

**AKRON METROPOLITAN AREA  
TRANSPORTATION STUDY**

**TITLE VI**

**Program Procedures  
and Documentation**

**May 2015**

**[www.amatsplanning.org](http://www.amatsplanning.org)**

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# 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 and Milton Township areas of 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, religion, sex, military status, national origin, 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

Agencies such as AMATS, serving a population of 100,000 or more, are required to have a Title VI Plan. Title VI of the Civil Rights Act of 1964 and other Federal Nondiscrimination statutes prohibit discrimination based on race, color, national origin and sex (gender) in the provision of benefits and services in programs and activities receiving Federal funds. The U.S. Department of Transportation’s implementing regulations are contained in 49 CFR Part 21 and 23 CFR 200.

These regulations require:

- Affirmative action; and that
- Recipients execute Title VI assurances as a condition of federal aid.

These federal regulations require ODOT to ensure that all local agencies receiving United States Department of Transportation (USDOT) funds administered by ODOT are in compliance with these regulations (23 CFR 200.9(b)(7), 49 CFR 21.3, 49 CFR 21.7). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms “programs and activities” to include all programs and activities of Federal aid recipients, subrecipients, and contractors, whether such programs and activities are federally funded or not.

The Federal Highway Administration (FHWA) requires each local agency that receives federal funds through ODOT to establish a Title VI Program to prevent discrimination in the provision of benefits and services on federally funded transportation programs and activities. This Title VI Program is a system of policies and procedures designed to monitor agency (and subrecipient agency) compliance, address complaints, and eliminate discrimination when found to exist.

The policies and procedures used to address nondiscrimination must be included in the local agency’s Title VI Plan. Their Plan for implementing Title VI must be presented to ODOT’s Office of Equal Opportunity (OEO) for review and approval.

The following references provide or discuss 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, Subtitle A, part 21 (Department of Transportation Regulations for the implementation of Title VI of the Civil Rights Act of 1964)
- Title VI of the Civil Rights Act of 1964, as amended
- 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 11246: Equal Employment Opportunity (1965)
- Executive Order 11625: Prescribing Additional Arrangements for Developing and Coordinating a National Program for Minority Business Enterprise (1971)
- Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994)
- Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency (2000)
- USDOT FTA Title VI Circular 4702.1B, October 1, 2012, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients"
- The City of Akron Municipal Code Title 3 – Administration, Chapter 34 (Public Contracts and Property) and Chapter 35 (Employment Policies)

Federal law (United States Code, Title 23, Chapter 1, §134) 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.

Furthermore, the metropolitan transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decision-making to support national and regional goals. Each metropolitan planning organization shall establish performance targets that address these performance measures and track progress towards attainment of critical outcomes for the region.

There is a difference between Title VI and Environmental Justice regulations. Title VI of the Civil Rights Act prohibits *recipients* of federal financial assistance (states, grantees, etc.) from discriminating based on race, color, or national origin in any program or activity. Executive Order 12898 (Environmental Justice), on the other hand, directs *federal agencies* to identify and address, as appropriate, disproportionately high and adverse human health and environmental effects of their programs, policies, and activities on minority populations and low-income populations.

AMATS Staff

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

	Male	Female
White	8	5
Non-White	0	0
TOTAL	8	5

## 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.

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

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

Title VI compliance is a condition of the receipt of federal funds. The Title VI Coordinator is authorized to ensure compliance with this policy, Title VI of the Civil Rights Act of 1964, 42 U.S.C § 2000d and related statutes, and the requirements of 23 Code of Federal Regulation (CFR) pt. 200 and 49 CFR pt. 21.

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. For the latest agency self certification please see Resolution Number 2015-10 of the AMATS Metropolitan Transportation Policy Committee, dated May 14, 2015.

#### Title VI Complaint Process

AMATS' current policy was adopted in 2012. 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.



### III

## AMATS Title VI/DBE Program Coordinator

Staff Contact: Jeff Gardner  
Akron Metropolitan Area Transportation Study  
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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 reports 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 18 cities, 16 villages, and 29 townships, with over 725,000 people residing in the area. Akron is the central city accounting for almost one-third of the region's population.

AMATS Area Population		
	2000 <sup>1</sup>	2013 <sup>2</sup>
Total Population	714,057	725,311
White	612,284	606,292
Minority	101,773	119,019
Elderly (65+)	95,892	106,050
Disabled	115,848	88,389
Low-Income	117,314	165,182
Limited English Proficiency	297	1,338

<sup>1</sup> US Census

<sup>2</sup> American Community Survey 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, MAP-21.

#### 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 last adopted in March 2015. 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 the users of public transportation, representatives of the 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 by AMATS planning activities;
- Contact minority and low-income community leaders, organizations, media;
- Consider the availability of information (time, place, language, educational level);
- Conduct an 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, six self-identify as females. Four CIC members belong to minority groups.

The membership rosters are updated bi-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. The AMATS web page continues to be 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. In addition, AMATS maintains contact with a number of public or private social service agencies that represent or serve the elderly and disabled populations, as well as various minority and low-income populations.

#### Limited-English Proficiency

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited-English proficient, or "LEP." These individuals may be entitled to language assistance with respect to a particular type or service, benefit, or encounter. By definition, the term limited-English proficient (LEP) refers to any person age 5 and older who reported speaking English less than "very well" as classified by the U.S. Census Bureau. The term English proficient refers to people who reported speaking English only or speaking English "very well" on their Census response form. If a respondent answered that they spoke English "well," then they would still be considered LEP.

Federal laws applicable to language access include Title VI of the Civil Rights Act of 1964, as well as Title VI regulations, prohibiting discrimination based on national origin, and Executive Order 13166 issued in 2000. Many individual federal programs, states, and localities also have provisions requiring language services for LEP individuals.

Executive Order 13166 is an order given by the President to federal agencies. The LEP Executive Order 13166 says that people who are LEP should have meaningful access to federally-conducted and federally funded programs and activities. This executive order requires federal

agencies to examine the services they provide, identify any need for services to those with limited-English proficiency, and develop and implement a system to provide those services so LEP persons can have meaningful access to them. It is expected that agency plans provide for such access consistent with the fundamental mission of the agency. The executive order also requires that the federal agencies work to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

To assist federal agencies in carrying out these responsibilities, the U.S. Department of Justice has issued a Policy Guidance Document, "Enforcement of Title VI of the Civil Rights Act of 1964 - National Origin Discrimination Against Persons With Limited English Proficiency" (LEP Guidance). This LEP Guidance sets forth the compliance standards that recipients of federal financial assistance must follow to ensure that their programs and activities normally provided in English are accessible to LEP persons and thus do not discriminate on the basis of national origin.

Recipients and federal agencies are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point 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 the program 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 program to people's lives; and
4. the resources available to the grantee/recipient or agency, and costs. As indicated above, the intent of this guidance is to find a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small business, or small nonprofits

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 2013 American Community Survey, 0.18% 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.

As a recipient of federal US DOT funding, AMATS is required to take reasonable steps to ensure meaningful access to our programs and activities by limited-English proficient persons. This includes those who have reported to the U.S. Census that they speak English not well, or not at all.

The AMATS Language Assistance Plan includes the following elements:

- The results of the Four Factor Analysis, including a description of the LEP population(s), served.
- A description of how language assistance services are provided by language
- A description of how LEP persons are informed of the availability of language assistance service
- A description of how the language assistance plan is monitored and updated
- A description of how employees are trained to provide language assistance to LEP persons
- Any additional information deemed necessary

#### LEP Four Factor Analysis

To determine if an individual is entitled to language assistance and what specific services are appropriate, AMATS has conducted a Four Factor Analysis of the following areas: 1) Demography, 2) Frequency, 3) Importance and 4) Resources and Costs.

**Factor 1:** Demography - The number or proportion of LEP persons served and the languages spoken in the service area

The first factor of the Four Factor Analysis is the basis of the Language Assistance Plan. It requires AMATS to review its US Census data to determine if it meets the LEP Safe Harbor Threshold.

AMATS performs the following:

1. The monitoring of LEP data.
2. The analysis of LEP demographic data for the AMATS Transportation Improvement Program (TIP) and Regional Transportation Plan (RTP) and/or service area by calculating the Safe Harbor Threshold for two to three of the largest language groups identified other than English. The Safe Harbor Threshold is calculated by dividing the population estimate for a language group that "Speaks English not well, or not at all" by the total population of the county. The LEP Safe Harbor Threshold provision stipulates that for each LEP group that meets the LEP language threshold (5% or 1,000 individuals, whichever is less) AMATS must provide translation of vital documents in written format for the non-English users. Examples of written translation of vital documents include the Title VI Plan and/or public notices, Title VI Complaint Procedures and Title VI Complaint Forms.
3. Explain the results of the analysis of the county LEP data in the demographic section of the Four Factor Analysis.

**Factor 2:** Frequency - Staff (or contractor) contact with LEP persons

LEP persons are persons identified as speaking English less than very well, not well or not at all. Just because a person speaks a language other than English doesn't mean they don't speak English or are identified as LEP. The summary below discusses the frequency with which the AMATS staff, or its contractor, comes into contact with LEP persons. It also provides information on the how staff is instructed to meet the needs of LEP persons.

**Factor 3:** Importance - The ways in which the programs, services or activities of AMATS affect people's lives

The AMATS Public Participation Plan discusses how AMATS's programs and services impact the lives of people within the community. AMATS will specify the community organizations that serve LEP persons, if available.

**Factor 4:** Resources and Costs - The funding and other resources that are available for LEP outreach

The AMATS Public Participation Plan discusses the low cost methods used by AMATS to provide outreach to LEP persons as well as train staff (or its contractor) on Title VI and LEP principles.

#### Additional Required Elements

In addition to the Four Factor Analysis (listed above as item #1), the AMATS Public Participation Plan addresses the following elements:

Item #2: A description of how language assistance services are provided by language

Item #3: A description of how LEP persons are informed of the availability of language assistance service

Item #4: A description of how the language assistance plan is monitored and updated

Item #5: A description of how employees are trained to provide language assistance to LEP persons

#### Summary of the Language Assistance Plan Components

##### Factor 1 – Demography

The US Census Bureau – American Fact Finder (2008-2012) reports there are several languages spoken in the AMATS area. Some of these languages include Spanish, Russian, Chinese, Hmong, and Nepalese. After English, the second largest language group is Spanish.



The Safe Harbor Threshold is calculated by dividing the population estimate for a language group that “speaks English less than very well” by the total population of the county. The LEP Safe Harbor Threshold provision stipulates that for each LEP group that meets the LEP language threshold (5% or 1,000 individuals, whichever is less), AMATS must provide translation of vital documents in written format for non-English speaking persons.

The AMATS area has a total population estimated to be 725,311 persons. The staff has identified approximately 2,300 as Spanish speaking and “speaks English less than well”. This language group is less than 1% and below the 5% or 1,000 person threshold. This means that AMATS is not required to provide written translation of vital documents. All of the other language groups in the attached table are also below the safe harbor threshold. This means, at this time, that AMATS is also not required to provide written translation of vital documents in these languages.

Even though AMATS is below the safe harbor threshold and is not required to provide written translation of vital documents, it provides an automatic translation device on its website.

In the future, if AMATS meets the Safe Harbor Threshold for any language group, it will provide written translation of vital documents in such languages and also consider measures needed for oral interpretation.

#### Factor 2 – Frequency

AMATS (and its contractor, if relevant) will be trained on what to do when they encounter a person that speaks English less than well. AMATS or its contractor will track the number of encounters and consider making adjustments as needed to its outreach efforts to ensure meaningful access to all persons and specifically to LEP and minority populations of AMATS’s programs and services.

The two public transit providers in the area, METRO RTA in Summit County, and PARTA in Portage County perform their own Title VI / LEP programs.

#### Factor 3 – Importance

AMATS understands an LEP person with language barrier challenges also faces difficulties obtaining health care, education or access to employment. A transportation system is a key link to connecting LEP persons to these essential services.

AMATS has identified activities and services which would have serious consequences to individuals if language barriers prevented access to information or the benefits of those programs. The activities and services include providing emergency evacuation instructions in our facilities and providing information to the public on security awareness or emergency preparedness.

## Demographics of the State of Ohio

### Racial Breakdown

Race	2000		2013 ACS 5-Year Est		Change	
	Number	Percent	Number	Percent	Number	Percent
White	9,645,453	85.0%	9,569,431	82.7%	(76,022)	-0.8%
Black	1,301,307	11.5%	1,407,681	12.2%	106,374	8.2%
Asian	132,633	1.2%	192,233	1.7%	59,600	44.9%
American Indian and Alaska Native	24,486	0.2%	25,292	0.2%	806	3.3%
Hawaiian/Pacific Islander	2,749	0.0%	4,066	0.0%	1,317	47.9%
Other Race	88,627	0.8%	130,030	1.1%	41,403	46.7%
Two or More Races	157,885	1.4%	237,765	2.1%	79,880	50.6%
<b>TOTAL</b>	<b>11,353,140</b>	<b>100.0%</b>	<b>11,566,498</b>	<b>100.0%</b>	<b>213,358</b>	<b>1.9%</b>

### Ethnic Breakdown

Hispanic Origin <sup>1</sup>	217,123	1.9%	367,394	3.2%	150,271	69.2%
Non-Hispanic Origin	11,136,017	98.1%	11,182,196	96.8%	46,179	0.4%
<b>TOTAL</b>	<b>11,353,140</b>	<b>100.0%</b>	<b>11,549,590</b>	<b>100.0%</b>	<b>196,450</b>	<b>1.7%</b>

### Low-Income and Limited English Proficiency (LEP) Breakdown

Low-Income Status (Households)	825,912	18.6%	558,621	18.9%	267,291	-32.4%
Limited English Proficiency (LEP) Less Than Very Well	234,459	2.1%	254,186	2.2%	19,727	8.4%
Limited English Proficiency (LEP) Not At All	13,485	0.1%	23,919	0.2%	10,434	77.4%
	<b>1992</b>		<b>2003</b>			
Low-Literacy	1,014,487	12.0%	784,433	9.0%	230,054	-22.7%

<sup>1</sup>Per the 2000 and 2010 Census, people of Hispanic Origin can be, in most cases, counted in two or more race categories.

The Limited English Proficiency (LEP) population is defined conventionally as those who responded that they spoke English "less than very well."

Sources: United States Census Bureau [<http://www.census.gov/#>] and American Community Survey (American Fact Finder)  
U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, 2003 National Assessment of Adult Literacy

## Ohio

**Means of Transportation**

For Workers 16 years and over in the State of Ohio

Type	2000		2013 ACS 5-Year Est		Change	
	Number	Percent	Number	Percent	Number	Percent
Car, Truck, or Van	4,886,661	92.1%	4,724,754	91.5%	(161,907)	-3.3%
Public Transportation	110,274	2.1%	85,286	1.7%	(24,988)	-22.7%
Other	310,567	5.9%	354,037	6.9%	43,470	14.0%
TOTAL	5,307,502	100.0%	5,164,077	100.0%	(143,425)	-2.7%

**Demographic Profile of Workers over 16 years of age using Public Transportation - 2013**

Median Age:
39 years

Reason: "No other vehicle available":	
Percent:	Total:
36.7%	31,325

Low-Income:	
Percent:	Total:
37.7%	32,135

Speak Language Other than English:	
Percent:	Total:
13.9%	11,876

Ability to Speak English:	
Percent:	Total:
Less Than Very Well	5.6% 4,797
Not at All	0.1% 395

Low-Literacy: (2003 Est x 2000 Pct)	
Percent:	Total:
19.1%	16,298

Sources: United States Census Bureau  
2013 American Community Survey 5-Year Estimates

## Demographics of the AMATS Area

### Racial Breakdown

Race	2000		2013 ACS 5-Year Est		Change	
	Number	Percent	Number	Percent	Number	Percent
White	615,946	86.2%	605,704	83.6%	(10,242)	-1.7%
Black	76,497	10.7%	83,870	11.6%	7,373	9.6%
Asian	8,934	1.3%	15,086	2.1%	6,152	68.9%
American Indian and Alaska Native	1,396	0.2%	1,030	0.1%	366	-26.2%
Hawaiian/Pacific Islander	123	0.0%	122	0.0%	1	-0.8%
Other Race	1,953	0.3%	2,347	0.3%	394	20.2%
Two or More Races	9,461	1.3%	16,552	2.3%	7,091	74.9%
<b>TOTAL</b>	<b>714,310</b>	<b>100.0%</b>	<b>724,711</b>	<b>100.0%</b>	<b>10,401</b>	<b>1.5%</b>

### Ethnic Breakdown

Hispanic Origin <sup>1</sup>	5,984	0.8%	11,695	1.6%	5,711	95.4%
Non-Hispanic Origin	708,326	99.2%	713,016	98.4%	4,690	0.7%
<b>TOTAL</b>	<b>714,310</b>	<b>100.0%</b>	<b>724,711</b>	<b>100.0%</b>	<b>10,401</b>	

### Low-Income and Limited English Proficiency (LEP) Breakdown

Low-Income Status (Households)	48,277	17.2%	31,018	17.0%	17,259	-35.7%
Limited English Proficiency (LEP) Less Than Very Well	11,171	1.6%	13,130	1.8%	1,959	17.5%
Limited English Proficiency (LEP) Not At All	274	0.0%	1,338	0.2%	1,064	388.3%
	<b>1992</b>		<b>2003</b>			
Low-Literacy	64,400	9.0%	44,366	6.1%	20,034	-31.1%

<sup>1</sup>Per the 2000 and 2010 Census, people of Hispanic Origin can be, in most cases, counted in two or more race categories.

The Limited English Proficiency (LEP) population is defined conventionally as those who responded that they spoke English "less than very well."

Sources: United States Census Bureau [<http://www.census.gov/#>] and American Community Survey (American Fact Finder)  
U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics, 2003 National Assessment of Adult Literacy

AMATS Area

**Means of Transportation**

For Workers 16 years and over in the AMATS Area

Type	2000		2013 ACS 5-Year Est		Change	
	Number	Percent	Number	Percent	Number	Percent
Car, Truck, or Van	323,449	93.5%	310,821	92.9%	(12,628)	-3.9%
Public Transportation	4,714	1.4%	4,644	1.4%	(70)	-1.5%
Other	17,818	5.1%	19,147	5.7%	1,329	7.5%
TOTAL	345,981	100.0%	334,612	100.0%	(11,369)	-3.3%

**Demographic Profile of Workers over 16 years of age using Public Transportation - 2013**

Median Age:
41 years

Speak Language Other than English:	Percent:	Total:
	11.1%	516

Reason: "No other vehicle available":	Percent:	Total:
	39.8%	1,848

Ability to Speak English:	Percent:	Total:
Less Than Very Well	3.9%	182
Not at All	0.1%	19

Low-Income:	
Percent:	Total:
44.8%	2,080

Low-Literacy: (2003 Est x 2000 Pct)	Percent:	Total:
	0.0%	0

Sources: United States Census Bureau  
2013 American Community Survey 5-Year Estimates

## AMATS Area

## Foreign Language - Limited English Proficiency

Language	2010			2014 ACS 5-Year Est			Change	
	Number	LEP	Percent	Number	LEP	Percent	Number	Percent
<b>Summit County</b>	511,051	9,844	1.9%	510,455	10,492	2.1%	648	6.6%
Spanish	7,248	2,603	0.5%	6,268	2,037	0.4%	(566)	-21.7%
Arabic	1,557	353	0.1%	2,453	778	0.2%	425	120.4%
Chinese	1,869	964	0.2%	2,128	728	0.1%	(236)	-24.5%
Serbo-Croatian	2,116	799	0.2%	1,595	518	0.1%	(281)	-35.2%
Vietnamese	912	596	0.1%	769	408	0.1%	(188)	-31.5%
<b>Portage County</b>	151,649	1,519	1.0%	154,005	2,424	1.6%	905	59.6%
Spanish	1,436	248	0.2%	1,204	261	0.2%	13	5.2%
Arabic	235	20	0.0%	589	231	0.1%	211	1055.0%
Chinese	761	476	0.3%	901	677	0.4%	201	42.2%
Serbo-Croatian	59	11	0.0%	29	15	0.0%	4	36.4%
Vietnamese	0	0	0.0%	140	119	0.1%	119	
<b>TOTAL</b>	<b>662,700</b>	<b>11,363</b>	<b>1.7%</b>	<b>664,460</b>		<b>1.9%</b>	<b>1,760</b>	<b>0.3%</b>

LEP: Defined as any person age 5 and older who reported speaking English less than "very well" as classified by the US Census Bureau. The term English proficient refers to people who reported speaking English only or speaking English "very well" on their Census response form. If a respondent answered that they spoke English "well," then they would still be considered LEP.

Sources: ACS - American Community Survey and United States Bureau of Census

AMATS' assessment of what programs, activities and services that are most critical include contact with community organizations that serve LEP persons, as well as contact with LEP persons themselves to obtain information on the importance of the modes or the types of services that are provided to the LEP populations.

#### Factor 4 – Resources and Costs

Although AMATS does not have a separate budget for LEP outreach, we continue to work with the City of Akron and our transit providers to implement low cost methods of reaching LEP persons. For example, the City of Akron has a Spanish speaking person on staff, as do the area transit providers. These resources ensure that AMATS can provide assistance to LEP Spanish-speaking persons, if needed. In addition, AMATS and our transit providers work with local advocacy groups to reach LEP populations.

#### Item #2

Description of how Language Assistance Services are provided, by language:

AMATS has a bilingual speaking person available as needed. In addition, we work with our transit providers to ensure mechanisms are in place to reach LEP persons in the service area. For example, the transit providers have a special brochure printed and available in each vehicle to assist LEP and low literacy populations in understanding the transportation service.

#### Item # 3 -

Description of how LEP Persons are informed of the availability of Language Assistance Service:

AMATS and its transit providers do the following to inform LEP persons of the availability of language assistance services: publishing timetables and route maps in languages other than English, provide pictograms and other symbols in relevant published materials, striving to employ multilingual staff, and creating and posting multi-language announcements, posters and other information.

AMATS and its transit providers also attend ethnic festivals and functions in the area for the LEP population. The cost is relatively low but the ability to reach the LEP population is high. AMATS will continue to reach out to LEP populations by visiting local elder housing sites with concentrations of LEP populations as well as local non-English speaking churches.

#### The Language Assistance Plan is Monitored and Updated -

AMATS reviews its planning activities on an annual basis or more frequently as needed. In particular, AMATS will evaluate the information collected on encounters with LEP persons as well as public outreach efforts to determine if adjustments should be made to the delivering of programs and services to ensure meaningful access to minority and LEP persons.

As a Metropolitan Planning Organization (MPO), AMATS provides no direct services to individual persons. AMATS works with local communities, transit agencies, county engineers and the Ohio Department of Transportation to conduct the federally required metropolitan planning process for the area, and identifies transportation projects for funding. AMATS does not provide public bus services or any other transportation services to the public.

While no LEP persons are directly served by AMATS' programs, AMATS does engage in public outreach as part of the planning process. Consequently, AMATS' programs, activities and services ultimately have an impact on LEP individuals in due course.

Because the percentage of LEP individuals in the AMATS area is extremely low and AMATS programs and services are designed to serve governmental entities rather than individuals, we believe a modest approach to addressing the needs of LEP individuals is appropriate. Going beyond that modest approach would yield little or no direct benefit to the LEP population, would divert the agency's resources from its primary mission, and would not be a good use of taxpayer dollars.

As discussed in the Public Participation Plan, AMATS conducts a thorough public involvement program and actively seeks out meaningful input from the public at large. Despite the low numbers of LEP persons illustrated in the above tables, we believe it is nevertheless important that the agency take steps to ensure that LEP individuals have reasonable access to that process.

Presently AMATS conducts a public involvement program that specifically includes outreach to Title VI and Environmental Justice populations. This program actively seeks meaningful public input on AMATS planning studies, documents, policies and programs. However, AMATS has seen no indication of a demand for translation services in its public outreach efforts or communications materials. AMATS has not received a public request that its reports, studies or other materials be made available in a language other than English. And AMATS has never received a comment in a public meeting, on its public comment hotline, via email or social media, or through postal mail in any language other than English.

AMATS Public Participation Plan states that the agency will provide language translation services for individuals who wish to attend public meetings or read AMATS documents. There have been no requests for these services to date. AMATS Public Participation Plan also states that we will make efforts to arrange translation services, sign language or any other special assistance at meetings for persons with special needs. To date, there have been no such requests. As noted previously, AMATS offers a language translation tool on its website.

In 2016, AMATS is expanding its LEP outreach efforts to include:

- Posting a revised and expanded Title VI notice to the public in English and Spanish on its website



- Posting a revised and expanded Title VI complaint form on its website in English and Spanish
- Updating the Public Participation Plan to outline a process that uses Census data and mapping to identify concentrations of LEP individuals for public outreach
- Identifying advocacy groups and agencies that represent or serve LEP persons
- Assessing the need for further LEP-related efforts based on this outreach

## V

### Annual DBE Program Goals

A Disadvantaged Business Enterprise (DBE) is a for-profit business entity so certified by the state in which it is located that is owned and controlled by socially and economically disadvantaged individuals, including minorities and women. The DBE certified businesses participate in contracting opportunities created by USDOT financial assistance programs. The major portion of construction funds is allocated to state highway and transportation agencies for highway construction. The balance of funds is provided to local public transit and airport authorities for mass transit and airport facilities.

African Americans, Hispanics, Native Americans, Asian-Pacific and Subcontinent Asian Americans, and women regardless of race, are presumed to be socially and economically disadvantaged despite their current level of income, and are thus eligible for DBE contract awards or services. Other individuals or businesses can also qualify as socially and economically disadvantaged on a case-by-case basis, resulting in a “dynamic” legal environment.

The 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. Despite rampant fraud since the inception of the program, the USDOT continues to distribute billions of dollars annually to help finance thousands of projects across the country. Approximately 85 percent of the assistance dollars is for construction.

The Disadvantaged Business Enterprise Program is a legislatively-mandated USDOT program that applies to federal-aid highway dollars expended on federally-assisted contracts issued by USDOT recipients such as State Transportation Agencies. The U.S. Congress established the DBE program in 1982 to:

- Ensure nondiscrimination in the award and administration of DOT-assisted contracts,
- Help remove barriers to the participation of DBEs in DOT-assisted contracts, and

- Assist the development of firms that can compete successfully in the marketplace outside of the DBE program.

On September 25, 2014 the USDOT issued its final rule amending its DBE program at 49 CFR Part 26. The final rule improves DBE program implementation in three major areas. First, the rule revises the uniform certification application and reporting forms, creates a uniform personal net worth form for use by applicant owners, and collects data required by the Department's surface transportation reauthorization, Moving Ahead for Progress in the 21st Century Act (MAP-21). Second, the rule strengthens the certification-related program provisions, which includes adding a new section authorizing summary suspensions under specified circumstances. Third, the rule modifies several other program provisions concerning such subjects as: overall goal setting, good faith efforts, transit vehicle manufacturers, and accounting for trucking companies.

### 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. However, as a Metropolitan Planning Organization (MPO), AMATS must coordinate with ODOT concerning DBE goals.

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.

### 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 and US DOT regulations. AMATS coordinates DBE goals with ODOT.

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.

### Program Monitoring

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 DBEs.

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 ODOT will be monitored and reviewed through the authority of the ODOT DBE Program Plan.

ODOT certifies DBE companies in the state of Ohio, and has placed an overall goal of 8.9% set aside for DBE businesses for federally funded construction and design contracts for federal fiscal years (FFYs) 2014-2016. The following page contains the DBE program overview provided by the State of Ohio Department of Administrative Services. For more information see [osdbu.dot.gov/DBEProgram](http://osdbu.dot.gov/DBEProgram).

In order to be certified as a DBE business, a person must own 51% or more of a small business, and establish that they are disadvantaged as defined in DOT regulations, and prove they control the business. Disadvantaged individuals must be a U.S. citizen (or permanent resident alien) and a member of a socially or economically disadvantaged group including women, Black Americans, Hispanic Americans, Native Americans, Asian- Pacific Americans, subcontinent Asian-Pacific Americans, or other minorities. Individuals with disabilities may also be eligible. A DBE firm must not have annual gross receipts over \$22.41 million in the previous three fiscal years. Only disadvantaged persons having a personal net worth (PNW) of less than \$1.32 million will be considered.

In the past, AMATS used the DBE goals set forth by the City of Akron. AMATS now uses the DBE goals set forth by ODOT.

AMATS is a division of the City of Akron Planning Department and uses the City of Akron's contracting and procurement policies. The City of Akron's Contract Compliance Officer reviews all contracts, including DBE related issues.

# MBE

[ Minority Business Enterprise ]

State of Ohio Program with Certification through DAS

**GOAL:** 15% Set-aside

**APPLICATION:** Goods & Services, e.g. , Snow Plows, Aggregate, Quick-Setting Concrete, Traffic Cones, Transcription Services

## PROGRAM OVERVIEW

Ohio's **Minority Business Enterprise (MBE)** program is designed to assist minority businesses in obtaining state government contracts for supplying goods and services.

## MBE ELIGIBILITY

Business owner(s) must be members of one or more of the following groups: **Blacks, American Indians, Hispanics and Asians.**

## ELIGIBILITY REQUIREMENTS

- The business must be a for-profit entity
- In business at least 1 year prior to applying for certification
- The minority business owner must own and control at least **51 percent** for one year prior to applying for certification
- Owner must be an **Ohio resident**
- Owner must be a **U.S. citizen**
- Owner has control over day-to-day operations
- Owner must have all licenses, permits and authorities required by law to perform the scope of work

# EDGE

[ Encouraging Diversity, Growth & Equity ]

State of Ohio Program with Certification through DAS

**GOAL:** 5% Overall Goal

**APPLICATION:** Procurements of supplies and services, professional services, information technology services, construction and professional design services.

## PROGRAM OVERVIEW

**Encouraging Diversity, Growth & Equity (EDGE)** is an assistance program for economically and socially disadvantaged business enterprises. The program establishes goals for state agencies, boards and commissions in awarding contracts to certified EDGE eligible businesses. EDGE applies to procurements of supplies and services, professional services, information technology services, construction and professional design services. The maximum amount of time a business may participate in the EDGE program is ten years.

## EDGE ELIGIBILITY

An EDGE participant must be a small **socially and economically disadvantaged business** enterprise owned and controlled by **U.S. citizens who are Ohio residents.**

## ELIGIBILITY REQUIREMENTS

**Socially disadvantaged requirements include:**

- Race, ethnic origin, gender, physical/mental disability or long-term residency in an environment isolated from mainstream Ohio society

**Economically disadvantaged criteria includes both of the following:**

- Personal net worth of each owner must not exceed \$250,000
- Personal net worth of each owner must not exceed \$750,000 during participation

# DBE

[ Disadvantaged Business Enterprise ]

Federal Program with Certification through ODOT

**GOAL:** 8.9% ODOT Overall Goal for FFY 14, 15 & 16

**APPLICATION:** Federally funded highway construction and design contracts, e.g. Major Highway Reconstruction, Geotechnical Design, Environmental Consulting

## PROGRAM OVERVIEW

**Disadvantaged Business Enterprise (DBE)** Federal program ensures nondiscrimination in the award/administration of DOT-assisted contracts in highway, transit and airport projects.

## DBE ELIGIBILITY

Persons must **own 51% or more of a "small business,"** establish that they are disadvantaged within the meaning of DOT regulations, and prove they control their business.

## ELIGIBILITY REQUIREMENTS

- Disadvantaged individuals must be a **U.S. citizen (or permanent resident alien)**
- A member of a socially or economically disadvantaged group including women, Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian-Pacific Americans, or other minorities; those with disabilities may also be eligible
- A firm (including its affiliates) must not have annual gross receipts over \$22.41 million in the previous three (3) fiscal years
- Only disadvantaged persons having a personal net worth (PNW) of less than \$1.32 million will be considered

For more information  
on the MBE and EDGE programs, visit  
[www.mbe.ohio.gov](http://www.mbe.ohio.gov) or [www.edge.ohio.gov](http://www.edge.ohio.gov).

**OhioDAS**  
Service · Support · Solutions

Department of Administrative Services

For more information  
on the DBE Program, visit  
<http://osdbu.dot.gov/DBEProgram/index.cfm>



OHIO DEPARTMENT OF  
**TRANSPORTATION**

## 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.



Complaint Number: \_\_\_\_\_

**Akron Metropolitan Area Transportation Study**

**Title VI Complaint Form**

The following information is provided in order to request a review of an alleged discriminatory action. A determination of compliance with the Civil Rights Act of 1964 Title VI is requested. Please list basis of discriminatory action.

**Information of Complainant:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Telephone: (day) \_\_\_\_\_ (evening) \_\_\_\_\_

**Explanation of Discriminatory Action/Practice:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## Resources

Migration Policy Institute:

[www.migrationpolicy.org/article/limited-english-proficient-population-united-states](http://www.migrationpolicy.org/article/limited-english-proficient-population-united-states)

Modern Language Association Language Map:

[apps.mla.org/map\\_main](http://apps.mla.org/map_main)

Ohio Department of Transportation, Division of Opportunity, Diversity, & Inclusion

Title VI and Title VI-Dependent Guidelines for FTA Recipients, Circular 4702.1B, October 2012

Title VI Committee of the Environmental Justice Interagency Working Group:

[www3.epa.gov/environmentaljustice/interagency/title-vi.html](http://www3.epa.gov/environmentaljustice/interagency/title-vi.html)

US Census Bureau – Language Mapping Tool:

[www.census.gov/hhes/socdemo/language/data/language\\_map.html](http://www.census.gov/hhes/socdemo/language/data/language_map.html)

US Department of Health and Human Services Poverty Guidelines:

[aspe.hhs.gov/poverty-guidelines](http://aspe.hhs.gov/poverty-guidelines)

US Department of Justice - Enforcement of Title VI of the Civil Rights Act of 1964:

[www.justice.gov/crt/title-vi-civil-rights-act-1964-42-usc-2000d-et-seq](http://www.justice.gov/crt/title-vi-civil-rights-act-1964-42-usc-2000d-et-seq)

US Department of Transportation, Federal Highway Administration - Environmental Justice:

[www.fhwa.dot.gov/environment/environmental\\_justice](http://www.fhwa.dot.gov/environment/environmental_justice)