

# **TITLE VI PLAN & COMPLIANCE PROCEDURES**

**April 2012**

Prepared by:

Lima-Allen County Regional Planning Commission  
130 W. North Street  
Lima, Ohio 45801  
Phone: 419-228-1836  
Fax: 419-228-3891

## TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
<b>1. Program Procedures and Documentation</b>	
1.1 LACRPC Non-Discrimination Policy Statement .....	1
1.2 Complaint Procedure – Notification of Rights.....	1
1.3 Staffing .....	1
1.4 Record of Title VI Investigations.....	1
1.5 Accessibility.....	2
1.6 LACRPC staff profile .....	2
<b>2. Contracts and Consultants</b>	
2.1 Contracts .....	2
2.2 Monitoring Consultant Efforts .....	2
<b>3. Public Participation in the Transportation Planning Process</b>	
3.1 Securing Diverse Public Input .....	3
3.2 Data and Analysis Used for Public Inclusion.....	3
3.3 Evaluating Public Participation Process .....	4
3.4 Meaningful Access to Limited English Proficiency Persons .....	4
3.5 Evaluating Impact of Planning Procedures on Low-income and Minority Populations .....	4
<b>Appendix:</b> Title VI Complaint Procedure and Form.....	A-1

## **1. PROGRAM PROCEDURES AND DOCUMENTATION**

The Lima Allen County Regional Planning Commission (LACRPC) has adopted this Title VI Plan & Compliance Procedures document to formalize and integrate its current policies and operations in a holistic manner. This document should be utilized in concert with other free standing documents, including the Agency's Public Participation Plan and the Agency's annual Unified Planning Work Program (UPWP). Amendments to any of the documents should prompt a review of the remaining documents to ensure policy and procedural consistency. This document should be updated at least annually and coordinated with the preparation of the Agency's UPWP.

### **1.1 LACRPC Non-Discrimination Policy Statement**

The LACRPC is fully committed to supporting the principles expressed in Title VI of the Civil Rights Act of 1964. The LACRPC does not discriminate on the basis of race, color, religion, sex, national origin, age, disability, military/veteran status, sexual orientation, gender identity, genetic information, or any other characteristic protected by law. We are committed to consideration of the needs of our diverse community in all Agency planning activities.

The Agency incorporates policies and procedures to ensure that no person is excluded from participation in LACRPC's transportation planning activities, programs, operations, or services. The Agency takes positive steps to include all members of the community, including representatives of low-income neighborhoods, people with disabilities, and minority populations as well as those with limited English proficiency (LEP). On-going data collection and analysis is used to monitor the effects of transportation and environmental planning and projects on these populations. Within its own administration, the LACRPC fully complies with Title VI regulations. LACRPC maintains procedures to ensure that consultants and contractors also eschew discrimination and seek inclusiveness.

LACRPC procedures supporting these policies are documented and regularly reviewed. This document, ***Title VI Plan & Compliance Procedures***, will be updated as needed to chronicle LACRPC's compliance with Title VI and related non-discrimination regulations as well as to describe how LACRPC incorporates Title VI requirements into the region's planning activities and programs.

### **1.2 Complaint Procedure – Notification of Rights**

The LACRPC posts civil rights information on the Agency website and includes a description of the respective complaint procedure and a complaint form.

### **1.3 Staffing**

The LACRPC has assigned the Director to monitor and review Title VI issues. The Director is part of all committee meetings, including the Executive Committee. The job description for this position describes responsibilities for monitoring current compliance as well as for adopting future Title VI plans and goals directed toward Disadvantaged Business Enterprises (DBE), including women's and minority business enterprises. This position is also in charge of monitoring consultant contracts and personnel training.

### **1.4 Record of Title VI Investigations**

To date (April, 2012) no Title VI complaints have ever been filed against the LACRPC; none are pending nor are any anticipated.

### **1.5 Accessibility**

The LACRPC offices are fully accessible by people who rely on wheelchairs and those people who use public transit. All committee meetings are public meetings; meeting dates as well as interested parties are informed of meeting dates and agendas via The Lima News, direct mail (United States Postal Service), Agency newsletters, the LACRPC website, and on a sign in the Agency lobby.

### **1.6 LACRPC Staff Profile**

As the Agency is largely dependent upon federal and state funding sources, staffing levels fluctuate. In the CY 2011 period, the LACRPC operated with 8.5 FTE employees. Staff reflected 5 males (55.5%) and 4 females (45.5%); all are college educated most hold advanced degrees and/or professional certification. All are white.

## **2. CONTRACTS AND CONSULTANTS**

The LACRPC shoulders the responsibilities of both a metropolitan planning organization (MPO) and a regional planning commission. The MPO's transportation role is larger in scope than that of the Planning Commission, which includes limited regulatory oversight of land development, environmental planning, data management, and community development; the MPO's budget is nearly 63% of the Agency's total budget. The LACRPC does contract with local, state, and/or federal agencies, and occasionally, contracts with a consultant for professional services pertinent to the Agency's mission and charge.

### **2.1 Contracts**

All state and federal contracts, into which the LACRPC enters, include non-discrimination guarantees as well as compliance with state and federal non-discrimination. All LACRPC contracts with consultants include language specifying the consultant's responsibilities for non-discrimination and for complying with Title VI requirements.

To encourage use of qualified minority firms and contractors:

- Depending on the type of contract, the MPO has used goals for disadvantaged business enterprise (DBE) participation. The LACRPC uses DBE directories from the State of Ohio, as well as the Lima Area Chamber of Commerce to identify DBEs for inclusion.
- When securing professional engineering services the LACRPC will use those pre-qualified firms identified by the Ohio Department of Transportation.
- When securing professional community development services the Planning Commission will use those pre-qualified firms identified by the Ohio Department of Development.
- The LACRPC will work to develop and update a listing of DBE firms and ensure that all professional engineering and community development firms are targeted for, and informed of, the pre-qualification process for professional services.
- Currently, no DBE certified firms have been identified in Allen County. The LACRPC will work with local governments, transportation system service providers, the local Chamber of Commerce, universities and faith-based institutions to support the development of local DBE firms.

### **2.2 Monitoring Consultant Efforts**

To ensure that all consultants comply with Title VI provisions, the LACRPC incorporates language, describing responsibilities, into contractual agreements. Subcontractors with minority vendors are monitored through sub-contractor invoices

to ensure that the vendors are being used as stated in the contract and also to ensure that they are being paid in a timely fashion.

### **3. PUBLIC PARTICIPATION IN THE TRANSPORTATION PLANNING PROCESS**

The LACRPC is fully committed to supporting the principles expressed in Title VI of the Civil Rights Act of 1964. The Agency incorporates policies and procedures to ensure that no person is excluded from participation in the LACRPC's transportation and community development planning activities, programs, operations, and/or services. The Agency takes positive steps to include all members of the community in the decision making process; to that end, in April 2007, the LACRPC adopted a Public Participation Plan (PPP), to encourage public involvement in the planning process. The Agency monitors PPP compliance and routinely submits the Plan to a thorough review using its internal committee structure.

#### **3.1 Securing Diverse Public Input**

The Agency actively seeks participation of low-income and minority populations in all planning processes. The MPO identifies and regularly engages low-income and minority populations in the planning process to identify the needs of the community. Members of committees and task force groups are recruited to represent the entire community, including low-income and minority members. The public involvement process includes public meetings located in targeted areas within facilities that meet requirements of the Americans with Disabilities Act (ADA) and are accessible by public transit system services. The LACRPC supports such meeting presentations with a diverse set of handouts, maps, and graphics.

#### **3.2 Data and Analysis Used for Public Inclusion**

Transportationally disadvantaged groups are targeted and incorporated into the process from the beginning to the end of the planning process. Transportationally disadvantaged groups have been identified, quantified, and mapped. Advocates of the transportationally disadvantaged have been identified as key stakeholders in the planning process and a database of advocates is maintained to facilitate wide dissemination of information related to specific programs, services, or projects. In addition, these advocates are sought out for inclusion on the Agency's internal committee structure to assure adequate input for the transportationally disadvantaged. The LACRPC uses census and other demographic data to identify high concentrations of elderly, disabled, low income, and/or minority citizens, within the MPO planning area. The LACRPC staff makes regular presentations to civic and neighborhood groups to further ensure that the concerns of the elderly, disabled, minority, and low-income populations are voiced and considered and that such groups have the opportunity to participate in the planning process. All draft and final plans, programs, and services are posted to the Agency website to assure public access.

Throughout the comprehensive long range planning process, the LACRPC reviews projects for any potential negative impacts on adjoining neighborhoods, historical, archeological, cultural, and/or natural resources. During project pre-selection, to assure a thorough review, the Agency uses a social, environmental, and economic (SEE) screening of relevant factors. Later, the LACRPC utilizes its travel demand model to assess the relationship between MPO expenditures of federal highway and federal transit program funding and the protected classes. The travel demand model uses census data in traffic analysis zones (TAZ) to generate the impacts of travel times across the planning area and its impact on areas with a prevalence of protected and/or transportationally disadvantaged populations. Maps and other data summaries are then used in the planning process. For example, in

the creation of the current 2030 Transportation Plan, evaluation criteria included access of transportation to all citizens, including the elderly, people with disabilities, and non-auto drivers under “build” and “no-build” scenarios, using congestion and travel times as key variables.

### **3.3 Evaluating Public Participation Process**

The MPO’s public participation process is evaluated regularly and in several different ways. First, the LACRPC documents attendance at all public meetings, noting total attendance. The MPO also assesses public comment surveys based on geographic and demographic characteristics to assess community representativeness and evaluate responses of the attendees. Members of the community involved in the Planning Commission’s internal committee structure are also surveyed for their evaluation of the public participation process. Any comments are considered and improvements or corrective actions are made. The LACRPC also reviews the composition of all standing and advisory committees to identify and correct deficits in community representation. Some committees have operating rules that allot seats to specific organizations to insure a broad base of representation. LACRPC’s public involvement process is subject to regular review by state and federal agencies, including Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and the Ohio Department of Transportation (ODOT).

### **3.4 Meaningful Access to Limited English Proficiency Persons**

According to the 2010 Census, the numbers of persons who “speak a language other than English at home” was less than 2.7% of the population in Allen County. In addition, only seven families in Allen County were identified by local school administrations as suffering from limited English language proficiency (LEP) and requiring special language accommodations. In the LACRPC region, the language other than English that is most widely spoken is Spanish.

Public outreach efforts to LEP persons are conducted by the LACRPC; however, as discussed, the LEP community is relatively small. For major planning projects (recently, the Public Transit – Human Service Transportation Coordination Plan) placards were posted and newspaper legal advertising was placed – in both English and Spanish. Unless requested, the LACRPC will not translate planning documents; however, documents will be translated into Braille or other language upon request. There have been no requests for document translation to another language; however, the Transportation Coordination Plan was translated into Braille as requested by a local resident as well as printed in a large font at the request of another resident. In addition, upon advance request, sign-language or other appropriate translation will be provided at public meetings.

At public meetings, information is displayed utilizing appropriate visualization techniques, with graphs, photographs, drawings, and/or maps that can be interpreted with minimal language skills. Public comments can be submitted in person, or by telephone, email, U. S. Postal Service, or from the floor at public meetings. All comments become part of the public record. All public information or requests for public input are prepared with the intent to communicate clearly with a minimum of jargon and with clear, simple language.

The Agency website (<http://LACRPC.com>) has been integrated with a language translator (e.g. Google Translate) to assist the LEP populations in web page translation and text translation. The free online language translation service instantly translates text into most common languages including Spanish. To translate text

rather than look up single words, LEP populations are encouraged to use the Google machine translation system for the 25 language pairs available on the site.

### **3.5 Evaluating Impact of Planning Procedures on Low-income and Minority Populations**

LACRPC staff includes planners and data analysts who execute their analyses using accepted best practices. We apply industry standards to predict impacts and forecast the effects of planned projects. On-going processes collect and monitor information about how transportation and environment plans affect low-income and minority populations. With respect to transportation plans, LACRPC collects and analyzes crash and safety data, commute time, congestion, access to public transit, and other parameters measuring the value of a transportation system. Environmental plans are evaluated by access to clean water supply, wastewater treatment, and monitoring air quality. Current data is collected and analyzed for every new significant planning process or study. The Agency performs both SEE and EJ analyses to identify and assess all disproportionate impacts on the transportationally disadvantaged. It should be understood that the Agency has an open door policy with respect to its internal committee members and advocates for the transportationally disadvantaged; a policy which provides free and unfettered access to the staff to ensure everyone's access to, and understanding of, project impacts.

## **Title VI Complaint Procedure and Form**

**Lima –Allen County Regional Planning Commission  
(LACRPC)**

**April 2012**

### **Nondiscrimination Complaint Procedures for Programs or Activities of LACRPC**

These procedures cover all external complaints regarding Lima-Alen County Regional Planning Commission (LACRPC) programs and activities filed under Title VI of the Civil Rights Act of 1964 as contained in 49 CFR 21, "Nondiscrimination in the Federally-Assisted Programs of the Department of Transportation." Title VI says that "[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

These procedures, required per 23 CFR 200.9 (b)(3), also cover external complaints regarding LACRPC programs or activities filed under other related nondiscrimination laws that additionally prohibit discrimination on the basis of disability, sex, age and/or or low income. This includes, but is not limited to, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, the Americans with Disabilities Act of 1990, 23 USC 324, 42 USC 610, Executive Order 13166, and the DOT Order on Environmental Justice and Executive Order 12898. These procedures are for any external discrimination complaints relating to any program or activity administered by LACRPC.

49 CFR 21 outlines types of prohibited discriminatory actions per that law. It follows, in part:

- (1) A recipient to which this part applies may not, directly or through contractual or other arrangements, on the grounds of race, color, or national origin:
  - (i) Deny a person any service, financial aid, or other benefit provided under the program;
  - (ii) Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;
  - (iii) Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;
  - (iv) Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;
  - (v) Treat a person differently from others in determining whether he satisfies any admission, enrollment, quota eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial aid, or other benefit provided under the program;
  - (vi) Deny a person an opportunity to participate in the program through the provision of services or otherwise afford him/her an opportunity to do so which is different from that afforded others under the program; or
  - (vii) Deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.

The law prohibits intimidation or retaliation of any kind. The procedures do not deny the right of the complainant to file formal complaints with other federal, state, or local agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints.

## **PROCEDURE**

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with the LACRPC, Administrative Affairs Committee. A formal complaint must be filed within 180 calendar days of the alleged occurrence.
2. Upon receipt of the complaint, the LACRPC, Administrative Affairs Committee, will determine LACRPC's jurisdiction, acceptability of the complaint, and need for additional information. LACRPC will also acknowledge receipt of the complaint by notifying the complainant.
3. The LACRPC Administrative Affairs Committee will assign or designate a staff person from the area affected by the complaint to investigate the merit of the complaint.
4. The complaint will receive a case number and will be logged in the LACRPC records identifying the basis of the complaint and the race, color, national origin, and gender of the complainant. The assigned staff will start the investigation.
5. Within 50 calendar days of the receipt of the complaint, LACRPC's investigator will prepare an investigative report. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. LACRPC will also include signed affidavits from all parties - complainant, accused, and witnesses - as applicable. Any reports or documents gathered during the investigation will also be included.
6. The investigative report and its findings shall be sent to LACRPC's legal counsel for review. Counsel will review the report and associated documentation and will provide input within 10 calendar days.
7. LACRPC's investigator will review any comments or recommendations from LACRPC's legal counsel. The investigator will discuss the report and recommendations with the Administrative Affairs Committee. The report will be modified as needed and made final for its release.
8. Once LACRPC's investigative report becomes final, the parties will be properly notified of the resolution of the complaint, including recommendations to remedy any discriminatory practice – if such practice is identified, and appeal rights.
9. LACRPC's investigative report and a copy of the complaint will be forwarded to the appropriate oversight agency (for example, the Ohio Department of Transportation), providing the federally funded assistance, within 70 calendar days of the receipt of the complaint.
10. If the complainant is not satisfied with the results of the investigation, he/she shall be advised of their right to appeal. The first appeal will go to the LACRPC Executive Committee for review. The LACRPC Board of Trustees is the final review process within LACRPC. Appeals of decisions by the LACRPC Executive Committee to the LACRPC Board of Trustees must be filed within 30 days of notification (per step 8) of a decision on

the complaint. The LACRPC Board of Trustees will make a decision on the complaint and notify the complainant of such within 120 days. Appeals outside LACRPC must be filed within 180 days after LACRPC's final resolution. Absent new facts, LACRPC will not reconsider its determination. If the complainant remains unsatisfied, LACRPC's determination can be appealed to the State of Ohio, Division of Equal Opportunity (DoEO).

11. Once a Title VI complaint is received, the Division of Equal Opportunity (DoEO) will initiate an investigation. A letter acknowledging receipt of the complaint will be sent to the complainant and to the Ohio Division of FHWA. A letter regarding the complaint will be sent to the complainant upon completion of the investigation. A copy of the complaint and investigatory report will be forwarded to the Ohio Division of FHWA within 60 days of the date the complaint was received by the Department. A log of complaints will be maintained by DoEO and forwarded to the Ohio Division of FHWA with subsequent Title VI plans. FHWA is responsible for making the final determination regarding Title VI complaints.
12. If it is determined, following the investigation or following any appeals that LACRPC acted in a discriminatory manner LACRPC will take whatever action is needed, per the recommendations in the investigative report, to remedy the discriminatory practice.

For more information regarding the LACRPC complaint process of filing complaints, please contact:

Thomas M. Mazur, Executive Director  
Lima-Allen County Regional Planning Commission  
419-228-1836 - Telephone  
419-228-3891 - Facsimile  
[tmaur@lacrpc.com](mailto:tmaur@lacrpc.com) - Email

**Lima-Allen County Regional Planning Commission  
Title VI Discrimination Complaint Form**

NAME (Complainant):		PHONE: (        )
HOME ADDRESS (Include City, State & ZIP):		E-MAIL (If Applicable):
If applicable, name of persons who allegedly discriminated against you :		
Basis of Discriminatory Action(s):  <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Sex <input type="checkbox"/> Age <input type="checkbox"/> Disability		
Date of Alleged incident:	Location and position of person(s) who allegedly discriminated against you - if known:	
Explain briefly and clearly as possible what happened and how you believe you were discriminated against. Indicate who was involved. Be sure to include how you feel other persons were treated differently than you. Please attach additional pages as needed or any additional written material about your complaint.		

**Lima-Allen County Regional Planning Commission  
Title VI Discrimination Complaint Form**

Why do you believe these events occurred?

What other information do you think is relevant to this complaint?

How can this issue or issues be resolved to your satisfaction?

Please list below the names, addresses, phone numbers and job titles of person(s) we may contact for additional information about your complaint (witnesses, fellow employees, supervisors, others):

NAME	ADDRESS	PHONE NUMBER	JOB TITLE
------	---------	--------------	-----------

Signature:	Date:
------------	-------