

**AKRON METROPOLITAN AREA
TRANSPORTATION STUDY**

T I T L E V I

**Program Procedures
and Documentation**

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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.

As a federal grant recipient AMATS is required to have a Title VI Program in order to assure nondiscrimination in all programs and activities.

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, like all recipients of federal financial assistance, is required to comply with a number of non-discrimination laws and regulations. This includes 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 AMATS or 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 of the transportation system for motorized and non-motorized users;
- (C) Increase the security of the transportation system for motorized and non-motorized users;
- (D) Increase the accessibility and mobility of people and freight;
- (E) 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;
- (F) Enhance the integration and connectivity of the transportation system, across and between modes, for people and for freight;
- (G) Promote efficient system management and operation;
- (H) Emphasize the preservation of the existing transportation system;
- (I) Improve the resiliency and reliability of the transportation system and reduce or mitigate storm water impacts of surface transportation; and
- (J) Enhance travel and tourism.

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 (EJ) 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	7	5
Non-White	0	0
<hr/> TOTAL	<hr/> 7	<hr/> 5

Summary

The Title VI program area entails compliance with the following general requirements:

- Public involvement activities must take place free from discrimination based on race, color, religion, sex, military status, national origin, disability, age, ancestry or low-income status in any program or activity
- Language assistance and accommodations must be made available to Limited English Proficiency (LEP) persons
- Title VI complaint procedures must be open, clear and made available to the public, to recipients of federal funds and to agency staff
- A public notification of Title VI Program and its requirements must be made available to all subject parties, as well as the general public
- AMATS must certify compliance and assurances of the Title VI Program
- AMATS must complete environmental justice analyses for individual projects as part of the Transportation Improvement Program (TIP) and Regional Transportation Plan processes

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 2019-09 of the AMATS Metropolitan Transportation Policy Committee, approved May 16, 2019.

Title VI Complaint Process

AMATS' current complaint process 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.

An employee who receives a complaint from a member of the public in which it is alleged he/she has been denied the benefits of or has been excluded from participation in or has been discriminated against under any program, service, or activity (including transit services provided by AMATS's subrecipients: METRO RTA or PARTA) on the basis of race, color, national origin, sex, age, disability, low-income status, or limited English proficiency, should forward such complaint to:

- Ohio Department of Transportation
Office of Equal Opportunity
1980 West Broad Street
MS: 3270
Columbus, OH 43223

Complaints may also be filed directly with:

- The U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Complaints related to funding provided by the Federal Transit Administration (FTA) related to transit services provided by a sub-recipient in which an individual alleges that he or she has been denied benefits, been excluded from participation, or has been discriminated against on the basis of race, color, or national origin, may also be filed with the:

- Federal Transit Administration (FTA)
Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor – TCR
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Complaints must be filed no later than 180 days after:

- The date of the alleged act of discrimination;
- The date when the person(s) became aware of the alleged discrimination; or
- Where there has been a continuing course of conduct, the date on which the conduct was discontinued.

All complaints are considered formal. Complaints must be submitted in writing and signed by the complainant. Complaint forms can be obtained by contacting the local transit service provider or by contacting the Office of Equal Opportunity at 614-466-3264, 1-877-845-5058, Ohio Relay Service: 1-800-750-0750, or by visiting its website at:
<https://rightsignature.com/forms/TITLEVI-COMPLAINT-6817e2/token/cb8230f8090>

III

AMATS Title VI/DBE Program Coordinator

Staff Contact: Jeff Gardner
Akron Metropolitan Area Transportation Study
161 South High Street, Suite 201
Akron, Ohio 44308
Ph. 330.375.2436 x.4431
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		
	2010 ¹	2017 ²
Total Population	722,907	723,123
White	604,653	594,917
Minority	118,254	128,206
Elderly (65+)	102,893	117,481
Disabled	87,002	91,132
Low-Income	95,715	96,482
Limited English Proficiency	11,481	15,435

¹ US Census

² 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 December 2018. 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 includes the following:

- Public meetings that are 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 (via internet and e-mail).

- The public participation plan is 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.

AMATS has wide latitude to determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate. AMATS makes these determinations based on a demographic analysis of the populations affected, the type of plan, program, or service under consideration, and the resources available for public outreach.

Efforts to involve low-income, minority and Limited-English Proficiency (LEP) populations in public participation activities can include comprehensive measures, such as placing public notices at numerous public places, bus stations, and transit vehicles, as well as targeted measures to address linguistic, institutional, cultural, economic, or other barriers that may prevent low-income, minority and LEP persons from effectively participating in the AMATS planning process. AMATS public participation practices include:

- Scheduling meetings at times and locations that are convenient and accessible for low-income, minority and LEP communities (diverse demographic location and handicap accessible).
- Employing different meeting sizes and formats.
- Coordinating with community- and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of low-income, minority and LEP communities.
- Utilizing radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP populations could also include translated audio programming available on podcasts where needed.
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.

AMATS is required to engage in public participation activities that seek out and consider the needs and input of the general public, including interested parties and those traditionally underserved by existing transportation systems, such as low-income, minority and LEP persons, who may face challenges accessing employment and other services. Agencies such as AMATS

must consider the principles embodied in the federal planning regulations, and develop and use a documented public participation plan or process that provides adequate notice of public participation activities, as well as early and continuous opportunities for public review and comment at key decision points.

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* describes the agency's efforts 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 the AMATS Citizen Involvement Committee (CIC); 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.

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 semi-annually, 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 and on-line surveys to receive citizen input in the development of projects.

The AMATS Staff is involved in on-going programs and projects by making presentations to civic and public service groups regarding transportation system improvements upon request. AMATS also 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 several appropriate foreign languages for the area. According to the 2017 American Community Survey, 0.32% 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.

AMATS has taken steps to assess the frequency of LEP contacts and to implement a process that enables the staff to track meetings with LEP individuals to ensure language assistance tools are available that offer meaningful access to those programs, activities or services. AMATS will continue to provide the means needed to enable effective communication with the public. To that end, AMATS includes a Language Assistance Plan as part of its Public

Participation Plan. The AMATS Language Assistance Plan identifies language assistance tools the agency has implemented to notify LEP individuals that language assistance services are available; to assist LEP individuals with identifying the language in which they need assistance; and to provide interpretation services and document translation services. Resources remain available through the City of Akron (of which AMATS is a part) and through a number of local social service agencies aiding a number of different language groups

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 specifies the community organizations that serve LEP persons.

The AMATS Title VI Coordinator, with the agency director and public information specialist, assesses the frequency with which LEP individuals come in contact with AMATS programs and activities. The frequency of encounters is tracked and used to adjust or revise public participation activities. The results of the initial LEP self-assessment were used to develop a Language Assistance Plan to ensure language assistance tools are available that provide LEP individuals meaningful access to AMATS planning activities or programs.

As noted above, language assistance tools include language identification notices, bilingual staff (or access to the City of Akron's bilingual staff), qualified interpreters (through local social service agencies) and written translation services. The effectiveness of these tools is monitored by the Title VI Coordinator and agency staff for each reported encounter or language service request. Services can then be augmented as needed to ensure meaningful access is provided to the LEP individuals or populations encountering AMATS programs and planning activities.

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. Bilingual staff assistance can be obtained at reasonable cost and is available through the City of Akron or local social service agencies as needed.

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

Providing Notice to LEP Persons:

USDOT guidance indicates that once an agency has decided, based on the four factors, to provide language services, it is important that the recipient notify LEP persons of services available free of charge in a language the LEP persons would understand. Methods for notification include:

- The City of Akron and State of Ohio office buildings currently post signage that indicates when free language assistance is available with advanced notice;
- AMATS public involvement notices and outreach documents state that language services are available;
- AMATS works with community-based organizations and other stakeholders to inform LEP individuals of AMATS (or City of Akron) services and the availability of language assistance;
- The City of Akron’s automated telephone services uses voice mail or menu to provide information about available language-assistance services;
- AMATS considers including notices in local newspapers in languages other than English;

Summary of the Language Assistance Plan Components

Factor 1 – Demography

The US Census Bureau – American Fact Finder (2010-2017) reports there are several languages spoken in the AMATS area. Some of these languages include Spanish, Chinese, Arabic, Vietnamese, Serbo-Croatian, 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 723,123 persons (in 2017). 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.

AMATS' assessment of what programs, activities and services that are most critical include contact with community organizations (social service agencies) that serve LEP persons, as well as direct 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.

Demographics of the State of Ohio

Racial Breakdown

Race	2010		2017 ACS 5-Year Est		Change	
	Number	Percent	Number	Percent	Number	Percent
White	9,539,437	82.7%	9,503,779	81.9%	(35,658)	-0.4%
Black	1,407,681	12.2%	1,428,230	12.3%	20,549	1.5%
Asian	192,233	1.7%	235,878	2.0%	43,645	22.7%
American Indian and Alaska Native	25,292	0.2%	21,872	0.2%	3420	-13.5%
Hawaiian/Pacific Islander	4,066	0.0%	3,499	0.0%	567	-13.9%
Other Race	130,030	1.1%	103,726	0.9%	26,304	-20.2%
Two or More Races	237,765	2.1%	312,772	2.7%	75,007	31.5%
TOTAL	11,536,504	100.0%	11,609,756	100.0%	73,252	0.6%

Ethnic Breakdown

Hispanic Origin ¹	354,674	3.1%	414,490	3.6%	59,816	16.9%
Non-Hispanic Origin	11,181,830	96.9%	11,195,266	96.4%	13,436	0.1%
TOTAL	11,536,504	100.0%	11,609,756	100.0%	73,252	0.6%

Low-Income and Limited English Proficiency (LEP) Breakdown

Low-Income Status (Persons)	1,586,292	35.7%	1,683,890	57.1%	97,598	6.2%
Limited English Proficiency (LEP) Less Than Very Well	244,238	2.1%	265,625	2.3%	21,387	8.8%
Limited English Proficiency (LEP) Not At All	21,642	0.2%	27,897	0.2%	6,255	28.9%

	2003		2017	
Low-Literacy	784,433	6.8%	N/A	

¹Per the 2010 Census and American Community Survey (ACS), 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	2010		2017 ACS 5-Year Est		Change	
	Number	Percent	Number	Percent	Number	Percent
Car, Truck, or Van	4,532,194	91.0%	4,904,837	91.1%	372,643	8.2%
Public Transportation	96,351	1.9%	87,702	1.6%	(8,649)	-9.0%
Other	354,543	7.1%	389,972	7.2%	35,429	10.0%
TOTAL	4,983,088	100.0%	5,382,511	100.0%	399,423	8.0%

Demographic Profile of Workers over 16 years of age using Public Transportation - 2017

Median Age:
37.1 years

Speak Language Other than English:	Percent:	Total:
	9.6%	8,419

Reason: "No other vehicle available":	Percent:	Total:
	38.7%	33,955

Ability to Speak English:	Percent:	Total:
Less Than Very Well	3.7%	3,245
Not at All		N/A

Low-Income:	Percent:	Total:
	23.7%	20,796

Sources: United States Census Bureau
2017 American Community Survey 5-Year Estimates

Demographics of the AMATS Area

Racial Breakdown

Race	2010		2017 ACS 5-Year Est		Change	
	Number	Percent	Number	Percent	Number	Percent
White	604,653	83.6%	594,917	82.3%	(9,736)	-1.6%
Black	84,895	11.7%	85,212	11.8%	317	0.4%
Asian	14,249	2.0%	19,182	2.7%	4,933	34.6%
American Indian and Alaska Native	1,347	0.2%	1,452	0.2%	105	7.8%
Hawaiian/Pacific Islander	179	0.0%	128	0.0%	51	-28.5%
Other Race	3,088	0.4%	3,231	0.4%	143	4.6%
Two or More Races	14,496	2.0%	19,001	2.6%	4,505	31.1%
TOTAL	722,907	100.0%	723,123	100.0%	216	0.0%

Ethnic Breakdown

Hispanic Origin ¹	10,965	1.5%	13,509	1.9%	2,544	23.2%
Non-Hispanic Origin	711,942	98.5%	709,614	98.1%	2,328	-0.3%
TOTAL	722,907	100.0%	723,123	100.0%	216	

Low-Income and Limited English Proficiency (LEP) Breakdown

Low-Income Status (Persons)	95,715	34.0%	96,482	52.9%	767	0.8%
Limited English Proficiency (LEP) Less Than Very Well	11,481	1.6%	15,435	2.1%	3,954	34.4%
Limited English Proficiency (LEP) Not At All	1,375	0.2%	2,280	0.3%	905	65.8%

	2003	2017
Low-Literacy	44,366	6.1%
		N/A

¹Per the 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	2010		2017 ACS 5-Year Est		Change	
	Number	Percent	Number	Percent	Number	Percent
Car, Truck, or Van	319,700	92.8%	321,764	92.5%	2,064	0.6%
Public Transportation	4,543	1.3%	5,103	1.5%	560	12.3%
Other	20,163	5.9%	21,120	6.1%	957	4.7%
TOTAL	344,406	100.0%	347,987	100.0%	3,581	1.0%

Demographic Profile of Workers over 16 years of age using Public Transportation - 2017

Median Age:
32.6 years

Speak Language Other than English:	Percent:	Total:
	5.5%	283

Reason: "No other vehicle available":	Percent:	Total:
	47.8%	2,438

Ability to Speak English:	Percent:	Total:
Less Than Very Well	2.5%	129
Not at All		N/A

Low-Income:	
Percent:	Total:
27.9%	1,426

Sources: United States Census Bureau
2017 American Community Survey 5-Year Estimates

AMATS Area

Foreign Language - Limited English Proficiency

Language	2010			2015 ACS 5-Year Est			Change	
	Number	LEP	Percent	Number	LEP	Percent	Number	Percent
Summit County	511,051	9,844	1.9%	510,940	11,020	2.2%	1,176	11.9%
Spanish	7,248	2,603	0.5%	5,853	1,830	0.4%	(773)	-29.7%
Chinese	1,869	964	0.2%	2,364	922	0.2%	(42)	-4.4%
Arabic	1,557	353	0.1%	2,062	717	0.1%	364	103.1%
Vietnamese	912	596	0.1%	966	559	0.1%	(37)	-6.2%
Serbo-Croatian	2,116	799	0.2%	1,502	546	0.1%	(253)	-31.7%
Portage County	151,649	1,519	1.0%	154,411	2,822	1.8%	1,303	85.8%
Spanish	1,436	248	0.2%	1,384	506	0.3%	258	104.0%
Chinese	761	20	0.0%	844	710	0.5%	690	3450.0%
Arabic	235	476	0.3%	904	340	0.2%	(136)	-28.6%
Vietnamese	0	11	0.0%	135	112	0.1%	101	918.2%
Serbo-Croatian	59	0	0.0%	43	0	0.0%	0	
TOTAL	662,700	11,363	1.7%	665,351	13,842	2.1%	2,651	0.4%

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

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 Spanish speaking personnel 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 and low-literacy 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. AMATS maintains a contact list of local social service agencies that assist a variety of ethnic/linguistic groups. These social service agencies receive public notifications on a regular basis through electronic and postal means, and are invited to participate at public meetings. Public meetings are held in LEP/low literacy neighborhoods with the notification of local social service agencies.

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 and low-literacy 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 2019, 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

- Implementing the new AMATS Public Participation Plan (approved in December 2018) which outlines a process that uses Census data and mapping to identify concentrations of LEP individuals for public outreach
- Identifying additional 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.

In 2014, the USDOT issued its final rule amending its DBE program at 49 CFR Part 26 (*Federal Register*, vol. 79, no. 191, October 2, 2014). The final rule improves past 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 USDOT for oversight. 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 15.6% set aside for DBE businesses for federally funded construction and design contracts for federal fiscal years (FFYs) 2017-2019. The DBE program overview provided by the State of Ohio Department of Administrative Services follows on page 31.

The United States Department of Transportation (USDOT), Office of Small and Disadvantaged Business Utilization's (OSDBU) mission is to ensure Small Business policies and goals of the Secretary of Transportation are implemented in a fair, efficient and effective manner. For more information see the website: www.transportation.gov/content/office-small-and-disadvantaged-business-utilization.

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 Americans, or women. Individuals with disabilities may also be eligible. A DBE firm must not

have annual gross receipts over \$23.98 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.

DBE

Disadvantaged Business Enterprise

Certification through ODOT (and others), with Fed. Highway Adm./Fed. Transit Adm. oversight

ODOT'S GOALS:

- **15.6%** of federally-funded highway construction and design contracts (e.g., major highway re-construction, geotechnical design, environmental consulting) in Federal Fiscal Years 17, 18, and 19.
- **6.75%** of federally-funded transit contracts in Federal Fiscal Years 17, 18, and 19.

PROGRAM OVERVIEW

The primary remedial goal and objective of the DBE program is to level the playing field by providing DBEs a fair opportunity to compete for federally-funded transportation contracts.

DBE ELIGIBILITY

To be certified as a DBE, a firm must be an **independent small business owned (51% minimum) and controlled by a socially and economically disadvantaged individual (or multiple socially and economically disadvantaged individuals).**

ELIGIBILITY REQUIREMENTS (in part)

- Rebuttably presumed to be socially and economically disadvantaged are Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian Americans, and women. Others may be eligible on a case-by-case basis.
- The socially and economically disadvantaged individual(s) owning and controlling a firm must have **personal net worth (PNW) of less than \$1.32 million.**
- A firm must meet SBA small business size standards *and* the DBE program's statutory receipts cap of **\$23.98 million.**

SBE

Small Business Enterprise

Certification through ODOT

PROGRAM OVERVIEW

ODOT's **SBE program** is a race/gender-neutral set-aside program that restricts competition for prime contracts on certain federally-funded highway construction and design contracts (e.g., culvert replacement, geotechnical design, environmental consulting) to small businesses that have been certified through the program. SBE firms must be prequalified (at bid time) with ODOT in order to bid on SBE set-aside projects. The SBE must perform or exercise responsibility for at least 30% of the total cost of its contract with its own work force.

SBE ELIGIBILITY

To be certified as an SBE, a firm must be an **independent small business owned (51% minimum) and controlled by** an individual—or multiple individuals—having **personal net worth (PNW) of less than \$1.32 million.**

ELIGIBILITY REQUIREMENTS

Same as for DBE, except:

- A firm must perform work in construction or construction-related consultant services.
- A firm (including its affiliates) must have **average annual receipts of no more than \$15,000,000** (construction firms) or **\$7,000,000** (construction-related consultant services firms) over the previous three fiscal years (prorated if firm is <3 years old).
- The individual(s) owning and controlling a firm must have **adjusted gross income(s) of no more than \$350,000.**
- SBE certification is race- and gender-neutral.

MBE

Minority Business Enterprise

Certification through the Ohio Department of Administrative Services

ODOT'S GOAL: 20% set-aside and 5% participation for 100% State-funded purchases of goods and services (e.g., snow plows, aggregate, quick-setting concrete, traffic cones, transcription services) (*note: ODOT's set-aside goal exceeds the 15% required by law*).

PROGRAM OVERVIEW

Ohio's **MBE program** is designed to assist minority businesses in obtaining state government contracts that do not involve federal funds. MBE applies to procurements of goods and services, professional services, and information technology 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 (in part)

- 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

Certification through the Ohio Department of Administrative Services

ODOT'S GOAL: 5% of highway construction & design contracts that are 100% state-funded, e.g. bridge repair, highway lighting, resurfacing, design services.

PROGRAM OVERVIEW

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 owner may participate in the EDGE program is 10 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 (in part)

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 the following:

- Personal net worth of each owner must not exceed \$250,000 at the time of program entry.
- Personal net worth of each owner must not exceed \$750,000 during participation.
- Fair market value of all assets must not exceed \$4 million.

VFBE

Veteran-Friendly Business Enterprise

Certification through the Ohio Department of Administrative Services

PROGRAM OVERVIEW

The State of Ohio's Veteran-Friendly Business Enterprise (VFBE) Procurement program provides preference to certified firms that submit bids or proposals related to the state's purchases of supplies and services (other than professional services) and the construction of transportation facilities.

ELIGIBILITY REQUIREMENTS (in part)

To be eligible for certification, the applicant business must satisfy one of the following criteria:

- At least 10 percent of its employees are veterans or on active service;
- At least 51 percent of the applicant business is owned by veterans or persons on active service;
- If the applicant business is a corporation 51 percent of which is not owned by veterans or persons on active service, at least 51 percent of the board of directors are veterans or persons on active service; or
- The business is certified by the United States Department of Veterans Affairs as a Service-Disabled Veteran-Owned Small Business or a Veteran-Owned Small Business and the owner(s) of the business meets the definition of veteran as defined in Rule 5501:2-12-01(S) of the Ohio Administrative Code.

For more information on MBE, EDGE, and VFBE certification visit das.ohio.gov/eod/bccu

For more information on the DBE and SBE programs, visit www.transportation.ohio.gov/dbe



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:

I hereby verify that the information on this form is, to the best of my knowledge, true and accurate.

Name

Date

Resources

Limited English Proficiency (LEP) - A Federal Interagency Website: www.lep.gov

Migration Policy Institute:

www.migrationpolicy.org/data/state-profiles/state/demographics/OH

www.migrationpolicy.org/article/limited-english-proficient-population-united-states

www.migrationpolicy.org/article/language-diversity-and-english-proficiency-united-states

Modern Language Association Language Map:

apps.mla.org/map_main

Ohio Department of Transportation (ODOT), *2019 Title VI Nondiscrimination Program Implementation Plan (October 2018)*:

www.dot.state.oh.us/Divisions/ODI/EqualOpportunity/Online%20Forms/2019%20Title%20VI%20Program%20Plan.pdf

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

www.dot.state.oh.us/Divisions/ODI/Pages/default.aspx

Ohio Department of Transportation, Division of Opportunity, Diversity, & Inclusion, Office of Small & Disadvantaged Business Enterprise:

www.dot.state.oh.us/Divisions/ODI/SDBE/Pages/default.aspx

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:

www.epa.gov/environmentaljustice/federal-interagency-working-group-environmental-justice-ej-iwg

US Census Bureau – Language Mapping Tool:

www.census.gov/hhes/socdemo/language/data/language_map.html

US Department of Education, Institute of Education Sciences (IES), National Center for Educational Statistics (NCES), State and County Estimates of Low Literacy:

nces.ed.gov/naal/estimates/StateEstimates.aspx

US Department of Health and Human Services Poverty Guidelines:

aspe.hhs.gov/poverty-guidelines

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

<https://www.justice.gov/crt/fcs/TitleVI>

US Department of Transportation, Federal Highway Administration - Environmental Justice:
www.fhwa.dot.gov/environment/environmental_justice

US Department of Transportation, Federal Transit Administration, Environmental Justice Policy
Guidance for FTA Recipients, Circular 4703.1, August 15, 2012

US Department of Transportation, Policy Guidance Concerning Recipients' Responsibilities to
Limited English Proficient (LEP) Persons: Federal Register, vol. 70, no. 239 – December 14, 2005

Enforcement Agencies

US Equal Employment Opportunity Commission (EEOC): www.eeoc.gov

US EEOC is responsible for enforcing federal laws prohibiting employment discrimination based on membership in a protected class. The filing deadline is within 300 days of the alleged discriminatory act.

Ohio Civil Rights Commission (OCRC): www.crc.ohio.gov

Responsible for enforcing state laws against discrimination. The filing deadline is within 6 months of the alleged discriminatory act.

Ohio Department of Administrative Services, Equal Opportunity Division (DAS/EOD):

website: das.ohio.gov/Divisions/Equal-Opportunity

Ohio DAS/EOD is responsible for guiding, directing, assisting and monitoring the administration of state of Ohio agency EEO programs by ensuring fair and equal treatment of all individuals in the processes which affect employment. DAS/EOD enforces EEO-related federal/state laws and regulations, gubernatorial executive orders as well as state employment policies and procedures related to civil rights, affirmative action and non-discrimination. The filing deadline is within 30 days of the alleged discriminatory act. See the DAS Directive No. HR-D-14: Employee Anti-Discrimination and Anti-Harassment Reporting Policy and Procedures

Ohio Department of Transportation (ODOT) Disadvantaged Business Enterprise (DBE) Complaint Hotline: (888) 778-4171; e-mail: ODOTComplaintHotline@dot.ohio.gov; for reporting DBE fraud, contracting fraud, or discrimination

Ohio Department of Transportation (ODOT), Division of Opportunity, Diversity, & Inclusion, Office of Equal Opportunity, website:

www.dot.state.oh.us/Divisions/ODI/EqualOpportunity/Pages/default.aspx

The primary function of the Office of Equal Opportunity is to ensure that the Ohio Department of Transportation (Department) is in full compliance with all related federal and state non-discrimination laws, regulations, directives, and executive orders in all its programs and activities. The Office of Equal Opportunity is the focal point for equal opportunity compliance activities and functions conducted throughout ODOT's multi-modal transportation divisional programs and statewide activities.

Main Line: 614-466-3264

Toll-Free Number: 877-845-5058

Title VI complaints may also be made to:

US Department of Justice (DOJ)

Federal Highway Administration (FHWA)

Federal Transit Administration (FTA)