or found by going to SHA's website, [www.roads.maryland.gov](http://www.roads.maryland.gov) and clicking on Projects and Studies/County.

Informational and Alternatives Public Workshops are informal meetings that are open to the general public and held to provide project information and receive public comments.

Formal Public Hearings are held to receive oral and written public comments for the project record before the SHA Administrator identifies a final alternative. The following section, Public Hearing Procedures, provides detailed information about Public Hearing processes.

Informal Community Meetings or meetings with individuals may be held at any time by arrangement with the PM or Project Engineer (PE) and may include targeted meetings, with local help to facilitate (e.g., attending local festivals such as those for Spanish-speaking populations).

Stakeholder panels on projects are optional. SHA will determine panel membership, which usually includes stakeholders nominated by elected officials or county agencies and others selected by SHA. A stakeholder panel is representative of the project area. SHA will ensure that the concerns of all citizens affected by the project, including low-income and minority populations and LEP communities, are addressed. Stakeholder panels, which meet periodically, allow SHA to explain the highway project-development process and provide a forum for more direct public input.

### Public Hearing Procedures

#### **Holding a Public Hearing**

The SHA will decide whether to hold more than one Public Hearing based on the nature of the project, the jurisdiction in which the project is located, and the issues involved. The SHA will hold one or more Public Hearings for projects when:

- There are significant social, economic, natural environmental or other effects;
- Acquisition of a significant amount of right-of-way will be required;
- There is significant adverse impact on adjacent real property;

- There are substantial changes in layout or function of the facility being improved or to the connecting roadways;
- There is substantial controversy based on environmental grounds.

Additional Public Hearings will be held when there has been:

- Substantial change in a project, not discussed or proposed at a previous Hearing, that results in significant changes in the environmental impacts of the project;
- Substantial unanticipated development in the area affected by the proposal that may in turn affect the decisions reached as a result of an earlier Hearing;
- Identification of significant social, economic, or natural environmental effects not previously considered at an earlier Hearing.

### **Public Notification of a Public Hearing**

Notification of a Public Hearing is published in a newspaper having general circulation in the project area and the surrounding vicinity, and in a newspaper having substantial circulation in the area, such as a local community newspaper. Newspapers that serve minority populations or LEP communities will be used, as appropriate.

An advertisement is published 30 days and again 15 days prior to the Public Hearing. Advertisements/notices are also placed on the SHA or project-specific websites and may be announced via other appropriate news media (e.g., radio or television) and will be sent to the project mailing list. The SHA website will also advertise the Public Hearing.

### **Content of Public Hearing Advertisement**

Each Public Hearing advertisement/notice will specify the date, time, and location of the hearing and briefly describe the proposed alternatives. When appropriate, the advertisement/notice will indicate that significant historic properties located in the project area have been identified and invite public comment on the effects to historic properties, as well as the resolution of any adverse effects. It will note whether aquatic resources, including wetlands and Waters of the US, are affected. If the Public Hearing is held jointly with the Corps, information that meets the Corps' Hearing requirements, including contact information, will be provided.

To promote an understanding of a project, a draft environmental document containing relevant social, economic, cultural, and natural environmental information, engineering alternatives, and written views received as a result of the agency and public coordination process may be cited. Documents will be available for public inspection and copying prior to and after the Public Hearing, and available for viewing on the SHA website by going to [www.roads.maryland.gov](http://www.roads.maryland.gov) and clicking on Projects and Studies/County.

Tentative schedules for the Final Design Engineering, Right-of-Way Acquisition, and Construction phases, if they have been established, may also be noted. The Public Hearing advertisement/notice will state that right-of-way acquisition and the SHA's Relocation Assistance Program will be presented.

Provisions for the submission of written statements and other exhibits in place of, or in addition to, oral statements to be made at the Hearing will be noted. The final date for receipt of such statements or exhibits for inclusion in the transcript will be at least 30 days after the Public Hearing.

### **Conduct of Public Hearings**

Public Hearings are usually held in the evening at a project-area public facility and at a time generally convenient for persons affected by the proposed project. Consistent with federal and state policies and procedures, the importance of holding the Public Hearing in a location convenient to minority and/or low-income populations is considered when location arrangements are made. Arrangements for persons with disabilities or Limited-English Proficiency will be made, as necessary. All meeting locations must be accessible to persons with disabilities, and SHA will provide free interpreter or translation services, as needed.

Questions will be addressed informally by SHA and local agency staff at displays (similar to a Workshop) generally one hour before the actual time of the hearing. The PM, in cooperation with the Public Involvement Section of the Environmental Planning Division (EPLD), will arrange for responsible SHA staff (i.e., engineers, environmental specialists, regional planners, real estate specialists, Title VI liaisons, and local planning staff) to be present at Public Hearings to explain the project and answer questions.

Oral presentations will be provided by the District Engineer or other designated Hearing Officer, the PM, the Environmental Manager (EM), the Title VI Officer, and the Real Estate Specialist. Provisions for the submission of written statements and other exhibits in place of, or in addition to, oral statements at the Public Hearing will be noted at the Public Hearing. The project's purpose and need and consistency with local planning goals and objectives will be discussed. Pertinent engineering alternatives will be described and shown on maps/plans. Environmental effects information for each alternative under consideration will be summarized. During the oral presentation, an explanation of the SHA's Relocation Assistance Program and the right-of-way-acquisition process will be provided, and the Title VI Officer will detail the process used to ensure that discrimination does not occur during any phase of the highway-development process. It will also be stated that, at any time after the Hearing and before the receipt of Location and Design approval, information developed in support of the proposed location and design will be available upon request for public inspection and copying.

The Public Hearing is generally not a forum for a question- and- answer session; rather, it provides an opportunity for the public to provide for the record comments about the proposed action before the Administrator chooses a final alternative. Staff will be available to address questions before the Hearing, as indicated above. If a formal response is desired, the public may submit written comments at or following the Public Hearing.

### **Transcripts**

A verbatim written transcript of the oral proceedings at the Public Hearing will be made. A copy of the transcript will be submitted to the FHWA Division Administrator within eight weeks of the Public Hearing with:

- Copies of, or reference to, all information made available to the public before the Public Hearing;
- Copies of, or reference to, photographs of each statement or exhibit used or filed in connection with the Hearing.

Copies of the transcript will be available for public review or inspection and copying in the project area concurrent with the submission to the FHWA Division Administrator. A copy will be posted on the SHA or the project- specific website and, depending on the environmental effects, sent to the Corps.

**Note:** For major projects, responses to the statements made by persons at the Hearing will be included in the final environmental document as an appendix, and not in the transcript. For Categorical Exclusion (CE) projects, where an environmental document is not available for public inspection, responses to oral and written comments made at or received after a Public Hearing will be included as part of the transcript.

### **Opportunity for a Public Hearing**

On extremely rare occasions, the SHA will provide interested persons an opportunity to request that a Public Hearing be held when:

- There is substantial controversy on environmental grounds;
- There is significant impact on properties protected by Section 4(f) of the US DOT Act, as amended, or Section 106 of the National Historic Preservation Act, as amended;
- There are inconsistencies with any federal, state, or local law requirement or administrative determination relating to the environmental aspects of the project.

### **Notification of the Opportunity for a Public Hearing**

Two Notices of the Opportunity for a Public Hearing will be published in at least one newspaper having substantial circulation in the project area.

The procedure for requesting a Public Hearing will be explained in the notice. The deadline for submission of a request will not be less than 21 days after the date of publication of the first Notice of Opportunity, and not less than 14 days after the date of publication of the second Notice of Opportunity for a Public Hearing.

## **HIGHWAY PROJECT- DEVELOPMENT- PROCESS PHASES**

### Overview of the Highway Project -Development- Process Phases

The SHA's federal-aid highway development process consists of four phases:

- Planning that includes Administrative Preliminaries and Project Planning
- Final Design
- Right-of-Way Acquisition
- Construction

Activities that occur in each phase are summarized in the following sections:

#### Phase I – Planning

Phase I of the Highway Project- Development Process has two parts – Administrative Preliminaries and Project Planning.

##### **Administrative Preliminaries**

During Administrative Preliminaries, projects are identified for inclusion in the MDOT's annual CTP, a six-year projection of the MDOT work program. The SHA's Regional and Intermodal Planning Division (RIPD) helps prepare the SHA portion of the CTP through coordination and consultation with local jurisdictions. Administrative Preliminaries end once project priorities are determined and assigned to an Office or Division by the SHA Administrator. Administrative Preliminaries include the following tasks:

##### Early Planning

Feasibility Studies, Corridor Preservation, or other early planning methods may be undertaken before a project is included in SHA's portion of the CTP. Such methods can link local planning and NEPA (e.g., tiered environmental documents, with the caveat that more detailed NEPA studies and approvals are necessary).

Feasibility studies to identify transportation alignment locations, including consideration of the likelihood for social, economic, cultural, and natural environmental effects, are often completed in consultation with local governments. The results of Feasibility Studies may be incorporated into local master plans and regional planning efforts.

Corridor Preservation, a cooperative planning effort between state and local government agencies, allows for advance property acquisition and access management to protect planned transportation corridors from development. Protecting planned transportation corridors involves the preliminary evaluation and documentation of the possible environmental impacts and/or the potential for controversy. Documentation will note area development trends, traffic patterns, and the relationship of NEPA to access controls and set backs for development, so that right-of-way is available for future transportation purposes.



While important information may be identified during the preceding activities, the detailed NEPA process must still be completed before a specific location or design is approved.

### Identification of Candidate Projects

To assist in the identification of candidate projects for inclusion in the CTP, RIPD staff review county local master plans and Metropolitan Planning Organizations' (MPO) long-range plans; use technical information such as travel data, crash statistics, and pavement-condition surveys; study bridge-inspection reports; and obtain input from local jurisdictions. Local and state officials work closely with RIPD to identify long-term transportation needs. Local officials identify local project priorities by submitting a written priority list to SHA and providing input at MDOT's annual fall tour. Due to their statewide function, projects on the primary system are established by SHA and reviewed by county elected officials. Projects on the secondary system are advanced from Long Range Plans to the CTP based on their identification as priorities by state and local elected officials in each county.

Bridge projects may be placed directly in the CTP when structural or safety considerations indicate the need for rehabilitation or replacement.

### Project Funding

SHA's Program Development Division staff forecasts anticipated cash-flow needs for a six-year period for the SHA's portion of the CTP. The projected cash needs are used by MDOT to set SHA's six-year dollar allocation and to determine funding-level requests during the budget-submittal process when the budget is reviewed by the state legislature. Authorization and approval of federal and state funds are handled through SHA's Office of Finance. Following the identification of project needs and priorities and the approval of funding, projects are assigned by the SHA Administrator to an Office or Division.

### Project Planning

Project Planning consists of Initial and Final Project Planning and is further divided into three stages. The Office of Planning and Preliminary Engineering's (OPPE) Project Management (PMD), Environmental Planning (EPLD), and Travel Forecasting and Analysis (TFAD) divisions are responsible for Project Planning. Preliminary engineering evaluations of alternatives including, as appropriate, multimodal options and the preparation of technical analyses and environmental documentation are undertaken. Project-related public outreach and involvement are initiated, and the project is introduced to federal and state agencies (that may concur at key milestones). Project Planning ends with Location and Design approvals, if a Build Alternative is selected. Activities in these three stages are consistent with SAFETEA-LU.

It is important to note that during Project Planning, preliminary acquisition activities including a title search and preliminary property-map preparation necessary for the

completion of the environmental process can be advanced prior to NEPA clearance for the overall project. Activities that occur during the three stages include the following:

### **Stage 1**

Stage 1, or Initial Project Planning, begins under the leadership of a Project Manager (PM) by notifying the public of a proposed new project and informing relevant federal and state agencies. An initial range of alternatives is identified and environmental inventories are developed. Stage 1 concludes with the identification of the Alternatives Retained for Detailed Study (ARDS). Key activities that occur in this stage include:

#### **Organize Project Teams**

The PM leads the Project Planning process and contacts other SHA Offices and Divisions and local governments to identify team members for two related project teams that facilitate the development of an assigned project study. The Core Team conducts day-to-day project activities and has fewer members. The Interdisciplinary Team supports the Core Team and meets at designated major project milestones. When consultants are part of project teams, their roles will be clearly defined.

#### **Public Notification of Project Initiation/ Mailing and Email Lists**

The PM and the Environmental Manager (EM), along with the Public Involvement Section of the EPLD, prepare a Project Initiation advertisement/notice that is mailed to residents/property owners and agencies and published in local newspapers with a substantial project-area circulation. The advertisement/notice informs the public that a specific Project Planning study has been initiated and identifies activities that will occur and the contact information for appropriate team members. It includes a request that persons notify the PM so that project-specific mailing and/or email lists can be developed. These lists are then used (and periodically updated) throughout the study.

If an EIS is anticipated, an Initiation Newsletter containing information similar to that of the advertisement/notice may be mailed. An optional Informational Workshop might also be held to explain the Project Planning process and provide members of the public the opportunity to inform SHA about traffic and safety concerns in the study area (information that could assist in the completion of the Purpose and Need Statement, as consistent with SAFETEA-LU). At this point, planning may begin for the formation of a project Stakeholder Panel. SHA will ensure that this group represents a cross-section of the project area, including EJ populations and LEP communities initially identified during the environmental inventory.

#### **Preliminary Purpose and Need Development**

With input from the SHA Interdisciplinary Team, the PM will complete a preliminary Purpose and Need Statement. Data such as existing and future traffic forecast volumes, crash statistics, and land use will be incorporated and any access concerns will be noted. Project needs such as geometric deficiencies, safety concerns, congestion problems, and support for economic development may also be cited.

### **Preliminary Public Involvement Plan/Coordination Plan Development**

After project initiation, a Public Involvement Plan is developed by the Public Involvement Section of the EPLD, the PM, the EM, and the Community Effects Assessment resource person. The plan should take into account knowledge of the project- area issues, note various types of public participation (e.g., establishment of field offices, formal and informal meetings, public notices) and the frequency and objectives of each. Individuals and organizations interested in or affected by the project may be identified, including users of project- area resources; EJ populations; LEP communities; federal, state, and local agencies; and elected officials.

For projects for which an EIS is anticipated, as early as practicable after project initiation the same SHA staff noted above will develop a Coordination Plan that details how the project will be coordinated and acknowledges that development will be done in consultation with environmental/regulatory agencies and the public. The Coordination Plan will also include a schedule for the environmental review process with the agencies. The Public Involvement Plan is an element of the Coordination Plan and, in part, informs the Coordination Plan.

The Public Involvement Section will also work with the SHA Office of Communications for media outreach (e.g., television, radio), as appropriate.

### **Perform Preliminary Engineering Assessment**

Known engineering data (including structures such as bridges) and existing right-of-way limits are confirmed, and existing development is shown on project-area mapping. Issues such as sight- distance, lack of shoulders, curb ramps for persons with disabilities, other ADA and pedestrian/bicyclist issues, and utility locations are investigated. In rural areas, wells and septic- system locations should be highlighted. Other types of engineering data include maintenance-of-traffic assessments, identification of sidewalk locations, driveway access, grades, and other transportation facilities.

### **Complete the Environmental Inventory**

Concurrent with the development of the preliminary Purpose and Need Statement, the EM, working with the Public Involvement Section and the Community Effects Assessment resource person, will use literature searches (e.g., census data) and in-house resources to identify possible human (including EJ populations and LEP communities), natural, and cultural environmental resources as they relate to the potential engineering issues and/or solutions. Census data may be verified by conducting windshield field reviews and specifically coordinating with local agencies, area churches, and schools, consistent with the SHA's Community Effects Assessment Manual, to confirm the presence of EJ populations and LEP communities. This coordination ensures that all area communities receive the project notifications, are kept informed, and remain involved as the study progresses.

Before beginning the field reviews associated with the engineering and environmental inventories, property owners and tenants will be notified by letter, in accordance with the SHA's policy for Notification of Property Owners. These letters provide contact

information and alert the recipients that SHA may be performing field investigations and need to enter onto private property to gather project-related data. The SHA Property Notification System will be used to store information related to specific stipulations concerning entry, consent, or denial. As necessary, SHA will send project information in languages other than English.

When an initial range of preliminary alternatives has been developed, formal contacts with resource and review agencies will be completed by the EM. Social, economic, and land-use data; natural and cultural environmental features and concerns; and contacts with the agencies will be documented in an Environmental Assessment Form (EAF). Relevant data will be provided to the Project Engineer for inclusion on the project mapping.

If an EIS is anticipated, SHA sends FHWA—Delmar Division a project initiation letter informing them that SHA intends to prepare an EIS. Concurrently, the Director or Deputy Director of OPPE may request that the FHWA issue a Notice of Intent (NOI) prior to the Alternatives Public Workshop, announcing in the Federal Register SHA's intent to prepare an EIS for a project. Engineering and environmental inventory items are plotted by the PE on base mapping that will be used to develop the alternatives.

#### **Schedule and Hold Initial Core Team Meeting**

Led by the PM, the Core Team will meet to review the development of the preliminary Purpose and Need Statement and alternatives identified in early planning documents (e.g., feasibility studies). At this meeting, the PM and EM may discuss the draft Public Involvement/Coordination plans based on knowledge of the project area.

The project schedule may be revised based on input from the Core Team and presented at the Interdisciplinary Team/Scoping Meeting.

#### **Interdisciplinary Team/Scoping Meeting**

A Scoping Meeting with the Interdisciplinary Team, the Deputy Director, and the Directors of OPPE and Highway Design is held to review the project's preliminary Purpose and Need Statement, available traffic data, previous planning studies, roadway functional type, design speed, geometric issues such as access controls, and the reasonable range of preliminary alternatives. Local land-use plans, environmental features and constraints, public-involvement activities, and/or the Coordination Plan (if an EIS is anticipated) will be discussed. Local government input and political factors are also highlighted.

#### **Finalize Purpose and Need Statement**

The preliminary Purpose and Need Statement may be revised based on comments received at the Scoping Meeting and from the public (if an EIS is anticipated). The Purpose and Need Statement will be submitted to FHWA for review prior to the Interagency Meeting or field review with the agencies.

### **Interagency Meeting: Purpose and Need**

To ensure early and continuous input, projects will be presented at Interagency Meetings (IM) and field- review meetings with state and federal resource and review agencies. SHA will seek written agency concurrence at various milestones by providing a two-page summary of a specific activity to the agencies at or 30 days before the meeting.

At the initial IM, which is held after the Scoping Meeting, the project's Purpose and Need Statement, the initial environmental features/concerns including Smart Growth, and the parameters for the indirect and cumulative effects (ICE) analysis are presented. Concurrence with the project Purpose and Need Statement may also be requested. If an EIS is anticipated, agency comments regarding the purpose and need and preliminary alternatives will be requested. FHWA/SHA will send letters identifying Participating/Cooperating Agencies to the environmental resource/regulatory agencies.

**Note:** An Interagency Field Review may be held prior to this first IM to discuss the project purpose and need, view environmental features, and identify concerns that cause the agencies to withhold concurrence.

### **Identify Initial Range of Preliminary Alternatives**

The Core Team, working with relevant Interdisciplinary Team members and in consultation with local, state, and federal agencies, will propose, consider, and develop an initial range of preliminary alternatives and assess maintenance- of- traffic concerns. Reasons for not pursuing any of the suggested initial range of preliminary alternatives are documented. Reasonable alternatives, including the No-Build Alternative and Transportation System Management (TSM)/Transportation Demand Management (TDM) alternatives, will be investigated. For major projects for which an EIS is anticipated and consistent with SAFETEA-LU, opportunities for public and agency input regarding the initial range of alternatives will be provided through newsletters, website postings, and/or optional Informational Workshops and Interagency Meeting/Field Reviews.

### **Develop Preliminary Alternatives/ Environmental Impacts**

Engineering features such as horizontal and vertical alignments, typical sections, and design speeds will be developed for the preliminary alternatives agreed upon at the Scoping Meeting and during discussions with the agencies. General right-of-way requirements will be based on selected key profiles and cross-sections, and footprints of park-and-ride lots or toll plazas will be determined. Engineering traffic and the initial right-of-way and relocation assistance costs will be requested after engineering for the preliminary alternatives has been completed.

The EM identifies the associated environmental effects and completes any required Smart Growth coordination. If necessary, an additional Interagency Meeting or Field Review may be held to describe the alternatives that will be taken to the Alternatives Public Workshop and obtain agency comments/concerns.

### **Interstate Access Point Approval**

Projects involving proposed interstate highway connection(s) or modifications to an interstate require Interstate Access Point Approval (IAPA) from the FHWA, to ensure that the integrity and efficiency of the interstate system are maintained. The PMD will coordinate with FHWA on a project-by-project basis to determine the most appropriate time to request and initiate discussions for this approval.

### **Director's Review Meeting**

This key Interdisciplinary Team meeting with the Director and Deputy Director of OPPE is held to review the preliminary alternatives developed before the Alternatives Public Workshop. At this meeting, the Director is advised about the concerns of the state and federal agencies. Preliminary alternatives, available cost data, and traffic and design issues are discussed, and environmental impacts and avoidance and minimization options are described.

### **Schedule, Prepare for, Advertise, and Hold Alternatives Public Workshop**

A brochure that includes the meeting date and summarizes the project is circulated to the mailing list and placed on the SHA website prior to an Alternatives Public Workshop. As required, the brochure and meeting materials will be prepared in languages other than English, depending on the demographics of the study-area communities.

The Alternatives Public Workshop is held to inform the public about the preliminary alternatives and environmental analyses and to receive input and suggestions regarding additional alternatives to consider for detailed study, especially when an EIS is anticipated. The Alternatives Public Workshop is consistent with SAFETEA-LU, which requires that the public be given the opportunity to provide input on the range of alternatives for a project, the Coordination Plan, and the Schedule. Relevant information provided by the public at this Workshop will become part of the project record.

### **Select Alternatives for Detailed Study**

After the Alternatives Public Workshop, the Interdisciplinary Team will recommend to the Director of OPPE and other senior managers the preliminary alternatives that should be studied in detail and provide a supporting rationale. Public and agency comments, environmental concerns, and engineering including modified or new alternatives will be noted. A concurrence memorandum to the Director of OPPE and either the Director of the Office of Highway Development or Structures will document the meeting discussions.

## **Stage 2**

Stage 2 tasks include notification of elected officials that the project is being advanced to the Final Project Planning stage, consultation with the Director of OPPE, and agency concurrence on the Alternatives Retained for Detailed Study (ARDS). Detailed environmental analyses of the potential social, economic, cultural, and natural environmental impacts and, if necessary, a draft environmental document will be completed. Stage 2 ends when the Administrator identifies the SHA's Preferred Alternative and conceptual mitigation. (Conceptual mitigation is required only when a

project is funded or likely to be funded for design.) Stage 2 activities consist of the following:

### **Section 8-102 Compliance**

To satisfy Section 8-102 of the 1985 Supplement to the Annotated Code of the Public General Laws of Maryland, a letter or memorandum to the Director of OPPE must state that the objectives could not satisfactorily or reasonably be met through:

- Improvements in highway maintenance and safety;
- Safety projects that modify existing highways but provide for minimal relocation or new highway construction;
- Improvements in or adoption of transit alternatives, including mass transit alternatives.

**Note:** If one of these options were feasible, it would be an alternative and thus would not be included in the letter. Instead, it would be part of the documentation for the project.

### **Elected Official Notification to Advance to Stage 2**

Letter consultation (requirement of Article 8-612) will occur with local and state elected officials, advising them that Stage 1 or Initial Project Planning activities have been completed and Final Project Planning activities will begin.

### **Environmental Significance or Type of Environmental Documentation**

In accordance with NEPA and related regulations, the EM will formally request FHWA concurrence on the classification or type of environmental documentation required at the same time he/she requests concurrence on the ARDS package. The classification or type of environmental documentation is based on how significantly the proposed project will impact the environment.

The environmental classification is not necessarily final and is subject to further consideration as the study progresses. The most significant impacts are documented in an EIS. The EM will send an environmental classification letter to FHWA outlining the level of environmental documentation to be prepared for a project and noting anticipated environmental effects and possible mitigation concepts. If the project warrants an EIS, in most cases the Notice of Intent (NOI) will already have been submitted to FHWA for publication in the Federal Register. An Environmental Assessment (EA) will be recommended to determine the significance of environmental impacts and the appropriate class of environmental documentation. A Categorical Exclusion (CE) will be requested for a project that is excluded from the requirement to prepare an EIS or EA and that does not individually result in a significant environmental impact. This request will indicate whether particular technical environmental analyses will be prepared.

Consistent with SAFETEA-LU, coordination with participating and cooperating agencies will have taken place through the Interagency Meeting process to determine the appropriate methodologies and level of detail required in the project analyses.

Agreement will be obtained from SHA management to determine whether an Opportunity for a Public Hearing notice will be published or whether a Public Hearing must be held. This determination will be included in the letter to FHWA.

Table 1 summarizes the minimum criteria to consider when making Public Hearing determinations.

**TABLE 1 Public Hearing Criteria**

<b>Environmental Classification</b>	<b>Meets 23 CFR 771.111</b>	<b>Public Hearing Required</b>
Environmental Impact Statement (EIS)	Yes*	Required
Environmental Assessment (EA)	Yes*	Required
	No	Not Required
Categorical Exclusion (CE)	Yes	Required**
	No	Not Required

\* Project requires significant amounts of right-of-way; substantially changes the layout or function of connecting roadways or of the facility being improved; has a substantial adverse impact on abutting property; otherwise has a significant social, economic, environmental, or other effect; or for which FHWA determines that a Public Hearing is in the public interest.

\*\* Project normally classified as CE but involves unusual circumstances such as significant environmental impact; substantial controversy on environmental grounds; significant impact on properties protected by Section 4(f) or Section 106; or inconsistencies with any federal, state, or local law, requirement, or administrative determination relating to the environmental aspects of the project.

**Note:** Informational or Alternatives Public Workshops are usually held prior to a Public Hearing.

**Interagency Meeting: ARDS**

At this Interagency Meeting, agency comments received by SHA on the draft ARDS package and a two-page concurrence summary are addressed. The rationale for eliminating preliminary alternatives will be presented. As necessary, the indirect and cumulative effects issues will be identified. A preferred SHA alternative may also be identified.

SHA will request agency concurrence with the ARDS, ask the agencies whether they have questions or comments about the ARDS, and request that they evaluate whether concurrence at future milestones is needed and advise SHA of their determination.



### **Develop Detailed Alternatives**

The PM/PE will complete detailed engineering (expanding upon Stage 1 engineering information), written descriptions of alternatives, and the associated costs for each of the ARDS. Detailed right-of-way and relocation assistance estimates will be obtained. The location of existing and proposed right-of-way lines and the physical features of the facility (such as service roads and possible stormwater management sites) will be shown. Maintenance- of- traffic issues will be studied and options will be developed. If needed, lines of sight will be drawn for historic sites, and minimization options will be considered and developed in consultation with the EM to reduce unavoidable environmental impacts.

The appropriate design divisions will review and comment on the engineering studies.

### **Detailed Environmental Technical Studies and Report Preparation**

Once the mapping is provided and the invasive property-owner contact letters have been mailed, the EM will identify the natural and human environmental impacts (including the indirect and cumulative effects) of the ARDS, including the No-Build Alternative. The EM will request traffic for air- quality and noise analyses and the results will be used by the air- quality and noise analysts.

Minimization options to reduce unavoidable impacts will be identified in consultation with the PM/PE, and mitigation solutions will be suggested and documented. Detailed technical environmental study reports will be completed two to three months before beginning the preparation of the preliminary draft environmental document. Technical environmental studies will be summarized in the draft environmental document, as necessary. The technical reports will be submitted to FHWA at least one month in advance of the draft environmental document. For CEs, selected environmental technical reports may be submitted to FHWA with the Location Approval request.

### **Begin Design Preliminaries**

If SHA identifies a Preferred Alternative prior to and at the Public Hearing, a meeting with the SHA Highway Design Division will be held to discuss engineering and environmental issues, so that design activities can begin.

### **Prepare and Review Preliminary Draft Environmental Document**

The EM will ensure that engineering descriptions for the ARDS, associated mapping, other graphics, and technical environmental report summaries are incorporated into a preliminary draft environmental document. The EM will circulate this document for review and comment by selected Core Team members, FHWA, and cooperating agencies. Participating and Cooperating agencies will also be offered the opportunity to review the preliminary document, especially when it is a Draft EIS.

### **Finalize and Circulate Draft Environmental Document**

Upon receipt of comments regarding the preliminary draft environmental document, the EM, in concert with the PM, will complete all revisions. The EM will submit the revised draft environmental document to FHWA for approval. When signed by FHWA, an

appropriate number of draft documents will be printed and circulated for review and comment to the public and to federal, state, and local agencies. Draft EIS and EA documents will be circulated for 30 days before and 15 days after the Public Hearing. Draft EIS and EA documents will be available at public locations (libraries, community centers, government offices, etc.) in the project area for public review and comment for the time periods mentioned in the preceding sentence.

**Note:** An EIS must be transmitted to federal agencies no later than the time the document is filed with the EPA for publication of the Notice of Availability of the Draft EIS for review and comment.

### **Prepare for, Advertise, and Hold Location/Design Public Hearing**

Concurrent with the finalization of the draft environmental document, the PM will lead the Core Team in the preparation and review of the Public Hearing materials. This task includes preparation and review of the script, brochure, slide presentation, and general renderings for public review. SHA has developed an internal review process to ensure quality control in the appearance of Public Hearing materials. Notification of Public Hearings will be advertised in newspapers and other media 30 days and again 15 days before the Public Hearing.

A formal Public Hearing (joint with the Corps and/or MDE, if appropriate) is held to summarize for the public the detailed engineering and technical environmental analyses and to receive oral comments. As previously stated, the hearing also provides the opportunity for individuals to have their written views concerning a proposed project placed in the public record. A SHA Preferred Alternative may be identified at the Public Hearing.

### **Prepare and Display Transcript**

A transcript is prepared and submitted to FHWA within eight weeks of the Public Hearing and is displayed in the project area at the same locations as the environmental document. A copy may be sent to the Corps.

### **Team Recommendation Meetings**

The Core Team will evaluate comments received at and after the Public Hearing and analyze and begin responding to comments on the draft environmental document. The Interdisciplinary Team will then meet to identify the recommended alternative. A memorandum summarizing this meeting will be prepared.

### **Interagency Meeting: SHA's Recommended Alternative**

Before the SHA Administrator identifies SHA's Preferred Alternative, an Interagency Meeting will be held to present the Interdisciplinary Team's recommended alternative. (Conceptual mitigation measures will be presented when a project is funded or likely to be funded for design.) SHA's responses to public agency comments on the draft environmental document will be discussed, if appropriate. Agency concerns regarding SHA's recommended alternative will be noted at the Recommendation Meeting with the Administrator.

### **Recommendation/Concurrence Meeting with the SHA Administrator**

A Recommendation Meeting is scheduled with the SHA Administrator and Interdisciplinary Team to discuss the team's recommended alternative for, and the status of, Interstate Access Point Approval, if appropriate. It is expected that the Administrator will concur with the team's recommendation and approve the SHA Preferred Alternative that will be advanced to the next phase. If the No-Build Alternative is approved, the study will end.

### **Stage 3**

Stage 3 begins with agency concurrence on the SHA Preferred Alternative package. When appropriate, a final environmental document is prepared, approved by FHWA, and circulated for public review. Stage 3 ends with the advertisement of Location and Design approvals. Key activities in this stage include:

#### **Interagency Meeting: SHA Preferred Alternative**

At this meeting, SHA will inform the agencies of SHA's Preferred Alternative and the associated rationale and request agency concurrence. Concurrence with conceptual mitigation (e.g., for cultural resource effects, noise impacts, and wetlands and Waters of the US) is required only when a project is funded or likely to be funded for design. Concerns that would prevent the agencies from granting concurrence should be addressed.

#### **Prepare and Review Preliminary Final Environmental Document**

For major projects, when a build alternative is identified as SHA's Preferred Alternative, a preliminary final environmental document, either a Final EIS or a Finding of No Significant Impact (FONSI), will be prepared and circulated to Core Team members, FHWA, and cooperating agencies for review and comment. The preliminary Final EIS will also be circulated to Participating and Cooperating agencies for review and comment. Project costs, measures to avoid or minimize environmental impacts, and conceptual mitigation measures are discussed. Public Hearing comments are summarized and responses are incorporated into this document. The final document, a Final EIS or FONSI, will include the reasons for not choosing other ARDS in the draft document. A preliminary Record of Decision (ROD) will be transmitted to FHWA with the preliminary Final EIS for submission to the Federal Register.

#### **Complete, Approve, and Circulate Final Environmental Document**

When SHA revisions are completed to address FHWA and agency comments regarding the preliminary final document, the final environmental document will be submitted to FHWA. Acceptance of the final document and Location Approval may be requested.

After ensuring that comments on the preliminary final environmental document have been adequately addressed, FHWA will sign the FONSI or Final EIS. Once FHWA approval of the final environmental document is received, the document will be circulated by SHA to the agencies and to groups and individuals who commented on the

draft environmental document. The final environmental document will also be publicly displayed in the project area (in alternative formats or languages, as necessary).

When the effects of the SHA Preferred Alternative are determined not to be significant, FHWA will grant Location Approval by signing a FONSI. However, a FHWA-approved ROD is considered as Location Approval for a Final EIS. FHWA will complete and sign a ROD no sooner than 30 days after publication of the Availability of a Final EIS notice in the Federal Register and local newspapers. In the case of a project classified as a CE, FHWA will grant Location Approval once the Public Hearing transcript has been submitted and approved.

### **Prepare Design Approval Memorandum and References**

The PM or PE will prepare and submit the Design Approval Memorandum and Design Approval References to the appropriate design division for approval at the same time the final environmental document is circulated. It is anticipated that Design Approval will be received in the same time frame as Location Approval.

### **Advertise Location/Design Approvals**

The SHA Administrator grants Design Approval for all projects. The receipt of Location/Design approvals is advertised in the local media and will be sent to the mailing list, sometimes in the form of a newsletter or post card.

### **Environmental Compliance Checklist**

Concurrent with the submission of the final environmental document to FHWA for approval, a preliminary Environmental Compliance Checklist (Checklist) will be completed by the EM in consultation with the PM. The Checklist documents commitments made during Project Planning and are a condition of Location Approval.

A final Checklist will be included in the Design Approval Package and forwarded to Core Team members, FHWA, and the Federal-Aid Programming Section once Location and Design approvals are received. The Checklist will remain with the project as it proceeds through the remaining highway- development- process phases.

### **Project Planning Close Out**

After Location and Design approvals have been advertised, a meeting is held to transfer lead SHA responsibility for the project to the appropriate design division.

### **Re-evaluations**

Environmental re-evaluations or re-evaluation consultations will be prepared consistent with 23 CFR 771.129 and any other agreed-upon FHWA and SHA procedures. All re-evaluations will document public involvement activities. The EPLD will process and distribute any required supplemental environmental document in the same manner as the original environmental document.

After approval of a ROD, FONSI, or CE, a re-evaluation or re-evaluation consultation may be completed at the Preliminary Investigation (PI) and Final Review stages of a

project for the majority of projects, when substantial modifications are made during the Final Design Engineering phase, or upon the completion of additional technical environmental studies. The re-evaluation or re-evaluation consultation establishes whether the approved document or CE remains valid or whether supplemental environmental documentation is needed.

A written re-evaluation of a Draft EIS will be prepared if an acceptable Final EIS is not submitted to FHWA within three years from the date of circulation of the Draft EIS. This re-evaluation will determine whether or not a supplement to the Draft EIS or a new Draft EIS is needed. A written re-evaluation of the Final EIS will be prepared if major steps to advance the project have not occurred within three years after approval of the Final EIS.

A re-evaluation will be prepared when there are substantial changes in environmental regulations or the surrounding environment which may affect the scope of impacts shown in the final environmental document and/or the documented project commitments. The extent of the changes may necessitate completion of technical environmental studies. When there is a substantial change in environmental impact or major changes in engineering design, coordination will be undertaken with FHWA to review the project design and the environmental concerns.

### **Project Management Plan Development**

A Project Management Plan will be prepared before final design of a project to ensure delivery of a major project (a project with an estimated cost of \$500 million or more, or as identified by USDOT due to some special interest, while addressing prior Phase I commitments. At a minimum, the Plan may be modified in consultation with FHWA before federal-aid funds for right-of-way acquisition and construction are authorized.

## Phase II – Final Design

### **Highway Design**

Projects that have received Location Approval

Final Design begins after receipt of Location/Design approvals, if funding is available, unless a Preferred Alternative was identified during Project Planning. Responsibility for Phase II activities lies with the Office of Highway Development-Highway Design Division, and/or the Office of Structures-Structures Engineering Division. Project Planning commitments and environmental mitigation are critical during this phase. Activities include surveys, permit applications, and preparation and approval of construction plans, specifications, and estimates.

Limited right-of-way acquisition to reduce an individual hardship or to prevent development may take place during Phase I or Phase II. Phase II ends with contract award(s). Key Final Design tasks include the following:

### **Early Review of Commitments, Issues, and Decisions**

The Design PM will meet with the OPPE's PM and EM to review all decisions and engineering and environmental commitments, as it is important to identify and understand how controversial issues were resolved. This will assure that those project elements which the public and agencies believe are essential to the project design are incorporated. The need for design exceptions should be discussed.

### **Public Involvement**

The public outreach will build on the public and agency involvement initiated during Project Planning. A public involvement strategy designed to inform and accommodate the project- area communities could include discussions about access points, landscaping, and traffic- signal locations and ensure that Context Sensitive Solutions are implemented. Periodic Informational Workshops may be held and the circulation of informational newsletters will be coordinated through the Public Involvement Section of the EPLD for scheduling and logistics. Results of ongoing discussions with the public and agencies will be documented in the re-evaluation.

### **Pre-Preliminary Field Investigation Activities**

The project is prepared for the highway Preliminary Field Investigation (PI) and for bridge pre-Type, Size, and Location (TS&L) and other types of structures. Stormwater management sites are investigated. Semi-final hydraulics studies are developed for stream crossings and floodplain encroachments. Survey data and design traffic updates are requested, as well as preliminary soils and utility data. Interchange studies are refined and maps are prepared to obtain geometric approval of the concepts.

### **Interagency Meeting: Avoidance, Minimization, and Mitigation**

The SHA Design PM, in coordination with the Office of Environmental Design-Environmental Programs Division, may schedule an IM to discuss additional wetland and Waters of the US avoidance and minimization efforts, if necessary. Mitigation approaches for wetlands and other environmental resources (e.g., publicly owned public parks and historic and archeological resources) will be noted.

### **Preliminary Field Investigation**

An Interdisciplinary Field Meeting will be held to review the PI plans and make adjustments to the engineering plans, if required.

### **Permit Applications**

The Highway Design Division or Structures Engineering Division, in consultation with the Environmental Programs Division, will prepare and submit permit applications (including, but not limited to, Section 404 for impacts to wetlands and Waters of the US, for waterway construction, stormwater management, or sediment and erosion control) to federal and state agencies for review and approval.

Interagency field reviews will be scheduled by the Environmental Programs Division, as appropriate. Additional avoidance and minimization options or mitigation measures will

be discussed with the relevant agencies, documented by the appropriate design division, and reflected in the re-evaluations.

**Note:** EJ populations or LEP community issues may also be of concern to the Corps or MDE, if wetlands or Waters of the US are impacted.

### **Final Review**

Activities (geophysical surveys, foundation borings, pile driving tests, reports, etc.) to complete contract plans and prepare quantities, special provisions and cost estimates will be undertaken. All necessary agreements will be prepared. A Final Review Meeting will be held to ensure that key aspects of the project have been addressed. Re-evaluations will be completed, as necessary.

### **Plans, Specifications, and Estimates (PS&E) Submittal to FHWA**

The PS&E submission to the FHWA will include engineering and environmental commitments shown in the environmental documentation, the clear right-of-way certificate, and any other information needed for approval prior to construction. A request for federal authorization for construction will also be submitted.

### **Advertisement/Award**

After an advertisement date for bids is established, SHA, through the Office of the Secretary, will notify contractors that they may submit sealed proposals for the construction. This advertisement is published for at least two weeks in one or more newspapers in each county in which the project is located; for three consecutive issues and at least one daily newspaper published in Baltimore City; and, at a minimum, in one newspaper with a predominant minority circulation and possibly on the SHA website. Federal regulations require the advertisement of a project for a minimum of three weeks prior to bid opening. If the low responsible bid is acceptable, the project contract is awarded and notice to proceed is given once SHA has received FHWA concurrence.

## **Minor System Preservation Projects**

For projects that have not been processed through Project Planning, the EM will complete environmental inventory, analysis, coordination, and documentation tasks for all state and/or federally funded projects.

MEPA or NEPA approval will be obtained at the conclusion of these tasks. Key activities include:

### **Project Development Necessary to Assess Environmental Effects**

If necessary, alternatives may be developed concurrent with the completion of an environmental inventory within a defined study area, followed by needed analyses.

### **Public Involvement**

Depending on the project type and scope, the Design PM will coordinate with the Public Involvement Section of the EPLD to develop a public involvement strategy that may

include mailings, newspaper advertisements/notices, meetings, etc. Efforts should be taken to ensure that all affected community members, including EJ populations and/or LEP communities, are aware of the project and any associated effects (e.g., access issues, detours).

### **Environmental Activities Including NEPA Approval**

Appropriate NEPA clearance will be obtained from the FHWA or SHA. Environmental documentation will be prepared by the EPLD. Programmatic Categorical Exclusions (PCEs) or CEs will include results of appropriate public involvement and agency coordination. PCEs are approved by SHA (as delegated by FHWA) and CEs are approved by FHWA (after a 30- day review) and constitute Location Approval for the projects.

### **Structures Design Projects**

- Structure improvements that are elements of highway projects which received Location Approval:

Structure improvements that are part of highway projects that received Phase I Location Approval follow the process summarized for Final Design projects on pages 21-23.

- Individual (stand- alone) structure projects:

When constructed, these projects do not need any other highway improvements to be able to function. They involve the following tasks:

### **Preliminary Engineering to Determine Environmental Impacts**

Sufficient engineering, including avoidance or minimization options for Section 4(f) resources and permit needs, will be developed to identify reasonable and cost-effective alternatives and assess potential environmental impacts. Traffic data and crash statistics will be requested, as needed. If an historic bridge is involved, avoidance, minimization, and rehabilitation alternatives that maintain the historic integrity of the structure/bridge will be developed.

### **Environmental Studies**

Mapping showing the proposed project alternatives and any options that were developed will be provided to the EM. The EM will complete the environmental inventories and analyses, including Section 4 (f) analyses, if required, by working with the Structures Engineering Division PM. Coordination with appropriate review and permit agencies will be undertaken. Appropriate NEPA clearance will be obtained by the EPLD prior to completion of the preceding efforts.

### **Public Involvement**

Public involvement will be undertaken if there are proposed travel detours, reductions in traffic capacity, road closures, or any other public concerns. Public involvement could include public workshops, public notices, newspaper advertisements, mailings, and website postings during project development and prior to construction.



### **Preparation, Review, and Approval of NEPA Document**

Before Final Design, Right-of-Way, or Construction proceeds, documentation will be prepared by the EPLD and reviewed and approved by FHWA (CE) or SHA (PCE). The environmental documentation will show evidence of consultation with resource and permit agencies (e.g., the Corps, MDE, and the Coast Guard) and the public regarding pertinent impacts, detours, or road closures.

### Phase III – Right-of-Way

Right-of-Way and Relocation Assistance activities are the responsibility of the Office of Real Estate. During this phase, most of the required project right-of-way is obtained and relocation activities occur. Right-of-way estimates are finalized and relocation plans are developed. Property owners impacted by a project are advised of their rights, and mitigation sites for project impacts are acquired. This phase frequently overlaps with Phase II. Key tasks include:

#### **Relocation Assistance Plan**

Relocation Assistance Plans and right-of-way estimates prepared during Phase I for the SHA Preferred Alternative will be updated. If required, Housing of Last Resort needs will be identified. The Office of Real Estate will determine whether there are sufficient housing and business opportunities in the project area to relocate all residential and business displacements resulting from the construction of a project. Appraisals of required property, residential and commercial, will be completed.

#### **Public Outreach**

As soon as feasible, all residential and business owners affected or to be displaced will be notified and advised of their rights and entitlements. Commitments agreed upon in earlier project-development phases should inform the development and implementation of final relocation plans, so that meetings with property owners are not contentious. The Office of Equal Opportunity may assist in this effort when EJ populations and/or LEP communities are affected.

Federal agencies, such as the National Park Service, will be consulted when their property is needed for a transportation improvement. The SHA can/will file an application with FHWA or the federal agency that owns the land if the state has any interest in transferring lands or interests that are owned by the US government.

#### **Appraisal and Acquisition of Property**

The Office of Real Estate will handle the property appraisals in accordance with 49 CFR 24 (Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs) and the acquisition of property, such as replacement of parklands, wetland mitigation sites, and mitigation sites for impacts to historic and archeological resources.

Coordination with the EPLD's Cultural Resources Section will be undertaken to ensure that historic and/or archeological sites are not used for borrow sites or other types of mitigation during the Final Design Engineering or Construction phases.

### **Right-of -Way Acquisition/Clear Right-of-Way for Construction**

Right-of-way acquisition is initiated shortly after PI during Final Design as design engineering information and right-of-way plats are developed. Hardship and protective acquisitions may be advanced during Phase I activities, subject to federal regulations [23 CFR 710, 501 and 503]. Right-of-way acquisition and relocation assistance will be accomplished prior to the Construction phase and a clear right-of-way certificate will be issued and provided to FHWA.

A request to use federal funds for right-of-way acquisition before NEPA clearance is authorized (i.e., Early Acquisition, Protective Buying, and Hardship Acquisition) requires prior FHWA approval. All other requests for federal funds for right-of-way acquisition must be done in accordance with the normal project- development process, which requires acquisition to occur after NEPA clearance has been given and will also require the SHA to obtain approval before commencing acquisition activities.

Additional information regarding the regulations governing real- estate activities can be obtained from the Office of Real Estate.

### **Phase IV – Construction**

The appropriate SHA District Engineer and the Office of Construction are responsible for this phase. Construction tasks include the advertisement and award of a construction contract, maintenance of traffic, and public outreach. This phase ends with project acceptance. Key activities include:

#### **Notice to Proceed**

In addition to the award of the construction contract, the Office of Construction will issue a notice to proceed to the selected contractor, stipulating the date on or before which the contractor shall begin work.

#### **Construction Management/Public Outreach**

Effective construction management to ensure quality and uniform construction techniques, and maintenance of traffic are essential during the Construction phase. Keeping businesses and the public informed (through website updates, community or business association meetings, etc.) of current and future construction activities, such as work affecting parking and sidewalks, and planned traffic detours. It is important to minimize economic hardships to commercial areas and employment centers, and to allow the public to make informed decisions on their travel patterns and times. Special efforts (e.g., notices to minority media or in languages other than English) are used to inform EJ populations and LEP communities of construction activities.

### **Office of Construction Reviews**

In addition to construction management, the Office of Construction handles contract processing, performs periodic inspection reviews of the construction process to determine compliance with the contract documents, and supports the District by assuring adherence to construction techniques (e.g., job- site safety) that meet federal and state standards.

### **Administration of Contracts**

Administration and management of the construction contract are performed by the District Engineer (DE) and the Office of Construction's Regional Construction Engineers. This responsibility includes approving change orders and monitoring the contract for conformance to environmental commitments, permit requirements, construction specifications, state and federal safety requirements and laws; American Association of State Highway and Transportation Officials (AASHTO) safety standards; federal law; and federal-aid contract provisions. In cooperation with the Office of Equal Opportunity, the DE monitors the contractor's operations to ensure compliance with Equal Employment Opportunity, Disadvantaged Business Enterprise, and training requirements.

### **FHWA Monitoring Program**

FHWA will evaluate the quality and progress of work, promote work- zone safety, and ensure project completion consistent with approved plans, specifications, changes, and the Stewardship Agreement.

### **Project Acceptance**

Once construction is completed, SHA holds a final inspection and invites FHWA to attend on full-oversight projects prior to acceptance for maintenance. SHA and FHWA may jointly inspect the project.

The Appendix includes a chart highlighting agency and public- involvement activities in the highway project- development process.

## **FEDERAL-AID PROCEDURES FOR LOCAL GOVERNMENTS**

All local governments desiring to use federal funds must comply with federal and state environmental regulations and procedures to satisfy NEPA and related environmental requirements. Local governments will follow SHA's written procedures which specify approvals, review and oversight practices and undertake the following key activities:

### Local Government Consultation with SHA

Local government agencies must submit project information to SHA's Federal-Aid Programming Section (FAPS). Such information may include, but is not limited to, the Form 42/25C, project description, alternatives mapping, environmental effects, and evidence of agency and public coordination.

Emphasis is placed on the documentation of consultation with agencies, such as the Corps and DNR, and evidence of public outreach and input via meetings, newsletters,

public notices, etc. There should also be proof of coordination with emergency- services providers and school- bus officials, if there will be a detour associated with the project.

FAPS recently issued revised Local Government NEPA Guidance to assist local government agencies seeking to use federal funds for projects. FAPS will forward the local agency information to SHA's EPLD. The EM will review the information for accuracy and completeness prior to submission to FHWA for approval and ensure that NEPA requirements are adequately addressed.

#### SHA Contact with FHWA

It is a federal requirement that coordination between FHWA and the local government must be through the SHA. Therefore, the EM must be aware of local concerns and issues and constantly communicate with the local government representative. If necessary, FAPS may schedule a meeting with the local government staff and the EM.

The local agency will submit documentation showing engineering efforts, the evaluation of environmental impacts, and initial public notification and outreach efforts, such as meetings with elected officials, businesses, and the general public, including EJ populations and/or LEP communities. Any additional public outreach should also be noted, especially evidence (written documentation and sign-in sheets) of meetings with EJ populations and LEP communities. To assist the local agency, the SHA's EM may review and approve the local government's public- involvement concept. Copies of public- meeting minutes, fliers, and newspaper advertisements must be submitted to SHA to verify that the meetings were held.

SHA's EM will submit all materials, on behalf of the local agency, to obtain NEPA approval from FHWA so that engineering and environmental analyses can be conducted.

#### Federal Funds for Preliminary Engineering and Environmental Analyses

If federal funds are being requested for Preliminary Engineering, the EPLD will prepare a PCE on behalf of the local government and submit the PCE to FAPS. Final Design cannot be completed until the PCE is approved by SHA or, in some instances, until the Section 4(f) documentation and CE for Construction are approved by FHWA.

#### Federal Funds for Final Design Engineering, Right-of-Way, or Construction

In order to use federal funds for Final Design Engineering, Right-of-Way Acquisition, or Construction, the local agency must submit documentation to FAPS in the form of an approved PCE or CE (obtained via SHA's EPLD). This documentation must include evidence of coordination with agencies, such as the Corps and MDE, for wetland and Waters of the US impacts, or the MD Historical Trust regarding impacts to historic standing structures or archeological resources.

FAPS and the Office of Real Estate are responsible for monitoring the local agency's right-of-way activities and certifying compliance with FHWA requirements. Right-of-Way Acquisition with federal funds cannot occur until the PCE or CE has been approved.

For additional information on the environmental procedures and requirements, local government agencies should contact the EPLD.

## **PROCEDURES FOR STATE- FUNDED PROJECTS**

Projects developed using only State funds will generally follow the same engineering and environmental processes used for federal-aid project development. However, the documentation types are different and must meet Maryland Environmental Policy Act (MEPA) requirements and be approved by SHA.

### Types of MEPA Documentation

Projects, such as system preservation and other minor projects, as listed in the MEPA regulations, are generally exempt from the MEPA reporting requirements. However, an Environmental Assessment Form (EAF) will be completed for each project, including coordination with appropriate environmental agencies. Explanations will be provided for relevant items on the EAF.

An EAF Report will be prepared for proposed actions that do not clearly require the preparation of an Environmental Effects Report (EER).

For projects that may have more substantial environmental impacts, draft and final EERs will be prepared.

### Public Involvement

Public involvement is the same as for the federal NEPA process (e.g., mailing list, newsletters, websites, public notices, Public Informational Workshops or Public Hearings). The type of public involvement will depend upon the severity of environmental impacts associated with the detailed alternatives and the input received from the resource and permit agencies. Projects that require the preparation of an EER are likely to warrant a Public Hearing or Informational Workshop.

## GLOSSARY

**Access Control** – the restriction of entry and exit from a highway to designated points or sections.

**Categorical Exclusion (CE)** – a federally funded action or project that does not individually or cumulatively have a significant environmental impact and is excluded from the requirement to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS). Written documentation is provided to the FHWA in a letter to demonstrate that the project has no significant impacts. Certain types of CEs may be approved by SHA under delegated authority and are known as Programmatic CEs.

**Community Effects Assessment (CEA)** – a process to identify and document the concerns of and possible impacts on communities and neighborhoods, their facilities and services in the vicinity of a proposed project or alternatives. The report is similar to or part of the ‘Socio-economic and Land Use’ section of environmental documentation; aspects (e.g., Environmental Justice) are closely integrated with public- involvement efforts.

**Consolidated Transportation Program (CTP)** – the MD Department of Transportation’s capital programming document that shows all transportation agencies’ projects funded for the current fiscal year and for five fiscal years in the future.

**Constrained Long Range Plan (CLRP)** – a long- term, fiscally constrained transportation plan that incorporates all modal facilities in a metropolitan area. The transportation facilities included function as an integrated system and need improvement within at least a 20- year planning period. This CLRP is prepared by a Metropolitan Planning Organization and is required to be updated every three to five years.

**Context Sensitive Solutions or Design** – a process that encourages early, continuous, and meaningful public involvement in order to develop a transportation project that fits its physical setting while preserving, to the extent possible, scenic, aesthetic, historic and environmental resources, while also addressing the project Purpose and Need.

**Coordination Plan** – for projects for which an EIS is anticipated, a plan required to be developed early in the environmental review process for arranging public and agency participation in the environmental process.

**Cooperating Agency** – under the CEQ regulations, any federal agency other than a lead agency that has jurisdiction by law or special expertise with respect to an environmental impact for a proposed project. Such agencies participate in the NEPA process at the request of the lead federal agency and may be responsible for developing information or preparing environmental analyses. A Cooperating Agency may also adopt without re-circulating the EIS of a lead agency when, after independent review, it concludes that its comments and suggestions have been satisfied.

**Core Team** – normally consists of the Project Manager, Project Engineer, Environmental Manager, Travel Forecaster, a Public Involvement Section representative, and the Regional Planner from the Office of Planning and Preliminary Engineering. At the request of the Project Manager, this team meets more often than the full project Interdisciplinary Team to handle day-to-day project issues. When consultants are part of the Core Team, their roles will be clearly defined.

**Corridor Preservation** – a method used to protect the right-of-way for planned transportation facilities; it is generally a cooperative planning effort between state and local agencies. Methods such as advance property acquisition, fee-simple acquisition, and access management may be used to protect planned transportation corridors from development.

**Council on Environmental Quality (CEQ)** – part of the Executive Office of the President, ensures that federal agencies fulfill their duties under the National Environmental Policy Act (NEPA) primarily by issuing regulations that interpret the procedural requirements of NEPA; also coordinates environmental issues among federal agencies and helps resolve disputes between federal agencies and with the public and other governmental agencies.

**Cumulative Effects** – environmental effects which result from the incremental impact of a proposed alternative or action when added to other past, present, and reasonably foreseeable actions, regardless of which agency or person undertakes the action.

**Design Approval Memorandum** – defines the design features associated with a selected (SHA preferred) alternative and the elements that conform to state and federally recognized criteria, and identifies any design exceptions required. Approval of this memorandum by SHA management constitutes Design Approval and indicates acceptance of design features described for use in preparation of construction plans.

**Design Study Report** – a SHA report which includes the design elements of a project such as design standards, number of traffic lanes, any access control features, general horizontal and vertical roadway alignment or geometry, typical roadway cross-sections, right-of-way requirements, the locations of bridges, and any other structures and interchanges. Design drawings for which Design Approval is requested are part of this report.

**Environmental Assessment (EA)** – a federal NEPA document prepared for actions or proposed projects to determine the significance of the environmental impact and the appropriate class of environmental documentation required; that is, whether to prepare an EIS or FONSI. This document is made available to interested members of the public.

**Environmental Assessment Form (EAF)** – a checklist form of 47 questions covering a broad range of environmental concerns (natural and human), required consistent with MDOT regulations. The purpose of an EAF is to help the user identify the environmental

concerns associated with a proposal. It is prepared for all projects regardless of funding source, prior to the Scoping Meeting.

For all state-funded actions or projects, the EAF is the class of environmental documentation when the proposal's environmental effects do not require the preparation of an Environmental Effects Report.

**Environmental Effects Report (EER)** – a report prepared on state-funded projects which is equivalent to a federal EIS. An EER is prepared in draft and final editions when the results of the completed EAF indicate that analysis of significant human and natural environmental impacts is necessary.

**Environmental Impact Statement (EIS)** – a federal NEPA document prepared for actions or proposed projects that significantly affect the environment. It is made available to the public. Examples of actions that would normally require an EIS are a new controlled access freeway or a highway of four or more lanes on a new location.

**Environmental Review Process** – the process followed when preparing documentation consistent with federal NEPA regulations for a transportation project; also includes the process for compliance with and completion of any environmental permit, approval, review, or study required for the project under any federal law other than NEPA.

**Express Toll Lane (ETL)** – a lane or lanes designated for drivers paying a toll. ETLs give drivers the option to use separate, relatively free-flowing highway lanes. General-purpose and toll lanes can exist in the same corridor. Tolls are collected electronically without the need for toll booths and can vary between rush hours and non-rush hours, based on levels of congestion.

**Federal Highway Administration (FHWA)** – the federal agency which is part of the US Department of Transportation responsible for providing the federal highway program authorized by statute (Title 49 of US Code and Title 23).

**Finding of No Significant Impact (FONSI)** – a final environmental document prepared under NEPA for actions or projects that will not result in significant effects on the environment; usually follows the preparation of an EA. It includes a summary of the EA, discusses the selected (SHA Preferred) alternative and provides reasons that the conclusion has been reached that there are no anticipated significant environmental effects that will occur as the result of a proposed project. This document is made available to the public near the end of Project Planning.

**High Occupancy Vehicle** – commonly, a vehicle that carries more than one passenger.

**High Occupancy Vehicle Lane** – a lane usually reserved for vehicles with two or more passengers (sometimes hybrid vehicles). Such lanes should move more people per lane at higher speeds while moving fewer vehicles and reducing highway congestion. Single-



occupant vehicles and trucks are not permitted to use these lanes, which are also known as carpool lanes, commuter lanes, diamond lanes, and transit lanes.

**Indirect Effect** –an effect caused by a proposed alternative or action which occurs later in time or is farther removed in distance, but is still reasonably foreseeable; sometimes called secondary effect.

**Interagency Meeting (IM)** – an SHA forum established to provide an opportunity for federal and state (and sometimes local) agencies to discuss and resolve project- related issues and/or to fulfill federal scoping requirements. These meetings facilitate cooperation in developing alternatives that minimize environmental impacts. In instances when impacts cannot be avoided, these meetings support the development of mitigation measures. Discussion issues are formally summarized to document agency input.

**Interdisciplinary Team** – consists of representatives from offices and divisions within SHA, FHWA, and, when necessary, the MD Transit and Federal Transit Administrations and the MD Transportation Authority. The team also includes staff members from local government planning and public works agencies. The Interdisciplinary Team supports the Core Team and meets at designated major project milestones.

**Interstate Access Point Approval (IAPA)** – the process and documentation required by FHWA when a state proposes to revise or change access along an interstate highway. The approval request must show that existing access can no longer adequately serve regional traffic and demonstrate that the access revisions will not adversely impact the integrity of traffic operations on the interstate system.

**Location Approval** – formal FHWA or delegated SHA acceptance of an alternative or alternatives, including permit actions, for construction within a defined geographic area.

**Location/Design Public Hearing** – sometimes called Public Hearing; it is a formal meeting that occurs after the completion and summarization of detailed engineering and environmental analyses in appropriate NEPA documentation. Usually a number of alternatives and associated environmental impacts are presented to the public before SHA commits to a preferred alternative. Relocation Assistance information is presented, as well as a discussion of non-discrimination. This meeting provides an opportunity for public input and for the public to obtain project information. It is documented with a transcript that is sent to FHWA.

**Major Project** – an action or project on new location for substantial distance that usually involves the study of several alternatives; may include interchanges, other access controls, and transit or high- occupancy- vehicle options.

**Maryland Department of Transportation (MDOT)** –the department established in the early 1970s to consolidate all state agencies related to transportation under one umbrella agency within the governor’s cabinet.

**Maryland Environmental Policy Act (MEPA)** – a state law that requires state agencies to balance economic development and environmental quality by considering the effects of proposed actions or projects.

**Metes and Bounds** – the measurement (surveying) of property boundaries.

**Metropolitan Planning Organization (MPO)** – a group of local government representatives in urbanized areas with a population greater than 50,000 that is responsible for developing, in cooperation with the MDOT, a long-range transportation plan and a transportation-improvement program (TIP) for an area.

**Minor Project** – improvement to an existing facility; it may consist of, but is not limited to, adding auxiliary lanes, replacing existing structures, installing traffic control devices or streetscapes, or correcting substandard curves.

**Multimodal** – the combination of two or more types of transportation modes, e.g., highway and light rail.

**National Environmental Policy Act** – a 1970 federal law for protecting the environment. It requires that when federal agencies pursue projects, everything possible must be done to protect and enhance the human and natural environment. An environmental study must be performed and the information made available to public officials and citizens before a decision is made.

**National Highway System (NHS)** – the federally mandated system of highway routes that are of national or regional significance.

**National Historic Preservation Act (NHPA)** – a federal law that protects standing historic structures and archeological sites and requires the evaluation of impacts to the same for federal-government-funded construction projects; created the National Register of Historic Places, a list of National Historic Landmarks, and the position of State Historic Preservation Officer. All federal-aid projects must specifically comply with Section 106 of the NHPA.

**Notice of Intent** – part of the federal process for EISs, this notice is published in the Federal Register. It provides basic information about a proposed project, including possible alternatives and ways in which the public can be involved in the development of the project.

**Office of Planning and Preliminary Engineering (OPPE)** – the SHA office responsible for oversight of coordination with local government agencies, preliminary engineering activities, and obtaining federal and state environmental clearances for projects.

**Oversight** – responsibility of FHWA to ensure that the federal highway program is delivered consistent with applicable laws, regulations, and policies; includes verification activities such as process review, program evaluations, program management and project

involvement activities, technical assistance, technology deployment, performance measurement, and sharing of best practices.

**Participating Agency** – consistent with SAFETEA-LU, a federal, state, or local agency with an interest in a project; these agencies are invited to participate in the environmental review process including, but not limited to, Purpose and Need development and the identification of the range of alternatives, methodologies, and level of analysis detail for a federal-aid project; such an agency is responsible for identifying as early as practicable issues regarding a project’s potential environmental impacts that could delay or prevent an agency from granting a permit or other approval needed for a project.

**Preliminary Field Investigation (PI)** – a SHA interdisciplinary field review meeting that occurs in the Design Engineering phase to review the proposed design features of a project. It occurs when Design Engineering is approximately 30-35% complete.

**Programmatic Categorical Exclusion (PCE)** – a type of CE which is approved by SHA under delegated authority from the FHWA.

**Project Management Plan** – a guide, mandated under SAFETEA-LU, which helps the delivery team for a major project (estimated total cost of \$500 million or more or as defined by US DOT) maintain focus in delivering the project.

**Public** – consists of persons in the project area and those located adjacent to it who use project- area resources; community organizations; elected officials and federal, state, and local government agencies; persons or businesses directly or indirectly affected; and others interested in a proposed transportation improvement or project.

**Public Hearing** – see Location/Design Public Hearing.

**Public Interest Area** – consists of residents likely to be directly or indirectly impacted by a proposed project or likely to have a strong interest in it.

**Public Involvement Plan** – a document that discusses project- specific public outreach and involvement methods.

**Purpose and Need** – a statement of the reasons for a proposed project and the objectives it is intended to achieve; supported by current, accurate, and relevant data that facilitates an understanding of transportation conditions and may require concurrence or comments from federal and state agencies.

**Record of Decision (ROD)** – a formal federal document which publicly presents the rationale for a selected (SHA Preferred) alternative shown in a Final EIS. It describes the mitigation and discusses whether the project was developed consistent with NEPA requirements and is a means for obtaining Location Approval.

**Re-evaluation** –a formal written document or consultative NEPA process to assess whether supplemental or new environmental documentation is needed as the result of engineering modifications, new environmental impacts, or passage of time after initial project approvals are received.

**Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)** – a federal law approved in 2005 that allocated funding for highway and transit transportation projects and regions and created a new and improved environmental- review process. Funding was authorized through 2009 and has been extended through supplemental authorizations.

**Scoping** – a NEPA process for identifying project-related issues that should be addressed, such as determining lead, cooperating, and participating agency contacts and responsibilities, and for making recommendations on environmental review and public-information needs.

**Section 4(f) Resources** – publicly owned public parkland, recreational area, or wildlife and waterfowl refuges of national, state, or local significance as determined by the official having jurisdiction; or any historic property listed on or eligible for the National Register of Historic Places.

**Section 106** – a section of the National Historic Preservation Act of 1966 which requires federal agencies to identify and evaluate the impact of their action on historic properties eligible for or listed on the National Register of Historic Places.

**Smart Growth** – MD laws, Executive Orders, and initiatives (1992 Economic Growth, Resource Protection and Planning Act, 1997 Smart Growth and Neighborhood Conservation Initiative, 1998 Executive Order to establish Smart Growth Policy for state government agencies, 2003 Executive Order for the Priority Places Program, 2008 Smart Green and Growing Initiative) governing growth, the protection of rural areas by limiting sprawl development, the revitalization of older urban areas, and the preservation of the Chesapeake Bay.

**State Highway Administration (SHA)** – an agency within the MDOT that deals with highway- related improvements and highway safety issues.

**Stewardship** – FHWA’s management of public funds as part of the agency’s responsibility to develop and implement the federal highway program.

**Stewardship and Oversight Agreement** – a document developed between SHA and FHWA, DelMar Division; identifies approvals that are SHA’s responsibility and FHWA’s oversight responsibilities in the delivery of federal-aid projects and programs.

**Study Area** – within a general project boundary, it consists of citizens or residents adjacent or in close proximity to the alternatives being considered.

**Tiering** – consistent with NEPA and the CEQ regulations, refers to the discussion of general concerns in broader (first tier) EISs with subsequent more site- specific environmental documentation which references the general discussions included in the first tier.

**Transportation Improvement Program (TIP)** – a multi-year program of transportation improvements in an urbanized area which includes an annual element.

**Transportation System Management (TSM)** – an alternative that helps decrease traffic demand on a highway system (e.g., adding turning lanes, coordinating traffic signals).

**23 CFR 771.111** – a US Department of Transportation regulation which defines requirements for public involvement and public hearings, including agency coordination, as part of project-development procedures.

**Type, Size, and Location (TS&L)** – occurs for SHA bridge projects when construction plans are approximately 30-35% complete.

**APPENDIX- Public and Agency Involvement during Highway Project Development**

<b>Phase I</b>	<b>Administrative Preliminaries</b>
	Early Planning: state and local agencies to protect transportation corridors
	Inclusion of candidate project in CTP
	CTP presentation to State Legislature
	<b>Project Planning</b>
	Stage 1 – Project initiation notice publication and mailing list; if
	EIS seek public input re: P & N, alternatives, etc.
	Optional: Planning for Stakeholder Panel, include EJ and LEP
	Initiate Property- Owner Contact Process
	Interagency Meeting: P&N
	Agency field review/meeting
	Mail brochure and/or newsletters for Alternatives Public Workshop
	Hold Informational Workshop/Alternatives Public Workshop
	Stage 2 – Elected Official Notification to Advance to Stage 2
	Interagency Meeting: ARDS
	Request FHWA concurrence re: project environmental classification
	Ensure publication of Notice of Intent if EIS
	Agency review of preliminary Draft Environmental Document
	FHWA approval of and SHA circulation of Draft Environmental Document
	Ensure preparation of Notice of Intent if EIS
	Mail brochure/newsletter for Public Hearing
	Advertise and hold Public Hearing
	Forward to FHWA and display Public Hearing transcript
	Interagency Meeting: Recommended Alternative
	Stage 3 – Interagency Meeting: SHA Preferred Alternative
	Preparation of and Agency Review of preliminary Final Environ. Doc.
	FHWA Approval of and circulation of Final Environmental Document
	Publish Notice of Availability and ROD if Final EIS
	Advertise Location/Design Approval
<b>Phase II</b>	<b>Final Design</b>
	Public involvement re: community impacts including EJ and LEP
	Interagency Meeting: Avoidance, Minimization, and Mitigation
	Permit Application/ Agency Field Reviews
	Advertise/Award Construction Contracts
<b>Phase III</b>	<b>Relocation and Right-of-Way</b>
	Public Outreach to notify public of rights and entitlements, with
	assistance of Office of Equal Opportunity if EJ and LEP affected
	Option: Hardship and Protective Acquisition can occur in
	Phases I & II
<b>Phase IV</b>	<b>Construction</b>
	Construction Management/Public Outreach re: effects on parking,
	sidewalks, detours, road closings, etc.
	District Office Administration of Contracts; focus on commitments
	in Environmental Document, permit requirements

## Appendix 4: Title VI Requirements for MDOT SHA Sub-recipients

## Title VI Requirements for SHA Sub-recipients

Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes require that recipients of federal financial assistance ensure that no one is excluded from participation in, denied the benefits of, or subjected to discrimination on the basis of race, color, national origin, in any federally-assisted program and activity. The U.S. Department of Transportation's Title VI implementing regulations are contained in 49 CFR Part 21 and 23 CFR Part 200. Local agencies that receive federal funds through SHA are considered FHWA recipients under 23 CFR 200.5(n) and are required to establish a Title VI Plan that is subject to review by SHA pursuant to 23 CFR 200.9(b)(7).

The following is a summary of items that may be required as part of a sub-recipient's Title VI Program:

**Non-discrimination Policy Statement:** A sub-recipient must provide a statement of its commitment to nondiscrimination and Title VI compliance that is signed by the top official and circulated throughout the organization and general public. The policy statement must define federal financial assistance and delineate specific forms of prohibited discrimination.

**Standard DOT Assurances:** A Title VI Plan must include the USDOT 1050.2A Standard Title VI Assurance in which the sub-recipient assures that its program will be conducted in a non-discriminatory manner. The sub-recipient is also responsible for ensuring that the signed assurances are in the bid solicitation, contracts, and agreements

**Title VI Coordinator:** The sub-recipient must designate a Title VI Coordinator who is responsible for managing and monitoring Title VI compliance on a daily basis.

**Primary Program Area Descriptions:** The Title VI Plan must describe the nature of the sub-recipient's primary program areas. The Plan should identify Title VI related responsibilities for each program area.

**Annual Work Plan and Accomplishment Report:** The sub-recipient is required to prepare an annual report describing its Title VI compliance efforts for each program area from the previous year. The report will also include the sub-recipients goals and work plan for the following year.

**Complaint Procedures:** Sub-recipients are required to investigate all Title VI discrimination complaints. The sub-recipient must develop, and include in the Title VI Plan procedures for investigating and logging complaints pursuant to 23 CFR 200.9(b)(3). The complaint procedures must be disseminated internally and externally.

**Data Collection and Analysis:** The Sub-recipient is required to develop procedures for the collection of statistical data (race, color, and national origin) of participants in, and beneficiaries of the sub-recipient's programs. *See* 23 CFR 200.9(b)(4).

**Monitoring and Review Process:** The sub-recipient must develop procedures for identifying and addressing Title VI issues. The Plan should include a description of how the sub-recipient's



program areas are reviewed for Title VI compliance and outline procedures to eliminate and address discrimination and resolve deficiencies when noncompliance occurs. Sub-recipients administering federal aid contracts are also required to monitor prime contractors and subcontractors for Title VI compliance.

**Public Outreach and Notice of Rights:** The Title VI Plan must provide procedures for ensuring participation by traditionally underserved communities and notifying the public of its rights under Title VI and related authorities.

**Limited-English Proficiency (LEP):** Sub-recipients are required by Executive Order 13166 to ensure that LEP individuals have meaningful access to services. Sub-recipients are required to perform the required LEP analysis and develop a plan for providing language assistance and outreach to LEP populations.

**Title VI/Nondiscrimination Understanding & Training:** The Title VI Plan should include procedures that ensure that staff and contractors understand the basic principles of Title VI.

#### **SHA Sub-Recipient Compliance Reviews**

The sub-recipient may be subject to periodic compliance reviews by SHA. The compliance review will focus on how effectively the sub-recipient has implemented its Title VI Plan. SHA staff may evaluate the sub-recipient's Title VI Plan and related documents and interview individuals with Title VI responsibilities as part of the process.

## Appendix 5: Title VI Complaint Form



## TITLE VI COMPLAINT FORM

<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 the permission of the aggrieved party if you are filing on behalf of a third party.			Yes	No
<b>Section III</b>				
I believe the discrimination I experienced was based on (check all that apply):				
<input type="checkbox"/> Race		<input type="checkbox"/> Color		<input type="checkbox"/> National Origin
<input type="checkbox"/> Age		<input type="checkbox"/> Sex		<input type="checkbox"/> Disability
<input type="checkbox"/> Income Level		<input type="checkbox"/> Limited English Proficiency		<input type="checkbox"/> Other
Date of the 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.				



TITLE VI COMPLAINT FORM – page 2

<b>Section IV</b>		
Have you previously filed a Title VI complaint with this agency?	Yes	No
<b>Section V</b>		
Have you filed a Title VI complaint with any other Federal, State, or local agency, or with any Federal or State Court?		
<input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, check all that apply:		
<input type="checkbox"/> Federal Agency:	<input type="checkbox"/> State Agency:	
<input type="checkbox"/> Federal Court:	<input type="checkbox"/> Local Agency:	
<input type="checkbox"/> State Court:	<input type="checkbox"/> Other	
Please provide information about a contact person at the agency or 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 by mail to the address below:  
Maryland Department of Transportation State Highway Administration

Title VI Program Manager  
Office of Equal Opportunity  
211 E. Madison Street  
Baltimore, MD 21202

## Appendix 6: MDOT -TSO Title VI Plan



**THE SECRETARY'S OFFICE**

**TITLE VI PROGRAM**

**JUNE 2020 - 2023**

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## I. INTRODUCTION AND OVERVIEW OF SERVICES

The Maryland Department of Transportation (MDOT) is a customer-driven leader that delivers safe, sustainable, intelligent, and exceptional transportation solutions in order to connect our customers to life's opportunities. MDOT is a state department of transportation responsible for building, operating, and maintaining a safe and seamless transportation network that links Maryland with the rest of the country, and the world. MDOT directs and oversees the planning, construction and operation of Maryland's highway, transit, maritime, and aviation facilities.

There are six major transportation business units (TBUs) that make up the MDOT. They are the Maryland State Highway Administration, Maryland Transit Administration, Maryland Aviation Administration, Maryland Port Administration, Maryland Motor Vehicle Administration, and Maryland Transportation Authority. The Secretary's Office (TSO) provides leadership, guidance, and oversight of the TBUs.

This unique streamlined approach provides the State's leadership with the ability to develop a coordinated and balanced approach to transportation. Under the direction of the Secretary of Transportation, the TBUs work together to assist each in the development of a seamless transportation system designed to fuel Maryland's economy and enhance the quality of life for all citizens.

The MDOT is a recipient of Federal financial assistance. As a recipient, all TBUs under MDOT are required to comply with Title VI of the Civil Rights Act of 1964 and other federal non-discrimination laws and authorities. Title VI prohibits agencies receiving federal funds from discriminating against agencies or any groups in the United States on the basis of race, color, or national origin.

Within the MDOT umbrella the TSO and the TBUs, act as separate direct and/or designated recipients of federal funds for those funding categories that each are responsible for utilizing. TSO is a direct recipient of Federal funding from the following three Federal funding categories: FHWA Metropolitan Planning (PL) funds, FTA Section 5303 Metropolitan Planning funds, and Section 5304 Statewide Planning funds. TSO applies for and receives an annual grant for the MPO funding to enable TSO to meet the federal requirements associated with MPOs. MDOT chooses to consolidate this application of these three Federal funding categories into one grant request made to FTA, called the "Consolidated Planning Grant" or also referred to by the FHWA title as PL funds.

TSO flexes the FHWA funds to FTA so that all MPO funds distributed to Maryland are received through FTA. The seven MPOs within Maryland are the eligible entities to receive Maryland's Federal PL funding. The MPOs are the subrecipients of the PL funds which are dispersed by TSO to the MPOs through a population-based formula. TSO has agreements with each MPO which define how the funding is reimbursed. TSO provides a 10% match to the MPOs to perform the functions identified in the Federal Metropolitan Planning Regulations. Upon the receipt of grant approval, TSO is then responsible for oversight of the distribution of that funding to the MPOs in concert with the Federal Metropolitan Planning Process and TSO is also



responsible to ensure that the subrecipients are in compliance with all applicable federal regulations.

MDOT encourages, supports and will monitor its TBUs, subrecipients, cities, counties, contractors, and planning agencies receiving federal aid funds. It is the MDOT's intent that the Title VI Program will be implemented in accordance with all federal regulations and supported by our customer driven mission. This Title VI Plan was developed to ensure that TSO is in compliance with the US Department of Transportation (USDOT), Federal Transit Administration (FTA) regulations 49 CFR Part 21.

TSO is committed to achieving full compliance with Title VI of the 1964 Civil Rights Act and all related non-discrimination laws. Through its policies, assurances and procedures, TSO makes every effort to ensure that no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any TSO program or activity on the basis of race, color, or national origin.

Neither TSO nor its subrecipients provide fixed route transportation services. In addition, TSO does not build facilities. Therefore, this Title VI Program does not address the equity analysis specified in Chapter IV of the Circular (FTA 4702.1B) nor does it address Section 13 of Chapter III of the Circular.

## II. POLICY STATEMENT

It is the policy of the Maryland Department of Transportation (MDOT), in accordance with Title VI of the Civil Rights Act of 1964, MDOT's Title VI Program to assure that "no person in Maryland shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity" for which the MDOT receives federal financial assistance (42 U.S.C. Section 2000d). Furthermore, it shall be the policy of the MDOT, as a recipient of federal-aid funding, to ensure non-discrimination in all of its programs and activities.

Accordingly, to ensure compliance with Title VI of the Civil Rights Act the Maryland Department of Transportation commits to promptly taking any measures necessary to effect compliance with Title VI of the Civil Rights Act.

The MDOT will include Title VI assurances in all written contracts and will monitor for compliance when distributing federal aid funds to other entities. The MDOT's Title VI Program Manager in the Office of Diversity and Equity is responsible for initiating and monitoring Title VI activities preparing required reports, and other MDOT responsibilities as required by Title 49 CFR Part 21.

Individuals with questions or requiring additional information relating to this policy or the program plan of the MDOT's Title VI Program should contact the Office of Diversity and Equity located at MDOT TSO Headquarters, 7201 Corporate Center Drive, Hanover, MD 21076; Telephone (410) 865-1128, toll-free (888) 713-1414. The notice to the public is posted in the lobby of the MDOT TSO Headquarters building, at the above address.



\_\_\_\_\_  
Gregory Slater  
Secretary

4/7/20  
\_\_\_\_\_  
Date

### III. APPROVAL OF THE TITLE VI PROGRAM

I hereby acknowledge the receipt of the Maryland Department of Transportation's (MDOT) Title VI Program June 2020-2023. I have reviewed and approved the Program. I am committed to ensuring that no person is excluded from participation in, or denied the benefits of transportation related programs on the basis of race, color, or national origin, as protected by Title VI according to the Title VI requirements and guidelines for Federal Transit Administration recipients (FTA Circular 4702.1B).

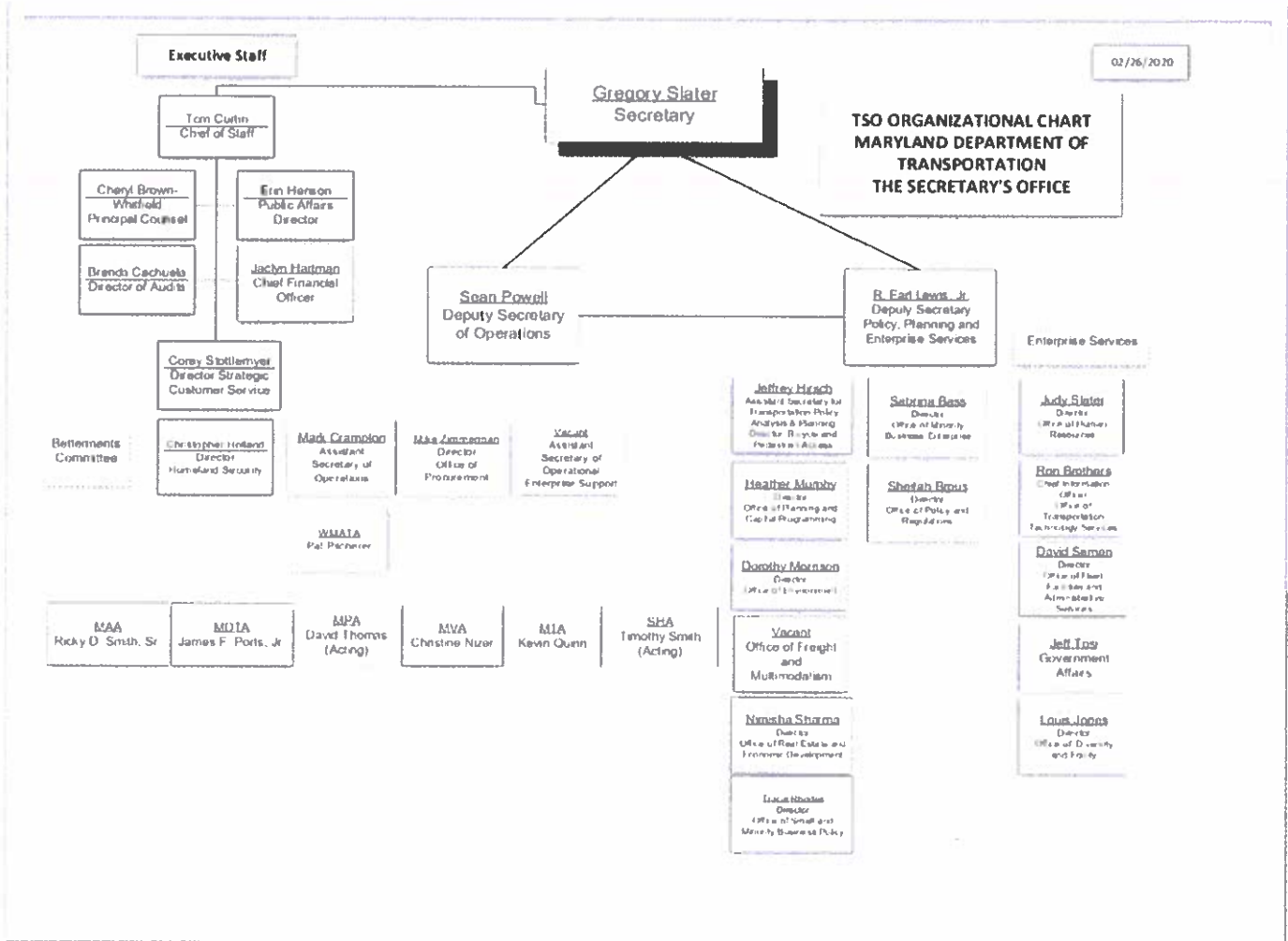


\_\_\_\_\_  
Gregory Slater  
Secretary

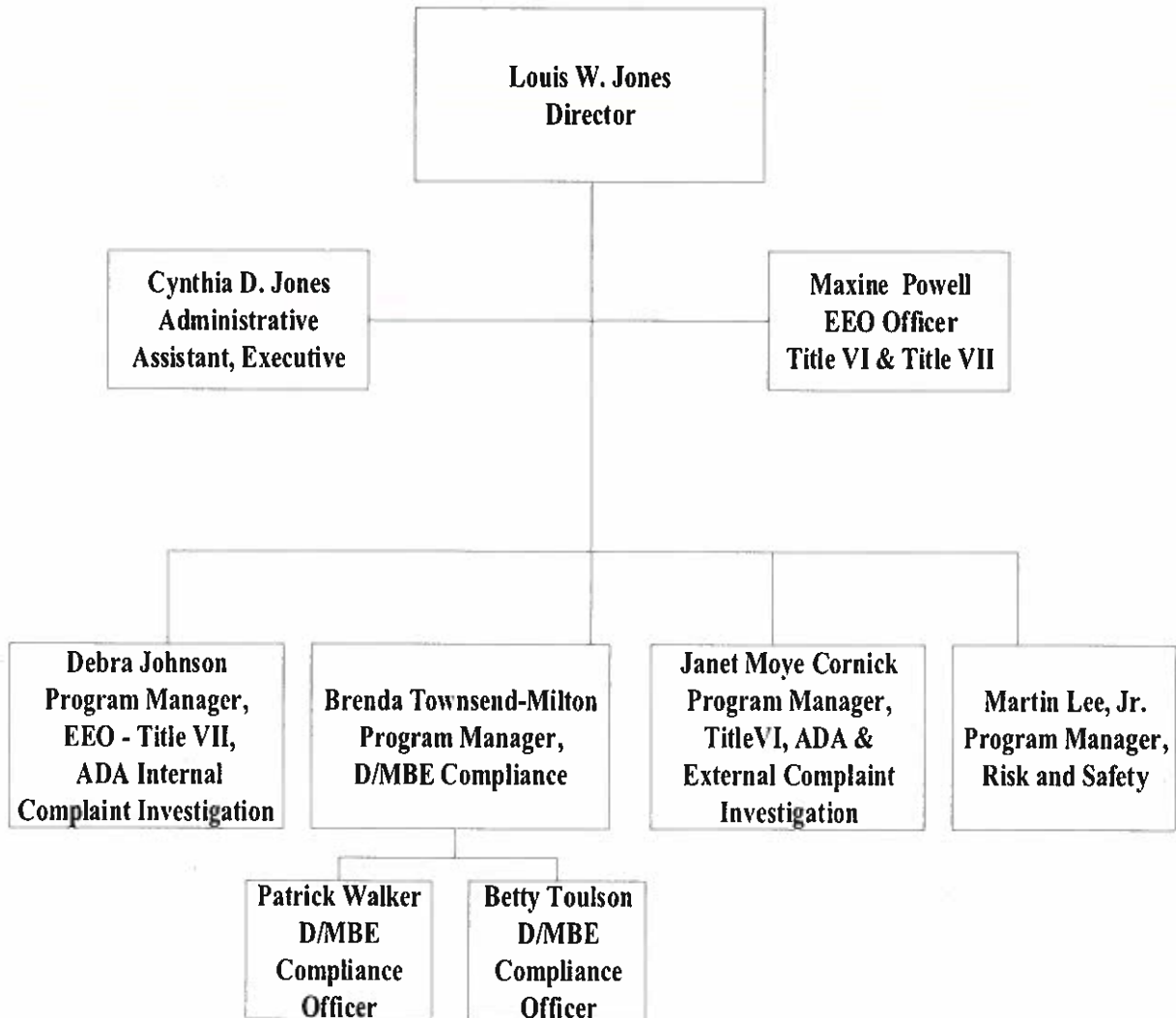
4/7/20  
\_\_\_\_\_  
Date

## IV. ORGANIZATIONAL CHARTS

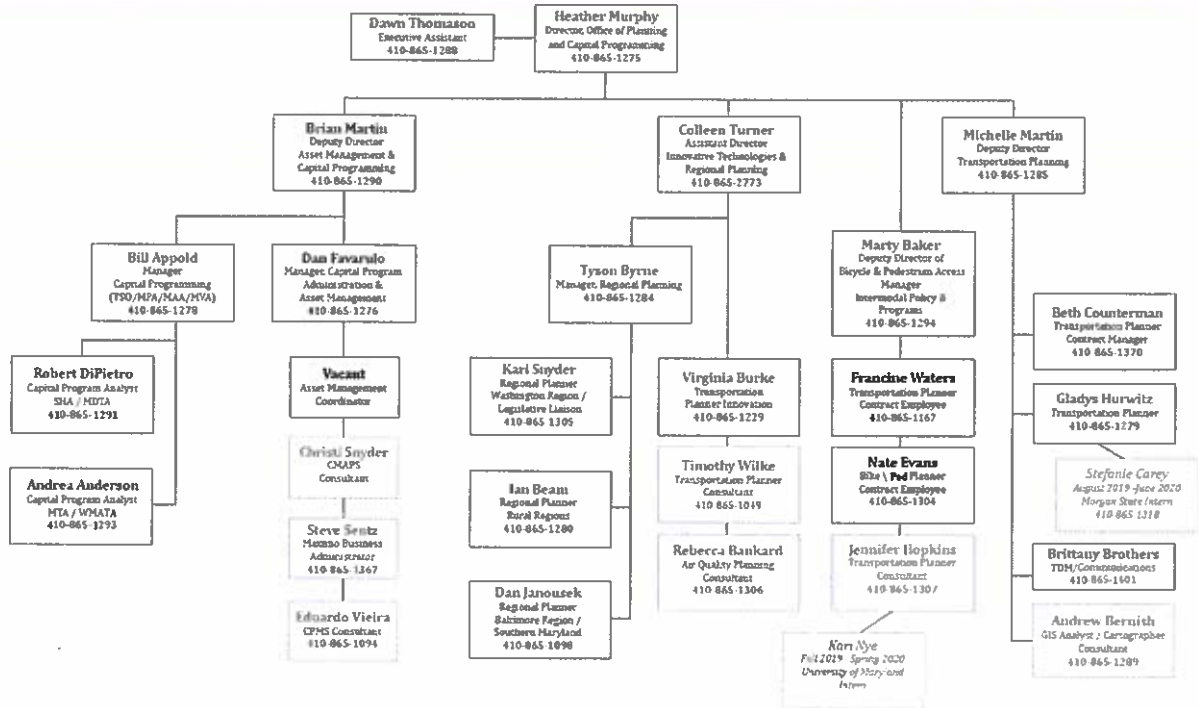
### MARYLAND DEPARTMENT OF TRANSPORTATION OFFICE OF THE SECRETARY ORGANIZATIONAL CHART



**OFFICE OF DIVERSITY AND EQUITY  
ORGANIZATIONAL CHART**



**OFFICE OF PLANNING AND CAPITAL PROGRAMMING  
ORGANIZATIONAL CHART**



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## V. DEFINITIONS

**Citizen Participation** – An open process in which the rights of the community are informed, to provide comments to the government, and receive a response from the government through a full opportunity to be involved and express needs and goals.

**Compliance** – That satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.

**Discrimination** – That act (or action), whether intentional or unintentional, through which a person in the United States, solely because of race, color, or national origin, has been subjected to unequal treatment under any program or activity receiving financial assistance from the Federal Highway Administration under Title 23 U.S.C.

**Metropolitan Planning Organization** – A policy board, designated by local officials and the Governor of the state, in a region created and designed to carry out the metropolitan transportation planning process for urbanized areas with populations greater than 50,000.

**Noncompliance** – A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the Title VI requirements.

**Persons** – Where designation of person by race, color, or national origin is required, the following designations ordinarily may be used: “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native.” Additional subcategories based on national origin or primary language spoken may be used, where appropriate, on either a national or a regional basis.

**Program** – Includes any project, or activity for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

**Recipient** – Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term “recipient” does not include any ultimate beneficiary under any program.

**Secretary** – The Secretary of Maryland Department of Transportation or his/her designee.

**Title VI Program** – The system of requirements developed to implement Title VI of the Civil Rights Act of 1964. References in this part to Title VI requirements and regulations shall not be limited only to title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of other Federal statutes to the extent that they prohibit discrimination on the grounds of race, color, or national origin in programs receiving federal financial assistance of the type subject to Title VI.



## VI. ABBREVIATIONS

BRTB	Baltimore Regional Transportation Board
CAMPO	Cumberland Area MPO
CFR	Code of Federal Regulations
C-SMMPO	Calvert/St. Mary's County MPO
CTP	Consolidated Transportation Program
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
HEPMPO	Hagerstown/Eastern Panhandle MPO
LEP	Limited English Proficiency
LOTS	Locally Operated Transit System
MDTA	Maryland Transportation Authority
MDOT	Maryland Department of Transportation
MPO	Metropolitan Planning Organization
MAA	Maryland Aviation Administration
MPA	Maryland Port Administration
MTA	Maryland Transit Administration
MTP	Maryland Transportation Plan
MVA	Motor Vehicle Administration
ODE	Office of Diversity and Equity
OPCP	Office of Planning and Capital Programming
PL	FHWA Metropolitan Planning Funds
SHA	Maryland State Highway Administration
STIP	Statewide Transportation Improvement Program
S/WMPO	Salisbury/Wicomico MPO
TBU	Transportation Business Unit
TPB	National Capital Region Transportation Planning Board
TSO	MDOT Secretary's Office
UPWP	Unified Planning Work Program
USC	United States Code
USDOT	United States Department of Transportation
WILMAPCO	Wilmington Area Planning Council

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## **VII. TITLE VI RESPONSIBILITIES**

### **SECRETARY**

The Secretary of the Maryland Department of Transportation has ultimate responsibility for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964. The Secretary has delegated primary responsibility for developing and implementing a Title VI Program to the Director of the Office of Diversity and Equity (ODE).

### **DIRECTOR**

The Director of the Office of Diversity (ODE) is responsible for providing leadership, oversight, guidance, and direction to The Secretary's Office and other work units in the organization within The Secretary's Office that have related tasks and accountability for Title VI. In addition, the Director oversees the Title VI Program of the six Transportation Business Units, which include the Maryland Transit Administration (MTA) to whom Federal transit funds are distributed; Maryland Aviation Administration (MAA); Maryland Port Authority (MPA); Maryland Vehicle Administration (MVA); State Highway Administration (SHA); and the Maryland Transportation Authority (MDTA). The Title VI Program Manager assists the Director in Title VI issues and responsibilities.

### **TITLE VI PROGRAM MANAGER**

The primary responsibilities of the Title VI Program Manager include:

- Assist in the development and submission of the agency's Title VI Program Plan
- Review the Metropolitan Planning Organizations' (MPOs) Title VI Plans to ensure compliance with Federal regulations
- Provide technical assistance to the TBUs' Title VI Coordinators, the Office of Planning and Capital Programming (OPCP) and the MPOs
- Attend and participate in Federal Compliance Reviews
- Ensure that all Complaints of Discrimination are processed, investigated and resolved in a fair and timely manner
- Organize, direct, and manage training materials and sessions on Title VI and related statutes as needed
- Develop and conduct Title VI compliance reviews internally and externally

### **OFFICE OF PLANNING AND CAPITAL PROGRAMS (OPCP)**

- Oversees the distribution of funding to MDOT subrecipients for metropolitan planning work
- Works with subrecipients as a partner, board member and/or advisor during the development and approval of the subrecipients Title VI program

- 
- Assists ODE in monitoring subrecipient planning activities to ensure MPO compliance with Title VI requirements
  - Develops the Public Participation Plan for TSO for Federal and State mandated documents STIP, MTP, and CTP

#### **METROPOLITAN PLANNING ORGANIZATION (MPOs) SUBRECIPIENTS (7)**

- Develop a Title VI Plan including provision for public participation and language assistance
- Keep accurate and complete records necessary to maintain their compliance with Title VI

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## VIII. MONITORING AND COMPLIANCE

In accordance with Title VI and federal regulations, The Secretary's Office has developed the following Title VI Compliance Review and Monitoring Process to review, evaluate, and monitor all subrecipients and contractors that receive federal financial assistance to ensure they comply with Title VI.

The Compliance Review and Monitoring Process includes the following objectives:

- Ensure that subrecipients' programs, benefits, services and activities are operated, made available and equitably distributed;
- Ensure that the level and quality of programs, services, and activities are sufficient and are accessible to any person;
- Ensure that opportunities to participate in the transportation planning and decision-making process are provided to all persons;
- Ensure that decisions on the location of transportation related facilities, programs, and services are made equitably;
- Ensure that services and programs are administered in a fair and equitable manner to all customers;
- Determine to the extent possible that all employees understand their program delivery and equal employment opportunity responsibilities;
- Identify program delivery and equal opportunity deficiencies;
- Provide assistance and guidance to ensure the effective delivery of programs, services and activities in a fair and equitable manner; and
- Systematically evaluate the extent to which subrecipients conduct their programs and activities in a manner consistent with applicable USDOT Title VI Civil Rights requirements.

On-site Compliance Reviews of the Metropolitan Planning Organizations (MPO's) will be conducted bi-annually. The purpose of the on-site review is to ensure that the MPOs Title VI Programs are being implemented in accordance with the FTA and FHWA regulations, circulars, and other guidance. The compliance reviews focus on the MPOs Title VI Plans for the inclusion of the following elements.

- Subrecipients Notice to the Public
- Subrecipients instructions to the public on regarding how to file a Title VI discrimination complaint
- List of Title VI investigations, complaints, and lawsuits
- A Public Participation Plan that includes an outreach plan to engage minority and limited English proficient populations, as well as a summary of outreach efforts made
- A copy of subrecipients plan for providing language assistance to persons with limited English proficiency

- List of any transit or transportation related boards or committees including the racial breakdown of the members
- A Title VI Implementation Plan including an assurance that the subrecipients will carry out the program in compliance with USDOT Title VI regulations

## TRAINING

The Secretary's Office, (MDOT) will work with the other Transportation Business Units and Maryland MPOs to sponsor, coordinate, and conduct Title VI training in Maryland for recipients of federal funds to ensure that they are knowledgeable of Title VI and the responsibilities and requirements for compliance. MDOT will continue to use the assistance of the Federal Transit Administration's National Training Institute as appropriate in conducting Title VI Training. The training will cover Title VI program specific information as required and it may be conducted in one of three methods:

Traditional classroom style  
One-on-one sessions  
Web based

## IX. LANGUAGE ASSISTANCE PLAN

The Maryland Department of Transportation (MDOT), Office of the Secretary (TSO), is the direct recipient of federal funding from the following three programs:

- FHWA Metropolitan Planning (PL) funds,
- FTA Section 5303 Metropolitan Planning funds, and
- FTA Section 5304 Statewide Planning funds.

TSO chooses to consolidate funds from these three programs into one grant request to FTA by flexing FHWA funds to FTA so that all the MPO funds distributed to Maryland are received through the FTA. Thus, TSO is preparing this FTA Title VI Plan as the primary recipient of FTA planning funds that flow through TSO to the MPOs in the State.

Among other requirements outlined in the FTA C.4702.1B– *Title VI Requirements and Guidelines for Federal Transit Administration Recipients*, TSO is responsible for providing meaningful access to LEP Persons. The steps in this meaningful access are three-fold:

1. **Conduct a Four Factor Analysis** to determine the specific language services that are appropriate to provide.
2. **Determine Written Translations Needed Under “Safe Harbor Provision”** which outlines both which written materials are vital documents and thus need written translations and which languages they need to be translated into.
3. **Develop a Language Assistance Plan (LAP)** which outlines the language assistance services that are appropriate.

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## Four Factor Analysis

This section includes the results of the Four Factor Analysis (including the Safe Harbor Provision) performed to identify LEP populations for whom TSO should be providing language assistance services. The results of the Four Factor Analysis were used to develop the TSO LAP.

### Factor 1 - Number and Proportion of LEP Persons

This factor considers the number and proportion of persons with limited English proficiency on both a Statewide and county basis from each language group. This data has been extracted from the U.S. Census American Community Survey (ACS) 5-year estimate for 2013-2017 dataset which was released December 6, 2018.

## Number and Proportion of LEP Persons in the State of Maryland

The ACS 2013-2017 data indicate that in the State of Maryland 1,016,077 people, or 18.0 percent of the State’s population, 5 years and older, speak a language other than English at home. Of these individuals 375,647, or 6.7 percent of the overall population, speak English less than “very well” and are considered to have limited English proficiency (LEP). Table 1 summarizes the LEP populations in Maryland by language, listed in order from largest to smallest LEP populations.

**Table 1: Persons that Speak English Less than “Very Well” in the State of Maryland**

Language	Number of LEP Individuals	% of State Total Population
Spanish or Spanish Creole	193,581	3.44%
Chinese (incl. Mandarin, Cantonese)	31,082	0.55%
Korean	21,331	0.38%
French (incl. Cajun)	12,603	0.22%
Vietnamese	11,653	0.21%
Amharic, Somali, or other Afro-Asiatic	9,103	0.16%
Yoruba, Twi, Igbo, or other of Western Africa	8,506	0.15%
Tagalog	8,182	0.15%
Russian	7,747	0.14%
Urdu	5,554	0.10%
Haitian	5,315	0.09%
Arabic	5,072	0.09%
Persian (incl. Farsi, Dari)	4,873	0.09%
Other Asian languages	4,837	0.09%
Nepali, Marathi, or other Indic	4,591	0.08%
Gujarati	3,648	0.06%
Hindi	3,619	0.06%
Portuguese or Portuguese Creole	3,366	0.06%
Greek	2,494	0.04%
Bengali	2,408	0.04%
Japanese	2,291	0.04%
Punjabi	2,268	0.04%
Thai, Lao, or other Tai-Kadai	2,155	0.04%
German	1,983	0.04%
Italian	1,861	0.03%
Other Indo-European languages	1,794	0.03%

Other and unspecified languages	1,703	0.03%
Swahili or other of Central, Eastern, and Southern Africa	1,678	0.03%
Ilocano, Samoan, Hawaiian, or other Austronesian	1,639	0.03%
Telugu	1,189	0.02%
Polish	1,117	0.02%
Tamil	1,008	0.02%
Khmer	1,005	0.02%
Malayalam, Kannada, or other Dravidian	1,001	0.02%
Ukrainian or other Slavic	987	0.02%
Yiddish, Pennsylvania Dutch or other West Germanic	665	0.01%
Hebrew	575	0.01%
Armenian	546	0.01%
Serbo-Croatian	482	0.01%
Other Native North American languages	90	0.00%
Hmong	45	0.00%
Navajo	0	0.00%

Source: ACS 2013-2017 Table B16001.

### Number and Proportion of LEP Population by County

The number and proportion of the population with LEP vary greatly among the counties in the State with the more urban counties having both the greatest percentage of their population and the absolute number of persons considered as LEP. Table 2 outlines the LEP population by county in Maryland.

As shown, Montgomery, Prince George's, Howard, Wicomico, and Baltimore Counties have the highest percentages of LEP individuals in the State. Montgomery County (14.2%), Prince George's County (11.1%), and Howard County (7.6%) have the highest percentages of persons with limited English proficiency. In addition, Baltimore City, Anne Arundel County, and Frederick County have relatively high percentages of the State's LEP population residing in their jurisdictions.



**Table 2: LEP Population by County**

County	Total Population <sup>1</sup>	Speaks Only English	Non-English Speakers <sup>2</sup>	LEP Population	% of Total Pop. that is LEP	% of Non-English Speakers that is LEP	% of State's LEP Pop. in Each County
Allegany	69,268	66,270	2,998	771	1.10%	25.70%	0.21%
Anne Arundel	529,604	471,564	58,040	20,352	3.80%	35.10%	5.42%
Baltimore	779,541	670,419	109,122	40,274	5.20%	36.90%	10.72%
Baltimore City	579,017	524,099	54,918	20,515	3.50%	37.40%	5.46%
Calvert	85,950	82,092	3,858	1,156	1.30%	30.00%	0.31%
Caroline	30,775	28,618	2,157	1,063	3.50%	49.30%	0.28%
Carroll	158,736	150,782	7,954	1,952	1.20%	24.50%	0.52%
Cecil	96,620	91,881	4,739	1,460	1.50%	30.80%	0.39%
Charles	146,488	135,246	11,242	3,523	2.40%	31.30%	0.94%
Dorchester	30,464	28,657	1,807	720	2.40%	39.80%	0.19%
Frederick	231,644	201,280	30,364	10,713	4.60%	35.30%	2.85%
Garrett	28,113	27,500	613	154	0.50%	25.10%	0.04%
Harford	236,131	219,628	16,503	4,815	2.00%	29.20%	1.28%
Howard	293,872	219,717	74,155	22,292	7.60%	30.10%	5.93%
Kent	18,824	17,791	1,033	484	2.60%	46.90%	0.13%
Montgomery	972,242	578,685	393,557	137,730	14.20%	35.00%	36.66%
Prince George's	845,327	640,053	205,274	93,645	11.10%	45.60%	24.93%
Queen Anne's	46,582	44,309	2,273	849	1.80%	37.40%	0.23%
St. Mary's	103,789	96,627	7,162	2,087	2.00%	29.10%	0.56%
Somerset	24,571	22,480	2,091	724	2.90%	34.60%	0.19%
Talbot	35,754	33,055	2,699	1,105	3.10%	40.90%	0.29%
Washington	140,821	130,731	10,090	3,204	2.30%	31.80%	0.85%
Wicomico	95,854	84,974	10,880	5,305	5.50%	48.80%	1.41%
Worcester	49,342	46,794	2,548	754	1.50%	29.60%	0.20%
<b>State Total</b>	<b>5,629,329</b>	<b>4,613,252</b>	<b>1,016,077</b>	<b>375,647</b>	<b>6.67%</b>	<b>36.97%</b>	<b>100.00%</b>

Source: ACS 2013-2017 Table B16001.

<sup>1</sup>5 years old and over.

<sup>2</sup>Speak a language other than English at home; includes individuals who speak English "Very Well" and Less than "Very Well."

## Safe Harbor Requirements

Included in this analysis is a determination of which languages TSO should be translating written materials into under the DOJ's Safe Harbor Provision (safe harbor stipulates that TSO provide written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less). As shown in Table 1, none of the individual languages spoken by persons considered as LEP in Maryland meet the 5% threshold for safe harbor. However, since the data are presented on a statewide basis, there are a total of 34 language groups that meet the 1,000-person threshold. Because of the large number of languages spoken Statewide, TSO translates specific written materials considered as "vital documents" into the ten most prevalent languages (Amharic, Chinese, Farsi (Persian), French, Korean, Russian, Spanish, Tagalog, Urdu, and Vietnamese) based on the information in Table 3 (excluding Other Western Africa languages, Haitian, and Arabic languages). Written copies of vital documents as identified herein also will be translated into any additional language upon request. TSO has added a language translation feature to its website to allow for the translation into all of the languages identified in Table 1. The MDOT website includes all vital documents translated into the top ten languages in Table 1 and can be translated into additional languages through the online translation tool or upon request. The vital documents are also available in hard copy at the front desk of the MDOT Headquarters building located at 7201 Corporate Center Drive, Hanover, Maryland 21076. For more information, you may visit the MDOT Office of Diversity and Equity ("ODE") website at [www.mdot.maryland.gov/Diversity/TitleVI/Resources.html](http://www.mdot.maryland.gov/Diversity/TitleVI/Resources.html).

In addition, when TSO planning staff conduct public outreach, written materials used specifically for these activities will be translated into additional languages as needed for those communities/counties, most specifically for those counties with higher LEP populations (Montgomery, Prince George's, and Howard Counties). The top five languages in Montgomery, Prince George's, and Howard Counties are already included in Table 3, and account for three-quarters or more of the counties' LEP populations. Additional languages that may warrant translation of written materials include Portuguese, Japanese, Hindi, and Arabic in Montgomery County<sup>1</sup>; and Gujarati, Hindi, and Portuguese in Howard County.<sup>2</sup> In Prince George's County the top ten languages are already captured in Table 3. The next most prevalent languages are Other Indo-European languages, Hindi, Arabic, Other Pacific Island languages, and Portuguese.<sup>3</sup>

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<sup>1</sup> More than 1,000 LEP individuals speak each of these languages in Montgomery County.

<sup>2</sup> About 200-500 LEP individuals speak each of these languages in Howard County.

<sup>3</sup> About 300-600 LEP individuals speak each of these languages in Prince George's County.

**Table 3: Most Prevalent Languages Other than English**

Language	Number of Individuals that Speaks the Language	% of State Total Population that Speaks the Language	Number of LEP Individuals	% of State LEP Population that Speaks the Language
Spanish or Spanish Creole	436,910	7.76%	193,581	51.53%
Chinese (incl. Mandarin, Cantonese)	68,633	1.22%	31,082	8.27%
Korean	39,347	0.70%	21,331	5.68%
French (incl. Cajun)	50,331	0.89%	12,603	3.36%
Vietnamese	21,276	0.38%	11,653	3.10%
Urdu	20,664	0.37%	11,653	3.10%
Amharic, Somali, or other Afro-Asiatic languages	26,598	0.47%	9,103	2.42%
Yoruba, Twi, Igbo, or other languages of Western Africa	47,120	0.84%	8,506	2.26%
Tagalog (incl. Filipino)	33,226	0.59%	8,182	2.18%
Russian	21,676	0.39%	7,747	2.06%
Haitian	14,874	0.26%	5,315	1.41%
Arabic	18,125	0.32%	5,072	1.35%
Persian (incl. Farsi, Dari)	14,120	0.25%	4,873	1.30%
Nepali, Marathi, or other Indic languages	12,850	0.23%	4,591	1.22%

Source: ACS 2013-2017 Table B16001.

As included in the LAP in the following section, TSO considers the following materials to be “vital documents” that need to be translated to languages other than English:

1. Title VI Notification to the Public;
2. Title VI Complaint Procedures;
3. Title VI Complaint Form; and
4. Press Release announcing the location and time for the “tour meetings” each year in early September.

The vital documents have been translated into the ten most prevalent languages identified in Table 3. In addition, the translation feature on the MDOT website will allow for translation into most, if not all of the languages spoken by LEP populations in the State. TSO can translate the vital documents into additional languages upon request. Since all vital documents are on the website, people have electronic access to the documents using the aforementioned website or a hard copy may be obtained from the front desk at the MDOT Headquarters building located at 7201 Corporate Center Drive, Hanover, Maryland 21076.

## Summary of LEP Population in Maryland

The following points summarize the assessment of the number and proportion of LEP persons in the State of Maryland.

1. According to ACS 2013-2017 data about 894,713 persons, or 15.9 percent of Maryland's residents, are foreign born.<sup>4</sup>
2. About 1,016,077 people, or 18.0 percent of Maryland's population, speak a language other than English at home; 375,647 or 37.0 percent of these individuals speak English less than "very well" and, thus, are considered to have LEP.
3. While none of the individual languages spoken by persons considered as LEP in Maryland meet the 5% threshold for safe harbor, there are a total of 34 language groups that meet the 1,000-person threshold. Table 3 outlines the most prevalent languages other than English that are spoken in the State of Maryland, listed in order from largest to smallest LEP populations.

## Factor 2 – Frequency with which LEP persons come into contact with TSO

Under Factor 2, TSO has assessed and attempted to quantify how LEP persons currently interact with TSO and whether LEP persons are underserved by TSO because of any shortcomings in these interactions. Persons with limited English proficiency come into contact with TSO in the following ways:

- **Visit the TSO** - Occasionally, people come to MDOT Headquarters, but these are generally for meetings with staff; rarely to meet with staff from the Office of the Secretary. Even so, for walk-ins, the front desk has a sign and phone number for Language Link to conduct oral language translation if needed.
- **Visit the TSO Website** – Citizens visit the TSO website looking for information on general MDOT programs.
- **Telephone TSO** – Citizens make telephone calls to the MDOT Headquarters including some calls to the Secretary's Office – staff report that they receive approximately two calls a month from a citizen who does not speak English to proficiency (largely for Spanish) but that these calls are largely from LEP individuals interested in MVA or SHA (not the Secretary's Office).
- **Statewide Planning Consultative Process** – TSO does not conduct project planning at the local level but does have a formal process used to consult with local and State elected officials and the public during the development of the long-range Maryland Transportation Plan (MTP), the Statewide Transportation Improvement Program (STIP), and the Consolidated Transportation Plan (CTP – effectively the State transportation budget). In the fall of every year, the Secretary and MDOT's business units visit each of the State's 23 counties and Baltimore City to present and solicit input on the draft CTP from local elected officials, state legislators and citizens—referred to as the "MDOT Tours"). TSO issues press releases at the beginning of the tour season with the dates and

<sup>4</sup> ACS 2013-2017 Table B05006.

locations for the meetings and post the schedule on the MDOT website. At this point, the logistics are handled by the counties and tour meetings are hosted by the counties.

- **Advisory Committees** – TSO has three primary advisory/stakeholder groups; The State Roads Commission, Maryland Transportation Commission, and Maryland Bicycle and Pedestrian Advisory Committee. There has never been a request to provide language assistance at these meetings, but they are open to the public and language assistance would be provided if requested. The minority membership of the committees is presented in Appendix 5.

### Factor 3 – Nature and Importance of TSO Programs to Lives of Marylanders

Generally speaking, the more important the MDOT Program is to the lives of Marylanders, and the more frequent the contact with the public under each program, the more important it is to provide language assistance. MDOT is responsible for building, operating and maintaining a safe and seamless transportation network for its citizens but other business units within MDOT build operate and maintain these systems.

The FTA funding programs for which TSO is the direct recipient are planning funds and, thus, the staff administering these funds has minimal contact with the general public. Office of Planning and Capital Programming does not conduct project planning or programming activities and, while OPCP activities are important, its programs have a longer term and less immediate impact on the public.

The fact that TSO has minimal direct contact with citizens doesn't minimize the importance of providing language assistance when staff from TSO is interacting with the public. As outlined below, TSO has taken measures to ensure this interaction is meaningful for all citizens including those with limited English proficiency.

## Factor 4 – Resources Available to TSO for LEP Outreach

The last factor to be considered as input to the LAP is what resources are currently being utilized by TSO to reach LEP persons and what resources would be available if such services were expanded. This includes both the internal resources (e.g., staff who arrange for translations) and external resources (language translators). The TSO does not have a dedicated budget for language assistance but is committed to implementing this LAP and providing the necessary resources. The ODE has two contracts for translations:

1. Language Line Services, LLC. Account Number ID 530739  
Dial 1-866-874-3972 Indicate Language  
Fax 800-821-9040  
E-mail dcorona@languageline.com  
(Via telephone)
2. Ad Astra, Inc. Account Number 21768  
Request Line: 1-800-308-4807  
Request E-mail: interpreting@ad-astrainc.com  
Fax: 1-301-408-4448  
(On site)

## TSO Language Assistance Plan

TSO's approach to public involvement is based on the principle that everyone who uses Maryland's transportation system is a customer and that high-quality public participation can only be carried out when customers are brought into the planning process early and kept involved throughout all phases of transportation decision-making. TSO is committed to the principle that all people should have access to and benefit from the services that TSO provides.

TSO has developed a public participation plan (PPP) that meets the requirements of the federal statewide transportation planning process. It outlines how TSO encourages public participation in the development of the long range MTP, the STIP, and the CTP (MDOT transportation budget). Every time TSO consults with the public on these plans, the agency considers the needs of persons with Limited English Proficiency.

Based on the Four Factor Analysis, the TSO is pursuing the following components which constitute its LAP. It should be noted that, while some elements of TSO's LAP overlap with elements of the LAP plans for its individual TBUs, the plan covers all of the FTA requirements associated with the PL funds for which TSO is the direct recipient.

### Electronic Translation

**Website** – TSO has added a feature to the website to allow for translation of documents or webpages into the languages spoken by more than 1,000 LEP individuals in the State as identified in Table 1. At a minimum, translations will be available for the following MDOT

webpages: the MDOT main page, the TSO main page, all ODE pages (including Title VI) and any other pages leading to and including vital documents. TSO will track the frequency with which certain language groups use the translation feature to access certain MDOT webpages or documents.

### Written Translation

TSO has a contract with Ad Astra, Inc. to translate written materials.

**Safe Harbor Translation of Vital Documents** – TSO provides written translations of all vital documents into the top ten individual LEP languages in the State as identified in Table 3.

**Translation of Tour and other Meeting Materials** – TSO Planning Office provides translation of any written materials it provides<sup>5</sup> into any LEP language groups on an as needed basis.

### Oral Translation

TSO has contracts with Ad Astra, Inc. to provide on-site oral translations, and Language Line Services, LLC. to provide telephone translations into over 200 languages.

**Telephone** – TSO telephone staff will identify persons with limited English proficiency and seek to determine which language they speak. Staff may use Language Line Services, LLC to create three-way conference calls. TSO will track these services using the LEP Request Form.

**In-Person Headquarters Translations** – A notice offering language assistance and a toll-free number are posted at the front desk to the MDOT Headquarters building (Language Line Services, LLC; 1-866-874-3972). Lobby staff is trained to use I-Speak cards to identify persons with LEP and then (as above) use Language Line Services, LLC for phone translation. TSO will track these services using the LEP Request Form.

**In-Person Meeting Translations** – As with the translation of written materials, the TSO can provide oral translators for any LEP languages for meetings (including Advisory Committee meetings) on an as needed basis. These translations are tailored to the nature of the meetings and the needs in a particular county. If needed, translators for the tour meetings and most other local outreach meetings would be provided by the counties as the hosts of these events.

### Monitoring and Updating This LAP

TSO will monitor, evaluate and update its LAP. As outlined above, TSO will be tracking requests for LEP assistance on the website, written translations and oral translations. This information tracking will be used to evaluate the effectiveness of individual language assistance techniques on an on-going basis and as the agency updates this LAP. In addition, TSO will monitor the LAPs of the MPOs by collecting and reviewing their plans and providing guidance.

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<sup>5</sup> If the counties provide their own materials, they are responsible for translation of those materials.

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## TSO Employee Training on LEP

TSO staff is trained to provide timely and reasonable language assistance to LEP populations. Staff is trained in the use of “I Speak” cards and how to use the Language Line Services, LLC to create a three-way translation relay.



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## X. DISCRIMINATION COMPLAINTS

The Maryland Department of Transportation is committed to operating its programs in compliance with Title VI of the Civil Rights Act of 1964. Any person who believes he or she has been subjected to discrimination on the basis of race, color, or national origin may file a written complaint in accordance with MDOT's Title VI Complaint Procedures. Please refer to the Notice to the Public (Appendix 1), Title VI Complaint Procedure (Appendix 2) and Title VI Complaint Form (Appendix 3). These documents (Appendices 1-3) are available to members of the public on the MDOT Office of Diversity and Equity website [www.mdot.maryland.gov/Diversity/TitleVI/Resources.html](http://www.mdot.maryland.gov/Diversity/TitleVI/Resources.html).

## XI. DEMOGRAPHIC PROFILES

FTA requires a demographic profile of the State that includes identification of the locations of minority populations in the aggregate. This plan includes demographic maps in the Appendix 6 that overlay the percent minority and non-minority populations as identified by Census or American Community Survey data at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, including Federal funds managed by the State as a designated recipient.

The 2013-2017 American Community Survey estimates Maryland's population grew by 264,078 between 2010 and 2017, a 4.56% gain. The total change was ranked 17th among the 50 states, while the percent change was ranked 23rd (and below the national growth rate of 5.3%).

All of Maryland's population gain was due to the growth in minorities, as there was a decline in the non-Hispanic white population.

The Maryland Department of Planning (MDP) has compiled a set of demographic maps and summary statistics using data from the American Community Survey 5-Year Estimates 2013-2017. For the purposes of this analysis, minority population is defined as everyone other than non-Hispanic white alone, and minority areas are defined in accordance with the FTA Circular as areas where the percentage of minority residents exceeds the percentage minority population for the area as a whole.

As shown on the map in Appendix 6, Maryland's 49.5% statewide minority population is heavily concentrated in a few jurisdictions. The jurisdictions with greater than the statewide average minority populations are:

- Prince George's County: 87.5%
- Baltimore City: 72.2%
- Charles County: 61.4%
- Montgomery County: 56.6%

The largest absolute increase in Maryland over 2010 to 2017 was in the Hispanic population (139,039), followed by non-Hispanic African Americans (111,940), Asians (75,743) and those classified as multi race (24,973).

In 2018, the non-Hispanic white total dropped by 22,382, continuing the trend set from 2000 to 2010. Put another way, the total minority share of the State's population grew from 45.2% in 2010 to 49.5% in 2018. At 50.9%, non-Hispanic whites still are the largest share of the State's population in 2018, followed by non-Hispanic African Americans (29.7%), Hispanics (10.1%), non-Hispanic Asians (6.6%) and non-Hispanics of multi-races (2.4%). In 2018 all regions, except the Upper Eastern Shore Region which only gained 370, experienced non-Hispanic white population loss. Baltimore County (-7,008) had the largest total loss and Frederick (753) was the largest gain in non-Hispanic whites by a County.

Three counties in Maryland continue to have a “minority-majority” status in 2018. Prince George’s County (87.5%), Charles County (61.4%), and Montgomery County (56.6%). Baltimore City (72.2%) is the only other jurisdiction with a “minority-majority” status. Maryland’s concentration of minorities remains in the Baltimore/Washington Corridor.

FTA requires demographic maps that overlay the percent minority and non-minority populations as identified by Census or American Community Survey data at Census tract or block group level, and charts that analyze the impacts of the distribution of State and Federal funds in the aggregate for public transportation purposes, including Federal funds managed by the State as a designated recipient.

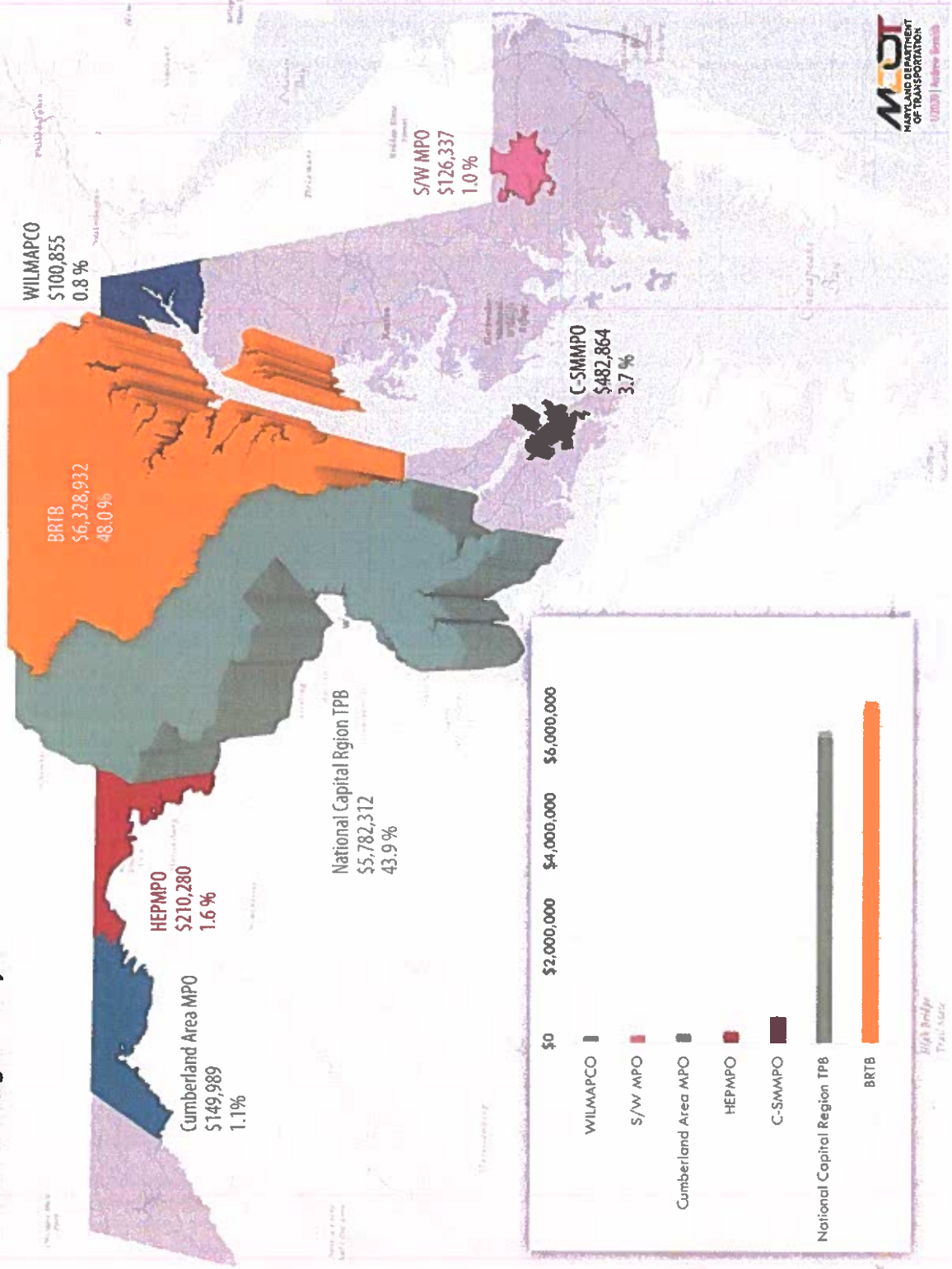
In order to determine if Maryland’s investments are consistent with Title VI it is important to identify the areas of the state with high percentages of minority population concentrations. The demographic profile focused on the minority population at the jurisdictional level. Data from the 2010 U.S. Census has been used to shade Census tracts that are classified according to a binary format of either minority or non-minority. Please refer to the Appendix for maps and descriptive information on how they were created.

**The Metropolitan Planning Funds and Title VI Minority Census Tracts map displays the distribution of FTA Section 5303 and FHWA Planning (PL) funds in Maryland in FY2020. TSO transfers FHWA funds to FTA prior to drawing them down. The table below lists the distribution of PL funds to the MPOs for fiscal year 2020. These funds are used only for planning purposes, the MPOs do not own or operate any transit service.**

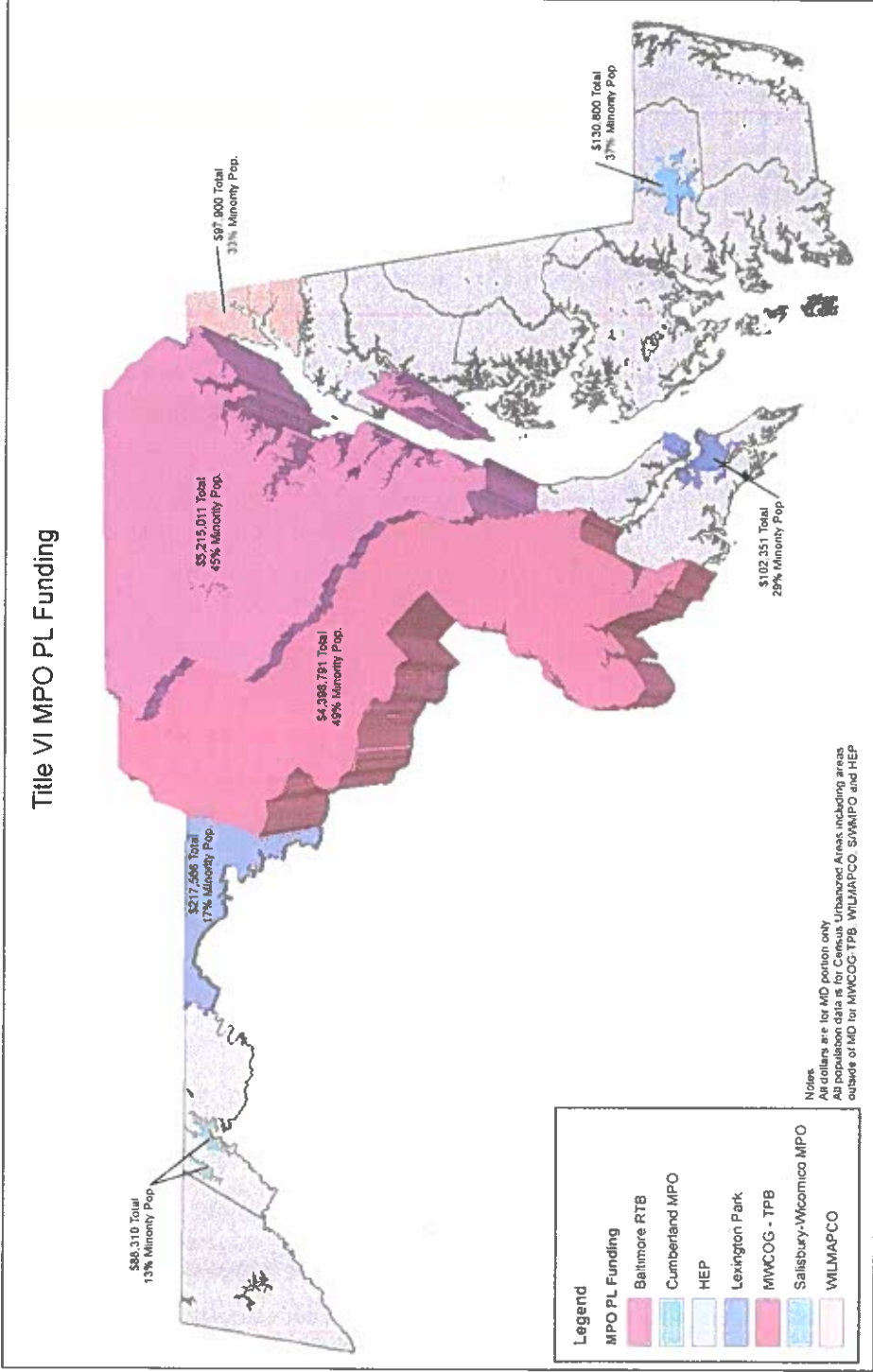
**Metropolitan Planning Funds Distribution FY 2020**

MPO	Federal Funding	State Funding	Local Funding	Total
BRTB	\$ 6,328,932	\$ 691,500	\$ 888,200	\$ 7,908,632
C-SMMPO	\$ 482,864	\$ 53,232	\$ 53,232	\$ 589,328
CAMPO	\$ 149,989	\$ 18,749	\$ 18,749	\$ 187,486
HEPMPO	\$ 210,280	\$ 26,285	\$ 26,285	\$ 262,850
TPB	\$ 5,782,312	\$ 722,789	\$ 722,789	\$ 7,277,890
S/WMPO	\$ 126,337	\$ 15,792	\$ 15,792	\$ 157,921
WILMAPCO	\$ 100,855	\$ 12,607	\$ 12,607	\$ 126,069

### Federal Funding for Maryland MPO's in FY 2020



**Metropolitan Planning Funds and Title VI**



## XII. DISPARATE IMPACT ANALYSIS

FTA requires an analysis of impacts identified in the **Demographic Maps** that identifies any disparate impacts on the basis of race, color, or national origin, and, if so, determines whether there is a substantial legitimate justification for the policy that resulted in the disparate impacts, and if there are alternatives that could be employed that would have a less discriminatory impact.

Based on the high percentage minority population Census Tracts, it is essential that the federal investments are providing a beneficial rather than negative impact for those areas. TSO only distributes PL funds from FTA through MDOT to the Maryland MPOs. These combined PL funds are distributed to the States based on a formula set by the USDOT. Likewise, TSO distributes the PL funding to the MPOs on a formula basis.

The formula that is currently used remains unchanged since the passage of the Clean Air Act Amendments in 1990 and the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1992. The distribution of funding is based on urbanized area population with a multiplier of 30 percent applied to the PL funds for areas that are in non-attainment for air quality conformity. FHWA and FTA distributions are calculated separately and then combined.

For FHWA PL Funds the formula is administered as follows:

1. Urbanized area population figures as provided by the most recent US Census are tabulated by area.
2. For areas that are in non-attainment for air quality conformity, the population figures are multiplied by a factor of 1.3.
3. Percentages of the factored population figures for each urban area are developed by dividing the factored population figures by Maryland's total urbanized population.
4. Maryland's total FHWA PL funding allocation is multiplied by each area's factored percentage to determine the FHWA funding amounts for each MPO.

For FTA Section 5303 Funds the formula is administered as follows:

1. Urbanized area population figures as provided by the most recent US Census are tabulated by area.
2. Percentages of the factored population figures for each urban area are developed by dividing the factored population figures by Maryland's total urbanized population.
3. Maryland's total FTA Section 5303 Funds funding allocation is multiplied by each area's factored percentage to determine the FTA funding amounts for each MPO.

The FHWA and FTA funding amounts by area are added to determine the total federal planning fund distribution. The Federal share provides 80 percent of the funding to support the MPOs Unified Planning Work Programs and the state and local governments each provide a 10 percent match.

In an effort to capture the larger picture, TSO developed maps for MPOs, Transit and Highway investments in relation to Title VI Minority Census Tracts (see Appendix 6).

As the MPO Investment and Title VI Minority Census Tracts map illustrates, the distribution of state and federally funded investments in MPOs is very closely correlated with the Census tracts with higher minority populations. The greater Baltimore region and the greater Washington, D.C. region contain both the majority of the Census tracts with high minority populations and the majority of the investment; these two regions are also home to the majority of Maryland's population as a whole. The few outliers are a couple of high minority Census tracts with much lower population overall in rural areas of the Eastern Shore.

As the Transit Investment and Title VI Minority Census Tracts map illustrates, the distribution of State and federally funded investments in transit is very closely correlated with the Census tracts with higher minority populations. The greater Baltimore region and the greater Washington, D.C. region contain both the majority of the Census tracts with high minority populations and the majority of the transit investment; these two regions are also home to the majority of Maryland's population as a whole.

It is important to take note of a few outliers on the map on the Transit Investment and Title VI Minority Census Tracts map, as follows:

- The Eastern Shore has a few high minority Census tracts, but a much lower population overall. In addition to the locally operated transit systems (LOTS), the bus route shown on the map is the Baltimore – Ocean City Intercity Travel Link bus, which is sponsored by the MTA and operated by Greyhound.
- Western Maryland also has a few high minority Census tracts, but a much lower population overall. In addition to the LOTS, the bus route shown on the map is the Baltimore – Grantsville Intercity Travel Link bus, which is sponsored by the MTA and operated by Bay Runner Shuttle.
- The region north of the Baltimore metro region also has a few high minority Census tracts. In addition to the LOTS, the bus route shown on the map is the Baltimore – Wilmington, Delaware Intercity Travel Link bus, which is sponsored by the MTA and operated by Greyhound.

Highway transit investments, shown on Highway Investment and Title VI Minority Census Tracts map, are more widely distributed across the state, however counties such as Montgomery County and Prince George's County that have higher percentages of minority population have a greater number of projects and highway investments.

It is clear that the PL funding dispersed to MPOs, in addition to the funds utilized by MTA and SHA, reflect that there is a balanced program across the state with no clear disparate impacts to minority populations.

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### XIII. STATEWIDE TRANSPORTATION PLANNING PROCESS

FTA requires a description of the statewide transportation planning process that identifies the transportation needs of minority populations. State law requires additional clarity and standards to define how the MDOT evaluates and selects proposed major capital projects for inclusion in the Construction Program of the Consolidated Transportation Program (CTP). It requires MDOT and the local jurisdictions seeking project funding to demonstrate the relationship between prioritized projects and the long-term goals of the Maryland Transportation Plan (MTP), the Climate Action Plan Goals (as outlined in the Greenhouse Gas Reduction Plan) and local land use plans. TSO held a statewide MPO meeting on March 7, 2016 which included a discussion of Title VI and TSO monitoring requirements.

The CTP is the State of Maryland's six-year capital improvement program for transportation approved each year by the legislature. The CTP reflects MDOT's priorities based on the MTP, Maryland's Long-Range Transportation Plan. The MTP provides a framework for transportation investments based on the priorities and needs of the State, local jurisdictions and Maryland's citizens. The mission of the MDOT is a customer-driven leader that delivers safe, sustainable, intelligent, and exceptional transportation solutions in order to connect our customers to life's opportunities.

The Statewide Transportation Improvement Program (STIP) is Maryland's federally required program of transportation projects based on the State's long-range transportation plan. The public involvement for the STIP occurs at the state, local, and regional levels. The final STIP goes through several series of public comment phases before its final submission to the USDOT for approval. The STIP contains all of the projects in the CTP that will be implemented using federal funding.

The STIP components are identified through a cooperative process between MDOT, the TBUs, SHA District Engineers, county elected officials, and county staff. MPOs conduct regular meetings to coordinate transportation planning efforts. The Highway Needs Inventory and Priority Letters contain specific project lists. The Priority Letter represents each county's own internal ranking of projects deemed most important based on local need and local input. This is an effective way for counties to convey to MDOT the need for specific transportation projects and investments. Priority Letters involve requests for a wide variety of project funding – from transit improvements, highway reconstruction, and sidewalk construction to bridge improvements, bike path development, and highway safety projects. As previously stated, Baltimore City and several counties, which submit Priority Letters in the state of Maryland, have majority-minority populations.

In some cases, counties reserve portions of their own funds in order to accelerate project implementation, conduct feasibility and planning studies, ensure that projects are kept on-track, and provide a funding match as required for certain types of projects. The TBUs share (highway, transit, etc.) of the projects listed in Priority Letters ranges from county to county. In more heavily populated and densely developed counties, there is a stronger focus on public transportation and improving access to public transportation from roadway networks. Counties



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with smaller populations and lower densities tend to focus on highway and arterial improvements, although most counties request some element of transit funding.

During the development of the CTP/STIP, the MDOT requests the Priority Letters from the counties; takes the priorities from the counties; and develops a Draft CTP. Once the official draft CTP/STIP is complete, MDOT conducts the Annual Consultation Process, also known as the Fall Tour where the Secretary of Transportation and the TBU Administrators visit each of the State's 23 counties and Baltimore City to present and solicit input on the draft CTP/STIP. In preparation for the Tour, MDOT conducts staff level meetings with each of the Counties and Baltimore City called the Pre-Tour to solicit staff input prior to the actual Tour. At the Tour, local elected officials, State legislators, and citizens are generally present at these meetings. After the Fall Tour, MDOT reviews any comments and concerns and uses this input, along with updated revenue forecasts, to develop the final CTP/STIP. The MDOT will review and continue to improve outreach to Title VI populations during this consultation process.

There are three counties and one city in Maryland that the 2013-2017 American Community Survey indicates as majority minority: Prince George's, Montgomery, and Charles counties, and the City of Baltimore. Their development of the Priority Letters and the associated annual consultation process conducted shows how MDOT considers priorities from majority minority counties when developing the CTP and STIP.

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#### XIV. PUBLIC PARTICIPATION PLAN

MDOT, as discussed earlier, has several transportation business units that all do a variety of outreach to LEP and minority populations. TSO focuses on statewide planning and the 500,000-foot level large picture of the state, while SHA, MTA, and our MPO partners focus more on the local and regional levels. Each of these organizations has their own public participation plans as well as TSO.

The TSO Public Participation Plan provides an overview of the department's mission and provides details on how TSO interacts with the public. The plan describes state and federal regulations, including a summary of the public participation activities. The plan identifies the major planning and implementation actions undertaken by the department, identifies major transportation planning partners in Maryland, and describes the three major types of public involvement that are used to ensure the traveling public is well-informed and is provided ample opportunities to participate in making decisions. A detailed Public Participation Plan is attached as Appendix 7.

TSO produces a limited number of documents that facilitate public outreach. With these limited opportunities to engage the public, TSO strives to be as inclusive as possible. TSO has employed a range of public outreach strategies that have included press releases, mass mailings, interviews, facilitated meetings, interactive website, newsletters, social media, and online surveys. Not all approaches are used on all activities as described in the plan. Highlights of some of the activities are included below. TSO is committed to developing an outreach program that will even more specifically target the LEP and Title VI populations.

During each fiscal year, TSO solicits the transportation priorities list from each of the 24 major jurisdictions in the State of Maryland. This solicitation occurs both formally (letters, press releases) and informally (meetings, daily staff interaction). Several of the jurisdictions, including three of the most populous jurisdictions, are considered majority-minority areas. These include Baltimore City, Prince George's County, and Montgomery County. Other majority-minority jurisdictions include Charles County in southern Maryland, while Somerset County on the Eastern Shore is within 1% of being in the same category. TSO has received at least one Transportation Priority Letter from each of these majority-minority jurisdictions during the past four fiscal years.

The annual MDOT Tour is the major outreach activity of the MDOT-TSO and this outreach addresses the MDOT Annual Attainment Report, the MDOT Consolidated Transportation Program and the MDOT Statewide Transportation Improvement Program. With the Secretary's Tour the Secretary and appropriate business unit leaders discuss the relevant documents and the state of the Department. In support of the Tour meetings, TSO traditionally employs press releases, mass mailings, social media, and website postings.

The actual meetings are hosted by the individual jurisdictions, and MDOT will work with the host jurisdiction to engage the LEP and minority populations. MDOT will continue to aggressively work with the jurisdictions to engage the LEP and minority populations, particularly to approach communities in which there are proposed projects.

**2019 SCHEDULE  
ANNUAL CONSULTATION MEETING**

Day	Date	County	Time	Location
Th	September 19	Balt. COUNTY	10:00 a.m.	<b>NEW LOCATION</b> Towson University, <b>Johnny Unitas Stadium, Minnegan Room, 8000 York Road, Towson MD 21252 (Parking in Lot 20)</b>
Th	September 26	Carroll	1:30 p.m.	Reagan Room (#003), County Office Building, 225 North Center Street, Westminster MD 21157
		Howard	5:00 p.m.	<b>Howard Building, Banneker Room, 3430 Court House Drive, Ellicott City MD 21043</b>
F	September 27	Harford	10:00 a.m.	Harford County Council Chambers, 212 South Bond Street, Bel Air MD 21014
		Balt. CITY	2:00 p.m.	City Hall, Curran Conference Room, 4 <sup>th</sup> Floor, 100 N. Holliday Street, Baltimore MD 21202
T	October 1	Queen Anne's	3:00 p.m.	Liberty Building, Commissioner's Hearing Room, 2 <sup>nd</sup> Floor, 107 North Liberty Street, Centreville MD 21617
		Kent	7:00 p.m.	Commissioner's Hearing Room, 400 High Street, Chestertown MD 21620 (thru ADA doors – 1 <sup>st</sup> door on right)
Th	October 3	Washington	10:00 a.m.	Washington County Library, 100 South Potomac Street, Hagerstown MD 21740
		Allegany	3:00 p.m.	County Office Complex, Room 100, 701 Kelly Road, Cumberland MD 21502
F	October 4	Garrett	10:00 a.m.	Commissioners Public Meeting Room, #209, 203 South 4 <sup>th</sup> Street, Oakland MD 21550 ( <i>enter on Alder Street</i> )
Th	October 10	Wicomico	7:00 p.m.	Wicomico County Youth and Civic Center, Flanders Room, 500 Glen Avenue, Salisbury MD 21804
F	October 11	Cecil	10:00 a.m.	County Administration Building, Elk Room, 200 Chesapeake Boulevard, Elkton MD 21921
T	October 15	Caroline	10:30 a.m.	Board of Education Building, 204 Franklin Street, Denton MD 21629
		Talbot	3:00 p.m.	Talbot County Community Center, Wye Oak Room, 10028 Ocean Gateway, Easton MD 21601
		Dorchester	7:00 p.m.	County Office Building, Room 110, 501 Court Lane, Cambridge MD 21613
T	<b>NEW DATE October 22</b>	St. Mary's County	10:30 a.m.	Chesapeake Building, Commissioners Hearing Room, 1 <sup>st</sup> Floor, 41770 Baldrige Street, Leonardtown MD 20650
T	October 29	Calvert	10:30 a.m.	Commissioners Hearing Room, County Courthouse, 2 <sup>nd</sup> Floor, 175 Main Street, Prince Frederick MD 20678
		Charles	<b>NEW TIME</b>	Government Building Conference Room (no number)

			<b>3:00 p.m.</b>	assigned), 200 Baltimore Street, LaPlata MD 20646
W	October 30	Frederick	7:00 p.m.	Winchester Hall, First Floor Hearing Room, 12 East Church Street, Frederick MD 21701
F	November 1	Prince George's	10:00 a.m.	County Admin. Bldg., Room 2027, 14741 Gov. Oden Bowie Drive, Upper Marlboro MD 20772
M	November 4	Anne Arundel	3:00 p.m.	Council Hearing Room, The Arundel Center, 44 Calvert Street, Annapolis MD 21401
		Montgomery	7:00 p.m.	County Office Building, Third Floor Hearing Room, 100 Maryland Avenue, Rockville MD 20850
T	November 5	Worcester	10:00 a.m.	Commissioners Meeting Room (Room 1101), Government Center, 1 West Market Street, Snow Hill MD 21863
		Somerset	2:00 p.m.	County Office Complex, Room 111, 11916 Somerset Avenue, Princess Anne MD 21853

Locations in bold are new for this year.

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## XV. EQUITY ANALYSIS

The Title VI Equity Analysis is not applicable to the Maryland Department of Transportation, the Office of the Secretary (TSO). TSO does not build facilities.

## XVI. APPENDICES

### Appendix 1

#### **NOTICE TO THE PUBLIC UNDER TITLE VI MARYLAND DEPARTMENT OF TRANSPORTATION**

The Maryland Department of Transportation operates its programs and services without regard to race, color and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the Maryland Department of Transportation.

For more information on the Maryland Department of Transportation Civil Rights Plan, and the procedures to file a complaint, contact Dr. Janet Moyer Cornick, Title VI Program Manager, 1-888-713-1414; Maryland Relay Customer Service 1-800-552-7724 or 410-767-6960 (Voice); email [jcornick@mdot.state.md.us](mailto:jcornick@mdot.state.md.us); or visit the Maryland Department of Transportation's Office of Diversity and Equity at 7201 Corporate Center Drive, Hanover, MD 21076. For more information, visit <http://www.mdot.maryland.gov/Diversity/TitleVI/Resources.html>.

A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

If information is needed in another language, contact Ad Astra, Inc., 301-408-4242 option 4 or 1-800-308-4807.

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## Appendix 2

### TITLE VI COMPLAINT PROCEDURE

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the Maryland Department of Transportation may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. The Maryland Department of Transportation investigates complaints received no more than 180 days after the alleged incident. The Maryland Department of Transportation will process complaints that are complete.

Once the complaint is received, the Maryland Department of Transportation will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her or him whether the complaint will be investigated by our office.

The Maryland Department of Transportation has 60 days to investigate the complaint. If more information is needed to resolve the case, the Maryland Department of Transportation may contact the complainant. The complainant has 15 days from the date of the letter to send the requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 15 days, the Maryland Department of Transportation can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue the case.

After the investigator reviews the complaint, she or he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member or other action will occur. If the complainant wishes to appeal the decision, she or he has 10 days after the date of the closure letter or the LOF to submit a written request to the Secretary of the Maryland Department of Transportation or the Secretary's designee as specified in the closure letter or the LOF.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590. If information is needed in another language, contact Ad-Astra, 301-408-4242 or 1-800-308-4807.

**Appendix 3**

**TITLE VI COMPLAINT FORM**

<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 the permission of the aggrieved party if you are filing on behalf of a third party.		Yes	No
<b>Section III</b>			
I believe the discrimination I experienced was based on (check all that apply):			
<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin	
Date of the 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.			



**TITLE VI COMPLAINT FORM – page 2**

<b>Section IV</b>	
Have you previously filed a Title VI complaint with this agency?	Yes
	No
<b>Section V</b>	
Have you filed a Title VI complaint with any other Federal, State, or local agency, or with any Federal or State Court?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, check all that apply:	
<input type="checkbox"/> Federal Agency:	<input type="checkbox"/> State Agency:
<input type="checkbox"/> Federal Court:	<input type="checkbox"/> Local Agency:
<input type="checkbox"/> State Court:	
Please provide information about a contact person at the agency or 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 by mail to the address below:  
 Maryland Department of Transportation  
 Title VI Program Manager  
 Office of Diversity and Equity  
 7201 Corporate Center Drive  
 Hanover, Maryland 21076

**Appendix 4**

**LIST OF COMPLAINTS, INVESTIGATIONS, LAWSUITS**

<b>Caption/Parties</b>	<b>MDOT Unit Handling</b>	<b>Date (MM/DD/YY)</b>	<b>Summary (basis of complaint – race, color or national origin)</b>	<b>Status</b>	<b>Action(s) Taken</b>
<b>Investigations</b>					
None					
<b>Lawsuits</b>					
None					
<b>Complaints</b>					
None					

Appendix 5

**MINORITY MEMBERSHIP ON COMMITTEES**

The minority membership of the MDOT TSO is identified below, however; it does not include a specifically transit-related committee. Within the MDOT umbrella, the TBUs act as separate direct and/or designated recipients of federal funds for those funding categories that each are responsible for utilizing. The funding for which this document is responsible primarily goes to MPOs who have their own Title VI Plans and report to their Board and Committees, therefore; all of their main boards are composed of elected officials representing the jurisdictions covered by the MPOs. Most MPOs have a version of a Public Advisory Committee which are generally recommended by each jurisdiction. Each member is vetted by the MPOs for diversity and inclusivity. Minority inclusion and representation is a priority in the selection process.

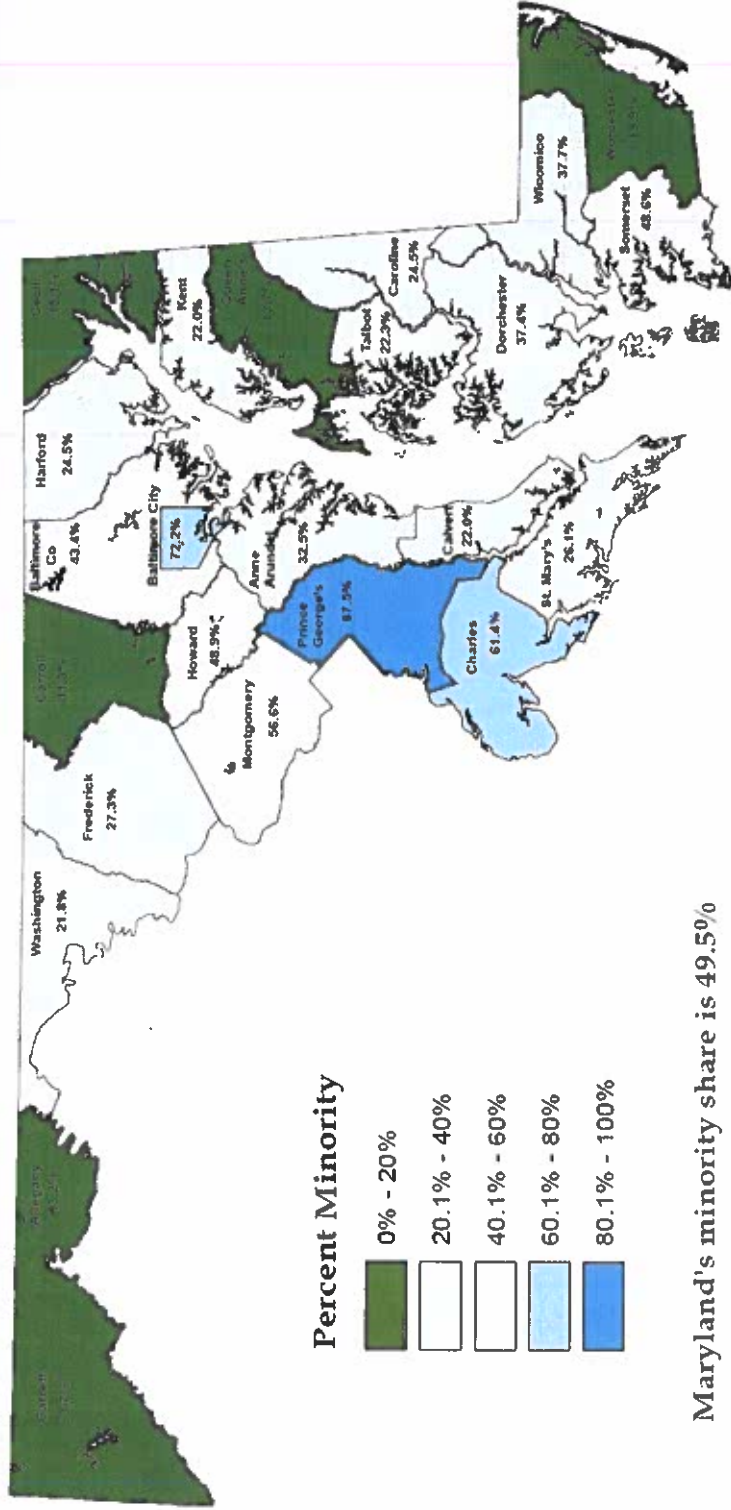
Commission/Committee	Total Members	Type	Caucasian	African American	Asian American
Maryland Transportation Commission	10	At Large	5	4	1
State Roads Commission	7	At Large	7	0	0
Maryland Bicycle and Pedestrian Advisory Committee	22	At Large 13 (7 vacant)	6	0	0
		State Agencies: 9 (6 vacant)	7	0	0

Note, as the DOT of a diverse State, TSO strives to assure that “no person in Maryland shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity”. If one reviews the chart above, it is apparent that there is diversity including African American and Asian American representation.

Appendix 6

Minority Population Share for Maryland's Jurisdictions, 2018

DEMOGRAPHIC PROFILES  
Minority Population Share for Maryland's Jurisdictions - 2018



Maryland's minority share is 49.5%



Source: U.S. Census Bureau, Population Estimates for 2018  
Prepared by the Maryland Department of Planning, June 2019

Table 6B Change in Total Population by Race for Maryland's Jurisdictions, April 1, 2010 to July 1, 2018

State/Region/Jurisdiction	One Race Alone							Native Hawaiian and Pacific Islander	Two or More Races
	Total	White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Pacific Islander	Two or More Races		
Maryland	268,920	10,898	135,925	5,299	79,024	1,355	36,419		
Baltimore Region	89,725	-21,050	51,783	1,203	41,212	475	16,102		
Anne Arundel	38,400	10,002	17,803	435	5,526	99	4,535		
Baltimore County	23,202	-27,567	33,864	431	11,451	123	4,900		
Carroll	1,287	-1,691	971	103	907	67	930		
Harford	9,130	253	5,330	138	1,852	29	1,528		
Howard	36,073	-398	13,595	118	19,722	133	2,903		
Baltimore City	-18,367	-1,649	-19,780	-22	1,754	24	1,306		
Suburban Washington Region	148,819	42,050	56,777	3,177	32,881	510	13,424		
Frederick	22,257	10,920	5,797	198	3,065	78	2,199		
Montgomery	80,603	11,390	34,898	1,126	25,557	170	7,462		
Prince George's	45,959	19,740	16,082	1,853	4,259	262	3,763		
Southern Maryland Region	25,723	313	19,938	318	2,128	161	2,865		
Calvert	3,264	2,045	34	69	451	48	617		
Charles	14,938	-6,225	18,527	198	1,019	96	1,323		
St. Mary's	7,521	4,493	1,377	51	658	17	925		
Western Maryland Region	-1,582	-7,956	3,613	147	1,047	65	1,532		
Allegany	-4,072	-4,451	-246	35	238	11	341		
Garrett	-976	-1,110	-3	21	37	0	79		
Washington	3,496	-2,395	3,862	91	772	54	1,112		
Upper Eastern Shore Region	2,791	-142	621	212	808	90	1,202		
Caroline	226	-306	93	34	208	-1	198		
Cecil	1,724	-195	972	56	375	7	509		
Kent	-812	-766	-199	17	87	3	46		
Queen Anne's	2,462	2,046	-90	47	104	38	317		
Talbot	-809	-921	-155	58	34	43	132		
Lower Eastern Shore Region	3,414	-2,317	3,193	242	948	54	1,294		
Dorchester	-625	-1,059	153	33	72	10	166		
Somerset	-795	-632	-489	40	48	7	231		
Wicomico	4,462	-825	3,796	111	641	32	707		
Worcester	372	199	-267	58	187	5	190		

Prepared by the Maryland Department of Planning, June 2019  
 Source: Population Division, U.S. Census Bureau  
 Release Date: June 20, 2019

The **Title VI Minority Census Tracts** map displays the minority census tracts greater than or equal to 49.5%. According to the American Community Survey 2013-2017 5-year Estimates, the State of Maryland has an overall 49.5% minority population, that is, everyone other than non-Hispanic white alone. Therefore, on the next three statewide maps:

- A minority population census has a minority population of greater than or equal to 49.5%, the overall percentage of minority population for Maryland.

State/Region/Jurisdiction	Population				Minority Population Share		
	July 1, 2018		April 1, 2010		2018	2010	Percentage Point Change (2018-2010)
	Total	Minority *	Total	Minority *			
<b>Maryland</b>	<b>6,042,718</b>	<b>2,991,906</b>	<b>5,773,798</b>	<b>2,607,678</b>	<b>49.5%</b>	<b>45.2%</b>	<b>4.3%</b>
<b>Baltimore Region</b>	<b>2,752,538</b>	<b>1,271,431</b>	<b>2,662,813</b>	<b>1,075,133</b>	<b>44.4%</b>	<b>40.4%</b>	<b>4.0%</b>
Anne Arundel	576,031	186,967	537,631	147,564	32.5%	27.4%	5.0%
Baltimore County	828,431	359,919	805,229	299,502	43.4%	37.2%	6.3%
Carroll	168,429	19,008	167,142	14,558	11.3%	8.7%	2.6%
Harford	253,956	62,121	244,826	50,582	24.5%	20.7%	3.8%
Howard	323,196	158,169	287,123	116,639	48.9%	40.6%	8.3%
Baltimore City	602,495	435,247	620,862	446,288	72.2%	71.9%	0.4%
<b>Suburban Washington Region</b>	<b>2,217,523</b>	<b>1,461,591</b>	<b>2,068,704</b>	<b>1,275,624</b>	<b>65.9%</b>	<b>61.7%</b>	<b>4.2%</b>
Frederick	255,648	69,902	233,391	51,391	27.3%	22.0%	5.3%
Montgomery	1,052,567	595,735	971,964	490,548	56.6%	50.5%	6.1%
Prince George's	909,308	795,954	863,349	733,685	87.5%	85.0%	2.6%
<b>Southern Maryland Region</b>	<b>366,170</b>	<b>148,868</b>	<b>340,447</b>	<b>118,087</b>	<b>40.7%</b>	<b>34.7%</b>	<b>6.0%</b>
Calvert	92,003	20,253	88,739	17,962	22.0%	20.2%	1.8%
Charles	161,503	99,163	146,565	75,488	61.4%	51.5%	9.9%
St. Mary's	112,664	29,452	105,143	24,637	26.1%	23.4%	2.7%
<b>Western Maryland Region</b>	<b>251,064</b>	<b>43,338</b>	<b>252,616</b>	<b>34,133</b>	<b>17.3%</b>	<b>13.5%</b>	<b>3.7%</b>
Allegany	70,975	9,389	75,047	8,825	13.2%	11.8%	1.5%
Garrett	29,163	1,068	30,139	810	3.7%	2.7%	1.0%
Washington	150,926	32,881	147,430	24,498	21.8%	16.6%	5.2%
<b>Upper Eastern Shore Region</b>	<b>242,732</b>	<b>43,084</b>	<b>239,941</b>	<b>38,174</b>	<b>17.7%</b>	<b>15.9%</b>	<b>1.8%</b>
Caroline	33,304	8,176	33,078	7,200	24.5%	21.8%	2.8%
Cecil	102,826	15,540	101,102	12,681	15.1%	12.5%	2.6%
Kent	19,383	4,267	20,195	4,401	22.0%	21.8%	0.2%
Queen Anne's	50,251	6,868	47,789	6,008	13.7%	12.6%	1.1%
Talbot	36,968	8,233	37,777	7,804	22.3%	20.9%	1.4%
<b>Lower Eastern Shore Region</b>	<b>212,691</b>	<b>73,594</b>	<b>209,277</b>	<b>66,527</b>	<b>34.6%</b>	<b>31.8%</b>	<b>2.8%</b>
Dorchester	31,998	11,974	32,623	11,021	37.4%	33.8%	3.6%
Somerset	25,675	12,471	26,470	12,651	48.6%	47.8%	0.8%
Wicomico	103,195	38,862	98,733	32,817	37.7%	33.2%	4.4%
Worcester	51,823	10,287	51,451	10,038	19.9%	19.5%	0.3%

\* Minority population equals total population minus non-Hispanic white alone population.

Prepared by the Maryland Department of Planning, June 2019

Source: Population Division, U.S. Census Bureau

Release Date: June 20, 2019

- A non-minority tract is one in which the percentage of minority residents is less than 49.5%.

The **Transit Investment and Title VI Minority Census Tracts** map displays the transit investments in Maryland from the FY2019-2024 MDOT Consolidated Transportation Program (CTP) Projects. The following table lists the existing large transit systems in Maryland run by

MTA and WMATA. The CTP listing for each project is included in the MTA section of the CTP available at the link below:

[http://www.mdot.maryland.gov/newMDOT/Planning/CTP/CTP\\_19\\_24\\_Final/Documents/000\\_Entire\\_CTP\\_Document\\_Combined.pdf](http://www.mdot.maryland.gov/newMDOT/Planning/CTP/CTP_19_24_Final/Documents/000_Entire_CTP_Document_Combined.pdf)

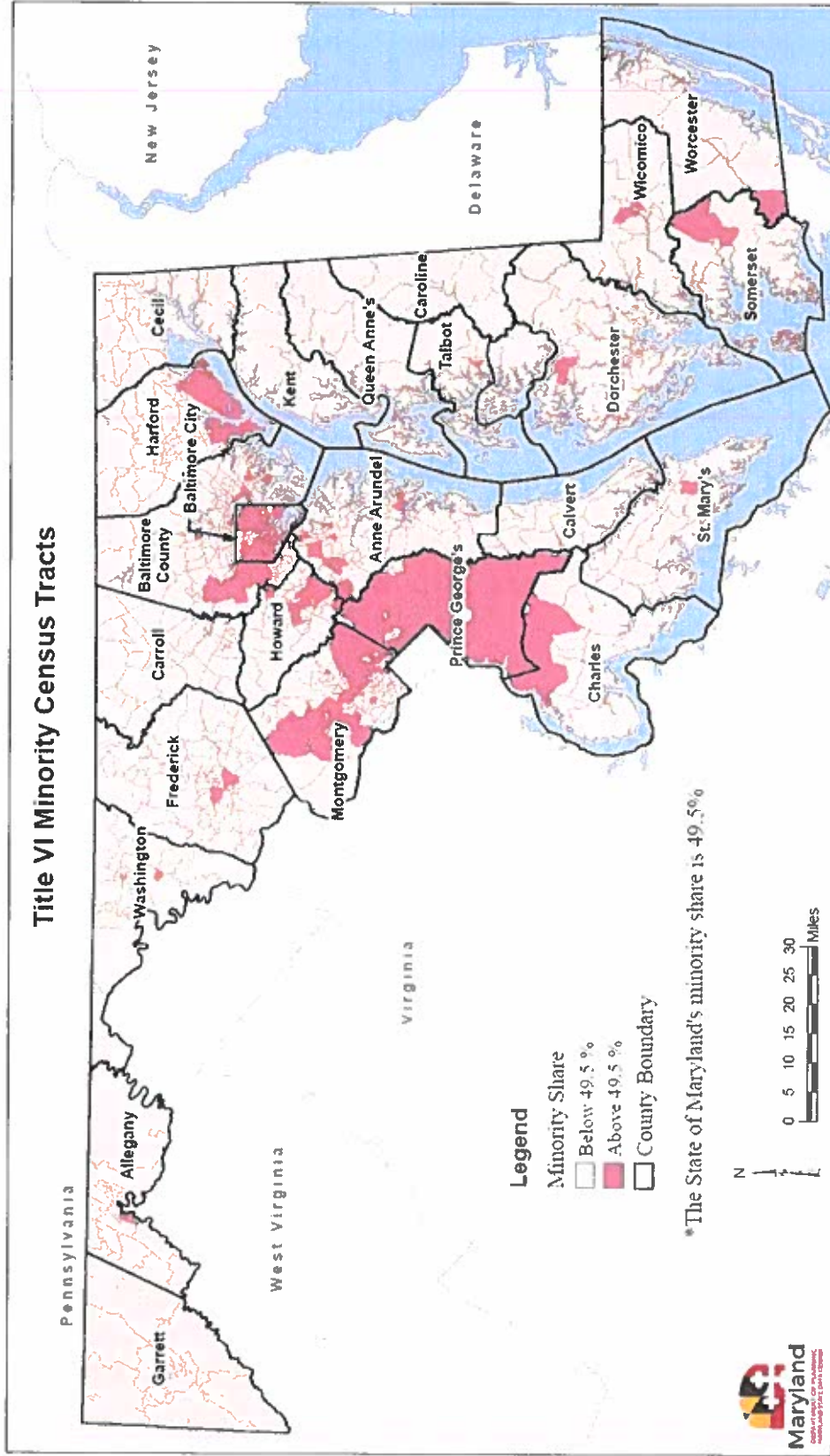
**Table: Transit Systems**

Service	Line
MTA Metro	Green Line
MTA Light Rail	Yellow/Blue Line
MTA Bus	All lines
MARC Commuter Rail	Brunswick Line, Camden Line, Penn Line
WMATA Metrorail	Red Line, Yellow/Green Line, Orange Line, Blue/Silver Line
WMATA MetroBus	All lines

The **Highway Investment and Title VI Minority Census Tracts** map displays the highway investments in Maryland from the FY2019-2024 MDOT Consolidated Transportation Program (CTP) Projects. This map lists all major highway capital projects sponsored by the Maryland State Highway Administration (SHA). The CTP listing for each major project by County is provided in the SHA section of the CTP available at the following link:

[http://www.mdot.maryland.gov/newMDOT/Planning/CTP/CTP\\_19\\_24\\_Final/Documents/000\\_Entire\\_CTP\\_Document\\_Combined.pdf](http://www.mdot.maryland.gov/newMDOT/Planning/CTP/CTP_19_24_Final/Documents/000_Entire_CTP_Document_Combined.pdf)

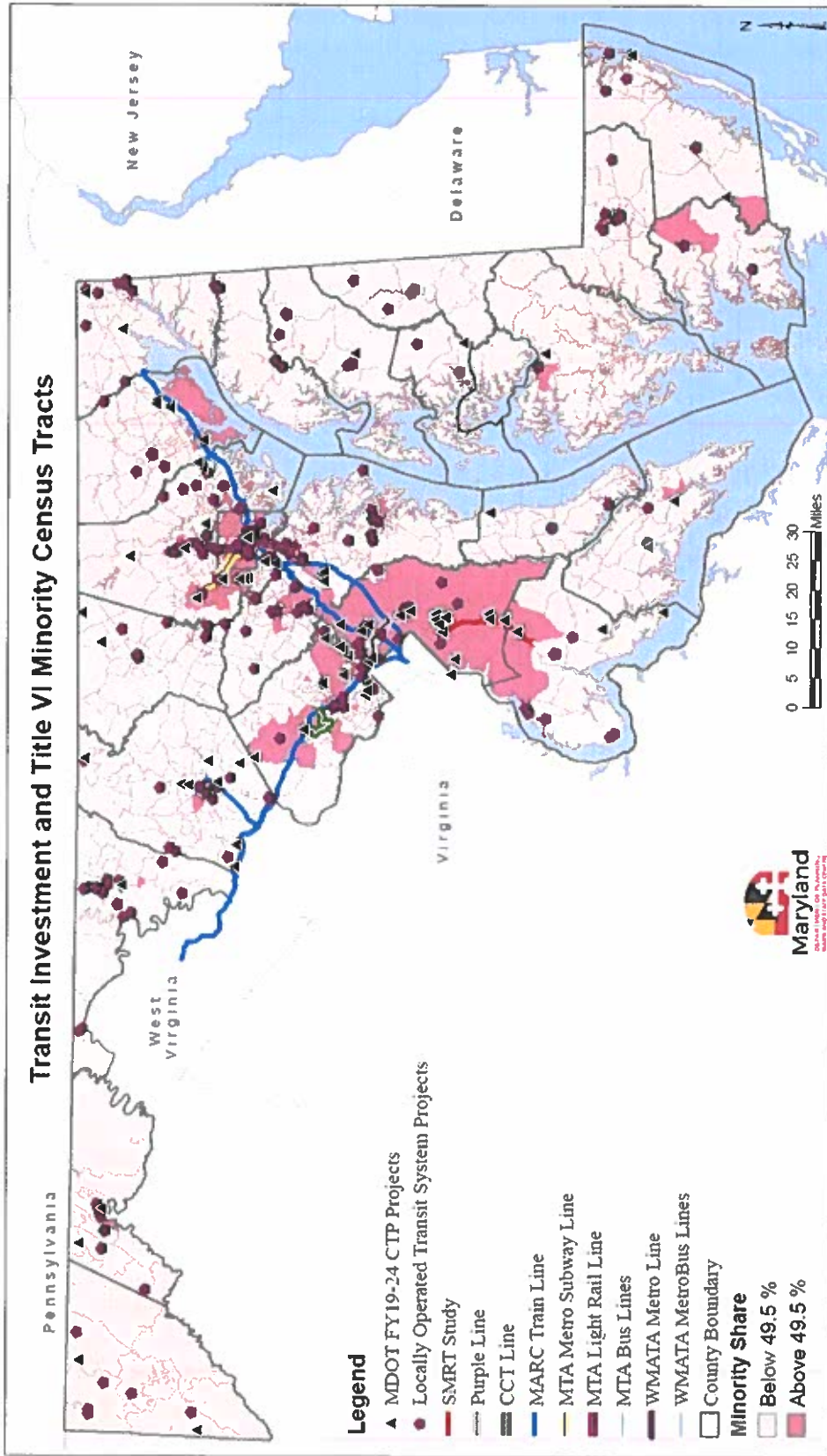
# Title VI Minority Census Tracts



Map prepared by the Maryland Department of Planning, Projection and State Data Center, December, 2019.  
 Source: U.S. Census Bureau, 2013-2017 American Community Survey, 5-Year Estimates.  
 Notes: 1) Title VI refers to Title VI of the Civil Rights Act which protects people from discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance.  
 2) Minority Population includes all individuals except those of one race who are White and not Hispanic or Latino.  
 3) State and Census Tract minority population percentages are rounded to the nearest percentage point.  
 4) Map does not show the 17 Maryland Census Tracts that contain no land area and no population.

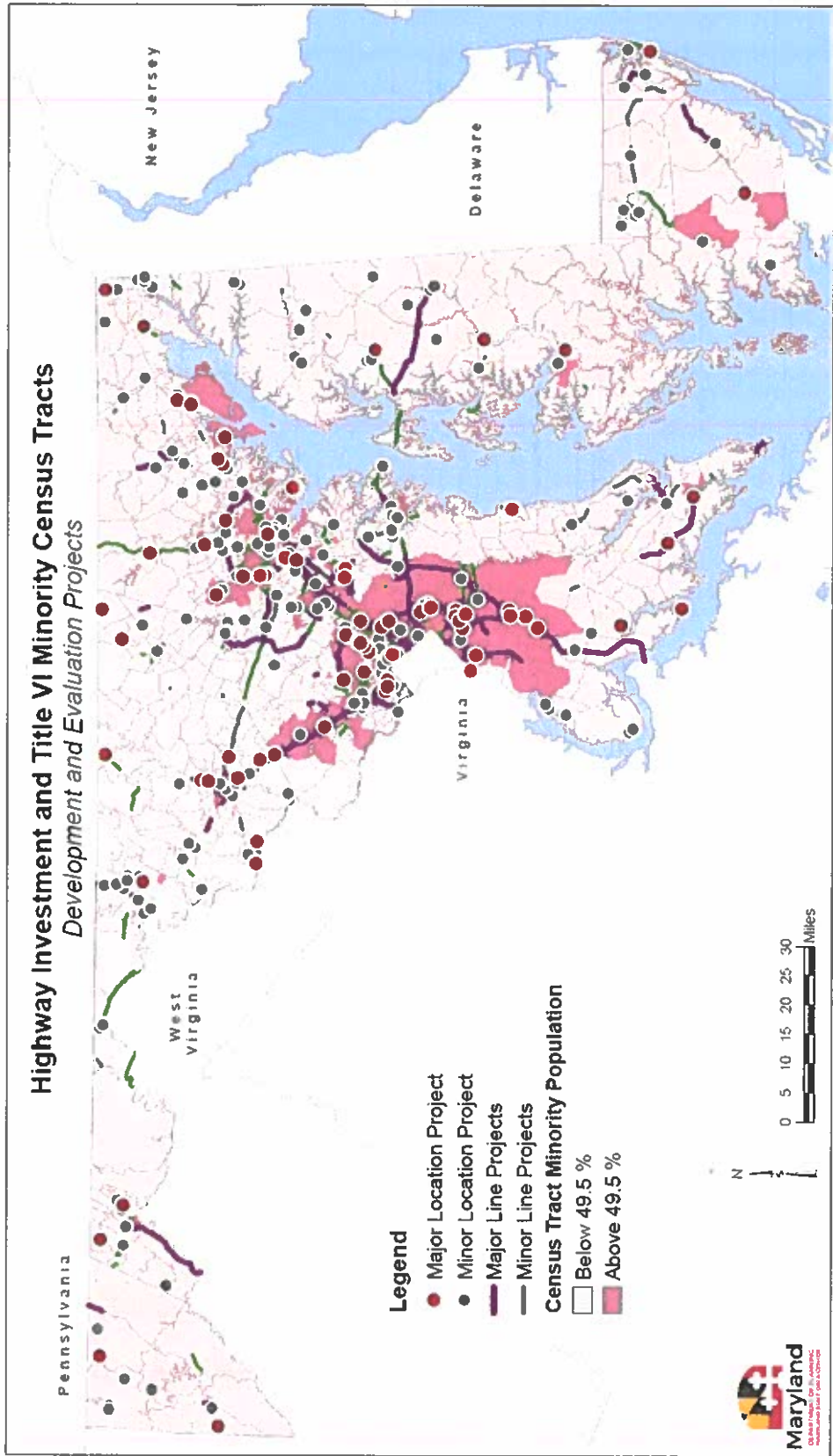


## Transit Investment and Title VI Minority Census Tracts



Map prepared by the Maryland Department of Planning, Projection, and State Data Center, December, 2019  
 Source: U.S. Census Bureau, 2013, 2017 American Community Survey; 4. Year Estimate  
 Notes: 1) Title VI refers to Title VI of the Civil Rights Act, which protects people from discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance.  
 2) Minority Population includes all individuals except those of one race who are White and not Hispanic or Latino.  
 3) State and Census Tract minority population percentages are rounded to the nearest percentage point.  
 4) Map does not show the 12 Maryland Census Tracts that contain no land area and no population.

## Highway Investment and Title VI Minority Census Tracts



Map prepared by the Maryland Department of Planning, Projections and State Data Center, December 2019  
 Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

Notes: 1) "Title VI" refers to Title VI of the Civil Rights Act, which protects people from discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance.  
 2) "Minority Population" includes all individuals except those of one race who are White and not Hispanic or Latino.  
 3) State and Census Tract minority population percentages are rounded to the nearest percentage point.  
 4) Map does not show the 12 Maryland Census Tracts that contain no land area and no population.

**APPENDIX 7**  
**DETAILED PUBLIC PARTICIPATION PLAN**



MARYLAND DEPARTMENT  
OF TRANSPORTATION

**Public Participation Plan**  
**Office of Planning and Capital Programming**

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## 1.0 Introduction

### 1.1 Purpose of the Public Participation Plan

The Maryland Department of Transportation The Secretary's Office's (MDOT TSO) Office of Planning and Capital Programming (OPCP) has developed this Public Participation Plan (PPP). The primary purpose for the PPP is outline a process to engage affected citizens in transportation planning, including minority and limited English proficient populations. This is done by encouraging participation in the development of OPCP's three main federally or state mandated documents: the Maryland Statewide Transportation Improvement Program (STIP), the Maryland Transportation Plan (MTP), and the Consolidated Transportation Program (CTP). MDOT modal transportation agencies, including the MDOT Maryland State Highway Administration (MDOT SHA) and MDOT Maryland Transit Administration (MDOT MTA), provide public input opportunities during project planning and implementation.

This PPP supports MDOT's initiative to involve all aspects of the public in transportation decision making and respond to federal laws and regulations that emphasize public engagement. The PPP guides public engagement for the MDOT for the next 3 to 5 years and ensures that future transportation planning and programming reflect the public's documented needs, including those of traditionally underserved populations. This PPP supports the MDOT mission statement and commitment to public participation.

#### **Maryland Department of Transportation's Mission:**

*"The Maryland Department of Transportation is a customer-driven leader that delivers safe, sustainable, intelligent and exceptional transportation solutions in order to connect our customers to life's opportunities."*

Public participation is a process that includes many different strategies. OPCP formalizes in this document the public participation process employed to be as inclusive as possible. This plan ensures that OPCP's public participation process is:

- Proactive;
- Inclusive;
- Provides early and continuous participation opportunities; and
- Open and collaborative.

Successful public participation programs consist of:

- Being committed to the process;
- Articulating the objectives of the process to the public;
- Understanding the stakeholders and their issues;

- Using a variety of public outreach activities; and
- Evaluating and refining the approach as needed.

Transportation helps shape an area's economic health and quality of life. Not only does the transportation system provide for the mobility of people and goods, it also influences patterns of growth and economic activity by providing access to land. The performance of the system affects public policy concerns like air quality, environmental resource consumption, social equity, land use, urban growth, economic development, safety, and security. Transportation planning recognizes the critical links between transportation and other societal goals and requires strategies for operating, managing, maintaining, and financing the area's transportation system in such a way as to advance the area's long-term goals.

Depending on the nature of, and interest in an activity of a project, public participation can vary from informal public information to more formal approaches, such as the development of project-specific public participation plans. The public participation plans often include stakeholder committees and other transportation planning partners such as the state's Regional Planning Councils, Metropolitan Planning Organizations, and other stakeholders. MDOT has developed a free-flowing process that includes a variety of tools designed to ensure that people have access to as much information as possible and opportunities to participate in decisions affecting Maryland's transportation system.

MDOT is committed to:

- Informing the public,
- Proactively seeking and encouraging the public's early and continuing input and participation when developing policies, plans, programs, studies, projects, operations and maintenance activities,
- Adhering to the principles of Environmental Justice and Title VI of the Civil Rights Act,
- Being consistent with the objectives of the Maryland Transportation Plan, MDOT's statewide long-range multimodal transportation plan,
- Improving customer service through training and effective external communication with stakeholders and the public,
- Enhancing public awareness and participation,
- Being fair, responsive and accountable to traditional and non-traditional stakeholders,
- Communicating effectively with the public, including minority groups, limited English proficiency populations, low-income households, and other traditionally underserved communities, and
- Making the best possible transportation decisions to affect an efficient multimodal transportation system that meets the MDOT mission and needs of the people of Maryland.

## 2.1 MDOT's Approaches to Public Participation

Overall, MDOT recognizes that every planning and project development activity that it considers creates some public impact. An early and continuous public Participation process is the key to keeping the public fully informed and participatory in making decisions that affect Maryland's transportation system. As such, the public is one of MDOT's most important partners. MDOT's public Participation commitment requires a continuous and equitable free-flowing process that generally includes one or more of the following types of public participation, depending on the scope of the effort and the anticipated level of public interest, such as providing public information, public participation and public consultation and collaboration.

### Public Involvement Approaches

- ❖ **Public information.** Public information is the delivery of facts without prejudice. As such, it is usually intended to be a one-way communication, generally striving to inform the public about ongoing issues or developments.
- ❖ **Public participation.** Public participation involves the release of public announcements and information as noted above under public information, but it is also followed up with solicitation of public comment and participation for use in decision-making. As such, it is a form of two-way communication that must include decision-makers and all affected parties and interested stakeholders. As such, it is a form of two-way communication that must include decision-makers and all affected parties and interested stakeholders.
  - **Informal participation:** Generally, a minimum of one week public notice is given for public participation events and the public comment period is usually open for no less than 15 days. In many instances the public comment period is open throughout the life of a planning or development effort.
  - **Formal participation:** Formal policy development or rule making as well as legal processes, such as Environmental Assessments or Environmental Impact Statements, require specific minimum public comment periods. MDOT follows those requirements and makes the distinction that this type of comment period is one that is formal or has its roots in law or regulation.
- ❖ **Public Consultation/Collaboration** is the most open method of two-way communication. In the public consultation approach, basic information is provided sufficient to identify the problem or issue at hand in order to elicit significant feedback and new ideas from the public and/or affected population. Public consultation is initiated at the earliest possible point, it continues throughout the problem identification and solution development process, and it generates a collaborative, team approach to problem solving.



### 2.1.1 Public information

Typical MDOT public information products and activities include traveler safety and other public information announcement and informational brochures, and the posting of legal notices, news releases, construction advisories, travel advisories, and other information-only products. Types of activities include roadside vegetation management, winter plowing, road closures due to storm events, roadside ditching, posting roads and bridges to heavy loads and other routine maintenance and operations activities. Though not intended to generate two-way communications, MDOT responds to questions and comments received. Depending on the action to be taken, MDOT strives to provide public announcements to all media as far in advance to the action as is possible. For operational issues that require immediate response, this might be as little as 24-hour notice. Generally speaking, such announcements are made several days prior to a planned action.

Public Information		
Typically involves construction, maintenance and operations activities carried out by the MDOT's Business Units.		
GOAL		
<ul style="list-style-type: none"> <li>Provides balanced, objective information to assist in understanding the problem and actions needed. Not designed for interaction but may generate reaction to which MDOT responds.</li> </ul>		
TYPICAL APPROACHES		
<ul style="list-style-type: none"> <li>Fact Sheets/Brochures</li> <li>Web Sites</li> <li>Newsletters</li> <li>Press Releases</li> </ul>	<ul style="list-style-type: none"> <li>Travel Advisories</li> <li>Posted Project Roadway Signs</li> <li>Variable Message Signs</li> <li>Legal Notices</li> </ul>	<ul style="list-style-type: none"> <li>Construction Detours</li> <li>Road Postings</li> <li>511 Announcements</li> <li>Resurfacing/Paving Projects</li> </ul>
EXAMPLES		
Construction Detours, Road Postings, 511 Announcements, and Resurfacing projects		
MINIMUM NOTICE REQUIREMENTS		
<p><b>For emergency response purposes:</b> as soon as possible.</p> <p><b>For planned construction activity or road closure/detour:</b> no less than 2 days; preferably 7 calendar days.</p>		

## 2.1.2 Public participation

MDOT frequently provides project-or activity-specific information and encourages participation from stakeholders and other interested parties. Public meetings are the most common way to encourage such two-way communication. However, interested or potentially affected persons cannot always attend meetings, so MDOT also uses webinars and other public outreach methods both to provide information and to seek public opinions. The Internet is becoming a popular tool to facilitate public participation because it allows people to view materials and comment at their own pace.

Public Participation		
Typically involves minor policy development, planning and project development activities including state and federal requirements		
GOALS		
<ul style="list-style-type: none"> <li>• Provide balanced objective information to assist the public in understanding the problem, alternatives and opportunities and/or solutions</li> <li>• Obtain public feedback</li> <li>• Work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.</li> </ul>		
TYPICAL APPROACHES		
<ul style="list-style-type: none"> <li>• Fact Sheets/Brochures</li> <li>• Interactive Web Sites</li> <li>• Newsletters</li> </ul>	<ul style="list-style-type: none"> <li>• Press Releases</li> <li>• Open Houses</li> <li>• Public Meetings</li> </ul>	<ul style="list-style-type: none"> <li>• Online Surveys</li> <li>• Social Media</li> <li>• Mass mailing</li> </ul>
EXAMPLES		
Maryland Statewide Transportation Improvement Program (STIP) Maryland Transportation Plan Maryland Consolidated Transportation Program		
MINIMUM NOTICE REQUIREMENTS		
<b>Public Notice before any public meeting:</b> 7-14 calendar days unless different time-frame outline in rule or law.		
<b>Public comment period on draft or final document:</b> 14-45 calendar days.		

### 2.1.3 Public consultation

MDOT typically uses this approach with large-scale modernization, capacity or expansion projects that are expected to generate substantial public interest. MDOT seeks to solicit significant public feedback and new ideas from the onset as it works to identify a transportation problem and develop solutions. Such significant and early participation produces a collaborative approach to project development activities, such as reconstruction of a town’s “Main Street”, the addition of a new trail, or an intermodal facility and problem-solving that results in a full team effort in defining the problem and developing its resolution.

Public Consultation		
Typically involves major policy development, planning and project development activities including state and federal requirements		
GOALS		
<ul style="list-style-type: none"> <li>• Provide balanced objective information to assist the public in understanding the problem, alternatives and opportunities and/or solutions</li> <li>• Obtain public feedback</li> <li>• Work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered</li> <li>• Partner with the affected community or stakeholder groups in each aspect of the decision including defining the problem, developing alternatives and identifying the preferred solution.</li> </ul>		
TYPICAL APPROACHES		
<ul style="list-style-type: none"> <li>• Fact Sheets/Brochures</li> <li>• Web Sites</li> <li>• Newsletters</li> <li>• Press Releases</li> <li>• Open Houses</li> </ul>	<ul style="list-style-type: none"> <li>• Public Meetings</li> <li>• Focus Groups</li> <li>• Surveys</li> <li>• Public Hearings</li> <li>• Workshops and Charettes</li> </ul>	<ul style="list-style-type: none"> <li>• Citizens Advisory Committees</li> <li>• Task Forces</li> <li>• Stakeholder Committees</li> <li>• Webinars</li> </ul>
EXAMPLES		
Major Project Planning Studies Major Reconstruction Projects New Construction Multi-modal Connections Development of New Policies		
MINIMUM NOTICE REQUIREMENTS		
<p><b>Public Notice before any public meeting:</b> 7-14 calendar days unless different time-frame outline in rule or law.</p> <p><b>Public comment period on draft or final document:</b> 14-45 calendar days.</p> <p><b>Public Hearing:</b> Notification of Public Hearing is published in a newspaper having general circulation in the project area and the surrounding vicinity, and in a newspaper having substantial circulation in the area, such as a local community newspaper. Newspapers that serve minority populations or LEP communities are used as appropriate. An advertisement is published 30 days and again 15 days prior to the Public Hearing. Advertisements/notices are also placed on the MDOT or its Business Unit’s website and may be announced via other appropriate news media (e.g., radio or television)</p>		

## 2.2 Maryland Transportation Plan Public Participation

The Maryland statewide long-range Transportation Plan or MTP is being updated in 2018 per state and federal requirements. The MTP update includes internal coordination and input from staff throughout the Maryland Department of Transportation, along with outreach throughout the entire State. The outreach has included transportation priority questions in a statewide survey on transportation to random citizens conducted by the University of Baltimore Schafer Center, and a statewide MetroQuest survey on the transportation priorities and strategies advertised on the Plan web site ([www.mdot.maryland.gov/MTP](http://www.mdot.maryland.gov/MTP)) and through social media, including a banner on the MDOT web pages, Twitter and Facebook, along with Facebook advertisement to ensure statewide and demographic coverage. We also utilized an E-blast sent to all State, regional and local planners (including the MPOs to distribute to their targeted audiences), the State NAACP Office, education leaders and elected officials to distribute to their constituents, especially minority and LEP populations, to announce the Plan update, share the survey and alert folks on how they can participate in the Plan update. Throughout the development of the Plan, we will continue to E-Blast updates to our comprehensive mailing list, along with updating our web site, briefings to the regional Metropolitan Planning Organizations, hosting a webinar on the draft plan development and staffing a Governor's Advisory Committee on performance measures for the Annual Attainment Report on Transportation System Performance. The Advisory Committee includes local and State membership, as well as diverse urban, rural and demographic individuals from around the State. This outreach is to encouraged the participation of a wide-range of Maryland's citizens, many of whom might not typically participate in traditional transportation planning outreach efforts.

Public workshops and open-houses are held to provide information to and solicit input from the public including presentations at the CTP Tour meetings to ensure there is outreach to all of Maryland's 23 counties. Brochures and flyers are prepared to hand out at each of these workshops, open-houses, and presentations. In addition, MDOT holds public meetings at each of Maryland's seven Metropolitan Planning Organizations in order to present the plan and solicit citizen's input. Interactive opportunities such as this will allow citizens and stakeholders to learn about transportation in Maryland and provide their feedback on issues, goals, and objectives that are important to them and their communities. This outreach could also include visioning exercises and visualization methods.

## 2.3 Maryland Statewide Transportation Improvement Program Public Participation (STIP)

The public participation for the STIP occurs at the state, local and regional levels. At the state-level and non-metropolitan area level the identification of projects for inclusion in the STIP occurs at annual Consolidated Transportation Program Tour Meetings (Tour) that are held each fall season and through the development of County Priority letters. In the metropolitan regions, the MPOs' process for project selection in the STIP incorporates the projects in the MPO TIPs. A majority of our outreach on the STIP is through our MPOs which cover 97.7% of the disparate populations of the State. In

coordination with the MPOS, our efforts focus on the TIPs that are developed by the MPOs. In the metropolitan areas, the TIP outreach is based upon each MPO Public Participation Plans and their proved outreach methods to reach minority and LEP populations. In appendix 1 is a summary of the MPOs in the State of Maryland.

### ***2.3.1 Consolidated Transportation Program***

The annual Consolidated Transportation Program Tour process is where the Secretary of Transportation and Transportation Business Units meet with the local elected officials, state delegation, and the citizens from each of Maryland's 23 counties to share information on the state's transportation funding program and receive feedback on transportation priorities which MDOT considers when they development of the final CTP. The CTP includes projects funded for the current fiscal year and for five fiscal years in the future.

Formal local and public input is provided through "county priority letters" and input received during the annual CTP tour. Input is received from the Metropolitan Planning Organizations (MPOs), generally through the content of their constrained long-range transportation plans. In addition, the Department of Budget and Management provides recommendations on the final program to the Secretary in early December as a part of the budget process. Input is also received throughout the year from the Governor's office and specific guidance is received on the draft and final programs.

#### ***Transportation Priority Letters***

Maryland's 23 counties, the City of Baltimore and municipalities have the opportunity to submit an annual "Transportation Priorities Letter" to help inform the Department of local governments' needs as the draft Consolidated Transportation Program (CTP) is developed each year. Priority Letters identify the desired state capital investments deemed most important by local governments, and convey a general consensus position of each jurisdiction's state and local elected officials. The letters are requested by MDOT's Office of Planning and Capital Programming asking that each jurisdiction submit their letters in May of each year so that their request for state funding for their transportation priorities can be considered by the Secretary of Transportation and the Business Units for inclusion in the draft CTP.

Priority Letter represents each county's own internal ranking of projects deemed most important based on local need and local input. This is an effective way for counties to convey to MDOT the need for specific transportation projects and investments. Priority Letters involve requests for a wide variety of project funding – from transit improvements, highway reconstruction, and sidewalk construction to bridge improvements, bike path development, and highway safety projects. In some cases, counties reserve portions of their own funds in order to accelerate project implementation, conduct feasibility and planning studies, ensure that projects are kept on-track, and provide a funding match as required for certain types of projects. The modal share (highway, transit, etc.) of the projects listed in Priority Letters ranges from county to county. In more heavily populated and densely developed counties, there is a stronger focus on public transportation and improving access to public transportation from roadway networks. Counties with smaller populations and lower densities tend to focus on highway and arterial improvements, although most counties request some element of

transit funding. Priority letters are typically received in the spring-summer as the draft CTP/STIP is developed.

### ***CTP Tour Annual Consultation Process***

Once the official draft CTP/STIP is complete, MDOT conducts the Annual Consultation Process, also known as the CTP Tour where the Secretary of Transportation and the Modal Administrators visit each of the state's 23 counties and Baltimore City to present and solicit input on the draft CTP/STIP. In preparation for the Tour, MDOT conducts staff level meetings with each of the Counties and Baltimore City called the Pre-Tour to solicit staff input prior to the actual Tour. At the Tour itself, local elected officials, state legislators, and citizens are generally present at these meetings. After the CTP Tour, MDOT reviews any comments and concerns and uses this input, along with updated revenue forecasts, to develop the final CTP/STIP.

Once the final CTP has been developed after public input, it is submitted to the General Assembly for its approval. The final CTP is used in creating the MPO TIPs – all information is the same. Once the final CTP and each TIP have been approved, they are brought together into the current STIP. It should also be noted that the STIP also includes projects and plans of two independent agencies – MDTA and WMATA.

To further make the transportation planning process accessible to the public, MDOT makes the Maryland Transportation Plan, the CTP, and the STIP available online for the public's information and use at <http://www.mdot.state.md.us>. All MPOs also post their TIP online with other appropriate reports, studies, surveys, press releases, and pamphlets.

Appendix 1

## Maryland Metropolitan Planning Organizations

Metropolitan Planning Organization	Member Jurisdictions	
<b>Baltimore Regional Transportation Board (BRTB)</b> Designation Year: 1992 2010 Census Population: 2,662,204	<ul style="list-style-type: none"> <li>Baltimore City</li> <li>City of Annapolis</li> <li>Anne Arundel County</li> <li>Baltimore County</li> </ul>	<ul style="list-style-type: none"> <li>Carroll County</li> <li>Harford County</li> <li>Howard County</li> </ul>
<b>Cumberland Area MPO (CAMPO)</b> Designation Year: 1975 2010 Census Population: 75,091	<ul style="list-style-type: none"> <li>City of Cumberland, MD</li> <li>City of Frostburg, MD</li> <li>Allegany County, MD</li> </ul>	
<b>Hagerstown-Eastern Panhandle MPO (HEPMPO)</b> Designation Year: 1986 2010 Census Population: 323,989	<ul style="list-style-type: none"> <li>City of Hagerstown, MD</li> <li>Portion of Washington County, MD</li> <li>Urbanized Area Portion of Franklin County, PA</li> </ul>	
<b>National Capital Region Transportation Planning Board (TPB)</b> Designation Year: 1965 2010 Census Population: 4,991,324	<ul style="list-style-type: none"> <li>Washington, D.C.</li> </ul>	<p><b>Maryland</b></p> <ul style="list-style-type: none"> <li>Charles County</li> <li>Frederick County</li> <li>Montgomery County</li> <li>Prince George's County</li> </ul> <p><b>Cities of:</b></p> <ul style="list-style-type: none"> <li>Bowie</li> <li>College Park</li> <li>Frederick</li> <li>Gaithersburg</li> <li>Greenbelt</li> <li>Rockville</li> <li>Takoma Park</li> </ul>
<b>Salisbury-Wicomico MPO (S/WMPO)</b> Designation Year: 2004 2010 Census Population: 76,494	<ul style="list-style-type: none"> <li>City of Salisbury, MD</li> <li>City of Fruitland, MD</li> <li>Urbanized Area of Wicomico County, MD</li> <li>Town of Delmar, DE</li> </ul>	
<b>Wilmington Area Planning Council (WILMAPCO)</b> Designation Year: 1971 2010 Census Population: 639,457	<ul style="list-style-type: none"> <li>City of Wilmington, DE</li> <li>New Castle County, DE</li> <li>Cecil County, MD</li> </ul>	
<b>Calvert-St. Mary's MPO (C-SMMPO)</b> Designation Year: Designation Pending 2010 Census Population: 58,875	<ul style="list-style-type: none"> <li>Urbanized Area Portion of Calvert County and St. Mary's County, MD</li> </ul>	

- List of any transit or transportation related boards or committees including the racial breakdown of the members; and
- A Title VI Program Plan including an assurance that the subrecipients will carry out the program in compliance with USDOT Title VI regulations.

In 2017, the Office of Diversity and Equity and the Office of Planning and Capital Programming staff performed on-site compliance reviews of six of the seven MPOs.

## TRAINING

MDOT The Secretary's Office will work with the other MDOT Transportation Business Units and Maryland MPOs to sponsor, coordinate, and conduct Title VI Training in Maryland for recipients of federal funds to ensure that they are knowledgeable of Title VI and the responsibilities and requirements for compliance. MDOT will continue to use the assistance of the Federal Transit Administration's National Training Institute as appropriate in conducting Title VI Training. On October 26<sup>th</sup> and 27<sup>th</sup> 2016 as well as May 23<sup>rd</sup> and 24<sup>th</sup> 2017 training was held covering Title VI. MPO staff attending both trainings.

In 2018, MDOT will be exploring on-line Title VI Training for its employees and subrecipients.



**For Immediate Release:**

**\*\*MEDIA ADVISORY\*\***

**MARYLAND DEPARTMENT OF TRANSPORTATION OFFICIALS  
TO LAUNCH ANNUAL STATEWIDE TRANSPORTATION  
INVESTMENT TOUR ON MONDAY IN QUEEN ANNE'S COUNTY**

***September 20, 2017***

**WHO:**

Maryland Department of Transportation (MDOT) Office of the Secretary and representatives from MDOT's business units will launch their annual statewide tour to discuss transportation investments. MDOT business units to be represented on the tour are: MDOT Motor Vehicle Administration, MDOT Maryland Transit Administration, MDOT State Highway Administration, MDOT Maryland Aviation Administration, MDOT Maryland Port Administration, and Maryland Transportation Authority.

**WHAT:**

Launch of MDOT's annual tour of 23 Maryland counties and Baltimore City to update local officials and the public on the Hogan Administration's Draft FY 2018-2023 Consolidated Transportation Program (CTP), which details MDOT's \$14.7 billion six-year capital budget. State transportation officials will outline the program and answer questions about each county's transportation priorities. To view the draft CTP, click here: [mdot.maryland.gov/newMDOT/Planning/CTP/Index.html](http://mdot.maryland.gov/newMDOT/Planning/CTP/Index.html).

**WHEN:**

**Launch Meeting: 2:00 p.m., Monday, September 25, 2017 – Queen Anne's County CTP**

**Fall Schedule: September 25 in Maryland's 23 counties & Baltimore City**

For a complete list of dates, times, locations and directions, click here: [ow.ly/IEDN30e8SF3](http://ow.ly/IEDN30e8SF3).

**WHERE:**

**Launch Meeting: September 25, 2017, Queen Anne's County CTP**

Queen Anne's County Commissioners Hearing Room

Liberty Building - 2<sup>nd</sup> Floor (Seat of Queen Anne's County Government)

107 North Liberty Street

Centreville, MD 21617

**Fall Schedule: September 25 - November 13 in Maryland's 23 counties & Baltimore City**

Statewide meetings will occur at various locations. The tour will start September 25 in Queen Anne's County in the Liberty Building and conclude November 13 in Harford County in the Council Chambers. For a complete list of dates, times, locations and directions, click here:

[ow.ly/IEDN30e8SF3](http://ow.ly/IEDN30e8SF3).

**WHY:**

Each fall, MDOT presents its draft six-year capital program to every county and Baltimore City for review and comment. MDOT then prepares a final budget to present to the General Assembly in January. The Hogan Administration's six-year Draft FY 2018-2023 CTP invests \$14.7 billion in Maryland's transportation network. Above and beyond this funding, the Maryland Transportation Authority is investing \$2.6 billion in our toll roads and bridges. To view the draft CTP, click here: [mdot.maryland.gov/newMDOT/Planning/CTP/Index.html](http://mdot.maryland.gov/newMDOT/Planning/CTP/Index.html).

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# # #

## **MDOT's Minority-Serving Media Outlets 2017-2018**

What follows is a list of the 44 media outlets that are either minority-focused and/or serve majority-minority populations and regularly receive news releases from the Maryland Department of Transportation The Secretary's Office:

### **Minority-focused outlets:**

AFRO-Baltimore – African-American newspaper  
AFRO-Washington – African-American newspaper  
Baltimore Jewish Life – Jewish newsletter  
Baltimore Jewish Times – Jewish newspaper  
El Tiempo - Hispanic newspaper  
Korean Times – Korean newspaper  
Washington Hispanic – Newspaper  
WACA-AM – Hispanic radio serving Washington, and Prince George's & Montgomery counties  
WDCW-TV – Ch 50, CW affiliate, markets toward African-Americans  
WEAA-FM – Morgan State University radio, markets toward African-Americans  
WERQ 92Q-FM – Urban radio, markets toward African-Americans  
WLZL-FM - Hispanic radio  
WKDV-AM – Hispanic radio  
WPGC-FM - Urban radio, markets toward African-Americans  
WOLB-AM - Urban radio, markets toward African-Americans

### **Media Outlets - Baltimore**

Associated Press - International wire service  
Baltimore Brew – Community newspaper  
Baltimore Times – Community newspaper  
The Baltimore Sun – Regional newspaper  
Baltimore Business Journal – Regional newspaper  
Baltimore Magazine – Regional magazine  
WBAL-TV  
WBAL-AM Radio  
WBFF-TV  
WJZ-TV  
WMAR-TV

### **Media Outlets – Greater Washington: Prince Georges & Montgomery Counties**

MyMCMedia - Montgomery Community Media (public access television and broadband media)  
PGCTV – Local television station with high African-American viewership  
PGSuite - Prince George's Suite Magazine  
The Sentinel - Prince George newspaper

**MDOT's Minority-Serving Media Outlets 2017-2018**  
**Page 2**

**Media Outlets - Washington**

ABC7 (WJLA-TV)  
AP – International wire service  
Bloomberg Business News  
CBS Radio  
CBS-TV (WUSA9)  
FOX-TV (WTTG)  
NBC News Radio  
NBC Washington (WRC-TV)  
Washington City Paper  
The Washington Examiner  
The Washington Post  
The Washington Times  
WMAL-AM  
WTOP-FM

**For Immediate Release:**

**MDOT OFFICIALS MET WITH MONTGOMERY COUNTY  
AS PART OF ANNUAL STATEWIDE TOUR TO DISCUSS  
TRANSPORTATION PRIORITIES**

***Deputy Transportation Secretary Announced Local Grants and Key  
Project Updates***

***November 2, 2017***

(Rockville, MD) – Deputy Transportation Secretary Jim Ports today met with Montgomery County officials to discuss the Draft FY 2018-2023 Consolidated Transportation Program (CTP), which details the Maryland Department of Transportation's (MDOT) draft six-year capital budget. Today's meeting was part of MDOT's annual tour of 23 Maryland counties and Baltimore City to update local officials and the public on the Hogan Administration's \$14.7 billion investment over the next six years in transit, highways, Motor Vehicle Administration facilities, the Helen Delich Bentley Port of Baltimore and the Baltimore/Washington International Thurgood Marshall Airport (BWI Marshall). Officials also discussed the Maryland Transportation Authority's \$2.6 billion additional investments in Maryland's toll roads and bridges.

"The annual CTP Tour lets us engage with our customers about their transportation priorities," said Deputy Secretary Ports. "We actively dialogue with Marylanders throughout the year, and this lets us talk face-to-face with them about transportation issues that are important to us all."

MDOT team members representing the agency's business units were: Deputy MDOT Transportation Secretary Ports, Deputy Secretary R. Earl Lewis, and Government Affairs Director Jeff Tosi from The Secretary's Office; Administrator Chrissy Nizer from the MDOT Motor Vehicle Administration (MDOT MVA); Chief Engineer Paul Shank ); Administrator Kevin Quinn from the Maryland Transit Administration (MDOT MTA); Administrator Greg Slater and District Engineer Brian Young from the MDOT State Highway Administration (MDOT SHA); and from the Maryland Transportation Authority (MDTA).

Speaking on behalf of Secretary Pete K. Rahn, Deputy Secretary Ports outlined key updates on the transportation investments. Statewide, there are 846 airport, highway, transit, port, bicycle, and motor vehicle construction projects underway with a value of \$9 billion.

In addition to these projects, Deputy Secretary Ports announced funding for Montgomery County's local priorities, including \$35.4 million in Highway User Revenues, which includes the additional \$4.9 million in grants recently awarded by Governor Larry Hogan. He also discussed highway safety grants recently announced by Governor Hogan and administered through MDOT MVA, including \$240,000 for the Montgomery County Police Department; \$27,000 for the Gaithersburg Police Department; \$25,000 for the Rockville Police Department; and \$10,000 for the Montgomery County Sheriff's Office.

MDOT MTA makes a significant investment in transit in Montgomery County through the operation of MARC Train service, Commuter Bus service and by contributing \$49.5 million in operating and capital grants to support the local RideOn transit operation. That includes funds for the replacement of heavy duty transit buses and ongoing preventive maintenance.

Deputy Secretary Ports also touted the latest records at the Port of Baltimore, including the port handling 10.1 million tons of general cargo – from autos and heavy machinery to containers – in FY 2017. The port remains number one in the nation for autos and roll on/roll off machinery, and just one year after welcoming the first mega ship from the newly expanded Panama Canal, port container business is up 10 percent. He also highlighted key Montgomery County companies count on the port to conduct business here in Maryland, including Architectural Ceramics, Hughes Network Systems and CMI Moulding.

At BWI Marshall, he highlighted steadily growing passenger traffic with new airlines and service to new domestic and international markets. In FY 2017, BWI Marshall set a new all-time annual record for passenger traffic with nearly 25.7 million passengers, and it has seen strong growth continue with 26-straight monthly passenger records through August.

On the highway side, Deputy Secretary Ports said that under Governor Hogan's leadership, Maryland is making record investments in highways and bridges. Of the 69 structurally deficient bridges the Hogan Administration identified in June 2015, 41 have been rehabilitated or replaced and are no longer structurally deficient. The remaining 28 are in various stages of design and actively moving toward construction or repair.

Deputy Secretary Ports also provided an update on important major projects and system preservation projects in Montgomery County, where MDOT SHA is working on the I-270 congestion relief project that also impacts Frederick County. The \$100 million Innovative Congestion Management project will cut up to 30 minutes off the morning southbound I-270 commute. Enhancements include moving the HOV lane to the shoulder, restriping to improve flow at pinch points, active traffic management and new technologies. Work just started on the important piece that will provide three lanes off southbound I-270 to westbound I-495 and modify the Capital Beltway to have the merge from the left of the mainline – better merging the two interstates to accommodate heavier traffic flow.

Governor Hogan officially broke ground in mid-July on one of his signature investments, the \$98 million interchange construction at Watkins Mill Road in Gaithersburg. Work will be complete and open to traffic in summer 2020. Also, next spring, MDOT SHA will begin a \$30 million project to reconstruct MD 97 around Brookeville. The project will improve congestion in the town and improve traffic operations to Georgia Avenue. Construction is scheduled to begin summer 2018, building a two-lane highway that will be complete spring 2021.

Among many other resurfacing projects, MDOT SHA recently completed a \$10.1 million safety and resurfacing project on the Inner Loop of the Capital Beltway between the I-270 east spur and Seminary Road.

As safety remains the top priority for the state, Deputy Secretary Ports pointed out that MDOT SHA installed a High-intensity Activated Crosswalk (HAWK) signal on MD 410 (East West Highway) at the

entrance to Bethesda Chevy Chase High School, the first HAWK beacon on a Maryland state roadway.

At MDTA, Governor Hogan's toll rate reductions have saved Marylanders \$122 million since 2015. Toll rate reductions will continue to save Maryland citizens and businesses approximately \$54 million annually. With lower tolls, more people are using MDTA's toll facilities, driving up revenues higher than expected, allowing the state to replace the Nice Bridge and study a new Bay Bridge crossing. *E-ZPass* usage among Montgomery County residents has increased by 9.6 percent since December of last year. There are now 209,970 *E-ZPass* accountholders in Montgomery County, who continue to save more than 50 percent in travel time by using the ICC compared to other parallel routes.

A Tier 1 National Environmental Policy Act (NEPA) study of location and funding options for a third Chesapeake Bay crossing began in January 2017 and will take up to 48 months to complete. MDTA anticipates advertising a design-build contract for the new Nice Bridge in 2018, starting construction in 2020, and opening a new, wider and safer bridge in 2023. Using practical-design and value-engineering approaches, MDTA has reduced project costs by more than \$200 million below early study estimates. The new bridge will be built north of and parallel to the existing 1.7-mile bridge and will include two lanes of traffic in each direction.

Deputy Secretary Ports also applauded Montgomery County officials for crafting a Strategic Highway Safety Plan to help save lives. The 522 roadway fatalities Maryland experienced in 2016 is unacceptable, and Ports said a highway safety plan would help target the most common causes of roadway fatalities in Maryland: impaired driving; speeding; not wearing seat belts; distracted driving; and not using crosswalks.

Officials and residents met today in the Montgomery County Office Building in Rockville. The tour launched September 25 in Queen Anne's County and will conclude November 13 in Harford County. Meetings are planned at various locations in all 23 Maryland counties and Baltimore City. For a complete list of dates, times, locations and directions, click here: [ow.ly/IEDN30e8SF3](http://ow.ly/IEDN30e8SF3). To view the draft CTP, visit: [mdot.maryland.gov/newMDOT/Planning/CTP](http://mdot.maryland.gov/newMDOT/Planning/CTP).

Each fall, MDOT presents its draft six-year capital program to every county and Baltimore City for review and comment. Following input from the 24 local jurisdictions, MDOT prepares a final budget to present to the General Assembly in January.

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**2017 SCHEDULE  
ANNUAL CONSULTATION MEETING**

Day	Date	County	Time	Location
M	September 25	Queen Anne	2:00 p.m.	Commissioners Hearing Room, 2 <sup>nd</sup> Floor, Liberty Building, 107 North Liberty Street, Centreville, MD 21617
T	September 26	Kent	6:00 p.m.	County Government Center, 400 High Street, Chestertown, MD 21620
M	October 2	Frederick	7:00 p.m.	1 <sup>st</sup> Floor Hearing Room, Winchester Hall, 12 East Church Street, Frederick, MD 21701
Th	October 5	Washington	10:00 a.m.	Washington County Free Library, 100 South Potomac Street, Hagerstown, MD 21740
		Allegany	1:00 p.m.	Room 100, County Office Complex, 701 Kelly Road, Cumberland, MD 21502
F	October 6	Garrett	11:00 a.m.	Commissioner's Meeting Room, Room 209, 203 4 <sup>th</sup> Street, Oakland, MD 21550 ( <i>Enter on Alder Street</i> )
T	October 10	Worcester	10:00 a.m.	Commissioners Meeting Room, County Government Center, 1 West Market Street, Room 1101, Snow Hill, MD 21863
		Somerset	2:00 p.m.	Room 111, County Office Complex, 11916 Somerset Avenue, Princess Anne, MD 21853
		Wicomico	7:00 p.m.	Flanders Conference Room, Youth and Civic Center, 500 Glen Avenue, Salisbury, MD 21804
Th	October 12	Carroll	2:00 p.m.	Reagan Room (Room 003), County Office Building, 225 North Center Street, Westminster, MD 21157
F	October 13	Cecil	10:30 a.m.	Elk Room, Cecil County Administrative Building, 200 Chesapeake Blvd., Elkton, MD 21921
T	October 24	Calvert	10:30 a.m.	Commissioners Hearing Room, County Courthouse, 2 <sup>nd</sup> Floor, 175 Main Street, Prince Frederick, MD 20678
		St Mary's	1:30 p.m.	Commissioners Meeting Room, 1 <sup>st</sup> Floor, Chesapeake Building, 41770 Baldrige Street, Leonardtown, MD 20650
		Charles	6:00 p.m.	Conference Room, Charles County Government Building, 200 Baltimore Street, LaPlata, MD 20646
Th	October 26	Baltimore	2:00 p.m.	Council Chambers, Historic Courthouse, 400 Washington Avenue, Towson, MD 21204
Th	November 2	Prince George's	2:00 p.m.	County Council Conference, Room #2027, County Administration Building, 2 <sup>nd</sup> Floor, 14741 Gov. Oden Bowie Drive, Upper Marlboro, MD 20772
		Montgomery	7:00 p.m.	3 <sup>rd</sup> Floor Hearing Room, County Office Building, 100 Maryland Avenue, Rockville, MD 20850
F	November 3	Baltimore City	10:00 a.m.	Curran Conference Room, 4 <sup>th</sup> floor, City Hall, 100 North Holiday Street, Baltimore, MD 21202 ( <i>Parking Garage is available at East Fayette Street and Guilford Avenue</i> )
M	November 6	Anne Arundel	3:00 p.m.	Council Hearing Room, The Arundel Center, 44 Calvert Street, Annapolis, MD 21401
T	November 7	Caroline	10:30 a.m.	Board of Education Building, 204 Franklin Street, Denton, MD 21629
		Talbot	3:00 p.m.	<b>Bradley Meeting Room, South Wing, Courthouse, 11 North Washington Street, Easton, MD</b>
		Dorchester	7:00 p.m.	Room 110, County Office Building, 501 Court Lane, Cambridge MD 21613
Th	November 9	Howard	7:00 p.m.	George Howard Building, Banneker Room, 3430 Court House Drive, Ellicott City, MD 21043
M	November 13	Harford	10:00 a.m.	Harford County Council Chambers, 212 South Bond Street, Bel Air, MD 21014

9/21/17 – Locations/times in red are changes from earlier schedules. Locations in bold are new for this year.