



Title VI Plan



Southeastern New Mexico
Economic Development
District / Council of
Governments --
Southeast Regional
Transportation Planning
Organization
(SERTPO)



October 2022



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Nondiscrimination Statement of Policy

Title VI Policy Statement

The Southeast Regional Transportation Planning Organization (SERTPO) is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 2, and all related regulations and directives. SERTPO 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 subjected to discrimination under any program or activity under any SERTPO program, activity or service.

Prohibited discrimination may be intentional or unintentional. Seemingly neutral acts that have disparate impacts on individuals of a protected group and lack a substantial legitimate justification are a form of prohibited discrimination. Harassment and retaliation are also prohibited forms of discrimination.

Examples of prohibited types of discrimination based on race, color, national origin, sex, disability, or age include: Denial to an individual any service, financial aid, or other benefit; Distinctions in the quantity, quality, or manner in which a benefit is provided; Segregation or separate treatment; Restriction in the enjoyment of any advantages, privileges, or other benefits provided; Discrimination in any activities related to highway and infrastructure or facility built or repaired; and Discrimination in employment.

Environmental Justice/Limited English Proficiency Policy Statement

SERTPO is also committed to assure every effort will be made to prevent the discrimination of low-income and minority populations as a result of any impact of its programs or activities in accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations.

In addition, the SERTPO also assures every effort will be made to provide meaningful access to persons that have Limited English Proficiency, in accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

Definition of Federal Financial Assistance and Recipients Affected

Federal financial assistance is defined as any Federal dollars that are assigned to the SERTPO to support any program and activity, by way of grant, loan or contract, other than a contract of insurance or guaranty.

Specific Forms of Discrimination Prohibited

SERTPO's efforts to prevent discrimination must address, but are not limited to:

- The denial of services, financial aid, or other benefits provided under a program.
- Distinctions in the quality, quantity, or manner in which the benefit is provided.
- Segregation or separation in any part of the program.
- 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 indirectly or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination.

- Discrimination in any activities related to a highway, infrastructure or facility built or repaired in whole or in part with Federal funds.
- Discrimination in any employment resulting from a program, the primary purpose of which is to provide employment.

SERTPO Programs and Services Covered by Title VI

SERTPO's Title VI Plan applies to all of the SERTPO programs, activities and services, regardless of funding source. Some sections deal with specific requirements (e.g. FTA funded programs).

Authorities

1. 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);
2. Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
3. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
4. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*) as amended, (prohibits discrimination on the basis of disability);
5. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability)
6. The Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended, 42 U.S.C. § 4601
7. The National Environmental Policy Act of 1969, 42 U.S.C. § 4321;
8. 49 C.F.R. Part 21 (entitled Nondiscrimination In Federally-Assisted Programs Of The Department of Transportation-Effectuation of Title VI Of The Civil Rights Act of 1964);
9. 49 C.F.R. Part 27 (entitled Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance);
10. 49 C.F.R. Part 28 (entitled Enforcement Of Nondiscrimination On the Basis Of Handicap In Program Or Activities Conducted By The Department Of Transportation);
11. 49 C.F.R. Part 37 (entitled Transportation Services For Individuals With Disabilities (ADA));
12. 23 C.F.R. Part 200 (FHWA's Title VI/Nondiscrimination Regulation);
13. 28 C.F.R. Part 35 (entitled Discrimination On The Basis Of Disability In State And Local Government Services);
14. 28 C.F.R. Part 50.3 (DOJ Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).


 Dora Batista, Executive Director

10-20-22

 Date

Declaración de Política de No Discriminación

Título VI Declaración de Política

La Southeast Regional Transportation Planning Organization (SERTPO) está comprometida a cumplir con el título VI del Acta de Derechos Civiles de 1964, CFR parte 2, y todos sus reglamentos y directrices relacionados. SERTPO asegura que ninguna persona será excluida de participar, le serán negados los beneficios de, o será sujeta de discriminación por motivo de raza, color, origen nacional, género, edad o discapacidad; bajo ningún programa o actividad bajo cualquier programa, actividad o servicio de SERTPO.

La discriminación prohibida puede ser intencional o no intencional. Actos neutrales aparentes que tienen impactos dispares sobre los individuos de un grupo protegido y que carecen de una justificación sustancial legítima son una forma de discriminación prohibida. El acoso y la venganza son también formas prohibidas de discriminación.

Los ejemplos de tipos de discriminación prohibida con base en raza, color, origen nacional, género, edad o discapacidad; incluyen: Negar a un individuo cualquier servicio, ayuda financiera u otros beneficios; Diferencias en la cantidad, calidad, o forma en la cual se presta un beneficio; Segregación o tratamiento por separado; Restricción en cuanto al disfrute de cualesquiera ventajas, privilegios u otros beneficios otorgados; Discriminación en cualesquiera actividades relacionadas con la carretera e infraestructura o instalación construida o reparada; discriminación en el empleo.

Justicia Ambiental/Declaración Limitada de Política sobre el Dominio del Inglés

SERTPO también está comprometida a asegurar que se harán todos los esfuerzos para evitar la discriminación de la población de bajos ingresos y de las minorías como resultado de cualquier impacto de sus programas o actividades de acuerdo con la Orden Ejecutiva 12898, Acciones Federales para Abordar la Justicia Ambiental en las Poblaciones Minoritarias y en las Poblaciones de Bajos Ingresos.

Además, SERTPO también asegura que se harán todos los esfuerzos para permitir acceso significativo a personas que tienen Dominio Limitado del Inglés, de acuerdo con la Orden Ejecutiva 13166, Mejorar el Acceso a Servicios para Personas con Dominio Limitado del Inglés.

Definición de ayuda financiera federal y beneficiarios afectados

La ayuda financiera federal se define como cualquier fondo federal en dólares que son asignados a SERTPO para apoyar cualquier programa y actividad, por la vía del otorgamiento, préstamo o contrato, que no sea un contrato de seguro o garantía.

Formas Específicas de Discriminación Prohibida

Los esfuerzos de SERTPO para prevenir la discriminación deben abordar, pero no se limitan a:

- La negación de servicios, ayuda financiera u otros beneficios otorgados bajo el programa.
- Diferencias en la calidad, cantidad o manera en que se prestan los servicios.
- Segregación o separación en cualquier parte del programa.

- Restricción en el goce de cualesquiera ventajas, privilegios u otros beneficios otorgados a otros.
- Diferentes estándares o requisitos para participar.
- Métodos de administración los cuales directa o indirectamente o que a través de relaciones contractuales frustrarían o afectarían al logro de la no discriminación efectiva.
- Discriminación en cualesquiera actividades relacionadas a carreteras, infraestructura o instalación construida o reparada total o parcialmente con fondos Federales.
- Discriminación en cualquier empleo resultante de un programa, cuyo propósito primordial es proveer empleo.

Programas y servicios de SERTPO cubiertos por el Título VI

El Plan Título VI de SERTPO aplica a todos los programas, actividades y servicios de SERTPO sin distinción del origen de los fondos. Algunas secciones tratan sobre requisitos específicos (p. ej. Programas con fondeo FTA).

Autoridades

1. Título VI del Acta de Derechos Civiles de 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohíbe discriminación sobre la base de raza, color u origen nacional);
2. Acta de Ayuda Federal para Carreteras de 1973 (23 U.S.C. §324 *et seq.*), (prohíbe discriminación sobre la base de género);
3. El Acta de Discriminación de Edad de 1975, según enmiendas, (42 U.S.C. § 6101 *et seq.*), (prohíbe discriminación sobre la base de la edad);
4. Sección 504 del Acta de Rehabilitación de 1973, (29 U.S.C. § 794 *et seq.*) según enmiendas, (prohíbe discriminación sobre la base de discapacidad);
5. El Acta de Americanos con Discapacidades de 1990, según enmiendas, (42 U.S.C. § 12101 *et seq.*), (prohíbe la discriminación sobre la base de discapacidad)
6. El Acta de Ayuda para la Mudanza Uniforme y Políticas de Adquisición de Bienes Raíces de 1970, según enmiendas, 42 U.S.C. § 4601
7. El Acta de Política del Medio Ambiente Nacional de 1969, 42 U.S.C. § 4321;
8. 49 C.F.R. Parte 21 (titulada No Discriminación en Programas de Asistencia Federal del Departamento de Transporte – Ejecución del Título VI del Acta de Derechos Civiles de 1964);
9. 49 C.F.R. Parte 27 (titulada No Discriminación Sobre la Base de Discapacidad en Programas o Actividades que Reciben Asistencia Financiera Federal);
10. 49 C.F.R. Parte 28 (titulada Aplicación de la No Discriminación Sobre la Base de Desventaja en Programa o Actividades Conducidas por el Departamento de Transporte);
11. 49 C.F.R. Parte 37 (titulada Servicio de Transporte para Individuos Con Discapacidades (ADA));
12. 23 C.F.R. Parte 200 (FHWA's Título VI/Reglamento de No Discriminación);
13. 28 C.F.R. Parte 35 (titulada Discriminación Sobre la Base de Discapacidad en Servicios Gubernamentales Estatales y Locales);
14. 28 C.F.R. Parte 50.3 (DOJ* Guías para la Aplicación del Título VI del Acta de Derechos Civiles de 1964).


Firmado por un Oficial en Jefe Administrativo o Designado

10-20-22
Fecha

* DOJ = Departamento de Justicia

Title VI and Environmental Justice – The Public Participation Plan (PPP)

The SERTPO Public Participation Plan (PPP) describes how our organization communicates and distributes information to the public as well as how the public can interact and provide comments to our organization. The needs of those traditionally underserved by the existing system will be sought and considered by SERTPO.

Through its public involvement efforts, the SERTPO will strive to achieve the following Title VI and Environmental Justice (EJ) goals:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Title VI states that no person shall, on the ground of race, color, or national origin be excluded from participation in, denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The SERTPO will ensure that the input and feedback from all people will be considered in the development of SERTPO planning documents and activities.

EJ concerns and goals should be considered throughout all public engagement efforts, from project planning through construction and operation. This includes public outreach conducted during transportation planning and during the environmental reviews required by the National Environmental Policy Act (NEPA).

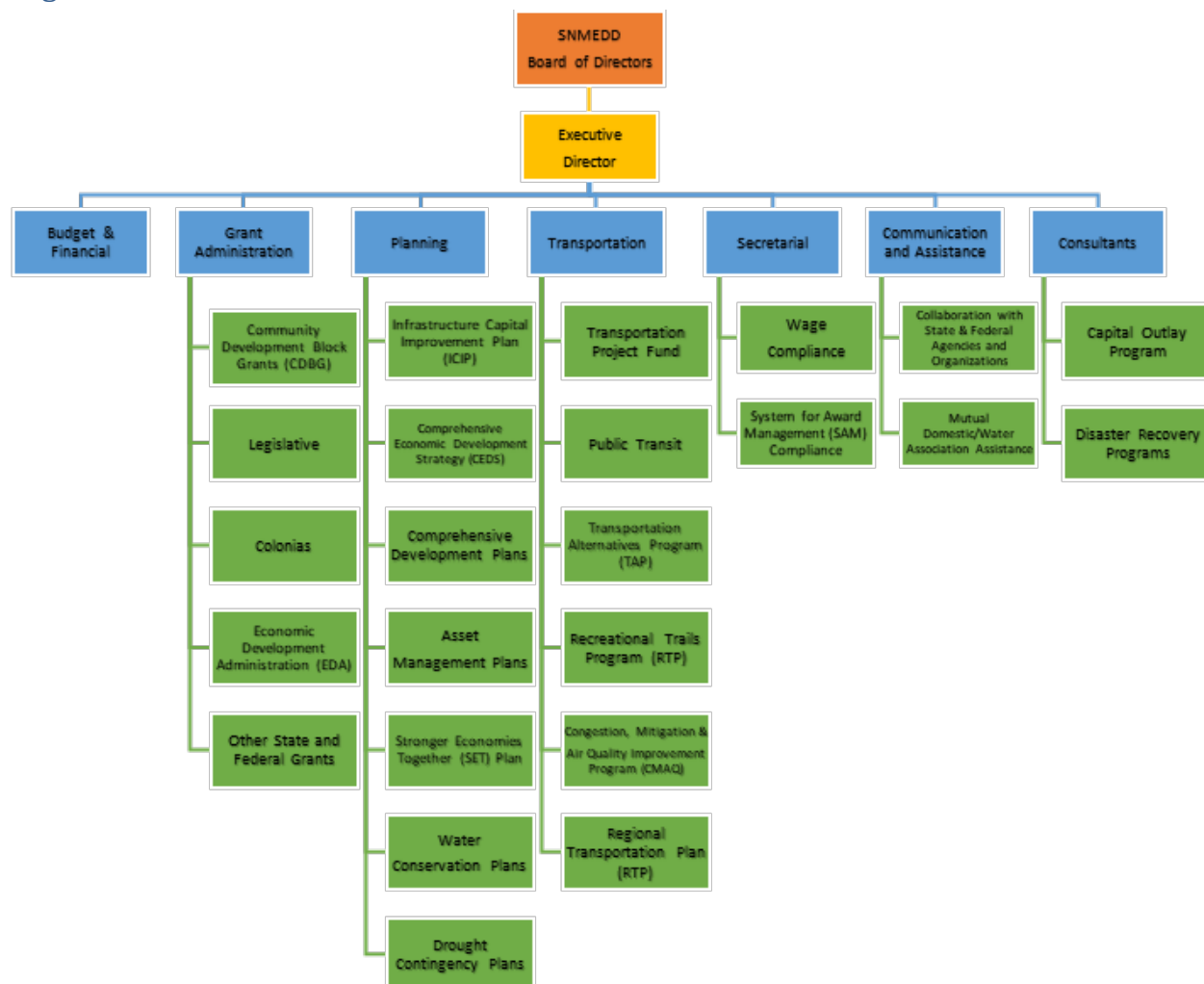
The following actions related to Environmental Justice and Title VI are meant to reduce the barriers for participation in the decision-making process by low income, minority or disabled individuals.

1. When possible, public meetings will be held in locations that are convenient to low and moderate income neighborhoods and accessible to disabled populations. Such locations include community centers, senior centers, libraries and schools.
2. A Spanish translation of the Nondiscrimination Statement of Policy and Title VI Complaint form is available and included in this document. Upon request and within financial constraints and reasonableness, other work products and documents may be made available in alternative formats, including Braille, large type and languages other than English. Requests may be made to the Southeastern New Mexico Economic Development District (SNMEDD) at (575) 624-6131 or 1600 SE Main, Suite D, Roswell, NM 88203.
3. In pertinent documents, the following statement will be included: SERTPO does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the provision of services.
4. The following statement will be included in all meeting announcements: To request American with Disabilities Act (ADA) accommodations for this meeting, please contact the Southeastern New Mexico Economic Development District (SNMEDD) at (575) 624-6131 or 1600 SE Main, Suite D, Roswell, NM 88203.

5. Agencies and organizations that represent low income, minority and disabled populations may request to be included in our organization's meeting notice mailings. Staff maintain an active listing of transportation stakeholder contacts for meeting notification.
6. Our organization will evaluate Environmental Justice actions and Title VI requirements on an annual basis to ensure effectiveness of public involvement. This document will be reviewed and updated in conjunction with the Public Participation Plan.

Organization/Staff Responsibilities

Organizational Overview



The Southeastern New Mexico Economic Development District (SNMEDD) / Council of Governments (COG) is a non-profit organization whose activities include grant assistance and administration for multiple programs; planning in several areas; legislative programs; transportation programs; disaster recovery initiatives; wage/SAM compliance; and communications/assistance with state/federal agencies, mutual domestic/water associations, and other organizations.

The Executive Director reports to the SNMEDD Board of Directors and provides oversight, management and has direct responsibility over all programs and staffing, to include consultants.

Title VI Coordinator Responsibilities:

The Title VI Coordinator is responsible for the development and implementation of the Title VI plan. The Coordinator must also ensure that all entities of the SERTPO are compliant with Title VI requirements. The Title VI Coordinator is also responsible for:

- Submitting a Title VI plan and updates when there are changes in procedure, organizational structure, or complaints, to the NMDOT Title VI Coordinator. Submitting a Title VI plan every three years and an annual update to the NMDOT Title VI Coordinator. The annual updates should include, but are not limited to, any changes in procedure and organizational structure. If there are no changes, correspondence should be submitted stating there are no changes. All Title VI complaints should be reported to the NMDOT Title VI Coordinator as they occur, as well as in the annual report. Annual updates are due by October 1.
- Developing procedures for receiving, processing, investigating, and reporting Title VI complaints.
- Maintaining a Title VI complaint log so that three years of complaints are documented.
- Developing procedures for the collection and analysis of statistical data.
- Developing a program to conduct Title VI reviews or program areas.
- Conducting annual assessments of identified Title VI program areas.
- Developing Title VI information for dissemination.
- Establishing procedures for resolving deficiency status and reducing to writing the remedial action agreed to be necessary.

Primary Program Area & Review Procedures

SERTPO engages in the areas of planning meeting coordination; and regional work program responsibilities (i.e., Transportation Project Fund Program, Transportation Alternatives Program (TAP), Recreational Trails Program (RTP), Congestion Mitigation & Air Quality (CMAQ) and Public Transit Programs; training; financial, budgeting and reporting responsibilities; research; website presence; and limited grant/project administration and outreach).

Program Area	General Description	Title VI/ Nondiscrimination Concerns and Responsibilities	Review Procedures for Ensuring Nondiscrimination
Planning and Regional Work Program (RWP)	<ul style="list-style-type: none">• Planning activity conducted by RTPO staff and SERTPO• Functions and tasks for RTPO defined in Regional Work Program (RWP)	<ul style="list-style-type: none">• Planning activity conducted in public meetings• Accessibility to Regional Work Program functions and tasks	<ul style="list-style-type: none">• Public meeting notification posted in public places within the region• Public meeting notification posted online• Public notice of meeting in accordance with OMA• ADA Statement provided on meeting agendas• Public Participation Plan & Title VI Plan posted online• Information on Transportation Programs and Plans posted on website• Opportunity for public comment on plans posted on website• Opportunity for public comment made available in public meetings• RWP posted online

Meeting Coordination	Coordination and scheduling of SERTPO meetings	<ul style="list-style-type: none"> • Accessibility and opportunity to participate in meetings 	<ul style="list-style-type: none"> • Public meeting notification posted in public places within the region • Public meeting notification and meeting agenda posted online • Public meetings held in accordance to Open Meetings Act (OMA) • ADA Statement provided on meeting agendas • Public Participation Plan posted online • Title VI Plan (and Title VI Complaint procedures) posted online • Opportunity for public comment made available in public meetings • Public meeting notification and meeting agendas provided to stakeholders
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Title VI Complaint Procedures

SERTPO is committed to ensuring that all residents have equal access to all transportation services. It is further the intent of SERTPO that all residents are aware of their rights to such access. Any person believing he or she has been excluded from, denied participation in, denied the benefits of, or otherwise has been subjected to discrimination under any transportation service, program or activity (whether Federally-funded or not) due to that person's race, color, national origin, gender age, disability, economic status, or limited English proficiency has the right to file a complaint.

The complaint procedures cover the following:

- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Civil Rights Restoration Act of 1973
- Civil Rights Restoration Act of 1987
- Americans with Disabilities Act of 1990
- Executive Order 12898
- Executive Order 13166

An individual, group of individuals or entity may file a formal Title VI complaint. Complaints must be submitted to the Title VI Coordinator in writing, signed and dated, within 180 days of the alleged discriminatory act (or latest occurrence). The complaint should be submitted to the following address:

Dora Batista, Executive Director/Title VI Coordinator
Southeastern New Mexico Economic Development District
1600 SE Main, Suite D
Roswell, NM 88203

The complaint should include the name, address, phone number and signature of complainant. The formal complaint should describe the alleged discriminatory act that violates Title VI in detail.

Title VI complaints may also be filed directly with the New Mexico Department of Transportation (NMDOT), United States Department of Transportation (USDOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Aviation Administration (FAA) or the Federal Railroad Administration (FRA) within the 180-day period of the alleged discriminatory act (or latest occurrence).

Title VI complaints must be investigated within 60 days. Investigating a complaint includes interviewing all parties involved and key witnesses. The investigator may also require relevant information. SERTPO may specify if there is a particular individual(s) that SERTPO should not investigate the complaint due to conflict of interest or other reasons.

Title VI complaints may be forwarded to either NMDOT or FHWA for the investigation. If the complaint is forwarded to one of these agencies, SERTPO will provide the name and contact information for the person handling the Title VI complaint to the complainant.

Federal law prohibits retaliation against individuals because they have filed a discrimination complaint or otherwise participated in a discrimination investigation. Any alleged retaliation should be reported in writing to the investigator.

Title VI complaints may also be filed directly with the following agencies as stated above:

New Mexico Department of Transportation
Construction and Civil Rights Bureau
Attn. Title VI Coordinator
1570 Pacheco St. Suite A-10
Santa Fe, NM 87505
Phone: (505) 470-9668

or

Federal Highway Administration, New Mexico
Attn. Civil Rights Coordinator
4001 Office Court Dr. Suite 801
Santa Fe, NM 87507
Phone: (505) 820-2021

SERTPO Title VI Complaint Form

Section I	
Name:	
Address:	
Telephone (Home/Cell):	Telephone (Work):
Email Address:	
Section II	
Are you filing this complaint on your own behalf: Yes <input type="checkbox"/> No <input type="checkbox"/>	
*If you answered "yes" to this question, go to Section III.	
If you answered "no" please enter the name and relationship of the person you are filing the complaint against:	Name:
	Relationship:
If you are filing a complaint as a third party, please explain why in the space below:	
Have you obtained permission of the aggrieved party if you are filing on behalf of a third party: Yes <input type="checkbox"/> No <input type="checkbox"/>	
Section III	
I believe the discrimination I experienced was based on (check all that apply): <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin	
Date of Alleged Discrimination (Month, Day, Year):	Date:
<p>Explain, as clearly as possible, what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as the names and contact information of any witnesses. If more space is needed please attach additional sheets to this form:</p> 	

Section IV

Have you previously filed a Title VI complaint)? Yes ☐ No ☐

Section V

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court? Yes ☐ No ☐

If yes, please check and name all that apply:

☐ Federal Agency: _____

☐ Federal Court: _____

☐ State Agency: _____

☐ State Court: _____

☐ Local Agency: _____

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

Name: _____

Title: _____

Agency: _____

Address: _____

Telephone: _____

Section VI

Name of agency complaint is against:

Contact person:

Title:

Telephone number:

Signature: _____

Date: _____

Please submit this form in person at the address below, or mail form to:

Dora Batista, Executive Director/Title VI Coordinator
Southeast Regional Transportation Planning Organization
1600 SE Main, Suite D
Roswell, NM 88203

Title VI Program Management Procedures

SERTPO conducts regional transportation planning (to include rating and prioritization of project applications), through its public meetings and outreach activities (public settings) in Chaves, Eddy, Lea, Lincoln and Otero Counties. Its activities are defined in the Regional Work Program document, which is approved in public meeting and posted online. SERTPO maintains a stakeholder meeting notification list and accommodates all requests to be included on the list. Stakeholders are provided meeting agendas, and meeting agendas are posted online for full access by the public, to include low-income and minority populations. While, to date, SERTPO has not had any requests from people that are Limited English Proficient, SERTPO will make every effort for effective communication once such a request occurs.

The SERTPO Title VI Coordinator shall ensure the following occurs:

- The transportation planning process fully complies with the requirements of Title VI.
- Monitor the transportation planning process overall strategies and goals and ensure compliance with Title VI requirements.
- Review operational policies and procedures to ensure Title VI compliance.
- Monitor the service equities of planning data collection and analysis for potential impacts on social, economic, and/or ethnic groups.
- Ensure the planning organizational membership attempts to reflect the makeup of the population served. This would include periodically reporting the racial, ethnic, and gender composition of the populations within the region.
- Ensure the opinions and views of all groups within their populations are solicited and considered in the planning of transportation projects.
- Monitor compliance with Environmental Justice issues to identify low-income and minority populations that may be impacted by transportation planning process.
- Evidence that input from minority groups/persons has been considered in the transportation planning process. Evidence could include but is not limited to the participation level and composition of participants in public information settings. Also, reporting any follow-up and conclusions to issues communicated throughout the planning process.
- Monitor the gathering and utilization of demographic data used to identify and locate low-income and minority populations to investigate the possible benefits and detriments of transportation plans on these populations.
- Monitor compliance with Limited English Proficiency (LEP) populations to improve access and comprehension of the transportation planning process for individuals comprising the LEP population.

Title VI Related Training

The SERTPO Title VI Coordinator shall ensure that staff attend Title VI training, as available, and be familiar with SERTPO-related policies and procedures.

Limited English Proficiency (LEP) Plan

Executive Order 13166, titled Improving Access to Services for Persons with Limited English Proficiency, indicates that differing treatment based upon a person's inability to speak, read, write, or understand English is a type of national origin discrimination. Any agency receiving federal funds needs to develop a Limited English Proficiency (LEP) Plan.

The primary element of the LEP Plan is the Four Factor Analysis. (*U.S. DOT "Policy Guidance Concerning Recipients Responsibilities to Limited English Proficient Persons" dated December 14, 2005 is a useful resource when performing the Four Factor Analysis.*)

The Four Factor Analysis includes the following factors:

- **Number or Proportion of LEP Individuals:** This factor should describe your efforts to provide meaningful opportunities to your Limited English Proficient population. Your organization should ask *"What number or proportion of individuals will be excluded from benefits or services absent efforts to remove language barriers?"*
- **Frequency of Contact with the Program:** If LEP persons must access your program/activity daily, the recipient of federal funds has a greater responsibility to tailor their services to the needs of LEP persons. This factor should be data driven and decisions should be in direct correlation to whatever data gathering exercises your organization uses.
- **Nature and Importance of the Program:** The need LEP individuals have to access benefits and services amplify with programs where the denial or delay of access may have life or death implications. Recipients of federal funds should identify programs of this type of importance and describe the process to ensure LEP persons are not denied or delayed in receiving the service or benefit of that service.
- **Resources Available:** Your organization may have limited resources and may not have to take the same steps as a larger organization to provide LEP assistance in programs that have a limited number of LEP persons (e.g., where contact is infrequent, where the total cost of providing language services is relatively high, and/or where the program is not crucial to a person's day to day existence.) Claims of limited resources will need to be well-substantiated.

SNMEDD/COG has staff resources for assisting LEP populations (Hispanic populations). If a Spanish-speaking LEP individual contacts the organization, efforts will be made for the individual to speak to Spanish-speaking staff to identify their needs, as soon as possible, to include explanation of any document(s) in question.

External Communication (Notification to Public Beneficiaries)

SERTPO provides information to members of the public detailing its Title VI obligation and notifies members of the public of the protections against discrimination afforded to them by Title VI.

- Dissemination of Information: SERTPO disseminates Title VI information to members of the public primarily through its posting of the SERTPO Title VI Plan at <https://snmedd.com/sertpo-committee/>. Upon request, printed copies will be furnished.
- Contents of Notification through the Title VI Plan: Notification includes the following:
 1. Statement that SERTPO operates the Federal Program(s) without regard to race, color, national origin, sex, age, or disability.
 2. Procedures to be followed by members of the public to request additional information regarding SERTPO's Title VI obligation are identified.
 3. Procedures to be followed by members of the public to file a discrimination complaint against the SERTPO are identified.

Data Collection

According to SERTPO's Regional Work Program (RWP), census data may be collected by SERTPO to inform regional planning efforts. Through its planning efforts, SERTPO establishes policy and scoring criteria of applicable transportation programs, but actual transportation projects originate from within the local governments (municipalities/counties/tribal) where areas such as ROW, environmental, and public participation for projects are addressed.

Program Area	Type of Data Collected & Process for Collecting	Intended Outcome of Data Analysis (i.e. Title VI Purpose for Collecting Data)
Planning	Census (online)	Reporting on regional demographic and populations

Notice of Rights

A Notice of Rights is available through the Title VI Plan. The public may access the Title VI Plan online at <https://snmedd.com/sertpo-committee/>. Upon request, a printed Notice of Rights will be furnished (or emailed, if an email address is furnished). Requests may be submitted to:

Mary Ann Burr, SERTPO Program Manager
Southeastern New Mexico Economic Development District
1600 SE Main, Suite D
Roswell, New Mexico 88203
mbsnmedd@plateautel.net

Your Rights Against Discrimination Under Title VI of the Civil Rights Act of 1964

SERTPO operates its programs and services without regard to race, color, national origin, sex, age, and disability. Anyone who believes they have been excluded from participation in, denied benefits of, or otherwise subjected to discrimination under any SERTPO program or activity because of their race, color, national origin, age, sex, or disability may file a discrimination complaint with SERTPO or the New Mexico Department of Transportation.

To file a Title VI discrimination complaint, please contact:

Dora Batista, Executive Director/Title VI Coordinator
Southeastern Economic Development District (SNMEDD)
1600 SE Main, Suite D
Roswell, NM 88203
dbsnmedd@plateautel.net

Appendix A: FHWA Assurances for Title VI and Other Nondiscriminatory Statutes

SERTPO (hereafter referred to as the "Recipient") HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA), is subject to and will comply with the following:

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

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

General Assurances

In accordance with the Act, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measure necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from the DOT, including the FHWA."

Specific Assurances

More specifically and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted programs and activities:

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

"The SERTPO, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. The Recipient will insert the clauses of Appendix B and F of this Assurance in every contract or agreement subject to the Act and Regulations.
4. The Recipient shall insert the clauses of Appendix C of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend the right to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix D and Appendix E of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties.
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired, or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the project, except where the Federal assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the officials to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this Assurance.

By signing this Assurance, SERTPO 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, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration. You must keep records, reports, and submit the material for review upon request to the Federal Highway Administration, or its designee in a timely, complete, and accurate

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

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



Dora Batista, Executive Director

10-20-22

Date

Appendix B: Contract or Agreement Clauses

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 Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time-to-time, (hereinafter referred to as the “Regulations”), 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 either 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 the 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 New Mexico Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the SERTPO or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor’s non-compliance with the nondiscrimination provisions of this contract, the SERTPO will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating or suspending the 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 shall take such action with respect to any subcontract or procurement as the SERTPO or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the SERTPO to enter into any litigation to protect the interests of the SERTPO. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

Appendix C: Covenant Running with the Land Assurance

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the State of New Mexico will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. §2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the State of New Mexico all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(Habendum Clause)

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

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

(*Reverter clause and related language to be used only when it is determined that such clause is necessary in order to Make clear the purposes of Title VI of the Civil Rights Act of 1964.)

Appendix D: Clauses for Transfer of Real Property Acquired or Improved – 7 (a)

The following clauses shall be included in deeds, licenses, leases, permits, or similar instruments entered into by the State of New Mexico, pursuant to the provisions of Assurance 7(a):

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

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

Appendix E: Clauses for Transfer of Real Property Acquired or Improved – 7 (b)

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

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

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

Appendix F: Contractor Non-Discrimination Statutes & Authorities

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

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, (29 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 U.S.C. § 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 program 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 program (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 (U.S.C. 1681 *et seq.*)

Appendix G: Public Participation Plan



Public Participation Plan

Southeast Regional Transportation Planning Organization (SERTPO)

Southeastern New Mexico
Economic Development District/Council of
Governments (SNMEDD/COG)

and

Eastern Plains
Council of Governments (EPCOG)

October 2022|

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SERTPO Description and Organizational Structure

The Southeast Regional Transportation Planning Organization (SERTPO) is the entity and public forum responsible for transportation planning and other transportation related programs or activities for nonmetropolitan areas within Chaves, Curry, De Baca, Eddy, Guadalupe (southeast corner), Lea, Lincoln, Otero and Roosevelt counties. The New Mexico Department of Transportation (NMDOT) enters into contract with two Councils of Governments for the eight-county region to carry out RTPO functions and tasks: Southeastern New Mexico Economic Development District (SNMEDD)/Council of Governments (COG) – Roswell, New Mexico and Eastern Plains Council of Governments (EPCOG) – Clovis, New Mexico. SERTPO complies with procedures as outlined in the New Mexico Department of Transportation's (NMDOT's) Planning and Procedures Manual (PPM).

SERTPO consists of one committee, whose membership consists of municipal and county representatives appointed by the chief elected officials (Mayors and Chairpersons) within its region.

Purpose of Public Participation Plan

The purpose of this document is to outline the State and Federal requirements for a Public Participation Plan for use by RTPOs. As an organization receiving Federal financial assistance for transportation planning, it is a requirement of State and Federal law that our organization develop and implement a program to foster continuing, cooperative and comprehensive (3-C) public participation. This program may be general or project specific. In addition to being a regulatory requirement, public participation maximizes the benefits of transportation planning processes and outcomes. Accordingly, our organization recognizes that the travelling public has valuable insight to offer, in addition to a right to contribute to the planning process.

State and Federal Requirements

RTPOs have numerous responsibilities including the development and contribution to Long Range Plans (LRPs), Regional Transportation Improvement Plan Recommendations (RTIPRs), provision of technical assistance to local officials, coordination of local planning across multiple disciplines, interagency/tribal coordination of local planning, and creating opportunities for public participation. The Federal government defines public participation as "an open process in which the rights of the community to be informed, to provide comments to the Government and to receive a response from the Government are met through a full opportunity to be involved and to express needs and goals".¹

Our public participation program is an opportunity to provide for this process, considering the limited resources of the RTPO. Pertinent State and Federal requirements are summarized below.

- a) *Responsibilities early in the process (23 CFR§ 450.210-316)*
 - i) *General*
 - o Establish early and continuous opportunities for the public participation process

¹ 23 CFR 200.5 (c)

- Provide adequate public notice of opportunities for public comment and at key decision points
 - Provide relevant information in a timely fashion
 - Provide access to policy and technical information
 - Make information, including plans, publicly accessible in electronic format
 - Provide adequate public notice of opportunities for public review of plans
 - Hold meetings at convenient and accessible times and locations
 - Include a process for considering needs of low income and minority families
 - Utilize documented process for nonmetropolitan official participation
- ii) *Guidelines for meetings per the New Mexico Open Meetings law (NMSA 10-15-1-5)*
- All meetings of public bodies or agencies are to be public (10-15-1 (a-b))
 - Activities applicable to Open Meetings Law include any formation of policy, discussion of public business or any action that the body has authority to take
 - Public bodies are to determine in public what notice for a public meeting is appropriate for that body and document publicly through FCC licensed broadcast stations and newspapers of general circulation upon written request of said station or newspaper (10-15-1 (d))
 - Any reconvention of a meeting must be scheduled prior to recess of that meeting, and date and time of meeting must be posted in writing near the door of the original meeting and only matters scheduled on the agenda of the original meeting may be discussed at the initial meeting may be discussed at the reconvened meeting (10-15-1(e))
 - Meeting notices to include agenda of items to be discussed and be made publicly available at least 72 hours prior to the meeting (f)
 - Meeting bodies are to keep minutes that document, at minimum, date, time, place, persons in attendance and absent, material considered, a record of decisions and votes according to member. Minutes are to be made public and to be prepared no later than 10 working days after the meeting, subsequently reviewed by quorum, then made official (g)
- iii) *Methods*
- Utilize visualization techniques and plan illustrations such as maps, diagrams charts, display boards and slide presentations to clearly illustrate projects, plans and programs developed for committee meetings and public events, as resources permit
 - Allow minimum of 45 days for comment prior to adopting, revising or updating plans (23 C.F.R. § 450.210(a)(2))
 - Provide opportunity for public comment any time an update or revision to a plan is made
 - Social and economic statistics for the region are to be collected, analyzed and processed at regular intervals and results are to be made available to the public (NMSA 3-56-5 (c))
 - Provide public access to information on SERTPO programs, activities, services, documents and/or forms online at the weblinks provided in the Contact Information section of this document

iv) Review

- Demonstrate explicit consideration of public input
- Document reasons for changes to plans not adopted in public and accessible format
- Periodically review effectiveness of strategies for public participation
- When significant written and oral comments are received, prepare summary analysis of disposition of comments to include in final plan draft
- Periodically review public participation process

b) Guidelines for inclusion of affected parties (23 CFR 450.200-316)

Agencies, organizations and individuals may request to be included in SERTPO's transportation stakeholder email communications, including those that represent low income, minority and disabled populations.

Inclusion of affected parties per 23 CFR 450.200-316:

- Citizens
- Affected public agencies (including but not limited to land management, natural resources, environmental protection, conservation and historic preservation)
- Representatives of public transportation employees
- Freight shippers
- Private providers of transportation
- Representatives of users of public transportation
- Representatives of users of pedestrian walkways and bicycle transportation facilities
- Representatives of the disabled
- Providers of freight transportation services
- Other interested parties
- Coordinate with Tribal governments and US Secretary of Interior regarding areas of the State under Tribal Jurisdiction
- Plans affecting metropolitan areas developed in coordination with MPOs
- Plans affecting nonmetropolitan areas developed in consultation with nonmetropolitan elected officials and relevant land management agencies with responsibility for transportation
- When appropriate, the use of "peer exchange" which Federal regulations define as the exchange of information and best practices between agencies, institutions and firms (public and private) with responsibility for transportation (23 CFR 420.203)
- Cooperation with statewide trade and economic development interests
- Consideration of interstate issues and coordination with appropriate agencies; use of interstate compacts when appropriate
- Coordination with State air quality agencies

Limited English Proficiency (LEP) Plan

Limited English Proficiency Policy Statement. SERTPO assures every effort will be made to provide meaningful access to persons that have Limited English Proficiency, in accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

Any agency receiving federal funds should develop a Limited English Proficiency (LEP) Plan. LEP is addressed in SNMEDD's and EPCOG's Title VI Plans which are available online at <http://snmedd.com/seripo-committee> and <http://www.rtpornm.org/southeast> or through the respective COG SERTPO staff identified in the Contact Information section of this document.

Title VI and Environmental Justice

Title VI Policy Statement. SERTPO does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the provision of services.

Environmental Justice Policy Statement. SERTPO is committed to assure every effort will be made to prevent the discrimination of low-income and minority populations as a result of any impact of its programs or activities in accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations.

Title VI information and Environmental Justice is addressed in SNMEDD's and EPCOG's Title VI Plans, both of which are available online at <http://snmedd.com/seripo-committee/> and <http://www.rtpornm.org/south-east> or through the respective COG SERTPO staff identified in the Contact Information section of this document.

Contact Information for the Public

Mary Ann Burr
SERTPO Program Manager
Southeastern New Mexico Economic
Development District Council of Governments
(SNMEDD/COG)
1600 SE Main, Suite D
Roswell, NM 88203

Office (575) 624-6131
Fax (575) 624-6134

www.snmedd.com

Raul Rodriguez III
Regional Planner
Eastern Plains Council of Governments
(EPCOG)
418 Main Street
Clovis, NM 88101

Office (575) 762-7714
Fax (575) 762-7715

www.epcog.org

Communication and Notification to the Public

To ensure open communication with the public, SERTPO will adhere to the following requirements for its meeting activity:

- Postings of meeting date/time/location and agendas on the Southeastern New Mexico Economic Development District website at <http://snmedd.com/seripo-committee/> and Eastern Plains Council of Governments website at <http://www.rtpornm.org/south-east>
- (SNMEDD) Public meeting notification to City/County Clerks in the region.

- (SNMEDD) Public meeting notification to stakeholders.
- Public notice and meeting agenda availability at the offices of Southeastern New Mexico Economic Development District at 1600 SE Main, Suite D, Roswell, New Mexico; and offices of Eastern Plains Council of Governments at 418 Main Street, Clovis, New Mexico.
- Meeting agendas and additional meeting information are available during public meetings held by SERTPO.
- Opportunity for public comment at each SERTPO Meeting.

Public Participation Plan (PPP) Approval

The Draft Public Participation Plan was posted online for public comment 45 days prior to the October 20, 2022 SERTPO meeting date. The final, approved Public Participation Plan is available through the contact information provided above and the weblinks provided below.

<http://snmedd.com/sertpo-committee/>

<http://www.rtpnm.org/south-east>

The signature below represents SERTPO approval of the Public Participation Plan, as it may have been amended during public meeting.



SERTPO Chair/Vice-Chair

October 20th, 2022
Date