

**AKRON METROPOLITAN AREA
TRANSPORTATION STUDY**

T I T L E V I

**Program Procedures
and Documentation**



April 2011

www.amatsplanning.org

Table of Contents

I	Introduction	1
	Purpose	1
	Background	2
II	Title VI Assurances	4
	AMATS Nondiscrimination Policy Statement	4
	Title VI Complaint Process	4
	ODOT Title VI Plan/DBE Goals	5
III	AMATS Title VI/DBE Program Coordinator	8
	AMATS Title VI/DBE staff/contact person	8
	AMATS Title VI Coordinator's Status and Duties	8
IV	Incorporating Title VI Considerations into the Planning Process	9
	AMATS Area Demographic Profile	9
	Environmental Justice Evaluation and Assessment Procedures ...	9
	Public Participation Procedures	10
V	Annual DBE Program Goals	14
	Methodology and Data Sources	14
	Program Monitoring	15
VI	Agency Contracting	17
	Agency Contracting Procedures Documentation	17
	Inclusion of Title VI Assurances in Consultant Contracts	17
	Appendix	18
	Title VI Complaint Form	19

I

Introduction

Purpose

The Akron Metropolitan Area Transportation Study (AMATS) is the federally designated agency responsible for directing the cooperative, continuous and comprehensive (or "3-C") transportation planning process in Summit and Portage counties and the Chippewa Township area in Wayne County. This responsibility entails the development of regional transportation policies, plans and programs including the development of a long-term Regional Transportation Plan and a short-term Transportation Improvement Program.

The Ohio Department of Transportation (ODOT) has requested that AMATS, as a federal grant recipient, have a Title VI Program.

Title VI of the Civil Rights Act of 1964 states that no person in the United States shall, on the basis of race, color, religion, national origin or sex be excluded from participation in, be denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination or participated in an employment discrimination investigation or lawsuit. Title VI prohibits intentional discrimination as well as disparate impact on protected groups. The transportation planning regulations require consistency with Title VI and subsequent civil rights laws and regulations.

AMATS is a recipient of federal financial assistance. All recipients of federal financial assistance are required to comply with various non-discrimination laws and regulations, including Title VI and related statutes. The intent of current Title VI regulations is to ensure that no person will be denied the benefits of or be excluded from participation in or be subjected to discrimination under any program or activity on the basis of race, color, national origin, sex, religion, military status, disability, age, ancestry or low-income status in accordance with Title VI.

AMATS employees are responsible for ensuring the agency's programs, policies, and services are developed, conducted and implemented without regard to a person's race, color, national origin (including Limited English Proficiency), sex, disability, ancestry, religion, military status or age. Employees must ensure that ethnic minorities and low-income populations are not adversely impacted, and aim to achieve full participation by these groups in the agency's programs, policies and activities.

AMATS is a subdivision of the City of Akron Planning Department. As such, AMATS uses the City of Akron's procurement and nondiscrimination policies. The City maintains documentation of compliance with 49 CFR Part 21. Procurement is administered through the City of Akron Finance Department. Hiring and EEO issues are administered through the City of Akron Personnel Division.

The City of Akron Municipal Code Title 3 – Administration, Chapter 34 (Public Contracts and Property) and Chapter 35 (Employment Policies) contain the provisions regarding equal opportunity and non-discrimination. The City of Akron's Equal Employment Opportunity Plan was approved in January 2009.

Any person who declares a denial of benefits or exclusion from participation in the services of any program or activity administered by AMATS or its sub-recipients, consultants, or contractors may file a complaint pursuant to Title VI or related statutes. See Chapter II for further information and the Appendix of this document for the complaint form.

Background

The following references provide the legal authority for the procedures documented in this report:

- Title 23 of the U.S. Code of Federal Regulations
- Title 49 of the U.S. Code of Federal Regulations, part 21 (Department of Transportation Regulations for the implementation of Title VI of the Civil Rights Act of 1964)
- The Americans with Disabilities Act (ADA) of 1990, as amended
- Title 29 of the U.S. Code of Federal Regulations, part 1605.1
- Ohio Administrative Code § 123:1-49-02

- Ohio Revised Code § 4112.02
- Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency
- The City of Akron Municipal Code Title 3 – Administration, Chapter 34 (Public Contracts and Property) and Chapter 35 (Employment Policies)

Federal law requires that the metropolitan planning process provide for consideration of projects and strategies that will:

- (A) Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
- (B) Increase the safety and security of the transportation system for motorized and non-motorized users;
- (C) Increase the accessibility and mobility of people and freight;
- (D) Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
- (E) Enhance the integration and connectivity of the transportation system, across and between modes, for people and for freight;
- (F) Promote efficient system management and operation; and
- (G) Emphasize the preservation of the existing transportation system.

AMATS Staff

At the present time, the AMATS staff (full time, regular positions) consists of:

	Male	Female
White	10	7
Non-White	0	0
<hr/>		
TOTAL	10	7

II

Title VI Assurances

AMATS Nondiscrimination Policy Statement

It is the policy of AMATS to provide an environment of nondiscrimination and equal opportunity in employment as well as in the development of the area's regional transportation policies, plans and programs included in the Regional Transportation Plan (*Transportation Outlook*) and the Transportation Improvement Program.

Annually, AMATS assures that the planning process is carried out in accordance with Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21. See Resolution Number 2010-12 of the AMATS Metropolitan Transportation Policy Committee, dated May 19, 2010, for the latest self certification.

Title VI Complaint Process

AMATS' current policy was adopted in 2002. Any complaints filed must be in regards to an AMATS Policy Committee decision; a planning process currently followed by AMATS; or the current version of an AMATS work product or document, such as the Regional Transportation Plan or the Transportation Improvement Program (TIP). Any Title VI complaints related to personnel or purchasing and procurement will be handled according to the City of Akron's procedures.

1. Any person claiming to be aggrieved by an alleged discriminatory practice may, by them or through their legally authorized representative, make and sign a complaint (see the complaint form in the appendix).
2. The AMATS Study Director and Policy Committee Chairman will review the complaint to determine if it is applicable to the policies, planning processes, or work products of AMATS.

3. If the complaint is determined to be applicable, copies of the complaint will be sent within 10 business days to the Ohio Department of Transportation (ODOT), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The complainant will be notified in writing that the complaint is being processed. This notification will include copies of the correspondence with ODOT, FHWA, and FTA.
4. The AMATS Policy Committee will be advised of the complaint at their next scheduled meetings after receipt of the complaint.
5. The AMATS staff will provide assistance to ODOT, FHWA, and FTA in resolving the complaint. Every attempt will be made to resolve the complaint at the state level before involving the federal agencies.
6. Within 5 business days of receiving a response from ODOT, FHWA, or FTA, the complainant will be notified in writing regarding the resolution of the complaint.
7. The AMATS Policy Committee will be advised of the complaint resolution at their next scheduled meetings after the response is received.
8. FHWA, Headquarters Civil Rights (FHWA, HCR), will be the final decision makers as it pertains to complaint issues and compliance in all civil rights related areas.

The complaint procedure and form are also located in the Appendix.

Also, individuals may file a complaint directly with the Ohio Civil Rights Commission (OCRC), the U.S. Equal Employment Opportunity Commission (EEOC), or ODOT.

To date, AMATS has received no specific Title VI complaints.

Disadvantaged Business Enterprise (DBE) Goals

AMATS uses the City of Akron's contracting and procurement policies as noted above. The City of Akron's procurement goals state that any minority business enterprise that desires to be a minority business enterprise subcontractor must first be certified by the Equal Employment

Opportunity Coordinator of the Department of Administrative Services of the State of Ohio. Any public contract valued at ten thousand dollars or more in which the contractor intends to subcontract ten percent or more of the total value of the contract shall provide that the contractor will award subcontracts to minority business enterprises according to the following minimum percentages:

1. Fifteen percent for construction, demolition, erection, alteration or repair of city buildings or improvements, including labor and materials;
2. Seven percent for equipment, supplies, materials and services other than professional services;
3. Five percent for professional services.

The City of Akron's Contract Compliance Officer may authorize a partial or total waiver of the subcontracting preference requirements section upon application and demonstration by the contractor that there are not sufficient, qualified minority business enterprises reasonably available to the contractor to fulfill the minority subcontracting requirements.

Consultant Contracts

AMATS selects consultants according to the procedures outlined in the City of Akron's procurement policy. The City of Akron's consultant selection procedures comply with the provisions of 23 CFR 49.18.

AMATS seldom employs consultants to assist in planning work. However, when a consultant is used, the proposal process is open to all qualified firms, and prime consultants who are not qualified DBEs are urged to include minority sub-consultants. Consultants are hired consistent with the City of Akron's DBE policies and applicable state and federal regulations. See the City of Akron's Consultant Selection Process Procedure Manual. This selection process requires the maintenance of records of qualified minority consultants, as well as detailed billings.

In cases where AMATS directly hires and supervises consultant work, AMATS requires the consultant to provide periodic updates of Title VI and DBE awards as required by City of Akron ordinance.

In addition, the City of Akron Ordinance No. 499-1984 describes the Minority Subcontractor Preference Program, under which consultants hired to complete work on behalf of AMATS must conform. Next, information about Requests for Proposal (RFP) for planning studies is made available directly to DBEs via the ODOT Bulletin board. Finally, all firms submitting proposals are encouraged to utilize minority subcontractors when submitting proposal packages for planning studies.

Each consultant is required to provide a certificate of assurance for DBEs with the RFP. AMATS also attempts to assure that all consultants comply with Title VI provisions. Subcontracts with minority vendors are monitored through contractor invoices.

III

AMATS Title VI/DBE Program Coordinator

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Akron Metropolitan Area Transportation Study
146 South High Street, Suite 806
Akron, Ohio 44308
Ph. 330.375.2436
Fax 330.375.2275
e-mail: JJGardner@akronohio.gov
<http://www.amatsplanning.org>

Title VI Coordinator duties:

- a. Gather information necessary for general reporting requirements and report to ODOT.
- b. Process, record and disseminate Title VI complaints received by AMATS.
- c. Monitor and ensure that public information is available for AMATS's Title VI and public participation programs.
- d. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
- e. Collect and maintain statistical data (age, race, color, national origin or disability) of populations in the AMATS area.
- f. Collect and maintain statistical data on the effects of the metropolitan planning process in minority population communities versus the AMATS area as a whole.
- g. Conduct annual reviews and update statistical information.
- h. Conduct Title VI reviews of consultant contractors, suppliers, and other recipients of federal assistance.
- i. Review program directives and, where applicable, include Title VI and related requirements.
- j. Prepare a yearly report of Title VI accomplishments and activities at the request of ODOT.
- k. Identify and propose ways to eliminate discrimination when found to exist.
- l. Establish procedures to ensure full public participation in the metropolitan planning process.

IV

Incorporating Title VI Considerations into the Planning Process

AMATS Area Demographic Profile

The Akron metropolitan area includes Summit and Portage counties and Chippewa Township in Wayne County. Currently, the region is made up of 17 cities, 16 villages, and 28 townships, with over 700,000 people residing in the area. Akron is the central city accounting for almost one-third of the region's population.

AMATS Area Population		
	2000 ¹	2009 ²
Total Population	704,803	709,913
White	603,169	607,542
Minority	101,634	102,371
Elderly	94,611	95,297
Disabled	114,414	115,244
Low-Income	113,220	114,041
Limited English Proficiency	278	280

¹ US Census

² Estimates

Environmental Justice Evaluation and Assessment Procedures

Demographic data from the Census are utilized in identifying concentrations of minority and low-income populations. These areas are mapped, along with other social, economic, and environmental factors, using GIS software so that they may be considered in the transportation planning process.

Household and transit user surveys are also conducted or obtained from outside sources.

These data are evaluated to gather information on travel behavior and other considerations.

The AMATS staff utilizes the data identified above in its environmental justice analyses for the Regional Transportation Plan. In its first analysis, GIS software is used to overlay the project recommendations of the Regional Transportation Plan on maps that show the concentrations of minority and low-income people in the AMATS area. The staff then qualitatively assesses the projects as to whether they will be likely to have positive, neutral, or negative effects on these populations.

In addition to a geographic/qualitative analysis, the AMATS staff also completes a system-wide benefits analysis to demonstrate the ways in which the project recommendations in the Regional Transportation Plan provide equitable benefits to minority and low-income groups in terms of accessibility to the transportation system (highway, bicycle/pedestrian and transit). For the highway accessibility part of this analysis, the travel-demand model network is used to compare average travel time from a sample of minority and low-income areas to travel times from a sample of non-minority or non-low-income. The transit portion of the analysis compares the accessibility of fixed route transit service to four population sub-groups (minority, low-income, elderly, and transportation disabled) with the accessibility for the general population.

AMATS completes an Environmental Justice Scan as part of the development of the Regional Transportation Plan and TIP. This analysis identifies geographically the concentrations of minority and low-income population and overlays public transportation and highway recommendations to determine if disproportionately high and adverse effects should be considered in future planning stages. This scan also includes the transit accessibility analysis described above. The method of analysis was updated following the passage of the federal transportation legislation, SAFETEA-LU. These changes to the methods of analysis were addressed in a “gap analysis” technical memorandum discussing improvements to the AMATS’ planning process. It is anticipated that the Environmental Justice Scan methodology will need to be updated following the passage of any new federal transportation legislation.

Public Participation Procedures

By federal regulation, AMATS is required to develop a participation plan. The Public Participation Plan (PPP) serves as a guide for the participation process to ensure ongoing public involvement in the development and review of transportation plans, programs, and

projects. The plan should be developed in consultation with interested parties that provides reasonable opportunities for all parties to comment.

The AMATS *Public Participation Plan* was adopted on January 31, 2007. The AMATS *Public Participation Plan* outlines procedures for the public to access the transportation planning decision making process in the Greater Akron area. The procedures used to develop the Transportation Improvement Program (TIP) and the Regional Transportation Plan (*Transportation Outlook*) contain documentation regarding compliance with Title VI and environmental justice requirements.

Federal regulations identify “interested parties” as citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, and representatives of the disabled.

Implementation of the participation plan should include the following:

- Public meetings conducted at convenient and accessible locations at convenient times.
- The use of visuals to describe plans.
- Public information that is made available in an electronic-accessible format (i.e., Internet).
- The participation plan should be published and made available electronically (i.e., Internet).

Inadequate efforts to reach and involve low income, minority, disabled or Limited English Proficiency (LEP) populations during the planning process can result in denying these groups the opportunity to participate in public decisions on transportation systems and projects directly affecting them.

Public involvement in transportation planning and programming is performance based. This means that the FHWA-FTA joint planning regulations do not have detailed specifications as to how the public, including minorities, are to be involved in statewide or metropolitan planning. Instead, the federal agencies give performance specifications for public involvement processes

in the joint planning regulations (23 CFR 450, Sections 212 and 316). Agencies such as AMATS then develop detailed public involvement processes custom-tailored for local conditions.

The AMATS *Public Participation Plan* describes in detail how the public is provided the opportunity to be involved in the development and approval of transportation plans, State and MPO transportation improvement programs, and opportunities for input for projects in air quality non-attainment areas. The public also participates in the development of the public involvement processes. At a minimum, there is a 45-day public review period before the adoption of a new public participation plan. Agencies such as AMATS are required to publish procedures and allow 45 days for public review and written comments before the procedures, or any major revisions to existing procedures, are adopted.

The AMATS *Public Participation Plan* seeks to:

- Obtain participation from those most directly affected;
- Contact minority community leaders, organizations, media;
- Consider availability of information (time, place, language, educational level);
- Conduct adequate number of meetings and hearings;
- Utilize citizen advisory committees; and
- Hold meetings or hearings at an appropriate location, convenient time and day of the week, and atmosphere, to increase attendance.

AMATS public involvement procedures include public meetings, public open houses, public notices in the media, newsletters, the AMATS web site, and presentations at the AMATS Citizens Involvement Committee. Record of race is not maintained for public meetings, public open houses, the newsletter or the AMATS web site.

The AMATS Citizens Involvement Committee involves the public in transportation decision-making. The Committee encourages and simplifies community involvement and advises the Policy Committee on transportation planning matters of public interest. Each of the 44 Policy Committee members may appoint a representative to the CIC. Membership positions are also open to any interested residents of the AMATS area. Of the 29 current members, 6 are females. Four CIC members belong to minority groups.

The membership rosters are updated monthly by the AMATS Staff based on attendance at CIC meetings. The staff contacts observers who have attended at least two meetings in a 12-month period to learn if they are interested in becoming CIC members with full voting rights and privileges. The CIC by-laws require its voluntary members to maintain their voting membership status by attending at least two regular meetings a year.

The AMATS newsletter, published quarterly, contains information relative to the agency's transportation planning process and requests citizens to offer their input by joining the AMATS Citizens Involvement Committee. The publication is widely distributed to governmental organizations, social service agencies, and libraries in the region, as well as to a large number of private citizens. AMATS also publishes various questionnaires to receive citizen input in the development of projects.

The AMATS Staff is involved in on-going programs and projects, making presentations to civic and public service groups regarding transportation system improvements upon request. AMATS organizes public involvement through a process of public meetings, and open houses. An AMATS web page has also been developed as another means of providing information to the general public, as well as to solicit public input.

Finally, opportunities to comment on all major AMATS decisions (e.g., the Regional Transportation Plan and the Transportation Improvement Program) are offered to area residents through advertisements placed in general circulation newspapers and The Reporter, a publication whose circulation serves minority populations.

Limited English Proficiency

For those with limited English proficiency, the AMATS website makes translations available of all of the web pages posted on our site. An automatic translation button is present allowing the AMATS website to be made accessible in most languages. According to the 2000 Census, 0.04% of the AMATS area population is unable to speak English.

The Citizens Involvement Committee that will monitor the implementation of this plan meets regularly and invites anyone with an interest in regional planning to participate in their meetings and activities.

V

Annual DBE Program Goals

A Disadvantaged Business Enterprise (DBE) is a for-profit small business where socially and economically disadvantaged individuals own at least a 51% interest and also control management and daily business operations. African Americans, Hispanics, Native Americans, Asian-Pacific and Subcontinent Asian Americans, and women are presumed to be socially and economically disadvantaged. Other individuals can also qualify as socially and economically disadvantaged on a case-by-case basis.

The Disadvantaged Business Enterprise (DBE) Program is a federal program operating under the guidance of the United States Department of Transportation. Authorization for the program comes from Title 49 Code of Federal Regulations Part 26 (49 CFR 26). AMATS, as a recipient of federal transportation funds, must comply with the requirements of 49 CFR 26.

The overall goal of the DBE program is to ensure that firms owned and controlled by minorities, women, and other socially and economically disadvantaged persons have the opportunity to grow and become self-sufficient in order to create a level playing field on which they can compete fairly for contracts and subcontracts in the transportation industry.

The benefits of a firm being certified as a DBE are the eligibility for contract awards, on-going training opportunities and the availability of both technical- and business-related supportive services. To qualify for certification as a DBE, an applicant must meet the eligibility standards established in the federal regulations at Title 49 CFR Part 26 and Title 13 CFR Part 121.

Methodology and Data Sources

AMATS, as a division of the City of Akron Planning Department, uses the City of Akron's contracting and procurement policies. The City of Akron's DBE procurement goals are set at levels determined by the Finance Department established in 49 CFR Part 26.

The City of Akron gathers and reports statistical data, such as U.S. Census data. It reviews contracts and purchase requisitions for compliance with DBE/Minority (MBE) requirements. It works with all departments to set overall annual goals. It ensures that bid notices and requests for proposals are available to DBEs. It identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract-specific goals attainment), and identifies ways to improve progress and monitors results. It analyzes progress toward goal attainment and identifies ways to improve progress. The City's EEO Officer and Law Department advise on DBE matters and achievement. The City participates with legal counsel and project personnel to determine contractor compliance with good faith efforts. It provides DBEs with information and assistance in preparing bids and obtaining bonding and insurance. The City provides outreach to DBEs and community organizations to advise them of opportunities. The City also maintains an updated list of certified DBE/MBE businesses.

Program Monitoring

AMATS, as a division of the City of Akron Planning Department, uses the City of Akron's contracting and procurement policies. The City of Akron's procurement goals state that any minority business enterprise that desires to be a minority business enterprise subcontractor must first be certified by the Equal Employment Opportunity Coordinator of the Department of Administrative Services of the State of Ohio. Any public contract valued at ten thousand dollars or more in which the contractor intends to subcontract ten percent or more of the total value of the contract shall provide that the contractor will award subcontracts to disadvantaged business enterprises (DBEs) according to the following minimum percentages:

1. Fifteen percent for construction, demolition, erection, alteration or repair of city buildings or improvements, including labor and materials;
2. Seven percent for equipment, supplies, materials and services other than professional services;
3. Five percent for professional services.

The City of Akron's Contract Compliance Officer may authorize a partial or total waiver of the subcontracting preference requirements section upon application and demonstration by the contractor that there are not sufficient, qualified minority business enterprises reasonably available to the contractor to fulfill the minority subcontracting requirements.

Consultants hired in conjunction with, or under the supervision of, the Ohio Department of Transportation (ODOT) will be monitored and reviewed through the authority of the ODOT DBE Program Plan.

VI

Agency Contracting

Agency Contracting Procedures

AMATS selects consultants according to the procedures outlined in the City of Akron's procurement policy. The City of Akron's consultant selection procedures comply with the provisions of 23 CFR 49.18.

Inclusion of Title VI Assurances in Consultant Contracts

AMATS includes Title VI assurances in all consultant contracts. All consultants must assure "that no person, on the grounds of race, color, national origin, age, marital status, disability, ancestry or sex be excluded from participation in, or denied the benefits of, or be subject to discrimination under any project, program or activity funded in whole or in part by the U.S. Department of Transportation." To support this assurance, each consultant must also provide in their contract the estimated number of minority persons that will be served by the project, as well as the minority status of their agency or organization.

Annually, in fulfillment of federal planning regulations, the AMATS Policy Committee certifies that the urban transportation planning process is in conformance with Title VI of the Civil Rights Act of 1964, as amended, as well as all other federal requirements.

Appendix A

Title VI Complaint Process

Procedure

The procedure described below will be used for processing Title VI complaints received by the Akron Metropolitan Area Transportation Study. These complaints must be regarding an AMATS Policy Committee decision; a planning process currently followed by AMATS; or the current version of an AMATS work product, such as the Regional Transportation Plan or Transportation Improvement Program. All personnel or purchasing/procurement related Title VI complaints will be handled according to the City of Akron's procedures.

1. Any person claiming to be aggrieved by an alleged discriminatory practice may, by them or through their legally authorized representative, make and sign a complaint (see the attached complaint form).
2. The AMATS Study Director and Policy Committee Chairman will review the complaint to determine if it is applicable to the policies, planning processes, or work products of AMATS.
3. If the complaint is determined to be applicable, copies of the complaint will be sent within 10 business days to Ohio Department of Transportation (ODOT), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The complainant will be notified in writing that the complaint is being processed. This notification will include copies of the correspondence with ODOT, FHWA, and FTA.
4. The AMATS Policy Committee will be advised of the complaint at their next scheduled meetings after receipt of the complaint.
5. The AMATS staff will provide assistance to ODOT, FHWA, and FTA in resolving the complaint. Every attempt will be made to resolve the complaint at the state level before involving the federal agencies.
6. Within 5 business days of receiving a response from ODOT, FHWA, or FTA, the complainant will be notified in writing regarding the resolution of the complaint.
7. The AMATS Policy Committee will be advised of the complaint resolution at their next scheduled meetings after the response is received.
8. FHWA, Headquarters Civil Rights (FHWA, HCR), will be the final decision makers as it pertains to complaint issues and compliance in all civil rights related areas.

