



Federal Highway Administration

## TITLE VI PROGRAM PLAN

Prepared by the Office of Diversity & Equity

OCTOBER 2022



Free Language Assistance | Ayuda gratuita con el idioma | Libreng Tulong sa Wika | Hỗ trợ ngôn ngữ miễn phí  
免費語言協助 | 免費語言協助 | مساعدة ترجمة مجانية | 무료 언어 지원 | کمک زبان رایگان | 無料の言語支援 | Бесплатная языковая помощь  
Assistència lingüística gratuïta | मुफ्त भाषा सहायता | Assistance linguistique gratuite | ជំនួយភាសាឥតគិតថ្លៃ | ఉచిత భాషా సహాయం  
ການຊ່ວຍເຫຼືອດ້ານພາສາພຣີ | Kaalmada Luqadda ee Bilaashka ah | Безкоштовна мовна допомога

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## Executive Summary

Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination based upon race, color, and national origin. Specifically, 42 USC 2000d states, "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

In addition to Title VI, other nondiscrimination statutes, orders, and regulations extend protections under the Federal Highway Administration's (FHWA) Title VI Program. Taken together, these requirements define an over-arching Title VI nondiscrimination program, which protects against discrimination on the basis of race, color, national origin, income, disability, sex, and age. Title VI and the additional nondiscrimination requirements are applicable to programs receiving federal financial assistance and to all programs and activities administered by the San Diego Association of Government (SANDAG).

The SANDAG Executive Director is ultimately responsible for assuring full compliance with these requirements, and has directed that non-discrimination is required of all agency employees, contractors, and agents. In addition, this document establishes the Director of the Office of Diversity and Equity (ODE) as the Title VI Coordinator, who is authorized to ensure compliance with this policy.

This document serves as the Title VI Program Plan for SANDAG. It is intended to be a living document, and will be reviewed and updated on a regular basis.

Signed,



HASAN IKHRATA, Chief Executive Officer

October 26, 2022

Date

## Glossary of Terms

- CalEnviroScreen: a mapping tool that helps identify California communities most affected by pollution, and where communities are especially vulnerable to pollution's effects.
- Community Based Organization (CBO): A local, non-profit, non-governmental organization representing the interests of a particular population within the community.
- Disparate Impacts: facially neutral policies or practices that disproportionately affect members of a group identified by race, color, or national origin.
- Environmental Justice: the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.
- Equity and Equality: Equity ensures access, opportunity, and advancement for all people, and strives to identify and eliminate barriers that prevent the full participation of some groups. Equality ensures the same access, opportunity, and advancement for all people; it aims to promote fairness but can only work if everyone starts from the same place.
- Executive Order: Rule or order issued by the U.S. President to an executive branch of the government and having the force of law.
- Limited English Proficiency (LEP): Persons with LEP are those for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English; LEP designation includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all.
- Metropolitan Planning Organization (MPO): an organization created and designated to carry out the metropolitan transportation planning process.
- Minority: designation for a person who self-identifies as one or more of the following Census race/ethnicity categories: Black, Hispanic, Asian American, or American Indian and Alaskan Native; where appropriate, a preferred alternative is Person of Color.
- National Origin Discrimination: Treating people unfavorably because they are from a particular country or part of the world, including because of ethnicity, because they speak a foreign language, or because they speak English with an accent.
- People or Communities of Color: terms used to replace "minority" where appropriate.
- Regional Plan: a long-term plan that seeks to meet regulatory requirements and create equal access to jobs, education, healthcare, and other community resources in the region.
- Social Equity: another term for civil rights, the advancement of fairness and justice for all people, including considering systemic inequalities, to ensure that that everyone has access to the same opportunities and outcomes.
- Subrecipient: an entity that receives federal assistance awarded through a direct recipient rather than by directly from a federal agency.
- Title VI: Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal funding from discriminating on the basis of race, color, or national origin.
- Vital Document: A document that contains information that is critical for accessing or obtaining information, services, and/or benefits, or is required by law.

# 1. Introduction

Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination based upon race, color, and national origin. Specifically, 42 USC 2000d states, "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

## FHWA Title VI Requirements

In addition to Title VI, other nondiscrimination statutes, orders, and regulations extend protections under the Federal Highway Administration's (FHWA) Title VI Program. These include the following:

- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- Executive Order 13166, Improving Access to Services For Persons With Limited English Proficiency
- Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324)
- Section 504 of the Rehabilitation Act of 1973
- Americans With Disabilities Act of 1990
- Age Discrimination Act of 1975
- Civil Rights Restoration Act of 1987
- 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 regulations
- Federal-Aid Highway Act of 1973, Public Law Section 162a
- 23 CFR Part 200, FHWA Title VI Program and Related Statutes – Implementation and Review Procedures

Taken together, these requirements define an over-arching Title VI nondiscrimination program, which protects against discrimination on the basis of race, color, national origin, income, disability, sex, and age. Title VI and the additional nondiscrimination requirements are applicable to programs receiving federal financial assistance and to all programs and activities administered by the San Diego Association of Government (SANDAG).

## About the San Diego Association of Governments (SANDAG)

SANDAG is the regional planning agency as well as the technical and informational resource for the San Diego, California, area's 18 incorporated cities and the county government, which collectively make up the association of governments. A Board of Directors comprising elected officials from each of the 19 member agencies governs SANDAG. Advisory representatives from Imperial County, the U.S. Department of Defense, California Department of Transportation (Caltrans), San Diego Unified Port District, San Diego County Water Authority, Metropolitan Transit System (MTS), North San Diego County Transit District (NCTD), Southern California Tribal Chairmen's Association (SCTCA), San Diego Regional Airport Authority, and Mexico supplement the voting members. The agency's planning

boundary is the jurisdictional limits of the County of San Diego. In 2020, the U.S. Census Bureau estimated the county population as 3,351,737. SANDAG also partners with agencies in Mexico and throughout Southern California.

SANDAG was created in 1966 as a Comprehensive Planning Organization (CPO) under a state-authorized joint powers agreement. The governor of California designated the CPO as the metropolitan planning organization (MPO) for the region in 1970. In 1972, the CPO was established as a joint powers authority. It adopted its current name in 1980 to better reflect its purpose. In 1987, SANDAG added the responsibilities of administering the region's voter-approved half-cent sales tax for regional transportation projects – TransNet.

In 2003, Senate Bill (SB) 1703 changed SANDAG's structure from a joint powers authority to a state-created regional governmental agency, which made it a permanent (rather than voluntary) association of local governments with increased responsibilities and powers. SB 1703 consolidated MTS's and NCTD's transportation planning and development functions into SANDAG so those activities would occur multimodally. The roles and responsibilities of SANDAG, MTS, and NCTD are outlined in a master memorandum of understanding executed in 2004. SANDAG is responsible for transit planning, development, and construction, whereas MTS and NCTD are responsible for transit operations. MTS and NCTD also manage small construction projects with SANDAG's assistance, and SANDAG is responsible for establishing the regional fare policy.

## **SANDAG Commitment to Equity Statement**

In February 2021, the SANDAG Board of Directors adopted the following Commitment to Equity statement:

*We hold ourselves accountable to the communities we serve. We acknowledge we have much to learn and much to change; and we firmly uphold equity and inclusion for every person in the San Diego region. This includes historically underserved, systemically marginalized groups affected by actions and inactions at all levels of our government and society. We have an obligation to end disparities and ensure that safe, healthy, accessible, and inclusive opportunities are available to everyone.*

*We have an obligation to eliminate disparities and ensure that safe, healthy, accessible, and inclusive opportunities are available to everyone. The SANDAG equity action plan will inform how we plan, prioritize, fund, and build projects and programs; frame how we work with our communities; define how we recruit and develop our employees; guide our efforts to conduct unbiased research and interpret data; and set expectations for companies and stakeholders that work with us.*

*We are committed to creating a San Diego region where every person who visits, works, and lives can thrive.*

## **Implementing This Plan**

This Title VI Program Plan will be posted on the SANDAG public website, and its content will be communicated to all staff at the agency. It will serve as a standard operating procedure of how the agency is carrying out its FHWA civil rights obligations year to year.

## 2. Title VI Assurances

Title VI compliance is a condition of receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 U.S.C § 2000d and related statutes, and the requirements of 23 Code of Federal Regulation (CFR) pt. 200 and 49 CFR pt. 21.

SANDAG submits its Title VI Assurances as part of its annual Certifications and Assurances submission to DOT, FHWA and FTA. SANDAG will collect Title VI Assurances from subrecipients prior to passing through FTA or FHWA funds. The federal fiscal year 2022 FTA Certifications and Assurances for SANDAG were electronically pinned in TrAMS on March 4, 2022, by SANDAG's Chief Financial Officer, Andre Douzdjian, and General Counsel, John Kirk.

In addition, SANDAG provides Title VI Assurances to the public through the following means.

The Non-Discrimination Policy Statement in **Board Policy No. 009 (Appendix A)** states:

"It is SANDAG policy to comply with state and federal laws and regulations including the Americans with Disabilities Act of 1990 (ADA), Title VI of the Civil Rights Act of 1964 (Title VI) and other federal and state discrimination laws. SANDAG prohibits discrimination by its employees, contractors, and consultants. SANDAG does not discriminate on the basis of race, color, sex, creed, religion, national origin, age, marital status, ancestry, medical condition, disability, veteran status, or sexual orientation in conducting government business. Persons who believe they have been subjected to discrimination or have been denied access to services or accommodations required by law, have the right to use this grievance procedure."

The **Your Rights Under Title VI of the Civil Rights Act of 1964 and the Americans With Disabilities Act of 1990** brochure (**Appendix B**) states:

"Title VI prohibits SANDAG from discriminating either directly or through contractual or other means by:

- Denying programs, services, financial aids or other benefits.
- Providing different programs, services, financial aids or other benefits, or providing them in a manner different from that provided to others.
- Segregating or separately treating individuals or groups in any matter related to the receipt of any program, service, financial aid or benefit.
- Denying person(s) the opportunity to participate as a member of a planning, advisory or similar body on a discriminatory basis.
- Denying person(s) the opportunity to participate in the program through the provision of services, or affording the opportunity to do so differently from those afforded others."

This brochure, printed in Spanish and English, is available in reception areas of the SANDAG offices. The brochures may be also viewed or downloaded from the SANDAG public website ([www.sandag.org/civilrights](http://www.sandag.org/civilrights)). A link on that webpage directs viewers to a page where they can find out more about SANDAG's language assistance efforts and how to request documents in languages other than English. A Google Translate toolbar on each page of the

SANDAG website provides an additional way for persons with limited English proficiency (LEP) to access information about their Title VI rights.

The **SANDAG Notice of Non-Discrimination** is provided in the top 5 languages spoken by persons with LEP, as provided in the SANDAG Language Assistance Plan (LAP). It states:

“SANDAG is committed to ensuring that no one is excluded from participation, denied benefits, or be discriminated against in its projects, programs, or activities on the basis of race, color, creed, national origin, sex, age, disability, religion, marital status, ancestry, medical condition, veteran status, or sexual orientation as set forth in Title VI of the Civil Rights Act, the Americans with Disabilities Act of 1990, and other federal and state discrimination laws. SANDAG prohibits discrimination by its employees, contractors, and consultants. Persons who believe they have been subjected to discrimination or have been denied access to services or accommodations required by law, have the right to file a complaint. Information about SANDAG discrimination complaint procedures and forms can be found at [sandag.org/CivilRights](http://sandag.org/CivilRights).”



### 3. Organization and Staffing

The SANDAG Executive Director is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and related statutes and has directed that non-discrimination is required of all agency employees, contractors, and agents.

The Director of the Office of Diversity and Equity (ODE) is the SANDAG Title VI Coordinator. This position is situated in the Department of Organization Effectiveness and has easy access to the head of the agency, as shown in the following organization chart (Figure 3-1).

Figure 3-1: Agency Organization



The Title VI Coordinator's responsibilities include activities such as:

- Developing Title VI plans and reports;
- Developing procedures for the prompt processing and disposition of complaints, including, where appropriate, compiling a complaint log, investigating complaints, and reporting to Caltrans;
- Developing procedures for the collection and analysis of statistical data;
- Developing a program to conduct Title VI reviews of program areas;
- Conducting Title VI assessments of pertinent program areas;
- Developing Title VI information for dissemination; and
- Establishing procedures for resolving deficiency status and reducing to writing the remedial action agreed to be necessary.

The Office of Diversity & Equity comprises staff with expertise in Title VI and associated civil rights laws and regulations to support these activities.

The Title VI Coordinator is identified in Board Policies and disseminated to the public on the SANDAG public website. Identification and responsibilities of the Title VI Coordinator are additionally disseminated to employees through the agency internal intranet (SharePoint).

## 4. Program Area Review Procedures

Four main areas form the foundation of SANDAG's programs.

### Regional Planning

- Responsible for the Regional Plan and a wide range of programs and projects related to climate, digital equity, environmental compliance, intergovernmental coordination, integrated transportation, mobility, strategic partnerships, sustainable communities, and technology.
- Planning staff manage and coordinate SANDAG's Social Equity and Environmental Justice Initiative: conducting social equity analyses for regional plans, programs, and projects; leading public outreach and engagement strategies, partnering with Community Based Organizations (CBOs); and developing and implementing plans and policies that advance social equity and environmental justice.
- ODE staff participate in regular review and update of Board policies related to planning activities, equity analyses, and other reports containing potential Title VI concern. ODE staff also provide technical support for Planning's equity analyses. Regular recurrent training on social equity, including Title VI and language assistance requirements, is provided for all planning staff.

### Public Affairs

- Responsible for disseminating information and providing opportunities for members of the public to participate in decision-making activities, through government relations and outreach activities. Also responsible for development of a wide range of materials, including documents, visual communications, and web content, and by providing editorial support, social media strategies, and marketing.
- This program is charged with ensuring all members of the community, including those from Title VI-protected populations and those with limited English proficiency, can access information and participate in decision-making activities.
- ODE staff participate in regular review and update of Board policies related to public engagement. They also work with teams responsible for implementing SANDAG's Language Assistance Plan (LAP), providing training about language assistance resources and tools and technical assistance to ensure public materials conform to LAP guidelines.

### Data Science

- Collect, analyze, and model demographic data on an ongoing basis to better understand the populations being served by SANDAG's activities and inform the delivery of SANDAG services; promote best practices in the use and distribution of open data and "big" data.
- Data science staff provide guidance and support to SANDAG staff to analyze the benefits and burdens of a wide array of policies, programs, and projects and ensure such activities do not have discriminatory effects on populations protected by civil rights laws and regulations. They develop charts and maps to illustrate data findings;

and they help regional stakeholders and members of the public transform data into intelligent actions to attain the greatest economic and social benefits.

- ODE staff communicate with project managers and data staff to ensure data collection and use meets federal and local guidelines. ODE staff also maintain and share additional data acquired during development of Title VI, environmental justice, and language assistance inquiries.

#### Engineering & Construction

- Engineering and Construction staff lead and manage active transportation programs, corridor studies, and capital projects, from planning through the environmental, design, and construction phases of project development. They provide insight and best practice-based recommendations and engineering technical assistance to SANDAG leadership, elected officials, outside organizations, stakeholders, and the public.
- Engineering and construction programs must be implemented in compliance with federal and local civil rights laws and regulations to ensure projects to not place any discriminatory burdens on protected populations.
- ODE staff review of scopes of work and other in-progress documents as capital projects are being developed, to ensure meaning public engagement provides opportunities for populations protected by Title VI can participate in the decision-making processes. Attention is focused on ensuring persons with LEP can access program/project information. In addition, engineering and construction projects are subject to civil rights review and analyses as part of national and state environmental review processes.

## 5. Subrecipient Review

SANDAG conducts annual performance monitoring of its subrecipients through desk reviews and/or site visits. The intent of these monitoring activities is to ensure subrecipients comply with their Title VI obligations. Through this monitoring, SANDAG reviews subrecipient logs of Title VI-related complaints, investigations, and lawsuits; verifies that subrecipients have posted a Title VI Notice in transit vehicles, their websites, and other public spaces; and checks that subrecipients have met their translation requirements per their Language Assistance Plan.

SANDAG subrecipients of Federal Transit Administration (FTA) Section 5310 funds are also required to have compliant Title VI Programs prior to execution of funding agreements with SANDAG. Although the FHWA and Caltrans do not have a similar requirement, these Programs provide a built-in opportunity for SANDAG to review the Title VI policies and practices of many of its subrecipients.

## 6. Data Collection, Reporting, Analysis

Accurate and timely data collection, analysis, and reporting is a key element underlying many of SANDAG’s activities.

The Social Equity element of SANDAG’s **2021 Regional Plan** utilized a data-driven process to identify where disadvantaged communities are located in the region and to design a network to provide connections to and from jobs with transportation options. It contained improved methods for analyzing how the 2021 Regional Plan affects those populations, to ensure that the plan not only meets federal and state equity mandates, such as Title VI, but also reflects and responds to the needs of the disadvantaged communities in the region as defined by people in those communities

The SANDAG Data, Research, Economics, Analytics, and Modeling team collects and provides up-to-date data, data analysis, and mapping services, to help project managers assess the equity of a wide range of programs and projects.

SANDAG provides data support to the two transit agencies in the San Diego area – the San Diego Metropolitan Transit System (MTS) and the North County Transit District (NCTD) – with several initiatives. SANDAG coordinates the on-board rider survey for the two agencies and collaborates with planning and other staff at the agencies to support equity analyses for joint projects.

Some recent examples of data processes at SANDAG include:

Program Area	Data Analysis	Protected Populations Studied	Outcome of Data Analysis
Language Assistance Plan update	Census, Dept. of Education English Learner, and local Court data; GIS mapping and analysis	Limited English proficient populations; foreign-born populations	Identification of languages spoken in SANDAG region, distribution of LEP populations
Specialized transportation grant programs	Census data; GIS mapping and analysis	People of color; low-income populations	Determination of equity of distribution of Grant awards
MTS bus facility	Census data; GIS mapping and analysis	People of color; low-income populations	Siting of transit facility with least burden on protected populations
Regional Plan Social Equity Analysis	Census data; GIS mapping and analysis; input from public and CBO partners	People of color; low-income populations; seniors	Equity evaluation of long-term programming efforts in Regional Plan

SANDAG also collects and provides data and data/mapping services to the public; this provides an additional layer of oversight to SANDAG’s data collection, reporting, and analysis

processes. SANDAG develops annual demographic estimates of population and housing characteristics for small geographic areas and produces long-range growth forecasts of population, housing, employment, income, and land use in the San Diego region.

A wide array of data products and tools are available on the **SANDAG Open Data Portal**, where the public can explore, visualize, and download publicly accessible data for the San Diego region. Topic areas and sources include Sustainable Development Goals (SDG) data, Census estimates and forecasts, a parcel lookup tool, highway traffic data, the regional GIS Data Clearinghouse, SB 743 VMT web maps, and more.

As the Regional Census Data Center for the San Diego region, SANDAG keeps and provides access to a complete inventory of data released from the U.S. Census Bureau. SANDAG also works with the Census Bureau, local agencies, and the public on all census-related issues in the region, and provides access to downloadable Geographic Information System (GIS) data and maps, as well as free interactive mapping applications and services.

## 7. Title VI Training

Social Equity training, which includes content about SANDAG's Title VI, Environmental Justice, and Americans with Disabilities Act compliance programs, is reviewed, updated, and presented to all staff every two years. Staff with frequent public content are required to attend; other employees are recommended to do so. Presentation slides and narrated recorded video from this training are available year-round on SANDAG's internal employee intranet (SharePoint). A sample of the most recent training is contained in **Appendix C**.

Trainings focused on specific elements of Title VI compliance, such as providing language assistance and processes for conducting social equity analyses, are also posted on the SharePoint site and update and/or regularly presented for appropriate staff.

## 8. Complaint Procedures

SANDAG operates programs without regard to race, color, and national origin in compliance with Title VI of the Civil Rights Act and other federal and state discrimination laws. As a recipient of federal financial assistance, SANDAG has adopted procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging discrimination on basis of race, color, national origin, age, sex, or disability.

SANDAG **Board Policy No. 009** – Discrimination Complaint Procedures (Appendix A), last amended in 2017, describes procedures for receiving, investigating, and tracking complaints. Persons who believe they have been subjected to discrimination or have been denied access to services or accommodations on the basis of race, color, sex, creed, religion, national origin, age, marital status, ancestry, medical condition, disability, veteran status, or sexual orientation have the right to use this grievance procedure. Board Policy 009 is under review; an updated version of the Policy will be presented for approval by the Board of Directors in Winter 2022/23.

Procedures for filing a complaint and the complaint form are available on the public website. The complaint procedures and forms are available in English and Spanish. Once Board Policy 009 is updated, it will be made available in the 17 languages most spoken by persons with limited English proficiency.

When complaints are received, they are recorded in the Discrimination Complaint Tracking Log (Figure 8-1).

Figure 8-1: Discrimination Complaint Tracking Log

Complaint No.	Date Complaint Filed With SANDAG	Summary of Allegation	Action Taken	Status

There are currently no active complaints.



## 9. Dissemination of Title VI Information

SANDAG's non-discrimination policy is publicized on the SANDAG website **civil rights** page, posters in various shared spaces in the workplace, Board and committee agendas, and other media. The brochure version of the notice (**Appendix B**) is provided in SANDAG reception areas and can be downloaded from the SANDAG website in **English** or **Spanish**.

### Community Outreach and Public Participation

A key component of the SANDAG mission is a strong commitment to public participation and involvement to include all residents and stakeholders in the regional planning processes, including ensuring the meaningful involvement of communities of color.

SANDAG **Board Policy No. 025** – Public Participation Plan Policy (contained in **Appendix D**) establishes processes for obtaining input from and providing information to the public concerning agency programs, projects, and program funding in order to ensure the public is informed, that the public has opportunities to provide input so plans can reflect the public's interest, and so that community concerns are addressed. The Public Participation Plan provides SANDAG general policies for public participation, as well as for major planning initiatives such as the Regional Plan, Regional Short Range Transit Plan, and other planning and programming projects, including any tailored public involvement plans associated with them.

Some key elements of the Plan include:

- SANDAG Board meetings provide a public forum and decision point for significant regional issues. In addition, SANDAG proactively seeks and promotes public participation in SANDAG workshops and public hearings, as well as participation and attendance at committees, working groups, and task forces.
- In order to inform the public in a timely manner about regional issues, actions, and pending decisions, SANDAG posts legal notices in newspapers of general circulation; other publication and distribution efforts can include mail distribution to residents, agencies, and city/county governments, the SANDAG website, email lists, text messaging, the SANDAG social media channels, and Region – the SANDAG monthly electronic newsletter. As needed, SANDAG also distributes press releases and media alerts to print and broadcast media.
- SANDAG adheres to government-to-government relationships when interacting with Tribal Governments, engaging in consultation with Tribal Governments prior to making decisions, taking actions, or implementing programs that may impact their communities.
- To communicate with and conduct outreach to persons with LEP, SANDAG regularly distributes information and press releases to Spanish language and Mexico border area print and broadcast media, including El Latino, La Prensa, and local and Mexico radio and television stations. As appropriate, SANDAG translates publications, announcements, and web content into Spanish and other languages; in addition, numerous bilingual Spanish-English employees participate in public outreach and/or conduct presentations in Spanish.

- SANDAG conducts periodic surveys as part of the outreach and public participation component of agency activities. SANDAG collects and uses racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance through SANDAG programs and projects. The agency uses the data to confirm that populations protected by Title VI are not subject to discrimination or disparate impacts by SANDAG. Residential, employment, and transportation patterns of minority, limited English speaking, and low-income populations are identified so that their needs can be identified and addressed, and the benefits and burdens of transportation investments can be fairly distributed.

SANDAG evaluates and improves the public involvement processes to eliminate participation barriers and engage people of color and low-income populations in transportation decision making. The Public Participation Plan and Board Policy No. 025 is reviewed and updated periodically as required by law, but no less often than every five years.

# 10. Limited English Proficiency

Executive Order 13166, "Improving Access To Services For Persons With Limited English Proficiency," directs federal agencies to evaluate services provided and implement methods to ensure that Limited English Proficiency (LEP) persons are able to meaningfully access the services provided, consistent with, and without unduly burdening, the fundamental mission of the local agency.

In accordance with Executive Order 13166, SANDAG has developed a **Language Assistance Plan** (LAP) to ensure that persons with LEP are provided, free of charge, meaningful access to programs, services, and information. The plan conducted an evaluation of numbers and needs of LEP populations, following the U.S. Department of Transportation LEP Guidance and Four Factor analysis. The plan provides information about how SANDAG:

- Identifies LEP populations protected by the Executive Order;
- Provides notice of availability of language assistance;
- Provides language assistance measures;
- Engages persons with LEP in public meetings;
- Trains staff to be compliant with the requirement; and
- Monitors and updates the plan.

The LAP is available on the SANDAG public website, and is updated regularly to ensure alignment with the most recent Four Factor Analysis, the SANDAG Equity Action Plan, and any significant changes in the SANDAG Title VI Program, laws, or regulations.

# 11. Environmental Justice

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," directs federal agencies to develop strategies to address disproportionately high and adverse human health or environmental effects of their programs on people of color and low-income populations. The order is also intended to promote nondiscrimination in federal programs substantially affecting human health and the environment, and to provide people of color and low-income communities' access to public information and an opportunity for public participation in matters relating to human health or the environment.

SANDAG Board Policy No. 025 incorporates the principles of environmental justice; the policy provides guidelines for drafting public involvement plans for specific projects and programs.

Achieving social equity and environmental justice in the context of creating a comprehensive plan for the region is a major goal of SANDAG. The 2021 Regional Plan's **Public Involvement Program** created a variety of opportunities for individuals, organizations, agencies, and other stakeholders to provide meaningful input to help shape the Regional Plan. During development of the Regional Plan, SANDAG established a Social Equity Working Group, comprising partners from CBOs serving underserved/disadvantaged communities, to provide ongoing input. The CBOs were selected from a competitive request for proposals with a condition of geographic coverage to have representation from environmental justice communities throughout the region using the **CalEnviroScreen** tool to identify impacted communities.

Following the Regional Plan's Public Involvement Program, SANDAG sought and considered the needs of those traditionally underserved by existing transportation systems. The PIP incorporated several techniques for SANDAG to reach people with low incomes, people of color, and others who may face challenges participating in the planning process (such as people with limited English proficiency, individuals with disabilities, and seniors) to ensure that benefits and burdens are distributed equitably in the region. These techniques included multilingual outreach, public participation conducted in collaboration with CBOs, and community planning events that reached communities with high concentrations of underserved residents.

SANDAG adheres to the principles of environmental justice in programs and projects apart from the Regional Plan. Social equity analyses conducted for transit fare changes, facility siting, grant distribution, and others, assess equity to populations on the basis of race and income.

## 12. Accomplishments and Goals Report

Also called the “Annual Work Plan,” the Accomplishments and Goals Report is developed and submitted annually to the SANDAG Chief Executive Officer and is kept on record for possible review. The report covers goals that were accomplished over the past year and plans for the coming year. It may include such content as: any organizational policy changes, program area reviews, subrecipient reviews, training, Title VI complaints, and corrective actions plans.

# Appendix A: Discrimination Complaint Procedures

Discrimination Complaint Procedures can be found on SANDAG's **public website**. The content includes a link to Board Policy No. 009 and the discrimination complaint form(s) in English and Spanish. It also contains the SANDAG Notice of Non-Discrimination in the top 5 languages spoken by persons with LEP, and a notice of Free Language Assistance in the 17 languages most spoken by persons with LEP in the SANDAG region.

## Appendix B: “Your Rights” Brochure








A brochure entitled “Your Rights Under Title VI of the Civil Rights Act of 1964 and the Americans With Disabilities Act of 1990” is available on the public website in **English** and **Spanish**.

# Appendix C: Social Equity Overview Training

A training comprising an overview of social equity programs at SANDAG, including Title VI of the Civil Rights Act of 1964, Environmental Justice, and Americans With Disabilities Act compliance efforts was developed in 2021 and presented to all staff over several presentations. A recorded version of the training, along with downloadable slides, was made available on the employee Social Equity intranet (SharePoint) page. The training was updated in 2022 to reflect changes made in the 2022 SANDAG Language Assistance Plan, and an updated recorded video and slides were uploaded to the employee intranet.




<h3>Other California Civil Rights Laws</h3> <p><b>Unruh Civil Rights Act</b></p> <ul style="list-style-type: none"> <li>Prohibits discrimination based on race, sex, religion, ancestry, marital status, national origin, and physical disability</li> <li>Individuals can sue for damages and injunctive relief</li> <li>Individuals can sue for lost benefits and expenses</li> </ul> <p><b>Unruh Civil Rights Act (1977)</b></p> <ul style="list-style-type: none"> <li>Prohibits discrimination based on race, sex, religion, ancestry, marital status, national origin, and physical disability</li> <li>Individuals can sue for damages and injunctive relief</li> <li>Individuals can sue for lost benefits and expenses</li> </ul> <p><b>California Environmental Quality Act</b></p> <ul style="list-style-type: none"> <li>Requires public participation in CEQA process</li> <li>Requires public participation in CEQA process</li> </ul> <p><b>California Environmental Quality Act</b></p> <ul style="list-style-type: none"> <li>Requires public participation in CEQA process</li> <li>Requires public participation in CEQA process</li> </ul>	<h3>U.S. DOT Compliance</h3> <p><b>U.S. DOT Compliance</b></p> <ul style="list-style-type: none"> <li>Requires public participation in DOT projects</li> <li>Requires public participation in DOT projects</li> </ul>	<h3>FTA Requirements</h3> <p>Update and submit Title VI Program every 3 years:</p> <ul style="list-style-type: none"> <li>Public notice about title</li> <li>Complaint procedures</li> <li>Inclusive public participation</li> <li>Language assistance for persons with limited English proficiency</li> <li>Assess and monitor performance</li> <li>Equity analysis for new changes and selection of funding, application process for grants</li> </ul>	<h3>FWA/Cabrera Requirements</h3> <p><b>FWA/Cabrera Title VI Program:</b></p> <ul style="list-style-type: none"> <li>Title VI Coordinator – Director of the Office of Diversity and Equity</li> <li>Procedures – Check, audit, national origin (including LEP), income, disability, sex, and age</li> <li>Program Area Reviews</li> <li>Training</li> <li>Documentation/Complaint procedures</li> </ul>
<h3>Inclusive Public Participation</h3> <ul style="list-style-type: none"> <li>Meaningfully and effectively engage the public</li> <li>Focus on communities of color, people with limited English proficiency, and low-income populations</li> <li>Bring opportunities for public engagement to the community</li> <li>Present information in ways that are culturally relevant and easy to understand</li> </ul>	<h3>Limited English Proficiency (LEP)</h3> <ul style="list-style-type: none"> <li>A person with Limited English Proficiency (LEP) is someone who speaks English "less than very well"</li> <li>Title VI and Executive Order 13160 provide protection for individuals</li> <li>Training: <a href="#">Language Assistance Plan (LAP)</a></li> </ul>	<h3>Language Assistance Plan (LAP)</h3> <p>Defines how we will meet our Title VI and LEP obligations and how we will ensure that we are providing meaningful and effective public participation to persons with limited English proficiency.</p>	<h3>Title VI</h3> <p><b>INCLUSIVE PUBLIC ENGAGEMENT &amp; LANGUAGE ASSISTANCE ARE KEY ELEMENTS OF TITLE VI COMPLIANCE!</b></p>
<h3>Environmental Justice</h3>	<h3>Environmental Justice</h3>	<h3>Environmental Justice Video</h3>	<h3>Environmental Justice</h3> <p><b>Executive Order 13985 – Federal Action To Address Environmental Justice in Minority Populations and Low-Income Populations</b></p> <p>... the fair treatment and meaningful involvement of all people, regardless of race, color, or national origin, in the development, implementation, and enforcement of environmental laws, regulations, and policies."</p>
<h3>EJ Definitions</h3> <ul style="list-style-type: none"> <li><b>Fair Treatment:</b> No group of people should bear a disproportionate burden of environmental consequences resulting from industrial, governmental, or commercial operations or policies.</li> <li><b>Meaningful Involvement:</b> All people should have the right to participate in decision-making activities and to take positive action to address environmental justice for their communities.</li> <li><b>Disproportionate Burden:</b> High and adverse impacts, including cumulative impacts, on people of color or low-income populations.</li> </ul>	<h3>EJ Laws &amp; Regulations</h3> <p><b>National Environmental Policy Act (NEPA)</b></p> <ul style="list-style-type: none"> <li>U.S. DOT Order</li> <li>CEQA Policy &amp; Environmental Justice Toolkit</li> <li>EJ to CEQA Title VI Checklist</li> </ul>	<h3>Environmental Justice – California Law</h3> <p><b>California Environmental Quality Act (CEQA)</b></p> <p>Environmental Justice Toolkit</p>	<h3>Complying With EJ</h3> <p>Applies to:</p> <ul style="list-style-type: none"> <li>SANDAG services, programs, activities</li> <li>Subgrantees and others receiving funds from SANDAG</li> <li>Inclusive public participation</li> </ul> <p>Equity analysis:</p> <ul style="list-style-type: none"> <li>analyze for disproportionate burden</li> <li>identify alternatives, mitigation, if public</li> </ul>
<h3>Disability Rights</h3>	<h3>Access is a Civil Right</h3> <p>1.5% of US population has severe lifelong disabilities</p> <p>~21% of people with disabilities have very low income, vs. ~15% of people without disabilities</p> <p>Access to transit – key issue in fight demanding national disability rights legislation</p>	<h3>Legislation</h3> <p>Persons with disabilities are protected by these other pieces of Civil Rights legislation:</p> <ul style="list-style-type: none"> <li>1950: Unruh Civil Rights Act</li> <li>1950: California Fair Employment &amp; Housing Act</li> <li>1960: California Disabled Persons Act</li> <li>1973: Federal Rehabilitation Act</li> </ul>	<h3>Legislation &amp; Regulations</h3> <ul style="list-style-type: none"> <li>1977: Federal Rehabilitation Act</li> <li>1977: California Disabled Persons Act</li> <li>1977: California Civil Code</li> </ul>
<h3>Crip Camp: A Disability Revolution</h3>	<h3>1990 Americans With Disabilities Act</h3> <ul style="list-style-type: none"> <li>Federal mandate for the elimination of discrimination against individuals with disabilities</li> <li>Any qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity</li> </ul>	<h3>Guidance &amp; Regulations</h3> <p>Regulations guide implementation of regulations:</p> <ul style="list-style-type: none"> <li>U.S. Justice Dept</li> <li>U.S. DOT ADA Standards for Transportation Facilities</li> <li>California ADA – Section 504</li> <li>California Building Code Title 24</li> </ul>	<h3>Impact of Anti-Discrimination Statutes</h3> <ul style="list-style-type: none"> <li>ADA establishes program requirements for public entities</li> <li>An inaccessible building is just as illegal as a building barring entry to a person of color</li> <li>Everyone at SANDAG is responsible to ensure that their work results in products, designs, services, or facilities that are accessible to the disabled</li> </ul>
<h3>How SANDAG Complies</h3> <ul style="list-style-type: none"> <li>Effective communications</li> <li>Accessibility to Accessibility &amp; public meetings</li> <li>Reasonable modifications to policies and procedures</li> </ul>	<h3>What is Covered?</h3> <ul style="list-style-type: none"> <li>Public meeting sites</li> <li>Office buildings and other buildings</li> <li>Public documents</li> <li>Transit stations</li> <li>Business projects</li> <li>Production back coverage</li> <li>Signage and message systems</li> <li>Programs</li> <li>Vehicles</li> <li>Etc.</li> </ul>	<h3>What Happens If Something is Not Accessible?</h3> <p>ADA: "Right of Private Action" – an individual can sue</p> <p>Under California law, both the agency (SANDAG) and the contractor can be liable for ADA.</p>	<h3>Meaningful Public Engagement</h3> <ul style="list-style-type: none"> <li>Public outreach must be for everyone</li> <li>SANDAG must provide accommodations for persons with disabilities</li> <li>SANDAG Board Policy No. 025 requires public participation and requires meaningful public input</li> </ul>
<h3>Office of Diversity and Equity</h3> <ul style="list-style-type: none"> <li>Ensures SANDAG, subgrantee compliance with ADA and other civil rights regulations</li> <li>Acts as a resource to ensure your project, service, or activity is ADA compliant</li> <li>Resolves issues and issues for ADA compliance</li> </ul>	<h3>Equity Must Include Persons With Disabilities</h3>	<h3>Social Equity Analysis</h3>	<h3>Why Must We Conduct Social Equity Analyses?</h3> <ul style="list-style-type: none"> <li>Ensures that everything we do is free from discrimination</li> <li>Provides an equitable distribution of benefits and burdens</li> <li>Advances Strategic Plan Initiative to become a Data-Driven Organization</li> </ul> <p>Also called "Social Equity Impact Assessment"</p>

<h3>What is Covered?</h3> <p>All SANDAG programs, policies, and activities: contracting, system planning, project development, implementation, operation, monitoring, and maintenance.</p>  <p><b>SANDAG</b></p>	<h3>What Activities Are Covered?</h3> <p>Examples:</p> <ul style="list-style-type: none"> <li>Proposals for a new or revised policy, procedure, or ordinance</li> <li>Regional planning document or project-specific plan</li> <li>New Changes and Land or Siting Ordinance Notice</li> <li>Implementation of a new service or operation</li> </ul> <p>Not covered: Repairs or Renovations</p>  <p><b>SANDAG</b></p>	<h3>When To Conduct An Analysis?</h3> <ul style="list-style-type: none"> <li>To show where community needs are and/or show the magnitude of community needs</li> <li>When considering how to allocate resources: budgeting, programming, prioritizing projects, grant programs</li> <li>When considering reducing or removing a service, program, funding, etc. due to budgetary problems</li> </ul> <p><b>A social equity analysis should be conducted at critical juncture points to make sure we avoid discrimination, or to determine how best to mitigate adverse effects of projects.</b></p>  <p><b>SANDAG</b></p>	<h3>Who? Staff</h3> <ul style="list-style-type: none"> <li>Projects can involve staff from many departments</li> <li>Project Managers – construction projects</li> <li>Planning staff – fare equity analyses, social accessibility of facilities</li> <li>Utility and Innovation – equity of new projects</li> <li>Communications staff – identify translation &amp; interpretation needs</li> <li>Data &amp; Analytics staff – provide data for analyses</li> <li>And many more!</li> </ul>  <p><b>SANDAG</b></p>
<h3>Who else? The Public!</h3> <ul style="list-style-type: none"> <li>Key stakeholders, and partners, in analyzing projects &amp; plans</li> <li>Meaningful public engagement suggests qualitative analytical findings</li> <li>ID impacts not anticipated/identified by project goals</li> </ul>  <p><b>SANDAG</b></p>	<h3>How?</h3> <p>Dimensions of Social Equity that should be measured:</p> <ul style="list-style-type: none"> <li>ACCESS</li> <li>QUALITY</li> <li>OUTCOMES</li> <li>PROCEDURAL FAIRNESS</li> </ul> <p><b>SANDAG</b></p>	<h3>Analysis for Language Assistance</h3> <ul style="list-style-type: none"> <li>ID populations needing language assistance; appropriate materials</li> <li>Access to the public engagement process; translation &amp; interpretation</li> <li>Access to benefits of the project</li> <li>Determine equitable distribution of benefits of the project</li> </ul>  <p><b>SANDAG</b></p>	<h3>Terminology &amp; Findings</h3> <ul style="list-style-type: none"> <li>Disparate Impact</li> <li>Disproportionate Burden</li> <li>Adverse Effect</li> <li>Low-income</li> <li>Thresholds</li> <li>"The Tugger Test"</li> </ul> <p>The Office of Diversity and Equity (ODE) can help determine the "who, what, when, why, and how" of ID impacts in order to help through <b>Findings</b> to ensure there are no discriminatory effects and to figure out next steps.</p> <p><b>SANDAG</b></p>
<h3>Costs &amp; Budgeting</h3> <ul style="list-style-type: none"> <li>Is there data available or will you have to collect survey data?</li> <li>Translation/interpretation?</li> <li>Existing group of stakeholders, or will need focus groups/public meetings?</li> <li>What type of outreach and engagement?</li> <li>Additional staff needed for: <ul style="list-style-type: none"> <li>OD/imp/eng/meeting, legal support?</li> </ul> </li> </ul>  <p><b>SANDAG</b></p>	<h3>Wrap Up</h3> <p><b>SANDAG</b></p>	<h3>Takeaways</h3> <ul style="list-style-type: none"> <li>Social Equity = Civil Rights</li> <li>Social Equity is intrinsic to everything we do and to everyone's responsibility</li> <li>Language Access and Disability Rights are Civil Rights</li> <li>Meaningful, inclusive public engagement is crucial</li> <li>ODE can support and guide you to fulfill your Social Equity requirements</li> </ul> <p>In almost all cases, complying with Social Equity is the obvious and right thing to do. Special attention is needed to ensure there is no unintentional discrimination.</p> <p><b>SANDAG</b></p>	<h3>QUESTIONS?</h3> <p><b>SANDAG Social Equity Resources</b></p> <p>SharePoint: <a href="https://sandy.sharepoint.com/sites/OfficeOfDiversityEquity">https://sandy.sharepoint.com/sites/OfficeOfDiversityEquity</a></p> <p>Email: <a href="mailto:OfficeOfDiversityAndEquity@sandag.org">OfficeOfDiversityAndEquity@sandag.org</a></p> <p><b>SANDAG</b></p>

# Appendix D: Public Participation Plan Policy

SANDAG's Public Participation Plan Policy, Board Policy No. 025, can be found on SANDAG's [public website](#).