

**COMMUNITY PLANNING ASSOCIATION
OF SOUTHWEST IDAHO**

TITLE VI PLAN

Effective April 17, 2023

TABLE OF CONTENTS

| | |
|--|-------------------------------------|
| SECTION 1 - OVERVIEW | 3 |
| PLAN DISSEMINATION..... | 4 |
| SECTION 2 - ORGANIZATION AND COMPLIANCE RESPONSIBILITIES..... | 7 |
| SECTION 3 - PROGRAM AREA MONITORING AND REVIEW..... | 8 |
| SECTION 4 - COMPLAINT PROCEDURES..... | 11 |
| SECTION 5 - STATE PROCEDURES, MANUALS, AND DIRECTIVES APPLICABLE TO FEDERAL-AID HIGHWAY PROGRAMS AND TITLE VI..... | 15 |
| SECTION 6 - DEFINITION OF TERMS | 17 |
| SECTION 7 - EXHIBITS | 19 |
| EXHIBIT I STANDARD TITLE VI/NON-DISCRIMINATION ASSURANCES | Error! Bookmark not defined. |
| EXHIBIT II COMPLAINT LOG | 252 |
| EXHIBIT III DISCRIMINATION COMPLAINT FORM..... | 253 |

This document is available online at:

<https://compassidaho.org/public-involvement-plans/>

SECTION 1 - OVERVIEW

The Community Planning Association of Southwest Idaho (COMPASS) is the forum for regional collaboration in southwest Idaho that helps maintain a healthy and economically vibrant region, offering people choices in how and where they live, work, play, and travel. COMPASS serves as the metropolitan planning organization (MPO) for Ada and Canyon Counties, Idaho.

As a recipient of federal financial assistance, it is the policy of COMPASS to ensure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice and related authorities and regulations in all COMPASS programs and activities.

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

The Federal-Aid Highway Transportation Act of 1973 added **sex** to the list of prohibitive factors. **Disability** was added through Section 504 of the Rehabilitation Act of 1973. **Age** was added in 1975 under the Age Discrimination Act.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the term “programs or activities” to include **all programs** or activities of federal-aid recipients, subrecipients, and contractors, whether or not such programs and activities are federally assisted.

The Americans with Disabilities Act of 1990 Section 504 of the Rehabilitation Act protects the civil rights of **persons with disabilities**.

In 1994, Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, directed federal agencies “*to identify and address the effects of all programs, policies, and activities on **minority populations and low-income populations**.*”

In 2000, Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, was signed into effect requiring federal agencies to assess and address the needs of otherwise eligible **limited English proficient persons** seeking access to the programs and activities of recipients of federal financial assistance.

COMPASS’ Director of Operations oversees COMPASS’ Title VI plan and overall program compliance. COMPASS’ Communication Coordinator oversees Title VI compliance as it relates to communication and public engagement opportunities and compiles and submits required Title VI reports.

PLAN OBJECTIVES

The primary objectives of COMPASS's Title VI plan are to:

- Assign and clarify roles, responsibilities, and procedures for assuring compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives.
- Assure that all people affected by COMPASS's federal-aid programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, gender, disability, economic status or Limited English Proficiency.
- Proactively prevent discrimination and ensure nondiscrimination in all COMPASS programs and activities, whether those programs and activities are federally funded or not.
- Establish procedures for identifying and eliminating discrimination when found to exist.
- Establish procedures to review specific program areas annually within COMPASS to determine the effectiveness of the area's activities at all levels.
- Set forth procedures for the filing and processing of complaints by persons who believe they have been subjected to discrimination under any applicable law in any COMPASS service, program, or activity.

PLAN DISSEMINATION

The COMPASS Title VI plan is available to all internal users and members of the public, interest groups and organizations via the COMPASS website:

<https://compassidaho.org/public-involvement-plans/>

Hard copies or alternative formats of the COMPASS Title VI plan are available to all internal users and members of the public, interest groups and organizations upon request to the Director of Operations.

AUTHORITIES

COMPASS' Title VI plan was developed pursuant to the following authorities:

- Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibits discrimination in federally funded programs on the basis of race, color, and national origin.
- Federal-Aid Highway Act of 1973 (23 USC 324), amended Title VI to prohibit discrimination on the basis of sex in federal aid highway programs.
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 USC 4601) prohibits unfair and inequitable treatment of persons as a result of projects that are undertaken with federal financial assistance.
- Age Discrimination Act of 1975, as amended (42 USC 6101) prohibits discrimination in federally funded programs on the basis of age.

- Civil Rights Restoration Act of 1987 (Public Law 100-259 March 1988) amended Title VI of the 1964 Civil Rights Act to make clear that discrimination is prohibited throughout all the operations of an agency if any part of the agency receives federal assistance.
- Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- Executive Order 13166 (Limited English Proficiency): Improving Access to Services for Persons with Limited English Proficiency.
- 23 CFR Part 200: FHWA Title VI Program and Related Statutes – Implementation and Review Process
- Section 504 of the Rehabilitation Act of 1973, (29 USC 794) as amended: prohibits discrimination on the basis of disability
- Americans with Disabilities Act of 1990, (42 USC 12101): prohibits discrimination on the basis of disability
- The National Environmental Policy Act of 1969 (42 USC 4321) prohibits disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.
- 49 CFR Part 21: Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964.
- 49 CFR Part 27: Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance.
- 49 CFR Part 28: Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation.
- 49 CFR Part 37: Transportation Services for Individuals with Disabilities – Americans with Disabilities Act.
- 28 CFR Part 35: Discrimination on the Basis of Disability in State and Local Government Services
- 28 CFR Part 50.3: Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- FTA Title VI Circular – FTA C 4702.1B
- FTA Americans with Disabilities Act Circular – FTA C 4710.1

TITLE VI POLICY STATEMENT

COMPASS is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. COMPASS assures that no person shall

on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any COMPASS service, program, or activity.

COMPASS also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, COMPASS will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

Federal financial assistance is defined as federal dollars that are passed directly to COMPASS to support the operation of transportation-related programs.

COMPASS' Title VI Plan in its entirety applies to all of COMPASS's programs and services, regardless of funding source.

DISCRIMINATION UNDER TITLE VI

Title VI and its related statutes prohibit two types of discrimination: **intentional discrimination** or **disparate treatment** and **disparate impact** or **disparate effects**.

The first, **intentional discrimination**, is the result of inconsistent application of rules and/or policies to one group of people over another. This form of discrimination may result when rules and policies are applied to intentionally treat a person(s) differently because of race, color, national origin, gender, disability, or age.

The second type of discrimination is **disparate impact** or **disparate effects**. A disparate impact results when rules and laws have a different and more inhibiting effect on women and minority groups than on the majority because of race, color, national origin, gender, disability or age. This type of discrimination occurs when a neutral procedure or practice results in fewer services or benefits, or inferior services or benefits, to members of a protected group such as minorities or low-income populations. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than on the intent.

Under Title VI, COMPASS's efforts to prevent such discrimination must address, but are not limited to:

- access to services, financial aid, or other benefits provided under its programs;
- distinctions in the quality, quantity, or manner in which the benefit is provided; segregation or separate treatment;
- restriction in the enjoyment of any advantages, privileges, or other benefits provided to others;
- different standards or requirements for participation;

- methods of administration which directly or through contractual relationships would defeat or substantially impair the accomplishment of effective nondiscrimination;
- discrimination in any activities related to highway and infrastructure or facility built or repaired in whole or in part with federal funds;
- discrimination in any contracting opportunities arising from programs or services of COMPASS
- discrimination in any training opportunities presented or made available by COMPASS
- resulting from a program, the primary purpose of which is to provide employment
- discrimination in any employment resulting from a program, the primary purpose of which is to provide employment.

COMPASS has developed this Title VI plan to help assure that all services, programs, and activities of COMPASS, whether federally assisted or not, are offered, conducted, and administered fairly, without regard to race, color, national origin, gender, disability, age, economic status or ability to communicate in English of the participants or beneficiaries.

A handwritten signature in black ink that reads "Matt Stoll". The signature is written in a cursive, slightly slanted style.

Matthew J. Stoll
Executive Director

April 17, 2023

SECTION 2 - ORGANIZATION AND COMPLIANCE RESPONSIBILITIES

Executive Director – The Executive Director is the head of COMPASS and is responsible to the COMPASS Board of Directors. The Executive Director provides leadership, guidance, direction, and support for COMPASS’s Title VI programs.

Director of Operations – The Director of Operations is responsible for supervising, reviewing, monitoring, and evaluating the effectiveness of equal employment opportunity programs. The Director of Operations is responsible for managing the Title VI, ADA/Section 504, Limited English Proficiency (LEP), and Disadvantaged Business Enterprises programs. The Director of Operations acts as a liaison between COMPASS and federal and state officials regarding EEO issues.

Supervisors – COMPASS supervisors are responsible for familiarizing themselves with the requirements of Title VI, E.O. 12898, and E.O. 13166, and for complying with COMPASS's Title VI Program. They are responsible to promptly report issues or complaints concerning Title VI and related statutes to the Director of Operations.

SECTION 3 - PROGRAM AREA MONITORING AND REVIEW

PROGRAM AREA MONITORING - METROPOLITAN PLANNING ORGANIZATIONS

The Metropolitan Planning Organizations (MPOs) are responsible for the transportation planning process within their urbanized areas. Each MPO develops a short-range capital improvement budget known as the Transportation Improvement Program (TIP), a long-range transportation plan, and develops and implements an annual Unified Planning Work Program (UPWP).

COMPASS principal planners, the Director of Operations and the Communication Coordinator are responsible for assuring that all transportation planning processes are executed in accordance with Title VI requirements. This process entails deliberation of all possible social, economic, and environmental effects of a proposed plan or program on identified groups in order to avoid the unintended creation of inappropriate and biased programs.

Compliance Monitoring

- Monitor overall strategies and goals of the transportation planning process to ensure Title VI compliance;
- Monitor the utilization of demographic information to identify minority and low-income populations and examine the distributions of the benefits/burdens of the transportation plans and activities on these groups;
- Monitor the service equities of the planning data collection and analyses for impacts on different socio-economic groups;
- Monitor the public involvement processes to improve effectiveness and reduce participation barriers for minority and low-income populations;
- Monitor Environmental Justice (E.O. 12898) issues to identify and locate minority and low-income populations that may be impacted by transportation planning programs;
- Monitor compliance with E.O. 13166, Limited English Proficiency, to improve access and understanding of transportation planning processes for those in the population confronted with language barriers;
- Ensure that female and minority-owned firms have an equal opportunity to participate in the consultant selection phase of the transportation planning process;
- Monitor MPO accomplishments and problem areas.

Annual Review

The Director of Operations and the Communications Coordinator review the information listed below for compliance with Title VI and report it annually.

- Strategies used to ensure that all components of the transportation planning process comply with Title VI;
- Whether COMPASS has developed a demographic profile of its planning area that includes identification of minority and low-income populations;
- Whether COMPASS has developed a process to seek to identify the needs of minority and low-income populations and to use demographic information to assess the distribution of benefits across these groups;
- What process is in place to assess the benefits/burdens of transportation system investments on minority and low-income populations on an analytic basis and whether an appropriate data source and tools are used to support the analysis;
- Whether a public involvement strategy for engaging minority and low-income populations in transportation decision-making is in place and what steps are being taken to reduce any participation barriers that have been identified;
- Determine if the public involvement process is routinely evaluated and whether there have been efforts made to improve effectiveness, especially with regard to minority and low-income populations and any other affected groups;
- What efforts have been made to engage minority and low-income populations in the public outreach effort and whether the public outreach effort utilizes media targeted to minority and low-income groups;
- What procedure COMPASS has established for using issues/concerns raised by minority and low-income populations as well as other affected individuals and groups in the decision-making process;
- Composition of COMPASS's workforce by position title, race and gender;
- The names, race and gender of the individuals on COMPASS's Board of Directors and what criteria has been established for their selection and retention;
- Number of consultant agreements awarded and the dollar amount; Number of female and minority firms and the dollar amount;
- Efforts made to ensure an equal opportunity for female and minority consulting firms to participate in the consultant selection process;

- Number of hearings, the location, and the times of day the hearings were held; the percentage of female and minority participation at the hearings;
- Number of public information meetings/open houses held; percentage of female and minority participation;
- Efforts made to take Environmental Justice concerns into consideration in the transportation planning process;
- Whether there was any training received regarding Title VI or Environmental Justice;
- Review of COMPASS internal complaint procedures and policies;
- Status of any Title VI complaints received regarding any of the transportation planning and public involvement processes;
- Any significant Title VI activities or accomplishments made during the review period.
- Any significant Title VI activities or actions planned for the ensuing year.

SECTION 4 - COMPLAINT PROCEDURES

Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination including but not limited to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Age Discrimination Act of 1975, and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with COMPASS. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to COMPASS' Director of Operations for review and action.

In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 180 days after:

- a) The date of alleged act of discrimination; or
- b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, the Director of Operations or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. If necessary, the Director of Operations will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the investigative procedures as outlined below.

Please Note This Exception to the Procedures Below:

All complaints regarding accessibility for the disabled must be forwarded directly to the Idaho Transportation Department (ITD) for investigation.

Within 10 days, the Director of Operations will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available, such as with ITD and/or the US Department of Transportation (USDOT).

COMPASS will advise ITD within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to ITD:

- a) Name, address, and phone number of the complainant.
- b) Name(s) and address(es) of alleged discriminating official(s).
- c) Basis of complaint (i.e., race, color, national origin or sex)

- d) Date of alleged discriminatory act(s).
- e) Date of complaint received by the COMPASS.
- f) A statement of the complaint.
- g) Other agencies (state, local or Federal) where the complaint has been filed.
- h) An explanation of the actions COMPASS has taken or proposed to resolve the issue raised in the complaint.

Within 60 days, the Director of Operations will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to COMPASS' authorized representative. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

Within 90 days of receipt of the complaint COMPASS' authorized representative will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with ITD, or USDOT, if they are dissatisfied with the final decision rendered by COMPASS. The Director of Operations will also provide ITD with a copy of this decision and summary of findings upon completion of the investigation.

Contacts for the different Title VI administrative jurisdictions are as follows:

Megan Larsen
Director of Operations
COMPASS
700 NE 2nd Street, Suite 200
Meridian, ID 83642
208-475-2228
mlarsen@compassidaho.org

Idaho Transportation Department
Office of Civil Rights
Jessika Phillips, Civil Rights Program Manager
PO Box 7149
Boise, ID 83707-1129
208-334-8884
jessika.phillips@itd.idaho.gov

Federal Highway Administration

Idaho Division Office

Peter Hartman, Division Administrator

3050 Lakeharbor Lane, Suite 126

Boise, ID 83703

208-334-1844

SECTION 5 - PROCEDURES, MANUALS, AND DIRECTIVES APPLICABLE TO FEDERAL-AID HIGHWAY PROGRAMS AND TITLE VI

Manuals, plans, policies, programs, laws, regulations, executive orders and procedures establishing rules and guidelines for implementing Title VI are as follows:

- Employment Policies and Procedures
- Financial Policy and Procedure Manual
- Public Involvement Policy
- Public Involvement Plans
- FHWA Title VI Program Guidelines for Federal-aid Recipients
- Statewide Transportation Improvement Program (STIP)
- Standard Specifications for Highway Construction
- Required Contract Provisions/Federal-aid Contracts (FHWA-1273)
- Limited English Proficiency Plan
- 49 CFR 21 (DOT Title VI Regulations)
- DOT Order 1050.2 (Standard Title VI Assurances)
- 23 CFR 200 (FHWA Implementation Regulations of Title VI)
- DFR 200 Part 420.121(h) (Funding Planning and Research Activities)
- 23 CFR 450 (FHWA & FTA MPO Planning Regulations)
- 23 USC 109(h) 28 CFR Part 50.3 (DOJ's Guidelines for enforcement for Title VI)
- 49 CFR Part 21 (DOT's Implementation regulations of Title VI)
- Executive Order 12250 (DOJ Leadership and Coordination of Nondiscrimination Laws)
- Executive Order 12898 (Environmental Justice)
- Executive Order 13166 (Limited English Proficiency)
- Title VI of the Civil Rights Act of 1964 (42 USC 2000)
- Title VIII of the Civil Rights Act of 1968
- The Federal-aid Highway Act of 1973 (23 USC 324)
- The Federal-aid Highway Act (23 USC 306)
- The Americans with Disabilities Act

- Section 504 of the Rehabilitation Act of 1973 (29 USC 790)
- The Age Discrimination Act of 1975
- The Civil Rights Restoration Act of 1987
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4601)
- The Relocation Act Amendments of 1987
- The Civil Rights Act of 1991

SECTION 6 - DEFINITION OF TERMS

Affirmative Action: A good faith effort to eliminate past and present discrimination which ensures that future discriminatory practices do not occur. Actions aimed at addressing the under-representation of minorities and females.

Beneficiary: An individual and or/entity that directly or indirectly receives an advantage through the operation of a federal program; however, they do not enter into any formal contract or agreement with the Federal government where compliance with Title VI is a condition of receiving such assistance.

Categorical Exclusion: A technical exclusion for projects that do not result in significant environmental impacts.

Disparate Impact: Discrimination which occurs because of a neutral procedure or practice, and such practice lacks a "substantial legitimate justification." The focus is on the consequences of a recipient's practices rather than the recipient's intent.

Discrimination/Disparate Treatment: Discrimination which occurs when similarly situated persons are treated differently because of their race, color, national origin, gender, disability, or age, and the decision maker was aware of the complainant's race, color, national origin, gender, disability, or age, and decisions were made (at least in part) because of one or more of those factors.

MPO: Metropolitan Planning Organization (considered a subrecipient).

Minority: A person who is a citizen or lawful permanent resident of the United States and who is:

- Black - a person having origins in any of the black racial groups of Africa
- Hispanic - a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race
- Asian or Pacific Islander - a person having origins in any of the original peoples of the Far East, Southeast Asia, Indian Subcontinent, or the Pacific Islands
- American Indian or Alaskan Native - a person having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition
- White - a female having origins in any of the original peoples of Europe, North Africa, or the Middle East
- Additional subcategories based on national origin or primary language spoken may be used, where appropriate on either a national or regional basis

Recipient: An individual and/or entity that receives Federal financial assistance and operates a program and/or activity.

SEE: Social, Economic, and Environmental – A process to analyze the SEE impacts and effects must be considered during the planning process. The goal of the SEE process is to develop a complete understanding of the existing and future environmental conditions and the possible effects of a proposed project in order to make the best project decision in terms of meeting the intended transportation needs and the goals of an area or community, and for protection and enhancement of the environment.

STIP: A short-range, Statewide Transportation Improvement Program that includes the Idaho Transportation Department's program as well as the Transportation Improvement Programs prepared by the Metropolitan Planning Organizations in Idaho.

Subrecipient: A non-federal entity that expends federal awards received from a pass-through entity to carry out a federal program, but does not include an individual that is a beneficiary of such a program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

TIP: A short-range, Transportation Improvement Program prepared by a Metropolitan Planning Organization.

SECTION 7 – EXHIBITS

EXHIBIT I - STANDARD TITLE VI/NON-DISCRIMINATION ASSURANCES

COMPASS (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the Department of Transportation, it will comply with

- 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);

(hereinafter referred to as the "Regulations"), Executive Order 12898 - Environmental Justice (hereinafter referred to as "EJ"), Executive Order 13166 - Limited English Proficiency (hereinafter referred to as "LEP") and other pertinent directives, to the end that in accordance with the Act, Regulations, Executive Orders and other pertinent directives, so that

no person in the United States shall, on the grounds of race, color, national origin, gender, age or disability 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 Department of Transportation, including the Federal Highway Administration.

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

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its 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.

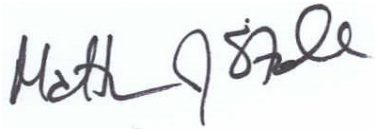
The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source::

COMPASS, 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. That the Recipient shall insert the clauses of Exhibit I-A and Exhibit I-B of this assurance in every contract subject to the Act and the Regulations.
4. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
5. 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 shall extend to rights to space on, over, or under such property.
6. 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.
7. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom he delegates specific authority, to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed by, or pursuant to, the Act, the Regulations, and this Assurance.
8. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this Assurance.

By signing this Assurance, the Recipient 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 access to records accounts This Assurance is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient by Department of Transportation under the Federal-aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal-aid Highway Program. The person signing below is authorized to sign this Assurance on behalf of the recipient.

A handwritten signature in black ink, appearing to read "Matt Stoll". The signature is written in a cursive, flowing style.

Matthew J. Stoll
Executive Director

APRIL 17, 2023

EXHIBIT I-A

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, Federal Highway Administration (FHWA) 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 (FHWA) 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 (FHWA), 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 (FHWA) 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 (FHWA) 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.

EXHIBIT I-B

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 nondiscrimination statutes and authorities; including but not limited to:

- 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 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 prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

EXHIBIT II – COMPLAINT LOG

COMPASS

Title VI Complaint Log

| Number | Complainant Name | Complainant Address | Date Filed | Basis | Status | Disposition |
|--------|------------------|---------------------|------------|-------|--------|-------------|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

EXHIBIT III – DISCRIMINATION COMPLAINT FORM

Community Planning Association of Southwest Idaho

Discrimination Complaint Form

Director of Operations, 700 NE 2nd Street, Suite 200, Meridian, ID 83642

| | | | |
|--|-------------------------------------|--|--------------------------------------|
| Name | | Address—Street (P.O. Box), City, State, Zip | |
| Phone Number | | | |
| Name of Discriminating Person(s) or Agency | | Address of Person(s) or Agency (if known) | |
| Position of Person(s) (if known) | | | |
| Date of Discrimination | Discrimination Due To | | |
| | <input type="checkbox"/> Age | <input type="checkbox"/> Limited English Proficiency | <input type="checkbox"/> Race |
| | <input type="checkbox"/> Color | <input type="checkbox"/> Income Status | <input type="checkbox"/> Religion |
| | <input type="checkbox"/> Disability | <input type="checkbox"/> National Origin | <input type="checkbox"/> Retaliation |
| | | | |

Explain as briefly and clearly as possible what happened and how you were discriminated against. Indicate who was involved and the names of any witnesses. Describe the corrective action you are seeking. Also attach any written material pertaining to your case.

I certify to the best of my knowledge that the statements and information contained herein are true, accurate, and complete.

| | |
|-----------|------|
| Signature | Date |
|-----------|------|

Upon completion, mail or drop off your Discrimination Complaint Form to:
 COMPASS, Director of Operations
 700 NE 2nd Street, Suite 200
 Meridian, ID 83642