

Gene Hodges
Chairman



Delane Jackson
Vice-Chairman

Technical Coordinating Committee (TCC)

Agenda

October 12, 2023

1:30 p.m. at the Development Services Building or Via Zoom: <https://us02web.zoom.us/j/3623035549>

- | | |
|----------------------------------|-----------------------|
| 1. Call to Order & Introductions | Gene Hodges, Chairman |
| 2. Adoption of Agenda | Gene Hodges, Chairman |
| 3. Public Comment | Gene Hodges, Chairman |

Consent Items

- | | |
|-------------------------------|-----------------------|
| 4. August 24, 2023 Minutes | Gene Hodges, Chairman |
| 5. 2024-2033 MTIP Amendment 1 | |
| 6. 2024-2033 MTIP Amendment 2 | |

Action Items

- | | |
|--|---------------|
| 7. TCC Bylaws
<i>Recommended Action: Approve TCC Bylaws</i> | Deanna Trebil |
| 8. Public Involvement Plan
<i>Recommended Action: To Recommend Approval to TAC</i> | Deanna Trebil |
| 9. Title VI Plan
<i>Recommended Action: To Recommend Approval to TAC</i> | Deanna Trebil |
| 10. 2024 Safety Performance Targets
<i>Recommended Action: To Recommend Approval to TAC</i> | Deanna Trebil |

Discussion Items

- | | |
|------------------------|---------------|
| 11. Prioritization 7.0 | Deanna Trebil |
| 12. Projects Ideas | Deanna Trebil |

Updates

- | | |
|----------------|----------------|
| 13. MPO | Deanna Trebil |
| 14. CARTS | Kelly Walker |
| 15. NCDOT TPD | Amanda Killian |
| 16. NCDOT IMD | Kim Nguyen |
| 17. Division 2 | Len White |
| 18. EWN | Andy Shorter |

Closing Comments

- | | |
|-----------------|-----------------------|
| 19. Adjournment | Gene Hodges, Chairman |
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The next TCC meeting will be held January 11, 2024 at 1:30pm

Continuing – Cooperative – Comprehensive Transportation Planning



Consent Item

Item #: 4

To: Technical Coordinating Committee
From: Deanna Trebil, MPO Administrator
Subject: August 24, 2023 Minutes

10/12/2023

Recommended Action: Approval the minutes

Attachment: August 24, 2023 Meeting Minutes



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TCC MEETING MINUTES
August 24, 2023

10 The New Bern Area Metropolitan Planning Organization held their regularly scheduled meeting
11 on Thursday, August 24, 2023 at 1:30 pm in the Development Services Conference Room, 303
12 First Street, as well as via Zoom.

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Members Present:

Mr. Delane Jackson – Vice-Chairman, River Bend
Mr. Chad Strawn – Craven County
Mr. Andy Shorter – Coastal Carolina Regional Airport
Ms. Brenda Reece – Trent Woods
Mr. Kevin Roberts – New Bern Chamber of Commerce
Ms. Kelly Walker – CARTS
Mr. Len White – NCDOT
Ms. Bailey Harden – NCDOT
Mr. Behshad Norowzi – NCDOT
Mr. Bill Marley – Federal Highway Administration (non-voting)
Ms. Becca Eversole – Down-East RPO (non-voting)

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Members Absent:

Mr. Gene Hodges – Chairman, Craven County
Mr. Bill Howard – Bridgeton
Mr. George Chiles – New Bern
Ms. Jessica Rhue – New Bern
Mr. Steve Hamilton – NCDOT
Mr. Jeremy Stroud – NCDOT
Ms. Amanda Killian – NCDOT

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Staff Present:

Ms. Deanna Trebil – New Bern Area MPO
Ms. Felicia McRee – New Bern Area MPO

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Guests Present:

Ms. Kim Nyguen – NCDOT
Mr. Jeff Wood – Craven County
Mr. Dwayne Alligood – Craven County
Mr. Jonathan Gaskins – New Bern Fire Department
Mr. Chris Seaburg – New Bern

39 **1. Call to Order:** Vice-Chair Jackson called the meeting to order.

40 **2. Roll Call:** Roll Call was taken and a quorum was declared.
41

42 **3. Approval of today's agenda:**

43
44 **Motion: Mr. Shorter made a motion to approve the agenda as presented.**
45 **The motion was seconded by Mr. Roberts and passed unanimously.**

46
47 **4. Public Comment**

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49 No members of the public were present. Vice-Chair Jackson recommended adopting a
50 public comment policy.

51
52 **5. Approval of minutes for the May 11, 2023 and June 20, 2023 meetings:**

53
54 **Motion: Mr. Shorter made a motion to approve the May and June minutes as**
55 **presented. The motion was seconded by Mr. White and passed unanimously.**

56
57 **6. Resolution to Approve the 2024-2033 Metropolitan Transportation**
58 **Improvement Program (MTIP):** *Deanna Trebil*

59
60 The Metropolitan Transportation Improvement Program (MTIP) is a subset of the
61 adopted NC State Transportation Improvement Program (STIP) which identifies state
62 and federally-funded transportation investments within the New Bern Area MPO.
63 The draft MTIP was posted to the NBAMPO website on May 8, 2023 and the final was
64 posted on June 20, 2023 but was not formally presented to the public for comment. As
65 a precaution, we have posted the MTIP for public comment through September 1,
66 2023. No changes have been made since it was presented to the Board in June.

67
68 **Motion: Mr. Roberts made a motion to approve the MTIP and recommend**
69 **TAC approval. The motion was seconded by Mr. Strawn and passed**
70 **unanimously.**

71
72 **7. Prioritization 7.0:** *Deanna Trebil*

73
74 Ms. Trebil presented the project flyers for potential highway, bicycle/pedestrian, and
75 airport projects. The NBAMPO gets 14 submittals per mode of transportation.

76
77 **Recommended Highway Projects**

- 78 1. H150847-B – US 17 Superstreet
79 2. H171945 – SR 1169 (Clermont Rd) Roundabout
80 3. H184467 – SR 1995 (Scott St/Airline Dr) Intersection
81 4. H190022 – US 70 MLK Blvd Interchange
82 5. H190023 – US 17 Hotel Drive Intersection
83 6. CRAV0018-H – NC 55 (Neuse Blvd) US 17 to First St
84 7. H190033 – NC 55 (Neuse Blvd) NC 43 to Glenburnie Rd
85 8. H190033 – NC 55 (Neuse Blvd) Glenburnie Rd to US 17 (MLK Blvd)
86 9. H090943 – Airport Rd
87 10. CRAV0016-H – Glenburnie Rd
88 11. CRAV0010-H – Trent Blvd Road Diet

- 89 12. NB-Rdwy-02 – Brices Creek Rd
- 90 13. NB-Rdwy-07 – Simmons St
- 91 14. NB-Rdwy-09 – US 70 Country Club Rd Interchange

92
93 **Motion: Mr. Shorter made a motion to approve the potential highway**
94 **projects and recommend TAC approval. The motion was seconded by Mr.**
95 **Roberts and passed unanimously.**

96
97 **Recommended Bicycle/Pedestrian Projects**

- 98
- 99 1. B151012 – SR 1299 (Canterbury Rd)
- 100 2. B191490 – MLK Blvd Corridor Bundle
- 101 3. B191531 – MLK Blvd A
- 102 4. B191533 – MLK Blvd B
- 103 5. B191535 – MLK Blvd C
- 104 6. B191536 – Glenburnie Rd
- 105 7. B191538 – Lowes Blvd
- 106 8. B191539 – Hotel Rd
- 107 9. CRAV0001-P – Old Cherry Point Rd
- 108 10. Academic Drive
- 109 11. Chelsea Rd (Trent Woods)
- 110 12. McCarthy Blvd
- 111 13. C St (Bridgeton)
- 112 14. Neuse Blvd

113
114 **Motion: Mr. Shorter made a motion to approve the potential bike/ped**
115 **projects and recommend TAC approval. The motion was seconded by Mr.**
116 **Roberts and passed unanimously.**

117
118 **Recommended Airport Projects**

- 119
- 120 1. A130387 – Future Development Land Acquisition
- 121 2. A190781 – Hangar Construction
- 122 3. A191362 – Runway 04 Approach Light System
- 123 4. A191363 – Runway 4-22 Strengthening
- 124 5. A191364 – Corporate Development
- 125 6. A191366 – Entrance Rd Rehab/Construction
- 126 7. A191367 – Hangar Construction
- 127 8. Taxiway A Rehab and Strengthening
- 128 9. Runway 4-22 Extension Land Acquisition
- 129 10. Williams Rd Extension
- 130 11. Taxiway C, D, J, F, and L Rehab
- 131 12. Taxiway K Relocation
- 132 13. New Air Traffic Control Tower
- 133 14. Runway 22 Extension

135 **Motion: Mr. Roberts made a motion to approve the potential airport projects**
136 **and recommend TAC approval. The motion was seconded by Mr. White and**
137 **passed unanimously.**
138

139 **8. Updates**

- 140
- 141 • **MPO: NBAMPO Staff**
 - 142 ○ Ms. McRee presented the 2024 NCAMPO Conference logo and save the date,
 - 143 April 17-19, 2024 held in New Bern
 - 144 ○ Ms. Trebil discussed future meeting dates would be changing based on the
 - 145 SPOT schedule
 - 146
- 147 • **CARTS: Kelly Walker**
 - 148 ○ Ms. Walker advised there were over 9000 more trips in FY23 than in FY22
 - 149 ▪ A 28% increase in the fixed route
 - 150 ○ The CARTS office has been moved to the new location on Clarks Rd
 - 151
- 152 • **NCDOT Transportation Planning Division (TPD): Behshad Norowzi**
 - 153 ○ Mr. Norowzi presented the TPD newsletter
 - 154
- 155 • **NCDOT Integrated Mobility Division (IMD): Kim Nguyen**
 - 156 ○ Ms. Nguyen advised the micro-transit grant recipients were recently
 - 157 announced
 - 158 ○ There was an IMD Multimodal Updates webinar that morning open for all to
 - 159 attend
 - 160
- 161 • **Coastal Carolina Regional Airport: Andy Shorter**
- 162
- 163 • **NCDOT Division 2: Len White**
 - 164 ○ Mr. White presented the Construction Report
 - 165 ○ Utilities on the James City project were finishing soon, you'll begin to see
 - 166 more construction and closures coming up
 - 167 ○ Section C construction is due to begin in 2025
 - 168 ○ Havelock Bypass has new drone footage published on YouTube
 - 169

170 **9. Adjournment:** There being no further business, the meeting was adjourned.
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175 ATTEST:

Gene Hodges, Chairman
Technical Coordinating Committee

179 Deanna Trebil
180 MPO Administrator



Consent Item

Item #: 5

To: Technical Coordinating Committee
From: Deanna Trebil, MPO Administrator
Subject: 2024-2033 MTIP Amendment 1

10/12/2023

The Metropolitan Transportation Improvement Program (MTIP) is a subset of the adopted NC State Transportation Improvement Program (STIP) which identifies state and federally-funded transportation investments within the New Bern Area MPO.

Amendment 1 has several Statewide projects that are either being added or modified to include the municipal bridge inspection program, vulnerable road user program, signal retiming and signal operations to improve safety, safety management program, highway system data collection, school traffic analysis, traffic operations activities, creating an advanced right of way acquisition account, and system safety oversight grant for NCDOT Rail Division. Within the MPO area, CARTS is requesting adding funding for vehicle replacement, mobility management, ADA/paratransit, and operations.

In accordance with the Public Involvement Plan, these changes are defined as a Formal Amendment which are significant changes such as the addition or deletion of a project; significant financial changes; or major changes in design concept or scope. Formal Amendments require a minimum 10-day public comment period. Amendment 1 to the MTIP was posted to the NBAMPO website on September 13, 2023.

Recommended Action: Recommend approval of Amendment 1 to the 2024-2033 MTIP to the TAC

Attachment: 2024-2033 MTIP Amendment 1



**RESOLUTION TO MODIFY THE 2024-2033 TRANSPORTATION IMPROVEMENT PROGRAM FOR THE
NEW BERN AREA METROPOLITAN PLANNING AREA**

AMENDMENT NO. 1

November 16, 2023

A motion was made by _____ and seconded by _____ for the adoption of the following resolution, and upon being put to a vote, was duly adopted.

WHEREAS, the Federal Highway Administration and the Federal Transit Administration require Metropolitan Planning Organizations (MPO) to develop a Transportation Improvement Program (TIP) in cooperation with the State and affect public transportation operators within their planning jurisdiction; and

WHEREAS, the New Bern Area MPO has developed a TIP to include capital and non-capital surface transportation projects within the New Bern Area urban planning area; and

WHEREAS, the programs and projects included in the NBAMPO TIP for FY 2024-2033 are financially constrained in accordance with State and Federal law; and

WHEREAS, the Transportation Advisory Committee (TAC) reviewed the FY 2024-2033 Metropolitan Transportation Improvement Program (MTIP), originally adopted on September 15, 2023; and

WHEREAS, this Amendment allows for the reprogramming of projects by adjusting project schedules and/or funding in order to be a fiscally constrained Plan; and

WHEREAS, a draft of the MTIP has been advertised for public comment in accordance with the Public Involvement Plan and no comments were received; and

WHEREAS, the North Carolina Department of Transportation and the TAC have determined it to be in the best interest of the Urban Area to amend the FY 2024-2033 Transportation Improvement Program as described in the attached sheets;

NOW, THEREFORE, BE IT RESOLVED that the New Bern Area Metropolitan Planning Organization Transportation Advisory Committee hereby adopts Amendment 1 to the FY 2024-2033 Metropolitan Transportation Improvement Program for the New Bern Metropolitan Area and Statewide on this the 16th day of November 2023.

ATTEST:

John Kirkland, Chairman
Transportation Advisory Committee

Deanna Trebil
MPO Administrator

STATEWIDE PROJECTS

* HM-9999	VARIOUS, MUNICIPAL BRIDGE INSPECTION PROGRAM.	IMPLEMENTATIO	FY 2024 -	\$1,000,000	(BGOFF)
STATEWIDE PROJ.CATEGORY EXEMPT	<u>ADD PROJECT AT THE REQUEST OF THE STRUCTURES MANAGEMENT UNIT.</u>		FY 2025 -	\$1,000,000	(BGOFF)
			FY 2026 -	\$1,000,000	(BGOFF)
			FY 2027 -	\$1,000,000	(BGOFF)
			FY 2028 -	\$1,000,000	(BGOFF)
			FY 2029 -	\$1,000,000	(BGOFF)
			FY 2030 -	\$1,000,000	(BGOFF)
			FY 2031 -	\$1,000,000	(BGOFF)
			FY 2032 -	\$1,000,000	(BGOFF)
			FY 2033 -	\$1,000,000	(BGOFF)
			AFTER FY 2033 -	<u>\$4,000,000</u>	(BGOFF)
				\$14,000,000	
* HS-2015DIV	VARIOUS, VULNERABLE ROAD USER PEDESTRIAN / BICYCLE IMPROVEMENT PROGRAM EXCLUDING GRAND STRAND MPO.	CONSTRUCTION	FY 2024 -	<u>\$2,100,000</u>	(VRU)
STATEWIDE PROJ.CATEGORY DIVISION	<u>ADD PROJECT AT THE REQUEST OF THE TRANSPORTATION MOBILITY AND SAFETY DIVISION.</u>			\$2,100,000	
* HS-2015REG	VARIOUS, VULNERABLE ROAD USER PEDESTRIAN / BICYCLE IMPROVEMENT PROGRAM EXCLUDING GRAND STRAND MPO.	CONSTRUCTION	FY 2024 -	<u>\$2,100,000</u>	(VRU)
STATEWIDE PROJ.CATEGORY REGIONAL	<u>ADD PROJECT AT THE REQUEST OF THE TRANSPORTATION MOBILITY AND SAFETY DIVISION.</u>			\$2,100,000	
* HS-2015SW	VARIOUS, VULNERABLE ROAD USER PEDESTRIAN / BICYCLE IMPROVEMENT PROGRAM EXCLUDING GRAND STRAND MPO.	CONSTRUCTION	FY 2024 -	\$2,800,000	(VRU)
STATEWIDE PROJ.CATEGORY STATEWIDE	<u>ADD PROJECT AT THE REQUEST OF THE TRANSPORTATION MOBILITY AND SAFETY DIVISION.</u>			\$2,800,000	
HS-2420DIV	VARIOUS, SIGNAL RETIMING AND SIGNAL OPERATIONS SOFTWARE TO IMPROVE SAFETY.	ENGINEERING	FY 2024 -	\$8,500,000	(T)
STATEWIDE PROJ.CATEGORY DIVISION	<u>ADD PROJECT AT THE REQUEST OF THE TRANSPORTATION MOBILITY AND SAFETY DIVISION.</u>		FY 2025 -	\$8,500,000	(T)
			FY 2026 -	\$8,500,000	(T)
			FY 2027 -	\$8,500,000	(T)
			FY 2028 -	\$8,500,000	(T)
			FY 2029 -	<u>\$8,500,000</u>	(T)
				\$51,000,000	
HS-2420REG	VARIOUS, SIGNAL RETIMING AND SIGNAL OPERATIONS SOFTWARE TO IMPROVE SAFETY.	ENGINEERING	FY 2024 -	\$8,500,000	(T)
STATEWIDE PROJ.CATEGORY REGIONAL	<u>ADD PROJECT AT THE REQUEST OF THE TRANSPORTATION MOBILITY AND SAFETY DIVISION.</u>		FY 2025 -	\$8,500,000	(T)
			FY 2026 -	\$8,500,000	(T)
			FY 2027 -	\$8,500,000	(T)
			FY 2028 -	\$8,500,000	(T)
			FY 2029 -	<u>\$8,500,000</u>	(T)
				\$51,000,000	
HS-2420SW	VARIOUS, SIGNAL RETIMING AND SIGNAL OPERATIONS SOFTWARE TO IMPROVE SAFETY.	ENGINEERING	FY 2024 -	\$8,500,000	(T)
STATEWIDE PROJ.CATEGORY STATEWIDE	<u>ADD PROJECT AT THE REQUEST OF THE TRANSPORTATION MOBILITY AND SAFETY DIVISION.</u>		FY 2025 -	\$8,500,000	(T)
			FY 2026 -	\$8,500,000	(T)
			FY 2027 -	\$8,500,000	(T)
			FY 2028 -	\$8,500,000	(T)
			FY 2029 -	<u>\$8,500,000</u>	(T)
				\$51,000,000	

STATEWIDE PROJECTS

HS-2421DIV	VARIOUS, SAFETY MANAGEMENT PROGRAM,	ENGINEERING	FY 2024 -	\$15,000,000	(T)
STATEWIDE	PROJECT IDENTIFICATION, ANALYSIS AND		FY 2025 -	\$15,000,000	(T)
PROJ.CATEGORY	PRELIMINARY ENGINEERING.		FY 2026 -	\$15,000,000	(T)
DIVISION	<u>ADD PROJECT AT THE REQUEST OF THE</u>		FY 2027 -	\$15,000,000	(T)
	<u>TRANSPORTATION MOBILITY AND SAFETY</u>		FY 2028 -	\$15,000,000	(T)
	<u>DIVISION.</u>		FY 2029 -	<u>\$15,000,000</u>	(T)
				\$90,000,000	
HS-2421REG	VARIOUS, SAFETY MANAGEMENT PROGRAM,	ENGINEERING	FY 2024 -	\$15,000,000	(T)
STATEWIDE	PROJECT		FY 2025 -	\$15,000,000	(T)
PROJ.CATEGORY	IDENTIFICATION, ANALYSIS AND PRELIMINARY		FY 2026 -	\$15,000,000	(T)
REGIONAL	ENGINEERING.		FY 2027 -	\$15,000,000	(T)
	<u>ADD PROJECT AT THE REQUEST OF THE</u>		FY 2028 -	\$15,000,000	(T)
	<u>TRANSPORTATION MOBILITY AND SAFETY</u>		FY 2029 -	<u>\$15,000,000</u>	(T)
	<u>DIVISION.</u>			\$90,000,000	
HS-2421SW	VARIOUS, SAFETY MANAGEMENT PROGRAM,	ENGINEERING	FY 2024 -	\$15,000,000	(T)
STATEWIDE	PROJECT		FY 2025 -	\$15,000,000	(T)
PROJ.CATEGORY	IDENTIFICATION, ANALYSIS AND PRELIMINARY		FY 2026 -	\$15,000,000	(T)
STATEWIDE	ENGINEERING.		FY 2027 -	\$15,000,000	(T)
	<u>ADD PROJECT AT THE REQUEST OF THE</u>		FY 2028 -	\$15,000,000	(T)
	<u>TRANSPORTATION MOBILITY AND SAFETY</u>		FY 2029 -	<u>\$15,000,000</u>	(T)
	<u>DIVISION.</u>			\$90,000,000	
HS-2422DIV	VARIOUS, HIGHWAY SYSTEM DATA COLLECTION.	ENGINEERING	FY 2024 -	\$5,000,000	(T)
STATEWIDE	<u>ADD PROJECT AT THE REQUEST OF THE</u>		FY 2025 -	\$5,000,000	(T)
PROJ.CATEGORY	<u>TRANSPORTATION MOBILITY AND SAFETY</u>		FY 2026 -	\$5,000,000	(T)
DIVISION	<u>DIVISION.</u>		FY 2027 -	\$5,000,000	(T)
			FY 2028 -	\$5,000,000	(T)
			FY 2029 -	\$5,000,000	(T)
			FY 2030 -	\$5,000,000	(T)
			FY 2031 -	\$5,000,000	(T)
			FY 2032 -	\$5,000,000	(T)
			FY 2033 -	<u>\$5,000,000</u>	(T)
				\$50,000,000	
HS-2422REG	VARIOUS, HIGHWAY SYSTEM DATA COLLECTION.	ENGINEERING	FY 2024 -	\$5,000,000	(T)
STATEWIDE	<u>ADD PROJECT AT THE REQUEST OF THE</u>		FY 2025 -	\$5,000,000	(T)
PROJ.CATEGORY	<u>TRANSPORTATION MOBILITY AND SAFETY</u>		FY 2026 -	\$5,000,000	(T)
REGIONAL	<u>DIVISION.</u>		FY 2027 -	\$5,000,000	(T)
			FY 2028 -	\$5,000,000	(T)
			FY 2029 -	\$5,000,000	(T)
			FY 2030 -	\$5,000,000	(T)
			FY 2031 -	\$5,000,000	(T)
			FY 2032 -	\$5,000,000	(T)
			FY 2033 -	<u>\$5,000,000</u>	(T)
				\$50,000,000	

STATEWIDE PROJECTS

HS-2422SW STATEWIDE PROJ.CATEGORY STATEWIDE	VARIOUS, HIGHWAY SYSTEM DATA COLLECTION. <u>ADD PROJECT AT THE REQUEST OF THE TRANSPORTATION MOBILITY AND SAFETY DIVISION.</u>	ENGINEERING	FY 2024 - \$5,000,000 (T) FY 2025 - \$5,000,000 (T) FY 2026 - \$5,000,000 (T) FY 2027 - \$5,000,000 (T) FY 2028 - \$5,000,000 (T) FY 2029 - \$5,000,000 (T) FY 2030 - \$5,000,000 (T) FY 2031 - \$5,000,000 (T) FY 2032 - \$5,000,000 (T) FY 2033 - <u>\$5,000,000</u> (T) \$50,000,000
SM-6215DIV STATEWIDE PROJ.CATEGORY DIVISION	VARIOUS, SCHOOL TRAFFIC ANALYSIS FOR NEW, RELOCATED AND EXPANDING SCHOOLS. <u>ADD PROJECT AT THE REQUEST OF THE TRANSPORTATION MOBILITY AND SAFETY DIVISION.</u>	ENGINEERING	FY 2024 - \$1,000,000 (T) FY 2025 - \$1,000,000 (T) FY 2026 - \$1,000,000 (T) FY 2027 - \$1,000,000 (T) FY 2028 - \$1,000,000 (T) FY 2029 - <u>\$1,000,000</u> (T) \$6,000,000
SM-6215REG STATEWIDE PROJ.CATEGORY REGIONAL	VARIOUS, SCHOOL TRAFFIC ANALYSIS FOR NEW, RELOCATED AND EXPANDING SCHOOLS. <u>ADD PROJECT AT THE REQUEST OF THE TRANSPORTATION MOBILITY AND SAFETY. DIVISION</u>	ENGINEERING	FY 2024 - \$1,000,000 (T) FY 2025 - \$1,000,000 (T) FY 2026 - \$1,000,000 (T) FY 2027 - \$1,000,000 (T) FY 2028 - \$1,000,000 (T) FY 2029 - <u>\$1,000,000</u> (T) \$6,000,000
SM-6215SW STATEWIDE PROJ.CATEGORY STATEWIDE	VARIOUS, SCHOOL TRAFFIC ANALYSIS FOR NEW, RELOCATED AND EXPANDING SCHOOLS. <u>ADD PROJECT AT THE REQUEST OF THE TRANSPORTATION MOBILITY AND SAFETY. DIVISION</u>	ENGINEERING	FY 2024 - \$1,000,000 (T) FY 2025 - \$1,000,000 (T) FY 2026 - \$1,000,000 (T) FY 2027 - \$1,000,000 (T) FY 2028 - \$1,000,000 (T) FY 2029 - <u>\$1,000,000</u> (T) \$6,000,000
* HO-0010B STATEWIDE PROJ.CATEGORY EXEMPT	IMPLEMENT STATEWIDE TRAFFIC OPERATIONS ACTIVITIES SUCH AS TRAFFIC MANAGEMENT CENTERS, TRAVELER INFORMATION, INTELLIGENT TRANSPORTATION SYSTEMS (ITS), AND TRAFFIC INCIDENT AND EVENT MANAGEMENT ACROSS THE ENTIRE STATE. <u>ADD CMAQ FUNDING IN FY 24, FY 25, AND FY 26. COST INCREASE EXCEEDING \$2 MILLION AND 25% THRESHOLDS.</u>	IMPLEMENTATIO	FY 2024 - \$22,228,000 (CMAQ) FY 2024 - \$4,000,000 (CRPANY) FY 2024 - \$6,557,000 (S(M)) FY 2025 - \$25,583,000 (CMAQ) FY 2025 - \$4,000,000 (CRPANY) FY 2025 - \$7,396,000 (S(M)) FY 2026 - \$26,765,000 (CMAQ) FY 2026 - <u>\$6,691,000</u> (S(M)) \$103,220,000
M-556 STATEWIDE PROJ.CATEGORY STATEWIDE	ADVANCED RIGHT-OF-WAY ACQUISITION ACCOUNT. REVOLVING ACCOUNT TO FUND ADVANCED RIGHT- OF- WAY ACQUISITION. FUNDS TO BE REPAID FROM THE STIP PROJECT AT THE TIME THE PROJECT IS FUNDED. <i>ADD RIGHT-OF-WAY FUNDS IN FY 24 NOT PREVIOUSLY PROGRAMMED.</i>	RIGHT-OF-WAY	FY 2024 - <u>\$1,000,000</u> (T) \$1,000,000

STATEWIDE PROJECTS

TO-0004	STATEWIDE, SYSTEM SAFETY OVERSIGHT GRANT	ADMINISTRATIVE	FY 2024 -	\$600,000	(S)
STATEWIDE	FOR NCDOT RAIL DIVISION.		FY 2024 -	<u>\$1,800,000</u>	(SSO)
PROJ.CATEGORY	<i>MODIFY FUNDS IN FY 24 AT THE REQUEST OF</i>			\$2,400,000	
PUBLIC TRANS	<i>INTEGRATED MOBILITY DIVISION.</i>				

NEW BERN AREA METROPOLITAN PLANNING ORGANIZATION

TA-5165	CRAVEN AREA RURAL TRANSPORTATION SYSTEM, TA-	CAPITAL	FY 2024 -	\$23,000	(L)
CRAVEN	5165 RURAL VEHICLE REPLACEMENT.		FY 2024 -	<u>\$130,000</u>	(5307)
PROJ.CATEGORY	<i>ADD FUNDING TO STIP FOR FY 24 AT THE</i>			\$153,000	
PUBLIC TRANS	<i>REQUEST OF THE MPO.</i>				
* TC-5100	CRAVEN AREA RURAL TRANSPORTATION SYSTEM,	CAPITAL	FY 2025 -	\$24,000	(5307)
CRAVEN	MOBILITY MANAGEMENT		FY 2024 -	\$6,000	(L)
PROJ.CATEGORY	<i>ADD FUNDING TO STIP FOR FY 25 AND FY 26</i>		FY 2024 -	\$24,000	(5307)
PUBLIC TRANS	<i>AT THE REQUEST OF THE MPO.</i>		FY 2025 -	\$6,000	(L)
			FY 2026 -	\$6,000	(L)
			FY 2026 -	<u>\$24,000</u>	(5307)
				\$90,000	
TG-5257	CRAVEN AREA RURAL TRANSPORTATION SYSTEM,	CAPITAL	FY 2024 -	\$3,000	(L)
CRAVEN	ADA/PARATRANSIT		FY 2024 -	\$10,000	(5307)
PROJ.CATEGORY	<i>ADD FUNDING TO STIP FOR FY 24, FY25, AND</i>		FY 2025 -	\$3,000	(L)
PUBLIC TRANS	<i>FY 26 AT THE REQUEST OF THE MPO.</i>		FY 2025 -	\$10,000	(5307)
			FY 2026 -	\$3,000	(L)
			FY 2026 -	<u>\$10,000</u>	(5307)
				\$39,000	
* TO-5024	CRAVEN AREA RURAL TRANSPORTATION SYSTEM,	OPERATIONS	FY 2024 -	\$275,000	(L)
CRAVEN	OPERATING ASSISTANCE		FY 2024 -	<u>\$275,000</u>	(5307)
PROJ.CATEGORY	<i>ADD FUNDING IN FY 24 AT THE REQUEST OF</i>			\$550,000	
PUBLIC TRANS	<i>THE MPO.</i>				



Consent Item

Item #: 6

To: Technical Coordinating Committee
From: Deanna Trebil, MPO Administrator
Subject: 2024-2033 MTIP Amendment 2

10/12/2023

The Metropolitan Transportation Improvement Program (MTIP) is a subset of the adopted NC State Transportation Improvement Program (STIP) which identifies state and federally-funded transportation investments within the New Bern Area MPO.

Amendment 2 has several Statewide projects that are being modified by including additional funding for facility construction at the request of Integrated Mobility Division. Within the MPO area, a project break is being added to HS-2002 for pedestrian improvements that are being added to Neuse Blvd/Fort Trotten intersection and additional funding for the NC 43 Connector project.

In accordance with the Public Involvement Plan, these changes are defined as Formal Amendments which are significant changes such as the addition or deletion of a project; significant financial changes; or major changes in design concept or scope. Formal Amendments require a minimum 10-day public comment period. Amendment 2 to the MTIP was posted to the NBAMPO website on October 3, 2023.

Recommended Action: Recommend approval of Amendment 2 to the 2024-2033 MTIP to the TAC

Attachment: 2024-2033 MTIP Amendment 2



RESOLUTION TO MODIFY THE 2024-2033 TRANSPORTATION IMPROVEMENT PROGRAM FOR THE NEW BERN AREA METROPOLITAN PLANNING AREA

AMENDMENT NO. 2

November 16, 2023

A motion was made by _____ and seconded by _____ for the adoption of the following resolution, and upon being put to a vote, was duly adopted.

WHEREAS, the Federal Highway Administration and the Federal Transit Administration require Metropolitan Planning Organizations (MPO) to develop a Transportation Improvement Program (TIP) in cooperation with the State and affect public transportation operators within their planning jurisdiction; and

WHEREAS, the New Bern Area MPO has developed a TIP to include capital and non-capital surface transportation projects within the New Bern Area urban planning area and statewide; and

WHEREAS, the programs and projects included in the NBAMPO TIP for FY 2024-2033 are financially constrained in accordance with State and Federal law; and

WHEREAS, the Transportation Advisory Committee (TAC) reviewed the FY 2024-2033 Metropolitan Transportation Improvement Program (MTIP), originally adopted on September 15, 2023; and

WHEREAS, this Amendment allows for the reprogramming of projects by adjusting project schedules and/or funding in order to be a fiscally constrained Plan; and

WHEREAS, a draft of the MTIP has been advertised for public comment in accordance with the Public Involvement Plan and no comments were received; and

WHEREAS, the North Carolina Department of Transportation and the TAC have determined it to be in the best interest of the Urban Area to amend the FY 2024-2033 Transportation Improvement Program as described in the attached sheet;

NOW, THEREFORE, BE IT RESOLVED that the New Bern Area Metropolitan Planning Organization Transportation Advisory Committee hereby adopts Amendment 2 to the FY 2024-2033 Metropolitan Transportation Improvement Program for the New Bern Metropolitan Area and Statewide on this the 16th day of November 2023.

ATTEST:

John Kirkland, Chairman
Transportation Advisory Committee

Deanna Trebil
MPO Administrator

STATEWIDE PROJECTS

TC-0008	STATEWIDE, 5339(b) DISCRETIONARY	CAPITAL	FY 2024 -	\$875,000	(L)
STATEWIDE	GRANT FOR FACILITY CONSTRUCTION		FY 2024 -	\$350,000	(5339)
PROJ.CATEGORY	<u>ADD FUNDING IN FY 24 AT THE</u>			\$1,225,000	
PUBLIC TRANS	<u>REQUEST OF THE INTEGRATED</u>				
	<u>MOBILITY DIVISION.</u>				
TC-0010	STATEWIDE, 5339(b) DISCRETIONARY	CONSTRUCTION	FY 2024 -	\$900,000	(L)
STATEWIDE	GRANT FOR FOR FACILITY CONSTRUCTION		FY 2024 -	\$3,600,000	(5339)
PROJ.CATEGORY	<u>ADD FUNDING IN FY 24 AT THE</u>			\$4,500,000	
PUBLIC TRANS	<u>REQUEST OF THE INTEGRATED</u>				
	<u>MOBILITY DIVISION.</u>				
TC-0012	STATEWIDE, 5339(b) DISCRETIONARY	CAPITAL	FY 2024 -	\$625,000	(L)
STATEWIDE	GRANT TO PURCHASE ELECTRIC BUSES AND		FY 2024 -	\$2,500,000	(5339)
PROJ.CATEGORY	CHARGING STATIONS.			\$3,125,000	
PUBLIC TRANS	<u>ADD FUNDING IN FY 24 AT THE</u>				
	<u>REQUEST OF THE INTEGRATED</u>				
	<u>MOBILITY DIVISION.</u>				

NEW BERN AREA METROPOLITAN PLANNING ORGANIZATION

* HS-2002Y	NC 55 (NEUSE BOULEVARD), AT FORT	CONSTRUCTION	FY 2025 -	\$26,000	(HSIP)
CRAVEN	TOTTEN DRIVE IN NEW BERN. INSTALL			\$26,000	
PROJ.CATEGORY	PEDESTRIAN HEADS AT EXISTING				
REGIONAL	CROSSWALKS AND ADD 3-SECTION				
	FLASHING YELLOW ARROW SIGNAL HEADS.				
	<u>ADD PROJECT BREAK AT THE REQUEST</u>				
	<u>OF THE TRANSPORTATION MOBILITY</u>				
	<u>AND SAFETY DIVISION.</u>				
R-4463A	NC 43 CONNECTOR, US 17 BUSINESS TO	ENGINEERING	FY 2024 -	\$115,000	(T)
CRAVEN	SOUTH OF US 17/US 70.		FY 2025 -	\$115,000	(T)
PROJ.CATEGORY	<u>COST INCREASE EXCEEDING \$2</u>		FY 2026 -	\$115,000	(T)
REGIONAL	<u>MILLION AND 25% THRESHOLDS</u>		FY 2027 -	\$115,000	(T)
			FY 2028 -	\$115,000	(T)
			FY 2029 -	\$115,000	(T)
			FY 2030 -	\$115,000	(T)
			FY 2031 -	\$115,000	(T)
			FY 2032 -	\$115,000	(T)
			FY 2033 -	\$115,000	(T)
			AFTER FY 2033 -	\$115,000	(T)
		BUILD NC ROW	FY 2024 -	\$16,000	(T)
			FY 2025 -	\$16,000	(T)
			FY 2026 -	\$16,000	(T)
			FY 2027 -	\$16,000	(T)
			FY 2028 -	\$16,000	(T)
			FY 2029 -	\$16,000	(T)
			FY 2030 -	\$16,000	(T)
			FY 2031 -	\$16,000	(T)
			FY 2032 -	\$16,000	(T)
			FY 2033 -	\$16,000	(T)
			AFTER FY 2033 -	\$16,000	(T)
		RIGHT-OF-WAY	FY 2024 -	\$1,600,000	(T)
		UTILITIES	FY 2024 -	\$650,000	(T)
		CONSTRUCTION	FY 2025 -	\$8,020,000	(T)
			FY 2026 -	\$18,446,000	(T)
			FY 2027 -	\$11,629,000	(T)
			FY 2028 -	\$2,005,000	(T)
				\$43,791,000	



Item #: 7

To: Technical Coordinating Committee
From: Deanna Trebil, MPO Administrator
Subject: TCC Bylaws

10/12/2023

With the creation of the New Bern Area MPO, a Memorandum of Understanding (MOU) was signed by all member agencies. This MOU established the roles and responsibilities of the Transportation Advisory Committee (TAC), Technical Coordinating Committee (TCC), and the Lead Planning Agency (City of New Bern).

The MOU also named voting and non-voting members of the TAC. It also identified members of the TCC. Unfortunately, the MOU is not clear on who are TCC voting members.

The proposed TCC Bylaws complement the MOU. It also clearly identifies voting members, and provides specific protocols on conducting virtual meetings, etc. The names in red font are proposed additions to the TCC as non-voting members. The voting members listed represent positions that have typically been voting members. However, this list can be amended at the discretion of the TCC for incorporation into the bylaws.

Recommended Action: Adopt the TCC Bylaws

Attachment: TCC Bylaws

NEW BERN AREA METROPOLITAN PLANNING ORGANIZATION (NBAMPO)

TECHNICAL COORDINATING COMMITTEE BYLAWS

ARTICLE I – NAME

The name of this organization shall be the New Bern Area Metropolitan Planning Organization Technical Coordinating Committee, hereinafter referred to as the "TCC."

ARTICLE II – PURPOSE

As outlined in the Memorandum of Understanding dated March, 2013, the purpose and goals of the TCC shall be:

1. To provide general review, guidance and coordination of the continuing, cooperative, comprehensive transportation planning process for the planning area of the New Bern Area Metropolitan Planning Organization (NBAMPO).
2. To make recommendations to the respective local, State, and Federal governmental agencies and the Transportation Advisory Committee (TAC) regarding any necessary actions relating to the continuing transportation planning process.
3. Be responsible for the development, review and recommendations for the Prospectus, Unified Planning Work Program, Transportation Improvement Program, Urbanized Area Boundary, Metropolitan Planning Area, Federal-Aid Functional Classification System, Comprehensive Transportation Plan (CTP), and Metropolitan Transportation Plan.
4. Responsible for promoting citizen participation in the planning process and preparing documentation reports for transportation studies.

ARTICLE III – MEMBERS

Section 1 – Number and Qualifications:

As specified in the Memorandum of Understanding dated February 2013, the Technical Coordinating Committee shall include technical representative from all local and State governmental agencies directly related to and concerned with the transportation planning process for the planning area.

The voting membership shall comprise the following:

Director of Development Services, City of New Bern (Jessie Rhue)
Assistant County Manager, Craven County (Gene Hodges)
Town Manager, Town of River Bend (Delane Jackson)
Zoning Administrator, Town of Bridgeton (Bill Howard)
Town Clerk, Town of Trent Woods (Holly Willis)
Executive Director, New Bern Chamber of Commerce (Kevin Roberts)
Planning & Inspections Director, Craven County (Chad Strawn)
Director of Public Works, City of New Bern (George Chiles)
Director, Coastal Carolina Regional Airport (Andy Shorter)
Director, Craven Area Rural Transit Service (CARTS) (Kelly Walker)
Transportation Planning Division, NCDOT (Amanda Killian)
Division 2 Division Engineer, NCDOT (Jeff Cabaniss)
Division 2 Planning Engineer, NCDOT (Len White)
Division 2 Traffic Engineer, NCDOT (Jim Evans, Interim)
Division 2 Corridor Development Engineer, NCDOT (Roham Lahiji)

Additionally, the following will serve as advisory, non-voting members:

Integrated Mobility Division, NCDOT Transportation Engineer (Kim Nguyen)
Eastern Region Mobility & Safety Field Operations Engineer, NCDOT (Rusty Thompson, Interim)
Down East Rural Planning Organization (Becca Eversole)
Marine Corps Liaison, Government and External Relations (G7) (Rhonda Murray)
FHWA, Eastern Preconstruction and Environment Engineer (Divs. 3, 6 and 8) (Bill Marley)
Chief Officer of Systems and Operations, Craven County Schools (Stacy Lee)

Section 2 – Terms of Office:

There shall be no limitation on the length of time members may serve on the TCC subject to the authorization to do so by their respective agencies' chief administrative officers (CAO).

Section 3 – Alternates:

Each member agency shall appoint an alternate to its representative. That alternate member may serve as a full voting member during any meeting where that agency's representative is not in attendance. An alternate must have the same qualifications as the member. Proxy and absentee voting are not permitted.

ARTICLE IV – OFFICERS

Section 1 – Officers Defined

The officers of the TCC shall consist of a Chairperson, and Vice-Chairperson, to be elected by the members of the TCC. A member of the staff of the New Bern Development Services Department shall serve as Secretary to the Committee. The Secretary shall maintain a current copy of these Bylaws as an addendum to the Memorandum of Understanding, to be distributed to the public upon request.

Section 2 – Duties of Officers

The Chairperson shall call and preside at meetings and appoint committees. In the absence of the Chairperson, the Vice-Chairperson shall preside and carry out all other duties of the Chairperson.

Section 3 – Elections

The Chairperson and Vice-Chairperson shall be elected annually at the first regularly scheduled meeting of the calendar year. The newly elected Chairperson and Vice-Chairperson shall take office immediately following the election. Additional elections may be held if either the Chairperson or Vice-Chairperson cannot carry out his/her duties nor complete the remainder of their appointed term.

Nominations for Chairperson and Vice-Chairperson be made from the floor, provided that the nominator has approval from the nominee. Upon motion and second that nominations be closed; the current Chairperson will then call for a vote on the nominees. The successful candidate will need to receive a majority of the votes cast.

ARTICLE V – MEETINGS

Section 1 – Regular Meetings

Meetings will be held once every two months or when deemed appropriate and advisable. Meeting notices and agendas are to be mailed in sufficient time for them to have been received by each committee member no later than seven (7) days prior to the meeting date. If there is insufficient business for a regularly scheduled meeting, as determined by the Chairperson, the Secretary will notify the TCC members of the meeting's cancellation.

Section 2 – Special Meetings

Special meetings may be called by the Chairperson with 48-hours' notice, or at the request of the majority of the eligible voting. Whenever possible, at least seven (7) days' notice shall be given.

Section 3 – Virtual Meetings

Any TCC meeting may be conducted solely by one or more means of remote communication through which all Members may participate with each other during the

meeting, if the number of Members participating in the meeting would be sufficient to constitute a quorum. Participation in a meeting by that means constitutes presence in person at the meeting.

Virtual meetings will be hosted by the MPO staff liaison who will create and send the meeting invitation to all Board members as well as interested parties. This meeting invitation will also be published on NBAMPO's website to comply with open meeting laws of North Carolina and to allow for a public comment period.

The staff liaison will conduct a roll call for attendance at the beginning of each meeting. Before speaking, making a motion or seconding a motion, the person should state their name. After a motion and second has been made, the Chairperson should call a roll call vote.

Section 4 – Quorums

A quorum is required for the transaction of all business, including conducting meetings, participation in deliberations, or voting upon or otherwise transacting the public business. A quorum consists of fifty-one percent (51%) of the voting members of the TCC, excluding those who are considered inactive in accordance with Section 5 below.

Section 5 – Attendance

Each voting member shall be expected to attend each regular meeting and each special meeting in accordance with Article V, Section 1 and 2. Subject to his/her member agency's chief executive officer's approval, a member may appoint an alternate to serve in his/her absence, provided that the member informs the Secretary of the Committee prior to the meeting which the alternate will attend. This notification shall authorize the alternate to vote in the member's absence.

If a TCC member does not attend or does not send his or her designated alternate to two (2) consecutive meetings of the TCC, the member will be considered inactive. Following the designation as inactive, if the member or his or her alternate is not in attendance at a subsequent TCC meeting, he or she will not be counted for quorum purposes. The member will be automatically reinstated and counted for quorum purposes by attending or sending his or her designated alternate to a TCC meeting.

For members not attending three (3) consecutive TCC meetings, the Chairperson will send the chief executive officer of the jurisdiction of the member in question, a letter indicating the number of absences and requesting reaffirmation or redesignation of the jurisdiction's representative.

Section 6 – Agenda

The agenda is a list of considerations for discussion at a meeting. Items on the agenda originate as a carryover from previous TCC meetings or are placed on the agenda prior to its distribution by any member of the TCC, by request from any jurisdiction party to

the Memorandum of Understanding, or by the request of the Chairperson of the TCC or TAC. Additional items may be placed on the agenda by any member following discussion of the last item on the agenda, as long as a majority concurrence of the present and eligible voting members is received.

As part of a Consent Agenda, the TCC may act on routine administrative items or items deemed by the TCC as non-controversial in one motion if no member or the public wishes an item to be removed and discussed on the regular agenda. Members of the TCC may raise questions, seek clarification, or add directions to Consent Agenda items without removing the item from the Consent Agenda as long as no other member objects to the change.

Section 7 – Voting Procedures

The Chairperson and any member may call for a vote on any issue, provided that it is seconded and within the purposes set forth in Article II and provided the issue is on the agenda as outlined in Section 6 of this article. The Chairperson is permitted to vote but any persons serving in strictly an advisory capacity and those designed as non-voting members are not permitted to vote. Each voting member of the TCC shall have one vote. Designated alternate members may only vote in the absence of a regular member. If a regular member is in attendance, the designated alternate member may not vote on matters. Except for amendments to Bylaws, an affirmative vote equal to a majority of the members of the TCC present and not excused from voting on the issue shall be required to approve any issue. A failure to vote by a member who is present at the meeting or who has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.

Abstentions shall be considered affirmative votes. By approval of the TCC, a member may withdraw from voting on an issue. No secret ballot voting is allowed. E-mail voting is not allowed, however written ballots are allowed provided they are signed by each voter and included in the meeting record after the vote is taken. Written ballots shall be kept available for public inspection until the meeting minutes are approved. In the absence of any direction from these Bylaws or other duly adopted voting procedures pursuant to certain approval actions, *Robert's Rules of Order, Newly Revised* will designate procedures governing voting.

ARTICLE VI – PARLIAMENTARY PROCEDURES

The rules contained in the most current edition of *Robert's Rules of Order, Newly Revised*, shall govern the TCC in all cases to which they are applicable and in which they are not inconsistent with the Memorandum of Understanding, the NBAMPO TAC Bylaws, these Bylaws, or any special rules of order the TCC may adopt.

ARTICLE VII – AMENDMENTS TO BYLAWS

Amendments to these Bylaws of the TCC shall require the affirmative vote of at least seventy-five percent (75%) of the TCC members present, provided that written notice of the proposed amendment has been transmitted to each member at least seven (7) days prior to the meeting at which the amendment is to be considered and provided that such amendment does not conflict with the letter or fundamental intent of the Memorandum of Understanding (MOU) governing this document. In the event of any conflict, the MOU shall carry precedence over these Bylaws.

ADOPTED

These Bylaws were amended and approved at a regularly scheduled meeting of the New Bern Area Technical Coordinating Committee held on the _____ day of _____, 2023.

Gene Hodges
TCC Chair

Deanna Trebil
Secretary



Item #: 8

To: Technical Coordinating Committee
From: Deanna Trebil, MPO Administrator
Subject: 2023-2026 Public Involvement Plan

10/12/2023

Public participation in the regional transportation planning process for the New Bern Area Metropolitan Planning Organization (MPO) is guided by this Public Involvement Plan (PIP) in accordance with federal law. The plan outlines recommended methods to engage the public during the transportation planning and decision-making process and informs members of the public how they can be involved. The MPO is responsible for conducting a continuing, cooperative, and comprehensive transportation planning process for all members within the NBAMPO area.

The PIP shall be reviewed periodically at a minimum every three (3) years. The PIP was last revised in 2020 and with the change in staff a review of the PIP is warranted.

In accordance with the PIP, there is a 45-day minimum public review period before it can be approved by the Transportation Advisory Committee (TAC). The PIP was posted to the NBAMPO website on September 29, 2023 with comments being received until November 7, 2023. This plan is anticipated to be presented to the TAC on November 16, 2023.

Recommended Action: Recommend approval of the Public Involvement Plan to the TAC

Attachment: 2023-2026 Public Involvement Plan

New Bern Area
Metropolitan Planning
Organization

**Public Involvement Plan
(PIP)**



Proposed Adoption: 11/16/2023

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1. Introduction	5
1.1 Overview	5
2. Purpose.....	5
2.1 Goals	5
2.2 Objectives	6
3. New Bern Area MPO Board Meetings.....	6
3.1 Transportation Advisory Committee (TAC)	6
3.2 Technical Coordinating Committee (TCC).....	6
3.3 TAC and TCC Meetings	6
3.4 Public Comment Period during Meetings	7
4. Outreach Efforts	7
4.1 Stakeholder Interviews	7
4.2 Publicize NBAMPO Activities	7
4.3 Maintain a Website.....	8
4.4 Develop and Distribute Brochures and Fact Sheets.....	8
4.5 Conduct Public Informational Workshops, Charrettes and Public Open Houses.....	8
4.6 E-Subscription Lists	8
4.7 Conduct Surveys	9
4.8 Create Newsletters.....	9
4.9 Social Media	9
4.10 Visualization Techniques.....	9
5. Responding to Public Comments	10
6. Specific Guidelines.....	10
6.1 Public Comment for MTP, UPWP, CTP, and MTIP	10
6.2 Public Involvement Plan (PIP).....	10
6.3 Metropolitan Transportation Plan (MTP)	10
6.4 Metropolitan Transportation Improvement Program (MTIP)	11
6.5 Annual Obligations Listing.....	12
6.6 Unified Planning Work Program (UPWP)	12
6.7 Publication of CARTS Program of Projects (POP)	12
6.8 Plan Specific Chart	13
7. Modifications to Plan Specific Documents	13
7.1 Administrative Modification	13
7.2 Formal Amendment.....	13
8. Federal Requirements.....	14
8.1 Infrastructure Investment and Jobs Act (IIJA)	14
8.2 National Environmental Policy Act	15
8.3 Americans with Disabilities Act of 1990.....	15
8.4 Title VI – Environmental Justice	15
8.5 FTA Circular 9030.1E Chapter 5, Section 6C.....	18
8.6 Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973	19
8.7 Improving Access to Services for Persons with Limited English Proficiency.....	19
8.8 Executive Order 12898, USDOT Order 5610.2(a), and FHWA Order 6640.23A.....	19
8.9 Department of Transportation Update Environmental Justice Order 5610.2(a)	20
8.10 Addressing Environmental Justice in Minority and Low-Income Populations	20

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DRAFT

1. Introduction

1.1 Overview

Public participation in the regional transportation planning process for the New Bern Area Metropolitan Planning Organization (NBAMPO) is guided by this Public Involvement Plan (PIP). The plan outlines recommended methods to engage the public during the transportation planning and decision-making process and informs members of the public how they can be involved.

Public participation is an integral part of the transportation planning process. The information and perspectives provided through public participation assist decision-makers and lead to a more meaningful and comprehensive planning process. Good public participation techniques allow plans to identify issues and understand aspects of the transportation system directly from its users that may be missed when considering a project from a purely technical point of view. Effective transportation planning must include the participation of those whose everyday lives are affected by how they are able to get to work, home, school, stores, and services.

The NBAMPO is responsible for conducting a continuing, cooperative, and comprehensive transportation planning process for all members within the NBAMPO area. The NBAMPO must plan for the movement of both people and goods within the NBAMPO boundaries by all modes of travel, including highways, public transportation, bicycles, and pedestrians. It also plans for the connections (such as airports, seaports, buses, and railroads) linking these modes and connecting the greater New Bern area.

2. Purpose

The purpose of the NBAMPO Public Involvement Plan is to create an open decision-making process whereby citizens have the opportunity to be involved in all stages of the transportation planning process. This policy is designed to ensure that transportation decisions will reflect public priorities.

2.1 Goals

The goals of the NBAMPO's Public Involvement Plan are:

- **Educate** the public regarding the role of transportation planning and the decision making process;
- **Inform** the public of transportation meetings, events, projects and objectives;
- **Involve** the public by providing as many possible involvement opportunities in the transportation planning process and decision making;
- **Reach** out to all communities in the planning area to educate, inform and involve; and
- **Evaluate** and improve the public involvement process by reviewing this policy yearly for potential improvements and compliance with federal law.

2.2 Objectives

- Bring a broad cross-section of the public into the public policy and transportation planning decision-making process;
- Maintain public involvement from the early stages of the planning process through detailed project development;
- Use different combinations of public involvement techniques to meet the diverse needs of the general public;
- Determine the public's knowledge of the metropolitan transportation system and the public's values and attitudes concerning transportation;
- Educate citizens and elected officials in order to increase general understanding of transportation issues; and
- Make technical and other information available to the public.

3. New Bern Area MPO Board Meetings

3.1 Transportation Advisory Committee (TAC)

The TAC is the policy and decision-making body for the NBAMPO. The TAC is comprised of elected and appointed officials from the City of New Bern, Town of Trent Woods, Town of River Bend, Town of Bridgeton, Craven County, and the North Carolina Board of Transportation. The TAC is ultimately responsible for providing opportunities for citizen participation in the transportation planning process.

3.2 Technical Coordinating Committee (TCC)

The TCC provides the general review, guidance, and coordination of the transportation planning process for the planning area and has the responsibility for making recommendations to the TAC regarding any actions relating to the continuing transportation planning process.

The TCC is comprised of technical experts from local and state governmental agencies directly related to and concerned with the transportation planning process for the planning area. Membership shall include, but not be limited to, representatives from all of the member agencies.

3.3 TAC and TCC Meetings

Meetings of the TAC and TCC are open to the public. The schedule of meetings and past meeting materials are available on MPO's website. If the meeting is virtual, information on how to participate in the meeting will be published on the NBAMPO website which will include a public comment period for both TCC and TAC meetings. Prior to each meeting, a contact list of interested parties receives reminder notices, meeting agendas, and other material. (To join this list, please contact a NBAMPO staff member.) Persons with disabilities needing auxiliary aids or services are requested to contact the MPO office no later than 48 hours in advance of a meeting to make

appropriate arrangements for their attendance.

3.4 Public Comment Period during Meetings

Prior to the start of the public comment period, people wishing to address the TCC or TAC Board will sign up before the meeting. The Chairman will collect the sign-up sheet and recognize speakers in the order they are registered. Speakers will address the Board and will be asked to provide their name and address for the record.

Each speaker shall be limited to a maximum of three (3) minutes and each speaker will only be allowed to speak once during this public comment period. A staff member will serve as the timekeeper and will promptly announce when the speaker's time has expired. A speaker's time cannot be yielded or transferred from one speaker to another.

The Board at its discretion may engage in conversation and/or take action such as directing staff to investigate or add the topic to a future agenda.

4. Outreach Efforts

The MPO will seek public input through a variety of techniques, including public notices, comment periods, workshops, charrettes, public hearings, newsletters, surveys, media relations, etc. The techniques employed will vary, depending on the specific planning task. Several options are outlined below but are not inclusive.

4.1 Stakeholder Interviews

A stakeholder is defined as any person or group that is affected by a transportation plan, program or project, including those who are not aware they will be affected. Individuals will include the general public; environmental, health, neighborhood, citizen and civic organizations; and, traditionally underserved communities such as people with disabilities, and/or low-income, minority, and elderly.

Ongoing meetings with stakeholders will be conducted to share information and for the MPO to receive feedback on transportation issues throughout the community and region.

4.2 Publicize NBAMPO Activities

Media coverage will be actively cultivated to ensure that mainstream and ethnic radio, television and newspaper outlets understand the importance of providing information on transportation planning activities. In addition, articles, news releases and/or media releases will be used to disseminate information to announce public review and comment period and public meetings.

4.3 Maintain a Website

The NBAMPO's website (www.nbampo.org) provides information about NBAMPO meetings and activities, including listing all upcoming meetings. This website includes a calendar of meeting dates; agendas and minutes; plans and documents; and updates on current transportation projects. This website should provide the public with an opportunity to provide input and formal comments on an ongoing basis through the email addresses listed.

4.4 Develop and Distribute Brochures and Fact Sheets

Brochures and Fact Sheets are a presentation of data in a format emphasizing brevity, key points of interest or concern, a minimalist design aesthetic, and a general desire to convey the most relevant information in the least amount of space. Fact sheets condense information into an easy-to-read, straightforward, portable, and modular form of knowledge. They often contain lists, statistics, and answers to common questions. In some cases they may include a summary or abridgement of a longer document.

The brochure and/or fact sheet should be available online and made available to identified stakeholders, libraries, government buildings, MPO offices, and other locations. If requested, this brochure will be provided in large print format and translated to another language.

4.5 Conduct Public Informational Workshops, Charrettes and Public Open Houses

Public Informational Workshops, Charrettes and Public Open Houses may be conducted on topics associated with the transportation planning process. Such workshops, charrettes and/or open houses will be designed based on the intent of the meeting. These can be used to educate the participants on specific topics, e.g. transportation projects, the transportation model, planning efforts, etc. Public Informational Workshops, Charrettes and Public Open Houses provide a means for allowing the public to express their ideas and concerns in an informal setting. The workshops, charrettes and open houses may be conducted on an as-needed basis.

4.6 E-Subscription Lists

The MPO staff maintains lists of TAC and TCC committee members including any temporary MPO groups set up for particular projects. MPO staff encourages people to use the New Bern Area MPO email lists and sunshine list to sign up to receive notice of about MPO meetings and events. These lists allow any individual, organization, or other interested party to use their email address and request that it be added to the MPO's email list. Anyone interested can subscribe by contacting the MPO in the following ways:

- Mail – New Bern Area MPO, 303 First Street, New Bern, NC 28560
- Phone – 252-639-7593
- Email – mcreef@newbernnc.gov
- Online – www.nbampo.org

4.7 Conduct Surveys

Surveys may be used to gather information from peoples' perception, preferences, and practices. In areas where low literacy exists, surveys should be conducted in person. In limited English proficient communities, these surveys should be published in Spanish. In areas where the public is literate, surveys may be mailed, e-mailed, or posted on the MPO's website.

4.8 Create Newsletters

The MPO will produce a newsletter at least quarterly, but will strive for monthly, dedicated to transportation planning activities in the New Bern planning area. The purpose of the newsletter is to provide a brief overview of ongoing or new transportation projects to help share information as well as periodic updates on NBAMPO activities.

4.9 Social Media

Social media is an advantageous way to reach people who may not read press releases or other "traditional" forms of communication. The NBAMPO creates social media posts to be posted on New Bern Area MPO social media accounts and requests that member agencies cross share the posts to their social media accounts. Social media posts are written to encourage education and participation in surveys and open houses.

4.10 Visualization Techniques

Visualization techniques will be used in all core transportation plans, programs, and projects to the extent they are feasible. Visualization techniques promote improved understanding of existing and proposed transportation activities to those who do not have a background in transportation planning. Effective visualization techniques help build consensus and clarify ideas between the public and decision-makers. Tailoring visualization techniques for a specific document or population will help interested people better understand regional transportation planning goals and activities. These techniques will include the use of colors, diagrams, tables, maps and photos that better illustrate the ideas and concepts represented in transportation plans, projects and programs.

5. Responding to Public Comments

The MPO will document both oral and written public comments received during the public input process. Documentation might include a written compilation, meeting minutes, a transcript of oral comments, a memorandum that summarizes the comments. The MPO will also provide a publicly available summary of responses to comments through the MPO website. MPO staff will provide electronic copies of comments to the TAC and/or TCC. The comments and responses may be produced as a separate report or appendix of a final document or plan.

6. Specific Guidelines

6.1 Public Comment for MTP, UPWP, CTP, and MTIP

The NBAMPO will provide an opportunity for meaningful public involvement in the development and update of the MTP; final draft of the MTIP; and in the development of the UPWP. The public comment period will be a minimum of fourteen (14) day period, effective from the date of the public notice publication on the NBAMPO's website. Written comments will be received during the comment period. The contact person, phone number and email address will be included in the public notice. Comments received will be presented to the TAC and/or TCC as a summary or verbatim, whichever is most appropriate.

6.2 Public Involvement Plan (PIP)

The PIP shall be reviewed periodically by MPO staff, TAC, and TCC to ensure a full and open process that is inclusive of all interested parties and conforms to federal transportation regulations is being followed. There will be a 45-day calendar minimum public review period for PIP changes that have been made since the last opportunity for public review or if the PIP has not been reviewed in the past three (3) years.

6.3 Metropolitan Transportation Plan (MTP)

The MTP is developed for the Metropolitan Planning Area (MPA) and covers at least a 20-year planning horizon and is updated every five years to reflect the changing public interest and contains financially constrained transportation projects for all modes in the MPA, including highways, public transportation, bicycle and pedestrian, freight and rail, ferry, and aviation.

NBAMPO uses the MTP to:

1. Estimate future needs and services for the highway network;
2. Guide the expenditure of transportation funds;
3. Ensure new transportation improvements meet community values; and
4. Promote safe and efficient transportation services.

Local and state planning officials use the MTP to select projects for inclusion in their work programs. Developers and planning firms use it to help develop land use proposals.

The draft MTP should be presented to the public for review and comment for a minimum 14 days. The public comment period can be open while the draft MTP is presented to the TCC. However, the public comment period must end before the TAC considers action to allow any public comment to be presented.

For MTP Amendments, refer to [Section 7. Modifications to Plan Specific Documents](#).

6.4 Metropolitan Transportation Improvement Program (MTIP)

The federally required Metropolitan Transportation Improvement Program, or MTIP, is a fiscally constrained short range multi-year listing of projects or improvements listing all the NBAMPO's multimodal transportation projects that are anticipated to receive federal funds, as well as all other regionally significant transportation projects, whether or not those projects receive federal funding. The TIP is developed in cooperation with the FHWA, FTA, the NCDOT, the area's public transit operators, and the area's local governments.

The MTIP and the State Transportation Improvement Program (STIP) must match exactly in projects, schedule, and scope, for projects to move forward with federal funding. It is therefore critical that close coordination be held with the State to assure that both parties agree with program and thus allow projects and programs (including transit elements) to move forward.

The TAC adopts the MTIP and STIP every two years. By law, the MTIP and STIP must cover at least a three-year period and contain a priority list of projects grouped by year. Further, the MTIP and STIP must be financially constrained by year (meaning that the amount of dollars programmed must not exceed the amount of dollars estimated to be available). Federal regulations also require an opportunity for public comment prior to MTIP approval.

The draft MTIP should be presented to the public for review and comment a minimum 14 days. The public comment period can be open while the draft MTIP is presented to the TCC. However, the public comment should remain open until it is closed during the public hearing when the TAC considers action to allow any public comment to be presented.

For MTIP Amendments, refer to [Section 7. Modifications to Plan Specific Documents](#).

6.5 Annual Obligations Listing

The NBAMPO's Annual Obligation Listing identifies the projects that were authorized and committed using federal funds in the previous year. This list is prepared by the North Carolina Department of Transportation (NCDOT) for the NBAMPO and includes project names, locations, type of work to be performed, and funding levels. The annual listing will be published on the MPO's website (www.nbampo.org) within ninety (90) days following the end of the federal program year.

6.6 Unified Planning Work Program (UPWP)

Federal law requires each MPO, as a condition of the receipt of federal highway and transit capital or operating assistance, to conduct a documented comprehensive transportation planning process. A Unified Planning Work Program (UPWP), which includes planning and project development activities that address transportation issues in the area, is required by this process. Annual certification that the planning process is being carried on in conformance with state requirements is necessary for the receipt of funding for surface transportation programs, air quality, national highway system, interstate maintenance, state bridge replacement, and transit capital and operating funds.

The purpose of the UPWP is to administer the MPO planning process and carry out the planning activities necessary to implement the MTP. It describes the planning activities to be undertaken by the MPO during the upcoming fiscal year and is updated yearly. It also serves to document the proposed expenditures of federal, state, and local transportation planning funds, and provides a management tool for the MPO and the funding agencies in scheduling major transportation planning activities and projects.

The MPO staff in consultation with NCDOT and local transit staff draft a new UPWP for the coming year and have it ready for initial TCC and TAC review in January at which time it will be available for public review for at least 14 calendar days prior to its consideration for adoption by the TAC. Typically, the UPWP for the next year is approved at the March TAC meeting. The UPWP also requires NCDOT, FHWA and FTA approval.

6.7 Publication of CARTS Program of Projects (POP)

On an annual basis, the MPO, on behalf of the Craven Area Rural Transit System (CARTS), shall publish a Program of Projects (POP) to ensure that the public is aware of any federal expenditures (with associated public transportation activities planned for each fiscal year). The POP will be published on the MPO website and available in print at the City of New Bern's Development Services Building, located at 303 First Street. The MPO shall advertise the proposed POP in a local newspaper at least 10 days prior to consideration for adoption by the Craven County Commissioners to allow for public review and comment.

During fiscal years when the MPO amends an existing or adopts a new MTIP, publication of a separate POP is not required. It is intended that the process utilized to adopt and/or modify the MTIP also satisfies the annual POP publication requirements.

As of the 2020 Census, New Bern lost its urbanized status and as such a POP is no longer needed to be published. When the New Bern area becomes urbanized again and Section 5307 funding becomes available, a POP will be required to be in place.

6.8 Plan Specific Chart

	Public Comment Period	Public Hearing
MTP	14 calendar days	Not Required
MTIP	14 calendar days	Yes, prior to the MTIP adoption every 2 years
UPWP	14 calendar days	Not Required
CTP	14 calendar days	Not Required
PIP	45 calendar days	Not Required

7. Modifications to Plan Specific Documents

Occasionally, the need may arise which requires modifications to the MTIP, MTP, UPWP, PIP, CTP or other planning documents. Changes can be categorized in two ways: Administrative Modification or Formal Amendment.

7.1 Administrative Modification

Administrative modification shall be for the purpose of correcting an administrative error or informational change; minor modification to project descriptions, project cost, and/or funding source; adjustment of a project start and completion date.

- Does NOT require a formal public involvement process
- Changes can be approved by MPO staff
- Changes are reported to the TCC and TAC boards at their next meeting

7.2 Formal Amendment

Formal Amendment is defined as a significant change such that it would require public review and comment. Examples include the addition or deletion of a regionally significant project or substantial change in the design concept or design scope of a project included in a plan.

Formal Amendments to the MTIP are defined as projects identified within the first four years of the document result in:

- 1) Addition of a project
- 2) Deletion of a project
- 3) Changes in project cost beyond a predetermined amount
 - a. \$2 million AND 25% of original cost for highway projects
 - b. \$1 million OR 25% of original cost for transit projects
- 4) Major changes in design concept or scope

Formal Amendments will follow the Public Involvement Plan by allowing a minimum 14 days for public comment regarding the modification. MTIP modifications are mostly required because of changes to the STIP to which the NCDOT has already acted. If time permits, the proposed MTIP Formal Amendment should be presented to the TCC. The MTIP Formal Amendment and other Formal Amendments should also allow for public comment at the meeting ahead of action by the TAC.

When Formal Amendments to MPO documents, maps or programs are proposed to be changed, copies of the existing documents and the proposed changes will be made available during the public comment period at the following locations:

- MPO offices; 303 First Street, New Bern, NC
- Documents are also published online at www.nbampo.org

8. Federal Requirements

There are several laws and regulations that have been established by the Federal government to ensure the transportation planning process remains open and in the public interest. The following is a listing of federal legislation and regulations that guide the public participation process:

8.1 Infrastructure Investment and Jobs Act (IIJA)

- A. In General: IIJA emphasizes participation by interested parties in the transportation plan. Each metropolitan planning organization shall provide citizens, affected public agencies, representatives of public transportation employees, public ports, freight shippers, providers of freight transportation services, private providers of transportation (including intercity bus operators, employer-based commuting programs), representatives of users of public transportation, representatives of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, affordable housing organizations, and other interested parties with a reasonable opportunity to comment on the transportation plan.

- B. Contents of Participation Plan shall:
 - 1) be developed in consultation with all interested parties; and
 - 2) provide that all interested parties have reasonable opportunities to comment on the contents on the transportation plan.

- C. Methods: In carrying out subparagraph A, the metropolitan planning organization shall, to the maximum extent practicable:
 - 1) hold any public meetings at convenient and accessible locations and times;
 - 2) employ visualization techniques to describe plans; and
 - 3) make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph A.

- D. Use of Technology: A metropolitan planning organization may use social media and other web-based tools:
 - 1) to further encourage public participation; and
 - 2) to solicit public feedback during the transportation planning process

8.2 National Environmental Policy Act

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) regulations implementing the National Environmental Policy Act (NEPA) of 1969 (as amended) outline requirements to go through an environmental review process for implementing projects from a Transportation Improvement Program (TIP). NEPA has its own set of public participation requirements for review period and notification of interested parties on a project basis. These requirements are not a substitute for earlier participation at the planning and programming stages.

8.3 Americans with Disabilities Act of 1990

The Americans with Disabilities Act (ADA) of 1990 encourages the participation of people with disabilities in the development and improvement of transportation and paratransit plans and services. Also, in accordance with ADA guidelines, all meetings conducted by the MPO will take place at locations which are accessible facilities so as to accommodate persons with mobility limitations.

8.4 Title VI – Environmental Justice

Title VI of the Civil Rights Act of 1964 sets standards which authoritatively outlawed discrimination in the conduct of all Federal activities. The term Environmental Justice (EJ) was created by people concerned that everyone within the United States deserves equal protection under the country's laws. A 1994 Presidential Executive Order directed every Federal agency to make Environmental Justice (EJ) part of its mission by identifying and addressing the effects of all programs, policies, and activities on

“minority populations and low-income population.” The U.S. Department of Transportation (DOT) issued its DOT Order to Address Environmental Justice in Minority Population and Low-income Population in 1997. The DOT Order accomplishes this goal by involving the potentially affected public in developing transportation projects that fit harmoniously within their communities without sacrificing safety and mobility.

Effective public involvement is a key element in addressing Title VI in decision-making. This Public Involvement Plan describes how New Bern Area Metropolitan Planning Organization (NBAMPO) will disseminate vital agency information and engage the public. We will seek out and consider the input and needs of interested parties and groups traditionally underserved by transportation systems who may face challenges accessing our services, such as minority and limited English proficient (LEP) persons. Underlying these efforts is our commitment to determining the most effective outreach methods for a given project or population.

General public involvement practices will include:

- Expanding traditional outreach methods. Think outside the box: Go to hair salons, barbershops, street fairs, etc.
- Providing for early, frequent and continuous engagement by the public.
- Use of social media and other resources as a way to gain public involvement.
- Coordinating with community- and faith-based organizations such as the Hispanic Liaison, educational institutions, and other entities to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.
- Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP persons could also include audio programming available on podcasts.

Public Notification

We will inform people of their rights under Title VI and related authorities with regard to our program. The primary means of achieving this will be posting and disseminating the policy statement and notice. Additional measures may include verbally announcing our obligations and the public’s rights at meetings, placing flyers at places frequented by targeted populations, and an equal opportunity tag-on at the end of radio announcements. The method of notification will be determined through an initial screening of the area.

Dissemination of Information

Information on Title VI and other programs will be crafted and disseminated to employees, contractors and subrecipients, stakeholders, and the general public. Public dissemination efforts may vary depending on factors present, but will generally include:

posting public statements setting forth our nondiscrimination policy in eye-catching designs and locations; placing brochures in public places, such as government offices, transit facilities, and libraries; having nondiscrimination language within contracts; including nondiscrimination notices in meeting announcements and handouts; and displaying our Notice of Nondiscrimination at all our public meetings.

At a minimum, nondiscrimination information will be disseminated on our website and on posters in conspicuous areas at our office(s). Project-related information and our most current Title VI-related information will be maintained online.

Meetings and Outreach

There is no one-size-fits-all approach to public involvement. A variety of comprehensive and targeted public participation methods will be used to facilitate meaningful public involvement. Methods for engaging stakeholders and target audiences, including traditionally underserved and excluded populations (i.e., minorities, youth, low-income, the disabled, etc.) will include the following:

Public Relations and Outreach

Public relations and outreach (PRO) strategies aim to conduct well-planned, inclusive and meaningful public participation events that foster good relations and mutual trust through shared decision-making with the communities we serve.

- We will seek out and facilitate the involvement of those potentially affected.
- Public events will aim to be collaborative, fun, and educational for all, rather than confrontational and prescriptive.
- Media plans will typically involve multiple channels of communication like mailings, radio, TV, and newspaper ads.
- Abstract objectives will be avoided in meeting announcements. Specific “attention-grabbing” reasons to attend will be used, such as “Help us figure out how to relieve congestion on [corridor name]” or “How much should it cost to ride the bus? Let us know on [date].”
- Efforts will be made to show how the input of participants can, or did, influence final decisions.
- We will do our best to form decision-making committees that look like and relate to the populations we serve.
- We will seek out and identify community contacts and partner with local community- and faith-based organizations that can represent, and help us disseminate information to, target constituencies.
- Demographic data will be requested during public meetings, surveys, and from community contacts and committee members.

Public Meetings

“Public meeting” refers to any meeting open to the public, such as hearings, charrettes, open house and board meetings.

- Public meetings will be conducted at times, locations, and facilities that are convenient and accessible.
- Meeting materials will be available in a variety of predetermined formats to serve diverse audiences.
- An assortment of advertising means may be employed to inform the community of public meetings.
- Assistance to persons with disabilities or limited English proficiency will be provided, as required.

Small Group Meetings

A small group meeting is a targeted measure where a meeting is held with a specific group, usually at their request or consent. These are often closed meetings, as they will typically occur on private property at the owner’s request.

- If it is determined that a targeted group has not been afforded adequate opportunities to participate, the group will be contacted to inquire about possible participation methods, including a group meeting with them individually.
- Unless unusual circumstances or safety concerns exist, hold the meeting at a location of the target group’s choosing.
- Share facilitation duties or relinquish them to members of the target group.
- Small group discussion formats may be integrated into larger group public meetings and workshops. When this occurs, the smaller groups will be as diverse as the participants in the room.

Community Surveying

- Opinion surveys will occasionally be used to obtain input from targeted groups or the general public on their transportation needs, the quality or costs of our services, and feedback on our public outreach efforts.
- Surveys may be conducted via telephone, door-to-door canvassing, at community fairs, by placing drop boxes in ideal locations, or with assistance from other local agencies like social services.
- Surveys will be translated into languages other than English, when appropriate.

8.5 FTA Circular 9030.1E Chapter 5, Section 6C

Federal transit law and joint FHWA/FTA planning regulations governing the metropolitan planning process require a locality to include the public and solicit comment when the locality develops its metropolitan long-range (twenty-year) transportation plan and its (four-year) metropolitan TIP. Accordingly, FTA has

determined that when a recipient follows the procedures of the public involvement process outlined in the FHWA/FTA planning regulations, the recipient satisfies the public participation requirements associated with development of the Program of Projects (POP) that recipients of Section 5307 funds must meet.

To comply with the last statement:

- MPO must have an adopted public involvement plan.
- The TIP document (public involvement plan, notice, or TIP) must have an explicit statement that public notice of public participation activities and time established for public review of and comments on the TIP will satisfy the POP requirements

8.6 Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973 (Section 504), and the Rehabilitation Act Amendments of 1998 (Section 508)

The *Americans with Disabilities Act of 1990* mandates that public facilities be made accessible to people with disabilities and has been the basis for requiring that transit buses and street curbs be retrofitted or reconstructed with appropriate equipment and design details.

The Rehabilitation Act of 1973 (Section 504) states that “no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under” any program or activity that receives federal financial assistance.

The Rehabilitation Act Amendments of 1998 (Section 508) states that federal agencies must ensure that electronic and information technology is accessible to employees and members of the public with disabilities to the extent it does not pose an “undue burden.”

8.7 Improving Access to Services for Persons with Limited English Proficiency (Executive Order 13166, 2000)

The basis of *Executive Order 13166* lies in *Title VI of the Civil Rights Act of 1964*. It requires that federal agencies work to ensure that recipients of federal financial assistance provide “meaningful access” to their limited English proficiency applicants and beneficiaries.

8.8 Executive Order 12898, USDOT Order 5610.2(a), and FHWA Order 6640.23A.

The basis of Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994) lies in Title VI of the Civil Rights Act of 1964. The Executive Order directs that “each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income

populations.”

8.9 Department of Transportation Update Environmental Justice Order 5610.2(a)

The USDOT Order 5610.2(a) sets forth the U.S. Department of Transportation (USDOT) policy to consider environmental justice principles in all USDOT programs, policies, and activities. The three fundamental environmental justice principles include:

- 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 full and fair participation by all potentially affected communities in transportation decision-making; and
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

8.10 Addressing Environmental Justice in Minority and Low-Income Populations (FHWA 6640.23A)

The Federal Highway Administration Order (FHWA) Order 6640.23A is the directive that establishes policies and procedures for the FHWA to use in complying with Executive Order 12898. In addition, it defines the following terms:

- Low-Income – A person whose median household income is at or below the Department of Health and Human Services poverty guidelines.
- Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons who will be similarly affected by a proposed program, policy, or activity.
- Minority – A person who is:
 - Black: a person having origins in any of the black racial groups of Africa;
 - Hispanic or Latino: a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
 - Asian American: a person having origins in any of the original peoples of the Far East, Southeast Asia or the Indian subcontinent;
 - American Indian and Alaskan Native: a person having origins in any of the original people of North America, South America (including Central America), and who maintains cultural identification through tribal affiliation or community recognition; or
 - Native Hawaiian and Other Pacific Islander: a person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.
- Minority Population – Any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons who will be similarly affected by a proposed program, policy, or activity.



Item #: 9

To: Technical Coordinating Committee
From: Deanna Trebil, MPO Administrator
Subject: Title VI Plan Update

10/12/2023

The Title VI Plan for the New Bern Area Metropolitan Planning Organization (MPO) outlines how the MPO provides equal access to the transportation planning process and ensures its policies and programs are non-discriminatory and do not negatively impact minority and low-income individuals.

It is the policy of the New Bern Area Metropolitan Planning Organization (NBAMPO), as a federal-aid recipient, to ensure that no person shall, on the ground of race, color, national origin, Limited English Proficiency, sex, age, or disability, (and low-income, where applicable), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs and activities, as provided by Title VI of the Civil Rights Act of 1964, Executive Orders 12898 and 13166, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities.

The current Title VI Plan was adopted July 23, 2015. The Plan has been updated to reflect current demographic information along with updating the TAC Chairman and Title VI Coordinator.

In accordance with the Public Involvement Plan (PIP), there is a minimum 15-day public review period before it can be approved by the Transportation Advisory Committee (TAC). The updated Plan was posted to the NBAMPO website on September 29, 2023 with comments being received until November 7, 2023. This Plan is anticipated to be presented to the TAC on November 16, 2023.

Recommended Action: Recommend approval of the updated Title VI Plan to the TAC

Attachment: Title VI Plan Update



TITLE VI

POLICY, PROCEDURES AND PLAN

Proposed Adoption: November 16, 2023

Continuing · Comprehensive · Cooperative · Transportation Planning

Table of Contents

Title VI Policy Statement and Notice of Non-discrimination	3
Standard USDOT Title VI Assurances.....	4
Organization & Staffing	6
Environmental Justice (EJ).....	7
Data Collection/Analysis/Reporting	8
Limited English Proficiency (LEP).....	8
Four Factor Analysis.....	9
Language Assistance Plan.....	11
Dissemination of Title VI Information	13
External Discrimination Complaint Procedure	13
Complaint Processing	15
Review of Organizational Directives.....	15
Title VI Training	15
Compliance and Enforcement Procedures	16
Appendix A – USDOT Title VI Assurances	17
Appendix B - TAC and TCC Members.....	25
Appendix C - Organizational Chart.....	26
Appendix D - Demographic Tables	27
Appendix E -Demographic Maps (EJ).....	31
Appendix F – Investigative Guidance.....	34
Appendix G -Compliance Review Checklist for FHWA Subrecipients	39

Title VI Policy Statement and Notice of Non-discrimination

It is the policy of the New Bern Area Metropolitan Planning Organization (NBAMPO), as a federal-aid recipient, to ensure that no person shall, on the ground of **race, color, national origin, Limited English Proficiency, sex, age, or disability, (and low-income, where applicable)**, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs and activities, as provided by Title VI of the Civil Rights Act of 1964, Executive Orders 12898 and 13166, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities.

If you feel you have been subjected to discrimination, you may file a complaint. Allegations of discrimination should be promptly reported to our Title VI Coordinator.

New Bern Area MPO
Deanna Trebil, Title VI Coordinator
303 First Street
New Bern, NC 28560
Phone: 252-639-7592
Email: trebil.deanna@newbernnnc.gov

This policy is an expression of our commitment to nondiscrimination and support of the Title VI Program.

Signature

John Kirkland, TAC Chairman

Date

Implementation (Dissemination)

- This Policy Statement contains contact information for the Title Coordinator, and it will also serve as our notice to public.
- This statement will be signed by Chairman of the New Bern Area MPO, and re-signed whenever a new person assumes that position.
- The signed statement will be posted on office bulletin boards, near the receptionist's desk, in meeting rooms, and disseminated within brochures and other written materials.
- The statement will be incorporated into Title VI training and acknowledgement activities.
- The statement will be posted or disseminated in languages other than English, when appropriate.
- Low-income will be applicable to our programs, policies and activities under Environmental Justice when determining if there will be disproportionately high and adverse effects.

Standard USDOT Title VI Assurances

The New Bern Area Metropolitan Planning Organization (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through Federal Highway Administration (FHWA), is subject to and will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); 49 C.F.R. Part 21 (entitled Nondiscrimination 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. Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, age, national origin or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) (1) of the Regulations.

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Federal-Aid Highway Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:
"The New Bern Area Metropolitan Planning Organization, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

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

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

John Kirkland
Chairman, Transportation Advisory Committee

Signature and Date

Please refer to Appendix A of this Plan for a copy of our completed, signed NCDOT Title VI Assurances.

Organization & Staffing

A Metropolitan Planning Organization (MPO) is the policy board of an organization created and designated to carry out the metropolitan transportation planning process. MPOs are required to represent localities in all urbanized areas (UZAs) with populations over 50,000, as determined by the U.S. Census. MPOs are designated by agreement between the governor and local governments that together represent at least 75 percent of the affected population (including the largest incorporated city, based on population) or in accordance with procedures established by applicable state or local law. When submitting a transportation improvement program to the state for inclusion in the statewide program, MPOs self-certify that they have met all federal requirements.

An urbanized area with a population over 200,000, as defined by the Bureau of the Census and designated by the Secretary of the U.S. Department of Transportation (DOT), is called a Transportation Management Area (TMA). As described in 49 U.S.C. 5303(k), and in recognition of the greater complexity of transportation issues in large urban areas, an MPO in a TMA has a stronger voice in setting priorities for implementing projects listed in the transportation improvement program and are responsible for additional planning products. The planning processes in MPOs in TMAs also must be certified by the Secretary of DOT as being in compliance with federal requirements.

The New Bern Area MPO was established in 2013. Our Transportation Advisory Committee (TAC) has 6 members, and meets typically six times a year (every other month). Our Technical Coordinating Committee (TCC) has 5 members, and meets six times a year (every other month). Please refer to **Appendix B** for lists of current TAC and TCC members with race, gender, and affiliation included.

Title VI Coordinator

Key responsibilities of the Coordinator include:

- Maintaining knowledge of Title VI and related requirements.
- Attending civil rights training when offered by NCDOT, FHWA or other federal agencies.
- Administering the Title VI Nondiscrimination Program and coordinating implementation of this Plan.
- Making sure internal staff and officials are familiar and complying with their Title VI obligations.
- Disseminating Title VI information internally and to the public, including in languages other than English.
- Presenting Title VI-related information to decision-making bodies for input and approval.
- Ensuring Title VI-related posters are prominently and publicly displayed.
- Developing a process to collect data related to race, national origin, sex, age, and disability to ensure minority, low-income, and other underserved groups are included and not discriminated against.
- Ensuring that non-elected boards and committees reflect the service area and minorities are represented.
- Promptly processing (receiving, logging, investigating and/or forwarding) discrimination complaints.
- Providing information to NCDOT and cooperating during compliance reviews and investigations.

- Promptly resolving deficiencies to ensure compliance with Title VI nondiscrimination requirements.

If the TAC Chairman or Title VI Coordinator changes, the Title VI Policy Statement and USDOT Title VI Assurances, will immediately be updated, and an updated policy statement (and nondiscrimination agreement, if standalone) will be signed by the new TAC Chairman.

Staffing

We currently employ a staff of two, which consists of the following job categories:

- MPO Administrator
- MPO Planner

An organizational chart showing the Title VI Coordinator's place within the organization is located in [Appendix C](#).

Environmental Justice (EJ)

In 1994, President William Jefferson Clinton issued Executive Order (EO) 12898, Federal Actions to Address Environmental Justice (EJ) in Minority Populations and Low-Income Populations. To comply with the EO, federal agencies developed EJ guidelines for their funding recipients, including Federal Highway Administration (FHWA) Order 6640.23A. Accordingly, the New Bern Area MPO will make achieving EJ part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations.

EJ is 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. The three fundamental EJ principles that guide USDOT (affiliated) actions are:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including interrelated social and economic effects, on minority 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.

To achieve EJ, our programs will be administered so as to identify and avoid disproportionately high and adverse effects on minority populations and low-income populations by:

- (1) Identifying and evaluating environmental, public health, and interrelated social and economic effects of our programs, policies and activities;
- (2) Proposing measures to avoid, minimize and/or mitigate disproportionately high and adverse environmental and public health effects, and interrelated social and economic effects, and providing offsetting benefits and opportunities to enhance communities, neighborhoods, and individuals affected by our programs, policies and activities, where permitted by law;

- (3) Considering alternatives to proposed programs, policies, and activities, where such alternatives would result in avoiding and/or minimizing disproportionately high and adverse human health or environmental impacts to minority and/or low-income populations; and
- (4) Eliciting public involvement opportunities and considering the results thereof, including soliciting input from affected minority and low-income populations in considering alternatives.
- (5) Adding an EJ section to plans and studies, such as Long-Range Plans, Public Involvement Plans, and Corridor Studies.

EJ analyses will be conducted to determine if our programs, policies, or activities will result in disproportionately high and adverse human health and environmental effects on minority populations and low-income populations. EJ applies to our policies, such as where public meetings will be held, and our projects, such as when we plan to construct or expand a facility. Thus, we will look at various alternatives and seek input from potentially affected communities before making a final decision. Demographic data will be collected to document public involvement in the decision-making process. EJ analyses will remain on file indefinitely, and copies will be provided to NCDOT, upon request, during compliance reviews or complaint investigations. (See [Appendix D](#) – Tables for Race/Ethnicity and Poverty)

Data Collection/Analysis/Reporting

Data collection, analysis and reporting are key elements of a successful Title VI enforcement strategy. To ensure that Title VI reporting requirements are met, New Bern Area MPO will collect and maintain data on potential and actual beneficiaries of our programs and services. This section contains relevant population data for our overall service area. The data provides context for the Title VI Nondiscrimination Program and will be used to ensure nondiscrimination in public outreach and delivery of our programs. Please refer to [Appendix D](#) for demographic tables on Race & Ethnicity, Age & Sex, Disability, Poverty, and Household Income.

Population Locations

Recipients of FHWA funds are required to identify the characteristics and locations of populations they serve, particularly by race/ethnicity, poverty and limited English proficiency. We will document this narratively or through maps that overlay boundaries and demographic features on specific communities, and provide this information to NCDOT, upon request. (See [Appendix E](#) – Demographic Maps)

Limited English Proficiency (LEP)

Limited English Proficient (LEP) persons are individuals for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. These individuals reported to the U.S. Census Bureau that they speak English less than very well.

To comply with USDOT's LEP Policy Guidance and Executive Order 13166, this section of our Title VI Plan outlines the steps New Bern Area MPO will take to ensure meaningful access by LEP persons to all benefits, services and information provided under our programs and activities. A four factor analysis was conducted to determine the LEP language groups present in our planning area and the specific language services that are needed.

Four Factor Analysis

This Four Factor Analysis is an individualized assessment that balances the following four factors:

- (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee;
- (2) The frequency with which LEP individuals come in contact with the program;
- (3) The nature and importance of the program, activity, or service provided by the recipient to people's lives; and
- (4) The resources available to the recipient and costs.

Factor #1: *The number or proportion of LEP persons eligible to be served or likely to be encountered by the program, activity, or service of the recipient.*

The following table was compiled using data from "B16001 Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over" from the 2015: ACS 5-Year Estimates Detailed Tables filtered using "New Bern city, North Carolina".

[B16001 - Census Bureau Tables](#)

LANGUAGE SPOKEN AT HOME	Estimate	Margin of Error +/-	Percent of Population	Margin of Error
Total (population 5 years and over):	28,055	254	100%	(X)
Speak only English	24,630	628	87.79%	2.55%
Spanish or Spanish Creole:	1,554	472	5.54%	30.37%
Speak English "very well"	914	282	58.82%	30.85%
Speak English less than "very well"	640	333	41.18%	52.03%
Other Asian language:	1,057	308	3.77%	29.14%
Speak English "very well"	148	119	14.00%	80.41%
Speak English less than "very well"	911	286	86.19%	31.39%

The data shows there is a high population of Spanish and Other Asian Languages in our community. However, the City of New Bern is known to have a large community of Burmese refugees that speak a language known as Karen or Karenic (in Myanmar/Burma this language is spoken by about 5% of the population). As shown in Appendix E -Demographic Maps (EJ), it shows geographically where these individuals reside within the MPO planning area boundary.

Factor #2: *The frequency with which LEP individuals come in contact with the program.*

NBAMPO staff frequently attend meetings both in the office and outside the office in various locations around the region. Additionally, NBAMPO hosts open houses, public meetings and committee meetings regarding a range of transportation projects and planning documents. It is possible that people with limited English proficiency (LEP) may attend some of these meetings.

As a public entity, there are multiple opportunities for LEP individuals to interact with our organization through our website, public engagement surveys, public involvement meetings, and our bi-monthly meetings of the Transportation Advisory Committee and the Transportation

Technical Committee. NBAMPO provides up to date planning and project information on the website (www.nbampo.org), as well as, current surveys, public notices, and public comment periods.

Factor #3: *The nature and importance of the program, activity, or service provided by the recipient to people's lives.*

The New Bern Area Metropolitan Planning Organization is an organization that is funded through federal, state, and local funds to conduct transportation planning in a continuing, cooperative, and comprehensive manner. The responsibilities of the NBAMPO are to establish the mission, goals, and objectives for the transportation planning process of the region; review and approve the Prospectus and Unified Planning Work Program; develop and approve the Metropolitan Transportation Plan and Comprehensive Transportation Plan; partner with the North Carolina Department of Transportation and our members to prioritize projects and to develop and approve the State/Metropolitan Transportation Improvement Programs; develop, approve and implement a Public Participation Policy; ensure citizen input into the continuing transportation planning process; self-certify the long-range planning process; coordinate the operations of the Transportation Advisory Committee (TAC) and Technical Coordinating Committee (TCC); coordinate planning activities with NCDOT and ensure compliance with federal requirements; adopt the Federal Functional Classification; assist with development review; coordinate Transportation Impact Analysis review; conduct long range planning; and conduct any other duties identified as necessary to further facilitate the transportation planning process.

The areas in which the MPO would most often come into contact with LEP populations are when developing the Metropolitan Transportation Plan and Comprehensive Transportation Plan; developing and implementing the Public Involvement Plan; ensuring citizen input into the coordinating transportation planning process; and conducting long-range planning.

Factor #4: *The resources available to the recipient and costs.*

NBAMPO understands the importance of providing access to LEP individuals during the planning process and at public meetings. NBAMPO strives to provide opportunities for LEP individuals as much as possible through no or low-cost resources. This includes utilizing translation tools on the NBAMPO's website so that individuals of many languages can read it and translation software to translate public notices and smaller plans and documents into Spanish. Costs for these resources is limited to the time and additional printing costs. If additional resources are required, such as in-person translation or translation of larger documents, NBAMPO will reach out to local resources such as the Community College or Community-based organizations for assistance to determine the most cost-effective way to provide these services.

Language Assistance Plan

As a result of the above four factor analysis, a Language Assistance Plan (Plan) was required. This Plan represents our commitment to ensuring nondiscrimination and meaningful access by persons who are Limited English Proficient (LEP). This Plan also details the mechanisms we will use to reach LEP persons and the language assistance services we provide. We will provide services to any person, upon request. If an individual is LEP, we will work with the individual to ensure they receive the needed transportation service. Our employees will be routinely oriented on the principles and practices of Title VI and LEP to ensure fairness in the administration of this Plan.

Language Assistance Measures

The following general language assistance measures are reasonable and achievable for our organization at this time:

- Translating public notices posted in the local paper and at stations, stops, and in vehicles into any languages that meet the safe harbor threshold in Factor 1.
- Vital documents—such as brochures with service times and routes—are translated into Spanish across the entire service area, and available in our facilities, doctor's offices and shopping centers and if needed it will be translated into Asian, Pacific Island and/or Karenic.
- Making a concerted effort to inform LEP persons of available language assistance via staff, broadcast media, relationship-building with organizations, and our website.
- Posting vital bulletin board information and disseminating community surveys in various languages.
- Providing translation and interpretive services when appropriate (upon request or predetermined) at meetings.
- Determining how best to take public involvement to LEP groups directly, including through small group meetings.
- Where possible, utilizing or hiring staff who speak a language other than English and can provide competent language assistance.
 - Note: We will not ask community-based organizations (CBO) to provide, or serve as, interpreters at our meetings. Relying upon CBOs in that capacity could raise ethical concerns. If a CBO decides (on its own) to translate any materials for its constituents, or bring interpreters it trusts to our meetings, we will not object. That is their right.
- Using language identification flashcards to determine appropriate services.
- Establishing a process to obtain feedback on our language assistance measures.

Specific Measures by Language Group

As noted above, Spanish speaking, Asian or Pacific Islanders are two language groups that met the safe harbor thresholds. Additionally, there is a large population of Burmese refugees that speak a language known as Karen or Karenic.

Written Translation and Oral Interpretation

Vital documents will be translated for each eligible LEP language group in our service area that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be encountered. Translated materials will be placed online and in appropriate public (or private) places accessible to LEP persons. The safe harbor provisions apply to the translation of written documents only, and do not affect the requirement to provide meaningful access to LEP

individuals through competent oral interpreters where oral language services are needed and are reasonable. When appropriate, translation of any document will be communicated orally in the appropriate language.

In the event that the 5% trigger is reached for a LEP language group that is fewer than 50 persons, written notice will be provided in the primary language of that group of the right to receive competent oral interpretation of vital written materials, free of cost. The most effective method of notice, which could be an ad in the local newspaper or other publication, a radio commercial, or door hangers, will be determined in consideration of the circumstances on the ground and in coordination with LEP community contacts.

Staff Support for Language Assistance

- Our staff (including receptionists) will be provided a list of referral resources that can assist LEP persons with written translation and oral interpretation, including the Title VI Coordinator and consultants contracted to provide LEP services. This list will be updated as needed to remain current.
- All main offices will have available language assistance flashcards and materials translated into the languages that meet the safe harbor threshold. When encountering an LEP person, staff should present the individual with an iSpeak flashcard and let them choose the language. Do not assume their preferred language. Assistance may be sought from bilingual staff fluent in the identified language before contacting a referral resource. Document the encounter and report it to the Title VI Coordinator.
- Training: All employees will be instructed on our procedures for providing timely and reasonable assistance to LEP persons. New employee orientation will also explain these procedures to new hires. Staff routinely encountering LEP persons by telephone or in person will receive annual refresher training. All other employees will be reminded of LEP through annual Title VI program acknowledgements and basic Title VI trainings.

Project-Specific LEP Outreach

A project-specific four factor analysis will be conducted for any project or outreach event limited to a specific geographical area (i.e., the project study area or outreach area, respectively). Language assistance will be provided in accordance with the measures already outlined, including translating written materials for each LEP language group that is 5% or 1,000, whichever is less, of the project or outreach area population.

Monitoring and Updating the Language Assistance Plan

Monitoring of daily interactions with LEP persons will be continuous, thus language assistance techniques may be refined at any time. This Plan will be periodically reviewed—at least annually—to determine if our assistance measures and staff training are working. Resource availability and feedback from agency staff and the general public will be factors in the evaluation and any proposed updates. Among other practices, this process will include working with LEP community contacts to determine if our employees are responding appropriately to requests made with limited English or in languages other than English, and observing how agency staff responds to requests, including observing drivers or surveying riders. To the best of our ability, we will attempt to never eliminate a successful existing LEP service. Significant LEP program revisions will be approved or adopted by our board or designated official and dated accordingly. LEP data and procedures will be reviewed and updated at least once every three years.

Dissemination of Title VI Information

In accordance with 23 CFR 200.9(b)(12) and 49 CFR 21.9(d), New Bern Area MPO will utilize community outreach and public education to disseminate Title VI information to our employees, contractors, sub-recipients and the general public. Reasonable steps will be taken to make the public aware of their rights and our obligations under Title VI through, including, but not limited to:

- Visibly posting our Title VI Policy Statement in public areas at our facilities, on our website, at our meetings, and prominently in any documents and reports we distribute;
- Placing notices in newspapers and publications with a large circulation among minority groups in the general vicinity of projects and activities. Ads in newspapers and other publications shall include the following:
 “New Bern Area MPO operates without regard to **race, color, national origin, limited English proficiency, sex, age or disability**. For more information on our Title VI program, or how to file a discrimination complaint, please contact Deanna Trebil by phone (252-639-7592) or email (trebil.deanna@newbernnc.gov).”
- Translating information into languages other than English that meet the LEP safe harbor threshold;
- Incorporating Title VI language into our contracts and agreements (See [Appendix C](#) for Title VI Contract Language); and
- Ensuring any contractors and sub-recipients we have also disseminate Title VI information.

Please refer to our Public Involvement Plan (PIP) for additional outreach methods we employ to comply Title VI. Our PIP can be found here: www.nbampo.org

External Discrimination Complaint Procedure

These discrimination complaint procedures outline the process used by New Bern Area Metropolitan Planning Organization (NBAMPO) to process complaints of alleged discrimination filed under Title VI of the Civil Rights Act of 1964 and related nondiscrimination laws that are applicable to New Bern Area MPO programs, services, and activities. Complaints will be investigated by the appropriate authority. Upon completion of an investigation, the complainant will be informed of all avenues of appeal. Every effort will be made to obtain early resolution of complaints at the lowest level possible by informal means.

FILING OF COMPLAINTS

- 1. Applicability** – These procedures apply to the beneficiaries of our programs, activities, and services, such as the members of the public and any consultants/contractors we hire.
- 2. Eligibility** – Any person or class of persons who believes that he/she has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities based upon race, color, national origin, sex, age, or disability, may file a written complaint. The law prohibits intimidation or retaliation of any sort. The complaint may be filed by the affected individual or a representative, and must be in writing.
- 3. Time Limits and Filing Options** – A complaint must be filed no later than 180 calendar days after the following:
 - The date of the alleged act of discrimination; or
 - The date when the person(s) became aware of the alleged discrimination; or

- Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

Complaints may be submitted to the following entities:

- **New Bern Area Metropolitan Planning Organization**, Deanna Trebil, MPO Administrator and Title VI Coordinator, 303 First Street, New Bern, NC 28560; 252-639-7592
- **North Carolina Department of Transportation**, Office of Civil Rights, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1830 or toll free 800-522-0453
- **Federal Highway Administration**, North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601, 919-747-7010
- **US Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070
- **US Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218-5228

4. Format for Complaints – Complaints shall be in **writing** and **signed** by the complainant(s) or a representative and include the complainant’s name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone or in person will be reduced to writing, may be recorded and will be provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages, including Braille.

5. Complaint Basis – Allegations must be based on issues involving race, color, national origin, sex, age, or disability. The term “basis” refers to the complainant’s membership in a protected group category.

Protected Categories	Definition	Examples	Applicable Statutes and Regulations
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; 23 CFR 200. <i>(Executive Order 13166)</i>
Color	Color of skin, including shade of skin within a racial group	Black, White, brown, yellow, etc.	
National Origin <i>(LEP)</i>	Place of birth. Citizenship is not a factor. Discrimination based on language or a person’s accent is also covered.	Mexican, Cuban, Japanese, Vietnamese, Chinese	
Sex	Gender	Women and Men	1973 Federal-Aid Highway Act; Title IX of the Education Amendments of 1972.
Age	Persons of any age	21 year old person	Age Discrimination Act of 1975
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, alcoholic, paraplegic, epileptic, diabetic, arthritic	Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990

Complaint Processing

1. When a complaint is received, an Acknowledgment Letter and a Complainant Consent/Release Form will be mailed to the complainant within ten (10) business days by registered mail.
2. We will consult with the NCDOT Title VI Program to determine the acceptability and jurisdiction of all complaints received. (Note: If NCDOT will investigate, the Title VI Program will be responsible for the remainder of this process. We will record the transfer of responsibility in our complaints log).
3. Additional information will be requested if the complaint is incomplete. The complainant will be provided 15 business days to submit any requested information and the signed Consent Release form. Failure to do so may be considered good cause for a determination of no investigative merit.
4. Upon receipt of the requested information and determination of jurisdiction, we will notify the complainant and respondent of whether the complaint has sufficient merit to warrant investigation.
5. If the complaint is investigated, the notification shall state the grounds of our jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
6. If the complaint does not warrant investigation, the notification to the complainant shall specifically state the reason for the decision.

Complaint Log

1. When a complaint is received, the complaint will be entered into the Discrimination Complaints Log with other pertinent information, and assigned a **Case Number**. (Note: All complaints must be logged).
2. The complaints log will be submitted to the NCDOT's Civil Rights office during Title VI compliance reviews. (Note: NCDOT may also request the complaints log during pre-grant approval processes).
3. When reporting **no complaints**, check the **No Complaints or Lawsuits** box and sign the log.

Please refer to [Appendix F](#) for a copy of our Discrimination Complaint Form, Complaints Log, and Sample Investigation Template.

Review of Organizational Directives

It is the responsibility of every official who develops policies, procedures, manuals, guidelines, and other directives to ensure they have been reviewed for Title VI compliance. All staff members will assist in carrying out this requirement by making sure drafts of these documents are submitted to the Title VI Coordinator to ensure Title VI requirements are included.

Title VI Training

All employees will receive basic Title VI training at least once every three years. New hires will receive this training within 15 days of their start date. Basic training will cover all sections of this Plan and our overall Title VI obligations. Staff may receive specialized training on how Title VI applies to their specific work areas. Those who routinely encounter the public, such as office personnel, call center staff, and vehicle drivers, will receive annual refresher training. Trainings

will be provided or organized by the Title VI Coordinator and will often coincide with updates to our nondiscrimination policies and procedures. Records of staff trainings, such as agendas, sign-in sheets, copies of calendars, and certificates, will remain on file for at least three years (and in personnel files).

Compliance and Enforcement Procedures

FHWA recipients must have mechanisms in place to enforce compliance with Title VI. New Bern Area Metropolitan Planning Area (NBAMPO) utilizes internal training, meetings, monitoring contractors, technical assistance, and findings from periodic NCDOT reviews to identify deficiencies and potential discrimination. If NCDOT identifies deficiencies, New Bern Area MPO will correct all deficiencies within 90 days based on a Corrective Action Plan (CAP). If attempts by NCDOT to resolve a compliance issue are unsuccessful, NCDOT may take any or all of the following steps with FHWA's concurrence:

- a. Canceling, terminating, or suspending the contract or agreement in whole or in part;
- b. Refraining from extending any further assistance to the recipient under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the recipient.
- c. Taking such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient.
- d. Referring the case to the FHWA for appropriate administrative or legal proceedings.
- e. Other means authorized by law.

To ensure compliance with Title VI, New Bern Area MPO will take proactive steps to prevent discrimination in our programs and activities, including the following:

- | | |
|---|---|
| <input type="checkbox"/> Conduct periodic Title VI training; | <input type="checkbox"/> Customize public outreach according to the situation or community at hand; |
| <input type="checkbox"/> Address Title VI issues at staff meetings; | <input type="checkbox"/> Build a system of mutual trust and two-way communication with the public; |
| <input type="checkbox"/> Participate or cooperate during compliance reviews conducted by NCDOT; | <input type="checkbox"/> Maintain pertinent demographic data (statistical); |
| <input type="checkbox"/> Inform and monitor any consultants/contractors regarding their Title VI obligations, including review of contracts for nondiscrimination language; | <input type="checkbox"/> Ensure policies and procedures support and comply with Title VI; |
| | <input type="checkbox"/> Document processes & activities related to Title VI. |

If New Bern Area MPO identifies compliance issues with our consultants/contractors, we will also take corrective action. If attempts at corrective action are unsuccessful, any or all of the following steps may be taken with NCDOT's concurrence:

- a. Canceling, terminating, or suspending the contract or agreement with the consultant/contractor in whole or in part.
- b. Taking such other action that may be deemed appropriate under the circumstances.
- c. Referring the case to the NCDOT for appropriate administrative or legal proceedings.

Appendix A – USDOT Title VI Assurances

REPLACE THE ENTIRE SECTION BELOW WITH YOUR COMPLETED, SIGNED TITLE VI ASSURANCES.

United States Department of Transportation
STANDARD TITLE VI / NONDISCRIMINATION ASSURANCES
DOT Order No. 1050.2A

The *New Bern Area Metropolitan Planning Organization* (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through **Federal Highway Administration (FHWA)**, is subject to and will comply with the following:

Statutory/Regulatory Authorities

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

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

General Assurances

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

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

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

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **Federal-Aid Highway Program**:

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

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

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

By signing this ASSURANCE, the *North Carolina Department of Transportation* 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 **FHWA** 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 **FHWA**. You must keep records, reports, and submit the material for review upon request to **FHWA**, 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 *North Carolina Department of Transportation* gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the **Federal-Aid Highway Program**. This ASSURANCE is binding on the *City of New Bern*, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **Federal-Aid Highway Program**. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

New Bern Area Metropolitan Planning Organization

by _____

John Kirkland

Chairman, Transportation Advisory Committee

DATED _____

Attachments:

Appendices A, B, C, D, E



APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B: CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the *North Carolina Department of Transportation (NCDOT)* will accept title to the lands and maintain the project constructed thereon in accordance with the *North Carolina General Assembly*, the Regulations for the Administration of the Federal-Aid Highway Program, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination 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 *NCDOT* 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 *North Carolina Department of Transportation (NCDOT)* 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 *NCDOT*, its successors and assigns.

The *NCDOT*, 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 *NCDOT* will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

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

APPENDIX C: CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the *North Carolina Department of Transportation (NCDOT)* pursuant to the provisions of Assurance 7(a):

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

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



**APPENDIX D: CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY
ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM**

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

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

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



APPENDIX E – Standard Title VI/Nondiscrimination Assurances

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

Pertinent Nondiscrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Nondiscrimination 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 Nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

This information will be updated once the Demographic surveys have been completed by Board members.

Appendix B - TAC and TCC Members

Transportation Advisory Committee (TAC)

The Transportation Advisory Committee (TAC) is composed of one member from each of the municipalities within the planning area boundary: City of New Bern, Town of Bridgeton, Town of River Bend, Town of Trent Woods; one member from Craven County; and one member from North Carolina Board of Transportation. The TAC provides policy direction for the transportation planning process for the New Bern Area Metropolitan Planning Organization, which was established in accordance with federal transportation legislation.

Race/Ethnicity			Gender	
White	Black	Hispanic	Male	Female

Affiliation	Number
City of New Bern	1
Town of Bridgeton	1
Town of River Bend	1
Town of Trent Woods	1
Craven County	1
NC Board of Transportation	1

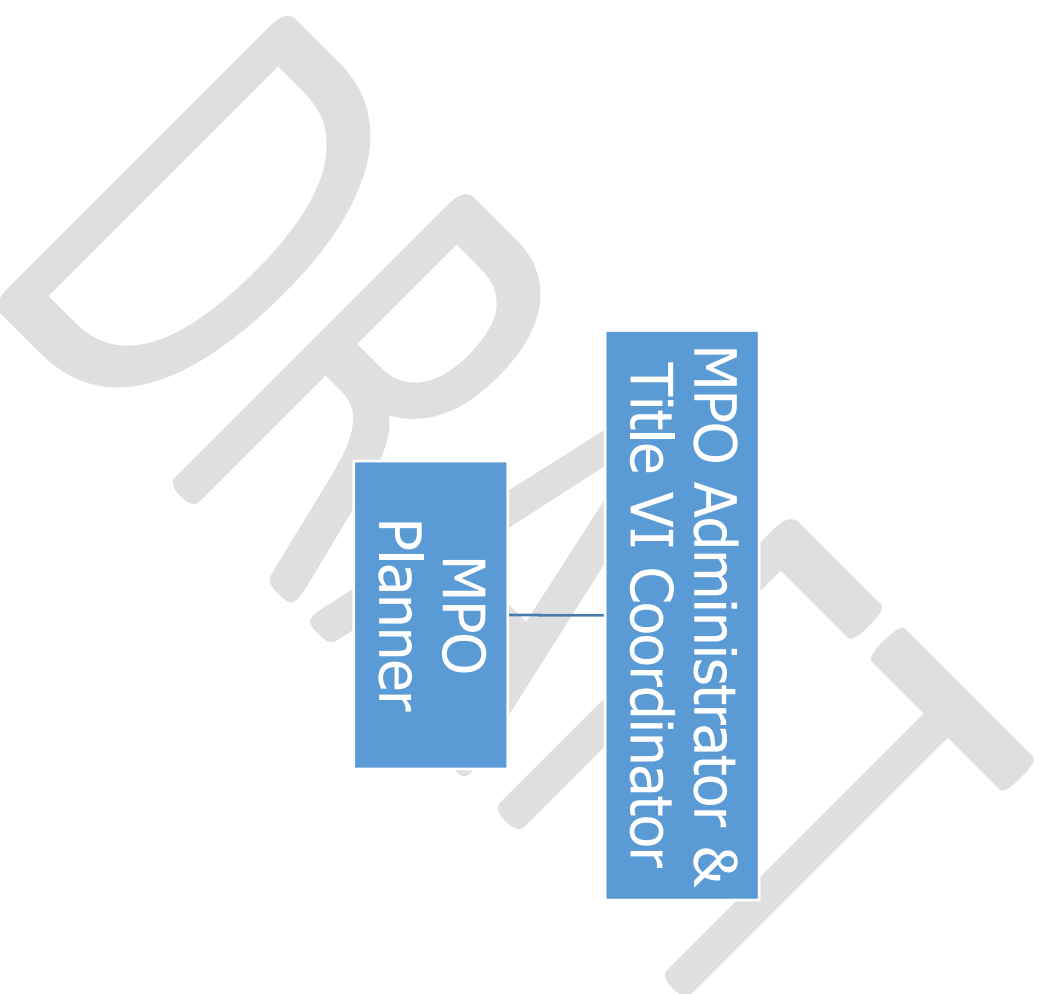
Technical Coordinating Committee (TCC)

The purpose of the Technical Coordinating Committee (TCC) is to provide general review, guidance, and coordination of the transportation planning process in the New Bern Urban Area. The TCC makes recommendations to the respective local, State, and Federal governmental agencies and the Transportation Advisory Committee (TAC) regarding any necessary actions relating to the continuing transportation planning process. The Committee is comprised of nine voting members.

Race/Ethnicity			Gender	
White	Black	Hispanic	Male	Female

Affiliation	Number
City of New Bern	2
Craven County	3
Town of Trent Woods	1
Town of Bridgeton	1
Craven County Area Rural Transit Service	1
Airport Authority	1
New Bern Chamber of Commerce	1
Department of Transportation	4

Appendix C - Organizational Chart



Appendix D - Demographic Tables

Race and Ethnicity

The following table was completed using data from "DP05 ACS Demographic and Housing Estimates" from the 2021: ACS 5-Year Estimates Selected by Population Data Profiles filtered using "New Bern city; North Carolina", "Trent Woods, town, North Carolina", Bridgeton town, North Carolina", and "River Bend town, North Carolina."

[demographic - Census Bureau Tables](#)

Race and Ethnicity	Number	Percent
Total Population	38,494	100.00%
White	24,165	62.78%
Black or African American	10,631	27.62%
American Indian or Alaska Native	34	0.09%
Asian	1,610	4.18%
Native Hawaiian and Other Pacific Islander	0	0.00%
Some other Race	1,367	3.55%
Two or More Races	742	1.93%
HISPANIC OR LATINO (of any race)	6,779	17.61%
Mexican	1,785	4.64%
Puerto Rican	974	2.53%
Cuban	10	0.03%
Other Hispanic or Latino	348	0.90%

Age and Sex

The following table was completed using data from "DP05 ACS Demographic and Housing Estimates" from the 2021: ACS 5-Year Estimates Selected by Population Data Profiles filtered using "New Bern city; North Carolina", "Trent Woods, town, North Carolina", Bridgeton town, North Carolina", and "River Bend town, North Carolina."

[demographic - Census Bureau Tables](#)

Age	Number			Percent		
	Both sexes	Male	Female	Both sexes	Male	Female
Total Population	38,494	18,198	20,296	100%	47.27%	52.73%
Under 18 years	30,424	14,325	16,099	100%	47.08%	52.92%
18 to 64 years	9,651	4,377	5,274	100%	45.35%	54.65%
65 years and over	38,494	18,198	20,296	100%	47.27%	52.73%
Median Age	44.8					

Disability

The following table was completed using data from "S1810 Disability Characteristics" from the 2021: ACS 5-Year Estimates Subjected Tables" filtered using "New Bern city; North Carolina", "Trent Woods, town, North Carolina", Bridgeton town, North Carolina", and "River Bend town, North Carolina."

[disability - Census Bureau Tables](#)

Subject	Total		With a Disability		Percent with a Disability	
	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-
Total civilian noninstitutionalized population	37,830	136.5	5,641	238	14.9%	6.8
Population under 5 years	2,133	132.5	0	16	0.0%	26.1
Population 5 to 17 years	5,933	188.5	382	48.25	6.4%	8.4
Population 18 to 64 years	7,701	213.8	490	75	6.4%	12.8
Population 65 years and over	12,628	231.3	1,872	125.5	14.8%	11.9
SEX	5,652	203.8	1,076	88	19.0%	14.3
Male	3,780	170.8	1,827	122	48.3%	16.6
Female						
RACE AND HISPANIC OR LATINO ORIGIN	17,711	214.8	2,579	153.25	14.6%	10.6
White	20,119	203.5	3,062	150.25	15.2%	5.8
Black or African American						
American Indian and Alaska Native	23,575	396.5	3,775	183.75	16.0%	6.7
Asian	10,557	240.8	228	94.5	2.2%	36.6
Native American and Other Pacific Islander	34	18.5	0	10.25	0.0%	80.2
Some other Race	1,610	155.8	7	13	0.4%	0.8
Two or more races	0	16.8	0	10.25	-----	-----
Hispanic or Latino	1,312	147.8	155	50.25	11.8%	47.2

Poverty

The following table was completed using data from "S1810 Disability Characteristics" from the 2021: ACS 5-Year Estimates Subjected Tables" filtered using "New Bern city; North Carolina", "Trent Woods, town, North Carolina", Bridgeton town, North Carolina", and "River Bend town, North Carolina."

[poverty - Census Bureau Tables](#)

Subject	Total		Below poverty level		Percent below poverty level	
	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-
Population for whom poverty status is determined	38,002	136	6,323	388.25	16.6%	12.9
AGE						
Under 18	7,841	235	2,135	219.75	27.2%	16.4
18 to 64	20,726	259	3,200	198.5	15.4%	12.1
60 years and over	11,566	253	1,140	83.5	9.9%	5.5
65 years and over	9,435	238	988	70.75	10.5%	5.4
SEX						
Male	17,923	211	2,685	176	15.0%	14.6
Female	20,079	202	3,460	178.75	17.2%	12.1
RACE AND HISPANIC OR LATINO ORIGIN						
White	23,887	394	2,227	261	9.3%	13.7
Black or African American	10,417	250	3,082	168.25	29.6%	43.8
American Indian and Alaska Native	34	19	19	19.75	55.9%	80.2
Asian	1,610	156	71	160.75	4.4%	25.6
Native American and Other Pacific Islander	0	17	0	16.75	-----	-----
Some other Race	1,312	148	2	10.75	0.2%	41.4
Two or more races	742	125	222	55.5	29.9%	32.6
Hispanic or Latino	2,904	291	818	194.25	28.2%	17.7
White alone, not Hispanic or Latino	22,196	389	1,602	154.75	7.2%	3.6
ALL INDIVIDUALS BELOW:						
50 percent of poverty level	2,156	241	-----	-----	-----	-----
125 percent of poverty level	7,854	416	-----	-----	-----	-----
150 percent of poverty level	9,910	453	-----	-----	-----	-----
185 percent of poverty level	12,247	485	-----	-----	-----	-----
200 percent of poverty level	13,687	471	-----	-----	-----	-----
300 percent of poverty level	19,707	493	-----	-----	-----	-----
400 percent of poverty level	24,751	502	-----	-----	-----	-----
500 percent of poverty level	27,681	460	-----	-----	-----	-----

Household Income

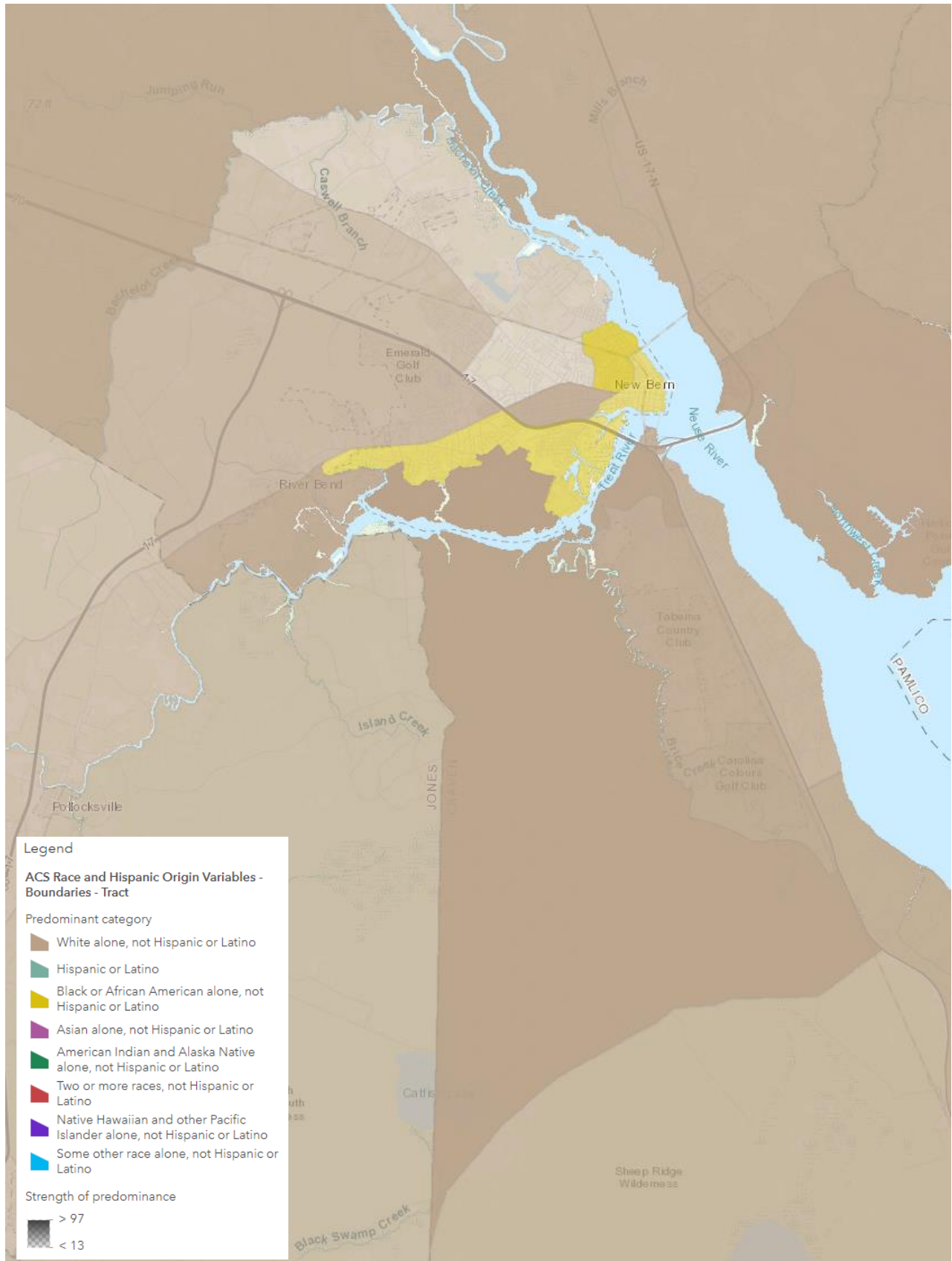
The following table was completed using data from "S1910 Income in the Past 12 Months (in 2021 Inflation-Adjusted Dollars)" using the 2021: ACS 5-Year Estimates Subjected Tables" filtered using "New Bern city; North Carolina", "Trent Woods, town, North Carolina", Bridgeton town, North Carolina", and "River Bend town, North Carolina."

[S1901: INCOME IN THE PAST 12 MONTHS ... - Census Bureau Table](#)

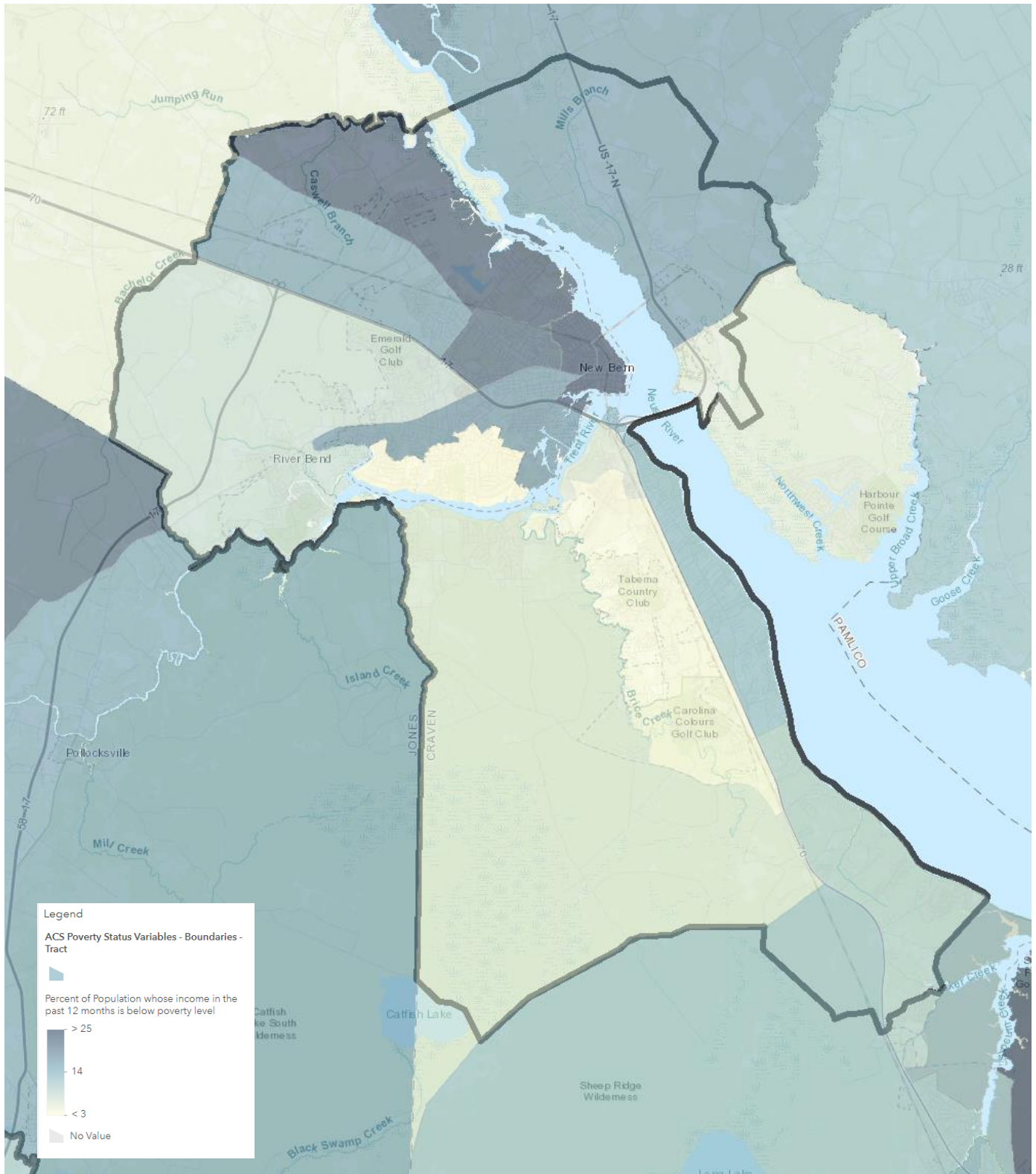
Subject	Households	
	Estimate	Margin of Error +/-
Total	17,135	202.3
Less than \$10,000	5.2%	6.1
\$10,000 to \$14,999	4.5%	3.8
\$15,000 to \$24,999	7.4%	5.1
\$25,000 to \$34,999	13.0%	7.5
\$35,000 to \$49,999	11.4%	5.7
\$50,000 to \$74,999	14.5%	6.3
\$75,000 to \$99,999	12.3%	5.1
\$100,000 to \$149,999	17.3%	6.5
\$150,000 to \$199,999	6.3%	4.4
\$200,000 or more	8.4%	7.8
Median income (dollars)	65,869	13,694
Mean income (dollars)	91,709	13,046

Appendix E -Demographic Maps (EJ)

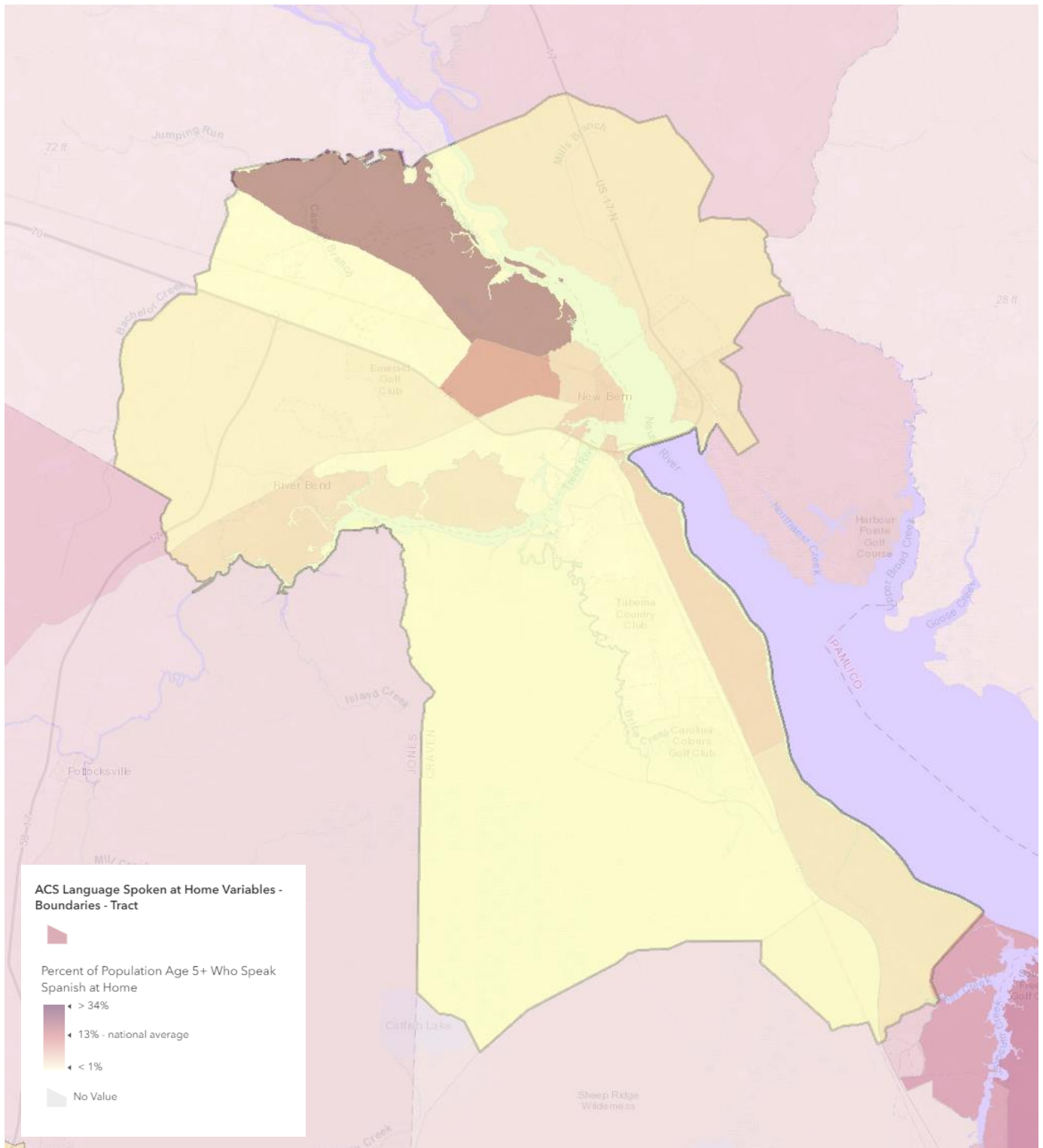
ACS Race and Ethnicity Origin Variables



ACS Poverty Status Variables - Boundaries



ACS Language Spoken at Home Variables – Boundaries – Tract



Appendix F – Investigative Guidance

Investigation Guidance, Discrimination Complaint Form and Log

- A. Scope of Investigation** – An investigation should be confined to the issues and facts relevant to the allegations in the complaint, unless evidence shows the need to extend the issues.
- B. Developing an Investigative Plan** – It is recommended that the investigator (i.e., Title VI Coordinator or other official trained to conduct Title VI investigations) prepares an Investigative Plan (IP) to define the issues and lay out the blueprint to complete the investigation. The IP should follow the outline below:
1. Complainant(s) Name and Address (Attorney name and address if applicable)
 2. Respondent(s) Name and Address (Attorney for the Respondent(s) name and address, if applicable)
 3. Applicable Law(s)
 4. Basis/(es)
 5. Allegation(s)/Issue(s)
 6. Background
 7. Name of Persons to be interviewed
 - a. Questions for the complainant(s)
 - b. Questions for the respondent(s)
 - c. Questions for witness(es)
 8. Evidence to be obtained during the investigation
 - a. Issue – e.g., Complainant alleges his predominantly African American community was excluded from a meeting concerning a future project which could affect the community.
 - i. Documents needed – e.g., mailing list which shows all physical addresses, P.O. Box numbers, property owner names, and dates when the meeting notification was mailed; other methods used to advertise the meeting.
- C. Request for Information** – The investigator should gather data and information pertinent to the issues raised in the complaint.
- D. Interviews** – Interviews should be conducted with the complainant, respondent, and appropriate witnesses during the investigative process. Interviews are conducted to gain a better understanding of the situation outlined in the complaint of discrimination. The main objective during the interview is to obtain information that will either support or refute the allegations.
- E. Preparing an Investigative Report** – The investigator should prepare an investigative report setting forth all relevant facts obtained during the investigation. The report should include a finding for each allegation. A sample outline for an investigative report is provided below.

Sample Investigative Report Template

I. COMPLAINANT(S) NAME

State complainant's name and/or attorney for the complainant(s) – name and address if applicable

II. RESPONDENT(S)

State respondent's name and/or attorney (or attorney for the respondent(s) – name and address if applicable)

III. APPLICABLE LAW/REGULATION

State applicable law or regulation. For example, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); 49 CFR §21.11; 49 CFR §26.53).

IV. COMPLAINT BASIS/(ES)

For example, Race, Color, National Origin, Limited English Proficiency, Sex, Age, Disability).

V. ALLEGATIONS

Describe in logical sequence, each allegation including the prohibited basis for the alleged discriminatory conduct, (e.g., race, color, national origin, sex, age, or disability) and the specific statutory or regulatory provision the allegation would violate, if proven to be true. Follow this process for each issue that is alleged.

VI. BACKGROUND

Provide detailed information regarding the complaint, including a historical overview of the case, including any activities or actions taken prior to accepting the complaint for investigation.

VII. INVESTIGATIVE PROCEDURE

Describe in detail, methods used to conduct the investigation, such as document requests, interviews and site visits. Include witnesses' names and addresses, documents received and/or reviewed, emails sent and received.

VIII. FINDINGS OF FACT

Provide a detailed description of the investigator's analysis of each allegation, based on clear and factual findings. Include specific evidence used to support your findings.

IX. CONCLUSION

State whether discrimination did or did not occur. Conclusions must be evidence-based and defensible. Test conclusions by considering all possible rebuttal arguments from the respondent and complainant. Both respondent and the complainant should be given an opportunity to confirm or rebut the assertions of the other party and your findings, but all the evidence you've presented should speak for itself.

X. RECOMMENDED ACTIONS

Outline what should be done to remedy the findings or, if necessary, provide justice for the complainant.

XI. APPENDIX

If needed, include in the Appendix any supplemental materials that support your findings and conclusion.

Discrimination Complaint Form

New Bern Area Metropolitan Planning Organization (NBAMPO)

<p>Any person who believes that he/she has been subjected to discrimination based upon race, color, national origin, sex, age, or disability may file a written complaint with New Bern Area Metropolitan Planning Organization, within 180 days after the discrimination occurred.</p>				
Last Name:		First Name:		<input type="checkbox"/> Male
				<input type="checkbox"/> Female
Mailing Address:		City	State	Zip
Home Telephone:	Work Telephone:	E-mail Address		
<p>Identify the Category of Discrimination:</p> <p> <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> AGE <input type="checkbox"/> SEX <input type="checkbox"/> DISABILITY <input type="checkbox"/> LIMITED ENGLISH PROFICIENCY </p>				
<p>Identify the Race of the Complainant</p> <p> <input type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian American <input type="checkbox"/> American Indian <input type="checkbox"/> Alaskan Native <input type="checkbox"/> Pacific Islander <input type="checkbox"/> Other _____ </p>				
<p>Date and place of alleged discriminatory action(s). Please include earliest date of discrimination and most recent date of discrimination.</p>				
<p>Names of individuals responsible for the discriminatory action(s):</p>				
<p>How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. (Attach additional page(s), if necessary).</p>				
<p>The law prohibits intimidation or retaliation against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.</p>				
<p>Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attached additional page(s), if necessary).</p>				
<u>Name</u>		<u>Address</u>		<u>Telephone</u>
1. _____		_____		_____
2. _____		_____		_____
3. _____		_____		_____
4. _____		_____		_____

Discrimination Complaint Form

Have you filed, or intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. Check all that apply.

- NC Department of Transportation _____
- Federal Highway Administration _____
- US Department of Transportation _____
- Federal or State Court _____
- Other _____

Have you discussed the complaint with any NBAMPO representative? If yes, provide the name, position, and date of discussion.

Please provide any additional information that you believe would assist with an investigation.

Briefly explain what remedy, or action, are you seeking for the alleged discrimination.

****WE CANNOT ACCEPT AN UNSIGNED COMPLAINT. PLEASE SIGN AND DATE THE COMPLAINT FORM BELOW.**

COMPLAINANT'S SIGNATURE

DATE

MAIL COMPLAINT FORM TO:

New Bern Area Metropolitan Planning Organization
303 First Street
New Bern, NC 28560
(252) 639-7592

FOR OFFICE USE ONLY

Date Complaint Received: _____

Processed by: _____

Case #: _____

Referred to: NCDOT FHWA Date Referred: _____

DISCRIMINATION COMPLAINTS LOG

Log Year(s):

CASE NO.	COMPLAINANT NAME	RACE/GENDER	RESPONDENT NAME	BASIS	DATE FILED	DATE RECEIVED	ACTION TAKEN	DATE INVESTIG. COMPLETED	DISPOSITION

No Complaints or Lawsuits

I certify that to the best of my knowledge, the above described complaints or lawsuits alleging discrimination, or **no complaints or lawsuits** alleging discrimination, have been filed with or against **New Bern Area Metropolitan Planning Organization (NBAMPO)** since the previous Title VI Program submission to NCDOT.

Signature of Title VI Coordinator or Other Authorized Official

Date

Print Name and Title of Authorized Official

Appendix G -Compliance Review Checklist for FHWA Subrecipients

General Requirements	Completed
1. A copy of the recipient's signed USDOT Title VI Assurances	<input type="checkbox"/>
2. Title VI Policy Statement (signed)	<input type="checkbox"/>
3. Title VI Notice to Public, including a list of locations where the notice is posted	<input type="checkbox"/>
4. Name and official title of Title VI Coordinator and a list of their Title VI duties	<input type="checkbox"/>
5. Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)	<input type="checkbox"/>
6. Title VI Complaint Form	<input type="checkbox"/>
7. List of Title VI complaints, investigations, or lawsuits (i.e., Title VI Complaint Log)	<input type="checkbox"/>
8. Public Participation Plan, including information about outreach methods to engage traditionally underserved constituencies (e.g., minorities, low-income, disabled), as well as a summary of outreach efforts	<input type="checkbox"/>
9. Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance, which requires conducting four-factor analyses	<input type="checkbox"/>
10. A table depicting the membership of any non-elected committees and councils, broken down by race and gender, and a description of the process the MPO uses to encourage minorities and women to participate on such committees	<input type="checkbox"/>
11. A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program	<input type="checkbox"/>
12. Compliance and enforcement procedures to ensure nondiscriminatory administration of programs and services	<input type="checkbox"/>
13. A demographic profile of your planning area that includes identification of the locations of minority, low-income, LEP, and/or other underserved populations	<input type="checkbox"/>
14. Information regarding how consultants and/or subrecipients are monitored for compliance with Title VI	<input type="checkbox"/>
15. Any environmental justice analysis conducted in the past three years and, if necessary, a description of the measures used to address any disproportionately high and adverse impacts to minority or low-income communities	<input type="checkbox"/>
16. Documentation from any Title VI compliance reviews or investigations conducted by any agency other than NCDOT-OCR in the last three years.	<input type="checkbox"/>



Item #: 10

To: Technical Coordinating Committee
From: Deanna Trebil, MPO Administrator
Subject: 2024 Safety Performance Target Goals

10/12/2023

Effective April 14, 2016, the Federal Highway Administration (FHWA) established five highway safety performance measures in accord with regulations set forth in the Federal MAP-21 and FAST Act transportation funding bills. These performance measures are:

1. Number of fatalities;
2. Rate of fatalities per 100 million vehicle miles traveled;
3. Number of serious injuries;
4. Rate of serious injuries per 100 million vehicle miles traveled; and
5. Number of combined non-motorized fatalities and non-motorized serious injuries.

These targets are established annually, are based on 5-year rolling averages, and are for calendar years. Earlier this year, FHWA completed an assessment of target achievement for NCDOT's calendar year (CY) 2021 safety targets, based on the 5-year averages for 2017-2021 for each measure. Based on FHWA's review, North Carolina has **NOT** met or made significant progress toward achieving its safety performance targets.

As a result, NCDOT must ensure that all HSIP safety funds are obligated, and must develop an HSIP Implementation Plan that describes actions the State will take to meet or make significant progress toward achieving its targets.

When the Metropolitan Transportation Plan is amended next, these safety targets will be included as required by federal law.

Recommended Action: Recommend adoption of the 2024 Safety Performance Targets Resolution to the TAC

Attachment: 2024 Safety Performance Targets Resolution



ENDORSEMENT OF 2024 TARGETS FOR SAFETY PERFORMANCE MEASURES

A motion was made by _____ and seconded by _____ for the adoption of the following resolution, and upon being put to a vote, was duly adopted.

WHEREAS, the New Bern Area Metropolitan Planning Organization has been designated by the Governor of the State of North Carolina as the Metropolitan Planning Organization (MPO) responsible, together with the State, for the comprehensive, continuing, and cooperative transportation planning process for the MPO's metropolitan planning area; and

WHEREAS, the North Carolina Department of Transportation (NCDOT) has established targets for five performance measures based on five year rolling averages for: (1) Number of Fatalities; (2) Rate of Fatalities per 100 million Vehicle Miles Traveled (VMT); (3) Number of Serious Injuries, (4) Rate of Serious Injuries per 100 Million VMT, and (5) Number of Non-Motorized (bicycle and pedestrian) Fatalities and Non-motorized Serious Injuries; and

WHEREAS, NCDOT coordinated the establishment of safety targets with the 19 MPOs in North Carolina continually through outreach conducted by NCDOT's Mobility and Safety Group and officially establishes and reports the safety targets in the HSIP annual report by August 31, of each year; and

WHEREAS, MPO's may establish safety targets by agreeing to plan and program projects that contribute towards the achievement of the State's targets for each measure or establish its own target within 180 days of the State establishing and reporting its safety targets in the HSIP annual report;

NOW, THEREFORE, BE IT RESOLVED that the New Bern Area MPO agrees to plan and program projects that contribute toward the accomplishment of the State's targets as noted below for each of the aforementioned performance measures on this the 16th day of November 2023.

For the 2023 Highway Safety Improvement Plan (HSIP), the goal is to reduce:

1. Total fatalities by 19.57 percent from 1,494.8 (2017-2021 average) to 1,202.2 (2019-2023 average) by December 31, 2023.
2. Fatality rate by 20.95 percent from 1.279 (2017-2021 average) to 1.011 (2019-2023 average) by December 31, 2023.
3. Total serious injuries by 30.19 percent from 4,903.4 (2017-2021 average) to 3,423.0 (2019-2023 average) by December 31, 2023.
4. Serious injury rate by 31.75 percent from 4.195 (2017-2021 average) to 2.863 (2019-2023 average) by December 31, 2023.
5. Total non-motorized fatalities and serious injuries by 26.52 percent from 637.2 (2017-2021 average) to 468.2 (2019-2023 average) by December 31, 2023

ATTEST:

John Kirkland, Chairman
Transportation Advisory Committee

Deanna Trebil
MPO Administrator