

Title VI Plan and Compliance with Non-discrimination Regulations

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Title VI of the Civil Rights Act of 1964

March 30, 2011

Erie Regional Planning Commission
Metropolitan Planning Organization
2900 Columbus Avenue
Sandusky, OH 44780
419-627-7792

TABLE OF CONTENTS

	Page
1. Program Procedures and Documentation	
1.1 Non-discrimination Policy Statement.....	1
1.2 Organization.....	1
1.3 Implementation Responsibility	2
1.4 Work Force and Utilization Analysis	2
1.5 E.E.O/AA Objectives.....	2
1.6 Documentation.....	4
2. Title VI Complaint Procedure.....	4
3. Public Participation Program in Planning Process	
3.1 Securing Diverse Public Input	5
3.2 Data and Analysis of Direct Inclusion Strategies	5
3.3 Evaluating Public Participation Process	6
3.4 Evaluating Impact of Planning Procedures on Low-income and Minority Populations	6
Associated Documents	
Title VI Complaint Form.....	8
Appendix A — Required Planning Factors for MPO’s.....	9
Appendix B — Federal Regulations on Public Involvement.....	10
Appendix C — Environmental Justice.....	12
Public Involvement Policy.....	14

1. PROGRAM PROCEDURES AND DOCUMENTATION

1.1 Non-discrimination Policy Statement

The government of Erie County reaffirms its fundamental policy: equal employment opportunity for all persons regardless genetic information including race, color, age, marital status, sex, political affiliation or beliefs, religion, ancestry, disability, veteran status; and, that equal employment opportunity is a legal, social and economic necessity for Erie County government and its' citizenry.

Such action complies with the Title VI of the Civil Rights Act of 1964, Section 4112 of the Ohio Revised Code, and Executive Order 11246 as well as Americans with Disabilities Act and Rehabilitation Act of 1973 and the Age Discrimination Act.

Therefore, let it be affirmed that Erie County government is an equal opportunity employer possessing a goal of Affirmative Action. Affirmative Action will effect all employment practices including (but not limited to) recruiting, selection, transfer, promotions, training, compensation, benefits, layoffs and/or terminations.

County agencies, governed by separate boards, elected officials and departments under the Board of Erie County Commissioners affirm this equal employment policy and set departmental affirmative goals and timetables, clearly understand their own responsibilities for carrying out equal employment opportunity and affirmative action as a basic part of their position.

Dissemination of this policy shall be both within the organization and to external sources such as recruiting sources, suppliers and vendors, the media, public and private employment agencies.

Protected classes as defined by the Equal Employment Opportunity Commission are: Black, Hispanic, American Indian, Asian American or Pacific Islander, Veterans, Handicapped, female, and individuals age 40 or older. NOTE: Caucasian includes person of Indo-European descent including Pakistani and East Indian descent.

1.2 Organization

The County Commissioners shall appoint a Complaint Officer, the Director of Human Resources, or their successor, who shall investigate and hear complaints and make recommendations to the Compliance Officer. The Compliance Officer, the County Administrator, or their successor, shall in turn report to the County Commissioners and/or Elected Official.

Each county department will appoint a Liaison Officer. This individual will be charged with the responsibility of maintaining a departmental file, monitoring progress within their own department and reporting to the Compliance Officer, or designee, any developments as requested, including completion of the annual Affirmative Action Progress Report.

1.3 Implementation Responsibility

Responsibility for implementing this affirmative action goal is assigned to the Compliance Officer, the County Administrator. The Compliance Officer shall assist or direct the program in the identification of problems, establishment of objectives, monitoring and reporting systems, complaint investigations, and other related duties as assigned. The Compliance Officer will report regularly to the County Commissioners on affirmative action progress.

It shall be the duty of the Compliance Officer, the Complaint Officer, and the Liaison Officers to meet as needed, but no less than annually, and to issue annual report to the County Commissioners of the progress of the Equal Employment Opportunity and the Affirmative Action Plan.

1.4 Work Force and Utilization Analysis

The following information will be utilized to examine the progress of the Affirmative Action Plan:

- A. Analysis of external population and labor force according to most recent publications of the Ohio Bureau of Employment Demographics.
- B. Analysis of internal labor force by classification and departments.
 - 1. Officials/Administrative
 - 2. Protective Service
 - 2. Professional
 - 6. Administrative Support
 - 3. Paraprofessional
 - 7. Skilled Craft
 - 4. Technicians
 - 8. Service/Maintenance
- C. Analysis of turnover by classifications.
- D. Projected vacancies to be filled within classifications in coming year.

1.5 E.E.O./A.A. Objectives

The objectives of the Affirmative Action Plan are:

- A. Affirmative Action Plan Understanding & Support:
 - 1. To provide information, training and counseling of department heads to gain positive support and understanding of the Affirmative Action Plan.
 - 2. Discuss the Affirmative Action Plan with all supervision, management, employee organizations/unions as to how it is to be carried out.

3. Provide a system for periodically evaluating the effectiveness of the affirmative action effort for protected classes by responding to requests for reports of the plan activity.
4. To provide fair and impartial processing of complaints and to provide affirmative action/equal employment opportunity counseling.

B. Recruitment

1. Notify all representative sources in Erie County that we are an equal opportunity employer and will hire any qualified person without regard to race, creed, national origin, color, religion, sex, ancestry, age, marital status, political affiliation or beliefs, and/or handicap, provided that the employee can perform the essential elements of the job with or without reasonable accommodations.
2. If elected officials or department heads obtain new employees independent of the human resources department, it is strongly recommended that they explore their recruiting sources to include those which represent protected group persons and provide documentation of their efforts.
3. To attempt to increase the representation in the County Government work force of any protected group if its is underutilized.
4. Seek the support and assistance of other responsible and appropriate community agencies, such as schools, colleges, employment services, etc., to help provide qualified minority applicants.
5. Be sure that the job requirements are relevant to the actual work to be performed and that they are applied equally to all job applicants.
6. Seek, employ and develop protected persons in all classifications so that they are represented in all areas of the organization.

C. Skills, Utilization and Upward Mobility

1. Provide opportunities equally to all employees to enhance their skills, so that they perform at their highest potential, and advance in accordance with their abilities.
2. Review the job qualifications of the protected employees in lower-job levels and lower-paying positions to ensure equal opportunity for job upgrading according to standards and qualifications which are no higher and no lower than those for other employees.

1.6 Documentation

The following procedures will be utilized to provide documentation concerning the Affirmative Action Plan:

- A. All forms, advertisements, reports, notices, posters and related EEO/Affirmative Action material shall be disbursed with directions for handling by the Compliance Officer.
- B. The Compliance Officer will also be responsible for evaluating and responding to the program both orally and in writing as directed by the Erie County Board of Commissioners.
- C. Forms supplied by the Civil Rights Commission for annual reporting, including employment activity, goals and timetable achievements, and any supplementary forms that may be necessary to analyze the results of the Affirmative Action Plan, will be utilized.
- D. It shall be the responsibility of the Compliance Officer to issue an annual report to the Board of Commissioners as to the status and progress of the EEO/Affirmative Action plan.

2.0 Compliant Procedure

- A. If an applicant of Erie County has a complaint involving violations outlined in this policy, a complaint may be filled with the Ohio Civil Rights Commission Northwest Regional Office, Room 936, One Government Center, Jackson and Erie Street, Toledo, Ohio 43604 within six (6) months or 180 days of an incident. A complaint can also be filed directly with the Equal Employment Opportunity Commission within 300 days.
- B. In the event a person feels there has been a violation of their civil rights under this policy or the law, or has been subjected to retaliation prohibited by the law or policy, the person is requested to bring this matter to the attention of the County Complaint Officer within thirty (30) days of the incident. The Complaint Officer will discuss and investigate the incident. The Complaint Officer, upon completion of the investigation, will give a recommendation to the Compliance Officer who will then give a recommendation to the County Commissioners within thirty (30) days. The Commissioners will then act on the recommendation and inform the complainant of the results. In the even the complainant is not satisfied, the person may pursue the procedure outlined in the first paragraph. Any complaint be filed with the ERPC MPO in which ERPC MPO is named as the Respondent will be forwarded to ODOT: Attn: Title VI Coordinator for processing. Complaints received by ODOT or FHWA, HCR filed against Federal-aid-sub-recipients of ERPC may be sent to ERPC for investigation. Complaints filed with ERPC MPO against its recipients shall be processed by

ERPC in accordance with FHWA approved procedures as required pursuant to 23 CFR 200.

3. PUBLIC PARTICIPATION PROGRAM IN PLANNING PROCESS

3.1 Securing Diverse Public Input

The Erie County Regional Planning Commission Metropolitan Planning Organization (ERPC) actively seeks participation of low-income and minority populations in all planning processes. See associated document: Public Involvement Policy. This document describes activities taken by ERPC ensuring public input and participation.

We identify and engage low-income and minority populations in the planning process so that they can assist in identifying 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 areas accessible to environmental justice (EJ) target areas. ERPC uses census and other demographic data to identify which areas of the MPO planning area have a higher concentration of low-income and/or minority citizens. ERPC staff also makes presentations to civic groups to further ensure that minority and low-income populations have full opportunity to understand and participate in the planning process.

3.2 Data and Analysis of Direct Inclusion Strategies

Through analysis of Census data and Traffic Analysis Zones, ERPC generates maps of Environmental Justice (EJ) target areas. These maps and other data summaries are then used in the technical planning process. For example, in the creation of the current 2035 Long Range Transportation Plan, evaluation criteria included provision of transportation to all citizens, including the elderly, people living and working in EJ neighborhoods, people with disabilities, and non-auto drivers. The effects of plans on environmental justice target areas were considered in the scoring process.

ERPC also identifies potential negative impacts of proposed long range plan projects on the adjoining cultural and natural resources, and considers those factors in project selection. In the TIP plan processes, both a qualitative and quantitative approach is used in evaluating impacts from transportation projects. Subjective analysis for each project includes completing an environmental justice analysis matrix considering potential impacts that a project could have on an identified environmental justice area. The matrix is used on a project-by-project basis and provides a visual comparative impact analysis. Also, in order to analyze quantitatively for EJ impacts associated with roadway projects, the MPO reviews the projects using the Travel Demand Model for the Sandusky Urbanized Area that was developed with assistance from ODOT's Office of Technical Services. The model is utilized to quantitatively evaluate the effectiveness of projects and their impact potential to the targeted environmental justice populations. The MPO region was divided into 205 Traffic Analysis Zones (TAZs) based on the review of census data, residential patterns, employment, education, recreational locations, and travel characteristics. Travel times are used to analyze the results of project implementation in order to assess

accessibility to the generator zones for both targeted and non-targeted populations. 10 TAZs are selected where both the minority and poverty levels are two times higher than the region's average. The travel times to the generator zones are then compared to 10 other TAZs where the minority and poverty levels were below the region's averages. This analysis is completed to ensure targeted areas are not experiencing the burden of adverse impacts associated with the project.

3.3 Evaluating Public Participation Process

The public participation process is evaluated regularly and in several different ways. ERPC documents attendance at public meetings, noting total attendance and attendance in each geographic area of the region. We will record and analyze public comment surveys (based on zip code, age, occupation, etc.) to evaluate whether we are getting response from a broad base of the citizenry. ERPC solicits input about our public involvement process from local governments in the region and documents their responses. We annually review the composition of all standing 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. ERPC's public involvement process is subject to regular review by state and federal agencies including FHWA, FTA, and ODOT.

3.4 Evaluating Impact of Planning Procedures on Low-income and Minority Populations

ERPC staff includes planners who execute their analysis using accepted best practices. We apply industry standards to predict impacts and forecast the effects of planned projects. Ongoing processes collect and monitor information about how transportation plans affect low-income and minority populations. With respect to transportation plans, ERPC collects and analyzes crash and safety data, commute time, congestion, access to public transit, and other parameters measuring the value of a transportation system. Current data is collected and analyzed for every new significant planning process or study.

Title VI Plan and Compliance with Non-discrimination Regulations

Associated Documents

ERIE COUNTY, OHIO
ERIE COUNTY COMMISSIONERS

COMPLAINT/RESPONSE FORM

Complaint Received By:
Citizen's Name:
Address:
Phone Number:

Date:
Time:
Complaint: **Written:**

Nature of Problems, Basis of alleged discrimination/harassment:

County Administrator's Action:

County Administrator: **Date:** **Time:**

**Department Response/Action
Taken:**

Department Head: **Date:** **Time:**

County COMMISSIONERS' Acknowledgement of Response:
_____ **Date:** _____

County ADMINISTRATOR'S Acknowledgement of Response:
_____ **Date:** _____

b2:respond

Appendix A

*Required Planning Factors for Metropolitan Planning Organizations
(from Federal Rules for Metropolitan Transportation Planning)*

United States Department of Transportation

Federal Highway Administration – 23 CFR Parts 450 And 500

Federal Transit Administration – 49 CFR Part 613

Statewide Transportation Planning; Metropolitan Transportation Planning

FINAL RULE

As published in the *Federal Register* Volume 72, Number 30, Pages 7223-7286, February 14,
2007

Effective March 16, 2007

excerpt from Sec. 450.306 Scope of the metropolitan transportation planning process.

- (a) The metropolitan transportation planning process shall be **continuous, cooperative, and comprehensive**, and provide for consideration and implementation of projects, strategies, and services that will address the following factors:
- (1) Support the **economic vitality** of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
 - (2) Increase the **safety** of the transportation system for motorized and non-motorized users;
 - (3) Increase the **security** of the transportation system for motorized and non-motorized users;
 - (4) Increase **accessibility and mobility** of people and freight;
 - (5) 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**;
 - (6) Enhance the **integration and connectivity** of the transportation system, across and between modes, for people and freight;
 - (7) Promote **efficient system management** and operation; and
 - (8) Emphasize the **preservation of the existing transportation system**.

Appendix B

Federal Regulations on Public Involvement
(from *Federal Rules for Metropolitan Transportation Planning*)

United States Department of Transportation

Federal Highway Administration – 23 CFR Parts 450 And 500

Federal Transit Administration – 49 CFR Part 613
Statewide Transportation Planning; Metropolitan Transportation Planning
FINAL RULE

As published in the *Federal Register* Volume 72, Number 30, Pages 7223-7286,
February 14, 2007

Effective March 16, 2007

excerpt from Sec. 450.316 Interested parties, participation, and consultation.

- (a) The MPO shall develop and use a documented **participation plan** that defines a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.
 - (1) The participation plan shall be developed by the MPO in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:
 - (i) Providing **adequate public notice of public participation activities** and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP;
 - (ii) Providing **timely notice and reasonable access to information** about transportation issues and processes;
 - (iii) Employing **visualization techniques** to describe metropolitan transportation plans and TIPs;
 - (iv) Making public information (technical information and meeting notices) available in **electronically accessible formats** and means, such as the World Wide Web;

- (v) Holding any **public meetings at convenient and accessible locations and times**;
 - (vi) Demonstrating explicit **consideration and response to public input** received during the development of the metropolitan transportation plan and the TIP;
 - (vii) Seeking out and considering the **needs of those traditionally underserved** by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;
 - (viii) Providing an **additional opportunity for public comment**, if the final metropolitan transportation plan or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts;
 - (ix) **Coordinating with the statewide transportation planning** public involvement and consultation processes under subpart B of this part; and
 - (x) Periodically **reviewing the effectiveness** of the procedures and strategies contained in the participation plan to ensure a full and open participation process.
- (2) When significant written and oral comments are received on the draft metropolitan transportation plan and TIP (including the financial plans) as a result of the participation process in this section or the interagency consultation process required under the EPA transportation conformity regulations (40 CFR part 93), a summary, analysis, and **report on the disposition of comments** shall be made as part of the final metropolitan transportation plan and TIP.
- (3) A minimum **public comment period** of 45 calendar days shall be provided before the initial or revised participation plan is adopted by the MPO. Copies of the approved participation plan shall be provided to the FHWA and the FTA for informational purposes and shall be posted on the World Wide Web, to the maximum extent practicable.

Appendix C

Environmental Justice

Excerpt from:

“Guidance and Best Practices for Incorporating Environmental Justice into Ohio Transportation and Environmental Processes” August, 2002 Ohio Department of Transportation

A. DEFINITION OF ENVIRONMENTAL JUSTICE

The U.S. Environmental Protection Agency (EPA) Office of Environmental Justice (EJ) defines EJ as:

“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. Fair treatment means that no group of people, including racial, ethnic, or socio-economic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local and tribal programs and policies.”

EJ applies to all programs and activities of Federal-aid recipients, whether those programs and activities are federally funded or not. This means that any agency which receives federal funds must:

- make a meaningful effort to involve low-income and minority populations in the processes established to make decisions regarding its programs and activities, and
- evaluate the nature, extent, and incidence of probable and adverse human health or environmental impacts of its programs and activities upon minority or low-income populations.

B. WHAT IS ENVIRONMENTAL JUSTICE?

Environmental Justice is not a new concern. The principles it embodies are rooted in Title VI of the Civil Rights Act of 1964 and previous civil rights legislation. Today, because of the evolution of the transportation planning process, EJ is simply a matter of increased awareness of the effects and impacts of transportation decisions on the human environment. There are three fundamental EJ principles:

- to avoid, minimize or mitigate disproportionately high and adverse human health and environmental effects, including 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, and
- to prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

C. WHY DO ODOT AND MPOs NEED TO ADDRESS EJ?

The Ohio Department of Transportation (ODOT) and Ohio's Metropolitan Planning Organizations (MPOs) receive federal funding to support many of their programs and activities. Therefore, both ODOT and Ohio's MPOs must address the federal EJ requirements as a condition to receiving those funds. Local governments, serving as Local Public Agency (LPA) project coordinators must also comply.

EJ requirements are not new. On February 11, 1994 President Clinton signed Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations. However, the need to consider EJ was already embodied in many laws, regulations and policies such as Title VI of the Civil Rights Act of 1964 as previously mentioned, the National Environmental Policy Act of 1969 (NEPA), Title 23 of the United States Code (USC) Section 109 (h), and the Uniform Relocation and Real Property Acquisitions Policy Act of 1970, long before Executive Order 12898.

Title VI of the 1964 Civil Rights Act states that, "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Title VI prohibits intentional discrimination as well as disparate impact discrimination (i.e., a neutral policy or practice that has a disparate impact on low income and minority groups).

The 1994 Environmental Justice (EJ) Executive Order amplifies Title VI by providing 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 and low-income populations."

Increasingly, concerns for compliance with provisions of Title VI and the EJ orders have been raised by citizens and advocacy groups with regard to broad patterns of transportation investments and impacts considered in metropolitan and statewide planning. While Title VI and EJ concerns have most often been raised during project development, it is important to recognize that the law also applies equally to the processes and products of planning and environmental analysis. The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) are to ensure compliance with Title VI in the planning process during their planning certification reviews conducted for Transportation Management Areas (TMAs) and through the statewide planning finding rendered at approval of the Statewide Transportation Improvement Program (STIP).