



Title VI/Non-Discrimination Program at MORPC

(Focus on Metropolitan Planning Organization)

November 2018

- **Mid-Ohio Regional Planning Commission**
- **FTA Recipient ID: 1310**
- **Columbus, Ohio**

Title VI¹/Non-Discrimination Program
at the
Mid-Ohio Regional Planning Commission
(Focus on Metropolitan Planning Organization)

Report Prepared by MORPC

November 2018

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In accordance with requirements of the U.S. Department of Transportation, MORPC does not discriminate on the basis of age, race, color, national origin, gender, sexual orientation, familial status, ancestry, military status, religion or disability in programs, services or in employment. Information on non-discrimination and related MORPC policies and procedures is available at www.morpc.org/title-vi.

¹ Title VI of the U.S. Civil Rights Act of 1964

There are many forms of illegal discrimination based on race, color, or national origin that can limit the opportunity of minorities to gain equal access to services and programs. Among other things, in operating a federally-assisted program, a recipient cannot, on the basis of race, color, or national origin, either directly or through contractual means:

- **Deny program services, aids, or benefits;**
- **Provide a different service, aid, or benefit, or provide them in a manner different than they are provided to others; or**
- **Segregate or separately treat individuals in any matter related to the receipt of any service, aid, or benefit.**

U.S. Department of Justice

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SUMMARY OF MORPC ONGOING TITLE VI-RELATED ACTIVITIES

Name	Description	Date
Title VI Assurances	DOT Title VI assurances are required by FHWA and FTA. MORPC includes these with the annual MPO self-certification resolution.	May 2018
Data Collection	MORPC is required to collect and map data on Title VI-protected populations in the planning area. This is an on-going activity of the transportation department.	Ongoing
Public Involvement Plan	MORPC is required to proactively encourage public participation – <i>seeking out and considering the needs of those traditionally-underserved</i> – the transportation department maintains a separate public involvement plan.	September 2015
Title VI External Complaint Process	MORPC is required to maintain a complaint process.	Current
Beneficiary Title VI Notifications	MORPC is required to let beneficiaries know MORPC's obligations in regards to Title VI and how complaints can be filed.	Current
LEP (Limited English Proficiency)	MORPC is required to take <i>sound measures and reasonable steps</i> to serve the non-English speaking populations in the area. MORPC takes steps to better reach out to these populations and to produce various materials in different languages.	November 2018
ODOT Title VI Report	ODOT requires this report annually. It is included as an appendix in the transportation planning work program document.	May 2018
Contracts, RFPs, RFQs Reviews	MORPC contracts, RFPs and RFQs are required to include specific Title VI related language. Individual departments and the finance director are responsible for making sure that this is done correctly.	Current

I. INTRODUCTION

A. THIS PROGRAM

This program, in response to FTA C4702.13, provides an overview of the responsibilities that the Mid-Ohio Regional Planning Commission (MORPC) has in regards to the Civil Rights Act of 1964 (and related law) and how these responsibilities are carried out by MORPC. The program focuses primarily on Title VI of the Civil Rights Act and on the Metropolitan Planning Organization (MPO) functions at MORPC (see U.S. Code Title 23, section 134 and Title 49, section 5303). MORPC documents some of its non-discrimination-related activities in other reports and these are referenced and/or the current versions are included herein.

The information presented in this program is current as of the date of the report and will continue to provide an overview of Title VI and related non-discrimination activities and requirements. However, all of the information is subject to change and revision in accordance with new legislation, rules and policies at the federal, state, or MORPC levels, or due to MORPC updates of various documents. Therefore, it is strongly recommended that the MORPC staff or MORPC website and other internet links in Appendix A be consulted for the latest information.

This program is intended to serve three primary audiences and purposes:

- **Federal and State Oversight Agencies** – To provide information to state and federal oversight agencies on how MORPC carries out its responsibilities in regards to Title VI and related non-discrimination requirements.
- **MORPC Staff** – As a reference for MORPC staff on Title VI-related requirements and responsibilities and procedures that MORPC follows related to non-discrimination.
- **General Public** - Information for the general public on the non-discrimination regulations that MORPC is obligated to follow (due to being a federal fund recipient and a public entity) and how MORPC responds to these requirements.

It should be noted that MORPC is responsible, contractually, to various jurisdictions in carrying out and properly and sensitively following non-discrimination requirements. The state and federal governments have significant oversight responsibility for MORPC in regards to non-discrimination, and for some MORPC funding sources, local governments or other entities also may have an oversight role. (See Appendix B.)

B. CIVIL RIGHTS ACT OF 1964 AND TITLE VI

At a time when significant amounts of open, overt and even government-sanctioned discrimination still existed against Americans of African descent across the United States, the U.S. Congress passed the landmark Civil Rights Act of 1964. President Lyndon Johnson signed the Civil Rights Act of 1964 into law on July 2, 1964.

In considering the Title VI legislation, one senator addressed how North Carolina hospitals received substantial federal monies for construction, that such hospitals discriminated against blacks as

patients and as medical staff, and that, in the absence of legislation, judicial action was the only means to end these discriminatory practices:

"That is why we need Title VI of the Civil Rights Act, H.R. 7152 - to prevent such discrimination where Federal funds are involved. . . . Title VI is sound; it is morally right; it is legally right; it is constitutionally right. . . . What will it accomplish? It will guarantee that the money collected by colorblind tax collectors will be distributed by Federal and State administrators who are equally colorblind. Let me say it again: The title has a simple purpose - to eliminate discrimination in Federally-financed programs."

Full integration and equal rights for blacks had reached an unstoppable momentum despite the lingering efforts of some governments and individuals to maintain and justify segregationist practices and policies of the past. Today, discrimination against various groups, often in a less blatant way than in 1964 and usually not sanctioned by law, continues as a significant issue. Unintentional discrimination, perhaps through policies or procedures that have the unintended result of discriminating against particular persons or groups, is also an issue today.

The Civil Rights Act of 1964 included eleven titles. Title VI, the primary focus of this program because of its particular applicability to the MPO and MORPC, addressed discrimination in federally-funded programs and activities. A widely-used passage related to Title VI sums up what the title is about:

No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (42 USC 2000 Section 601).

This made entities that receive federal funding, such as MORPC, directly subject to the federal Civil Rights Act and requirements to operate in accordance with federal non-discrimination law. Current Title VI law requires non-discrimination in all programs and activities, whether federally-funded or not, of those who receive federal funds.

The term "program or activity" and the term "program" mean all of the operations of:

- a. A department, agency, special purpose district, or other instrumentality of a state or of a local government; or
- b. The entity of such state or local government that distributes such assistance and each such department or agency (and each other state or local government entity) to which the assistance is extended, in the case of assistance to a state or local government;

Any part of which is extended federal financial assistance. 42 U.S.C. § 2000d-4a(1)

In the 50-plus intervening years, following the passage of the 1964 Civil Rights Act, the specific applicability of the Act has been clarified or expanded to include more than race, color and national origin. Discrimination protections based on age, handicap/disability, sex, religion, limited English proficiency, and income level have also been included in various federal statutes, regulations, executive orders, and policies.

MORPC and other federal fund recipients must adjust their programs and policies to conform with these requirements, as well. Federal, state and local discrimination prohibitions against lesbian, gay, bi-sexual, and transgender (LGBT) individuals also are common (e.g., see June 2010 HUD press release No. 10-119).

Many programs have two recipients. The *primary* recipient or conduit directly receives the federal financial assistance. The primary recipient then distributes the federal assistance to a *subrecipient* to carry out a program. Both the primary recipient and subrecipient must act in accordance with Title VI. MORPC is a primary and subrecipient.

The specific Title VI-related activities discussed in this program are mostly in response to regulations and directives of the U.S. Department of Transportation (DOT), particularly the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). DOT Title VI implementing regulations are contained in the Code of Federal Regulations, 49 CFR 21.

C. AUTHORITIES

Most federal agencies have adopted regulations that prohibit recipients of federal funds from using criteria or methods of administering their programs that have the *effect* of subjecting individuals to discrimination based on race, color, or national origin. The Supreme Court has held that such regulations may validly prohibit practices having a disparate impact on protected groups, even if the actions or practices are not intentionally discriminatory. *Guardians*, 463 U.S. 582; *Alexander v. Choate*, 469 U.S. at 292-94; see *Elston v. Talladega County Board of Education*, 997 F.2d 1394, 1406 (11th Cir.), *reh'g denied*, 7 F.3d 242 (11th Cir. 1993).

While each federal agency extending federal financial assistance has primary responsibility for implementing Title VI with respect to its recipients, overall coordination in identifying legal and operational standards, and ensuring consistent application and enforcement, rests with the Civil Rights Division of the Department of Justice.

Title VI claims against an entity such as MORPC may be proven under two primary theories:

- Intentional discrimination/disparate treatment; and
- Disparate impact/effects.

The first refers to intentional discrimination based on race, color, or national origin. The second refers to actions that use a neutral procedure or practice that has a disparate impact on individuals of a particular race, color, or national origin, and when such a practice lacks a "substantial legitimate justification."

The documents below are some of the major federal civil rights-related legislation, regulations, executive orders, and federal agency guidance that MORPC is subject to. These are generally listed chronologically by date enacted and are not all-inclusive. See Appendix A for links to actual documents and other related information.

- ❖ [Title VI of the Civil Rights Act of 1964](#) (42 U.S.C. 2000) – prohibits discrimination on the grounds of race, color, or national origin

- ❖ [1970 Uniform Act \(42 USC 4601\)](#) – related to persons displaced/property acquired
- ❖ [Federal-aid Highway Act of 1973 \(23 U.S.C. 324\)](#) – prohibits discrimination on the basis of sex
- ❖ [Section 504 of the Rehabilitation Act of 1973 \(29 U.S.C. 794\)](#) – prohibits discrimination based on handicap/disability
- ❖ [Age Discrimination Act of 1975 \(42 U.S.C. 6101\)](#) – prohibits discrimination based on age
- ❖ [Implementing Regulations \(49 CFR 1.51, 49 CFR 21 and 23 CFR 200\)](#) – U.S. DOT and FHWA Title VI implementing regulations
- ❖ [Federal Transit Laws](#) Title 49 U.S.C. Chapter 53 as amended by MAP-21
- ❖ [Civil Rights Restoration Act of 1987 \(P.L. 100-259\)](#) – restored original intent and scope of Title VI to include all programs and activities of federal-aid recipients and contractors whether federally-funded or not
- ❖ [Fair Housing Act Amendments of 1988 \(42 U.S.C. 3601-3631\)](#) – adds religion as a protected group for relocation purposes
- ❖ [Americans with Disabilities Act of 1990 \(P.L. 101-336\)](#) – non-discrimination based on disability
- ❖ [DOT Order 1000.12](#) – implementation of DOT Title VI Program
- ❖ [Executive Order 12250](#) – (28 CFR 42.401) Department of Justice coordination of enforcement of non-discrimination in federally assisted programs
- ❖ [Executive Order 12898 \(EJ\) in 1994](#) – federal actions to address equity and fairness in minority and low-income populations (“Environmental Justice”)
- ❖ [Executive Order 13166 \(LEP\) in 2000](#) – requires meaningful access to services for people with limited English proficiency

D. STATE OF OHIO NON-DISCRIMINATION LAWS

The State of Ohio also includes many of the same non-discrimination requirements as the federal government in various sections of the Ohio Revised Code, Ohio Administrative Code, Executive Orders, and other documents. The location for some of this information is Section 4112 of the ORC. MORPC, in all of its functions, is also subject to following these state laws and regulations.

E. MORPC ORGANIZATION AND FUNDING

MORPC is organized per sections 713.21 and 713.23 of the Ohio Revised Code as a “Regional Planning Commission” (RPC) and serves member jurisdictions in the Central Ohio area. The MORPC Transportation Policy Committee acts as the “Metropolitan Planning Organization” or “MPO” for the Columbus Urbanized Area (see “Prospectus” in MORPC Transportation Planning Work Program – link in Appendix A) as designated by the Ohio Governor and U.S. Department of Transportation.

MORPC has served as the MPO (or “Transportation Study”) since 1964 and as a planning entity per the Ohio Revised Code since 1943 (under different organizational arrangements and names). The current organization, under the name “Mid-Ohio Regional Planning Commission,” was formed in 1969.

MORPC currently includes four major “production” departments: 1) Transportation Systems and Funding (the “MPO”); 2) Data and Mapping; 3) Planning and Environment; and 4) Energy and Air Quality. Energy and Air Quality includes a home weatherization and housing rehab component, and within Transportation Systems and Funding there is a separate demand management program that provides ridesharing services in 15 counties. MORPC also includes several “support” departments including Executive Management, Finance, Information Technology, and Public and Government Affairs.

MORPC is an independent, voluntary membership-run planning entity and receives part of its operations funding from member dues, which are also used to match grants. The MPO service area includes Delaware and Franklin Counties, and portions of northwest Fairfield County, southeast Union County and southwest Licking County.

The current MPO geographic area was generally established in 1973 except that portions of middle and northern Delaware County, not previously included in the MPO, were added in the early 1990s. Due to the increasing spread of urban growth beyond the central county in the past decade or so, and due to the larger 8-county U.S. Census Bureau-defined metropolitan statistical area, MPO work considers and sometimes includes, or extends into, areas beyond the MPO boundary.

MORPC is governed by a “commission” (or “board”) composed of officials appointed from member governments per MORPC bylaws and articles of agreement. The MPO is governed by the “Transportation Policy Committee” under advisement from the Transportation Advisory Committee and the Community Advisory Committee. The Transportation Policy Committee includes the members of the Commission who are from geographic areas within the MPO boundary and some additional members, per Transportation Policy Committee bylaws.

Board Diversity – To understand and effectively serve the needs of a diverse population, an organization’s board needs to have the perspective of diverse voices at the table. In June 2018, MORPC conducted a survey of its Board members which also requested racial and ethnic minority representation. Out of a total of 134 respondents:

- 30% female
- 70% male
- 8% African American
- 1% Hispanic
- 1% Native American
- 90% Caucasian
- 27% between the ages of 25-44
- 58% between the ages of 45-64
- 15% the age of 65 or older

MORPC operates differently from most public entities in that agency funding comes not from a committed or dedicated tax source but from the voluntary participation of local governments, and from performing work associated with various grants and agreements, which can change over time. These grants and agreements are from federal agencies, the State of Ohio, local governments, utility companies, foundations, and from other public and private entities, to perform, implement or administer specific programs, services or studies.

The funding for a large portion of this work comes directly or indirectly from the federal government, often through state agency recipients. Sometimes these funds come through other subrecipients. The primary federal agencies that provide funding to MORPC include the Department of Transportation (DOT), the Department of Housing and Urban Development (HUD), the Department of Energy (DOE), and the Department of Health and Human Services (HHS). MORPC currently operates three major programs, which normally provide the bulk of federal funding to the agency:

- Transportation/MPO functions funded by the DOT
- Home Weatherization program funded by the DOE & HHS
- Housing programs funded by HUD

Section 5310 Funds

PROVIDING ASSISTANCE TO SUBRECIPIENTS Chapter III, 11

MORPC is the Designated and Primary Recipient of FTA Section 5310 funds in the Columbus, Ohio urbanized area. MORPC passes Section 5310 funds through to subrecipients as required by the grant program. MORPC is in the process of developing agreements/contracts using FFY 2016 and 2017 funds executed with FTA with the following subrecipients.

- Alpha Group of Delaware County
- American Red Cross
- Arch Express
- Association for the Developmentally Disabled
- Canal Winchester Senior Transportation Services
- Clintonville Beechwold Community Resource Center
- Grove City
- Groveport
- Heritage Day Health Centers
- LifeCare Alliance
- National Church Residences
- Netcare Access
- SourcePoint

Subrecipients are to be held to the same non-discrimination standards and accountable to the FTA Master Agreement as well as more defined guidelines based on their particular projects as MORPC when using these funds. Each subrecipient is also responsible to complete FTA's Certification and Assurances each federal fiscal year as they become available.

Subrecipients can access MORPC's Title VI notice of rights, complaint form and procedures and adopted policies at <http://www.morpc.org/title-vi/>. All Title VI complaints regarding services

provided with Section 5310 funds are to be addressed to MORPC as well as the recipient using MORPC's complaint procedures.

Sample notices, procedures, demographic and other information will be coordinated and provided by MORPC to assist subrecipients in their Title VI compliance.

MONITORING SUBRECIPIENTS Chapter III, 12

MORPC has developed a process and schedule to track subrecipients Title VI Program compliance and submissions. MORPC's grant administrator will perform site visits as appropriate to each subrecipient to ensure their projects are in compliance with the signed agreement and FTA standards. The administrator will receive reports that will be entered into FTA TrAMS.

As required by the project, selected subrecipients will submit invoices to MORPC for reimbursement. Additional information may be requested in the event documentation is needed for reimbursement to ensure they are in compliance.

Conduct Equity Analysis for Determination of Site or Location of Facilities Chapter III, 13

MORPC and its subrecipients do not use FTA funds to determine the location of a new facility or make renovations to existing facility. No projects require an equity analysis for land acquisition and the displacement of persons from their residences or businesses.

Procedures MORPC uses to pass through FTA financial assistance to subrecipients in a non-discriminatory manner Chapter VI, 2, c (2)

MORPC has a Section 5310 Program Management Plan (PMP) approved by FTA. The PMP documents the pass through of FTA financial assistance to subrecipients in a nondiscriminatory manner. As part of the Section 5310 funding request process, Title VI data collection and general reporting requirements, Limited English Proficiency Requirements and FTA Certification and Assurances is required. A description of procedures to request funding is also included in the PMP. (See Appendix K.)

When funding becomes available, MORPC submits a press release, posts on MORPC's website and social media, sends email blasts and mails post cards to potential subrecipients. MORPC's email and USPS mailing lists are inclusive of minority population organizations.

Each applicant is required as part of its Section 5310 funding request to provide information relating to the clientele to be served by the project, including the number of minority individuals broken down by African American, Hispanic, Asian or Pacific Islander, Native American, and Asian-Indian population groups. MORPC's Title VI complaint process will be used to solicit any complaints based on perceived discrimination based on race, color, or national origin. As a Designated and Primary Recipient, MORPC will monitor subrecipients with regard to Title VI.

Procedures MORPC uses to provide assistance to potential subrecipients applying for funding, including its efforts to assist applicants that would serve predominantly minority populations. Chapter VI, 2, c (3)

As stated in MORPC's PMP when the funding cycles are announced the selection process is open and transparent, and every effort will be made to reach multiple agencies that provide services to the primary target populations, ensuring equity of access to the benefits of the grant programs among eligible groups, as required by Title VI of the Civil Rights Act.

MORPC contacts interested parties representing all segments of the study area, including advocates for people with disabilities, the elderly and minority populations have been maintained. In addition to mailing announcements and web postings, funding availability will be communicated using MORPC's Transportation Public Involvement Plan. (See Appendix G.)

The selection process includes an informational workshop where outlining the development of project and criteria is offered. The workshop and assistance in developing proposals are advertised and offered to all interested parties.

II. TITLE VI ORGANIZATION AT MORPC

A. INTRODUCTION

In general, routine Title VI and related non-discrimination responsibilities at MORPC are handled in a decentralized manner, being primarily the responsibility of individual departments. This reflects the reality that MORPC operates through many different agreements, contracts and programs, and each of them may have somewhat different requirements and responsibilities relating to Title VI and non-discrimination.

Though MORPC is one entity, each production department operates their programs in different functional areas, somewhat independently utilizing different funding sources and agreements, and under varying requirements, roles, and constraints, which individual departments are most familiar with. This affects how Title VI responsibilities are organized at MORPC.

It should be noted that all of MORPC, without exception and across all departments, is subject to following federal Title VI and non-discrimination requirements. In that MORPC receives any federal funds, it is subject to these regulations, but in fact, MORPC receives significant amounts of federal funds that infiltrate every activity and operation of MORPC. This makes the entire agency subject to the related federal laws in all its operations.

B. KEY STAFF RESPONSIBILITIES

As shown in the MORPC Title VI organization chart in Appendix F, the agency Executive Director, who is hired by the Commission, has overall responsibility for non-discrimination and implementation of the Title VI program. Directly reporting to the Executive Director on non-discrimination and civil rights issues is the Director of Public & Government Affairs who serves as the overall agency “Title VI Coordinator.”

This person is the key contact person that has general responsibility over civil rights-related and non-discrimination issues that may arise within the agency. The Director of Public and Government Affairs is responsible for Title VI as it relates to public outreach and Title VI notifications.

The other key staff member related to Title VI, who also reports directly to the Executive Director, is the Chief of Staff and Director of Operations. The Chief of Staff is responsible for helping to make sure the agency meets Title VI requirements in purchasing and in professional service or other contracts. This person is also responsible for employment and hiring and for the agency’s Equal Employment Opportunity reporting.

MORPC has recently established an internal Diversity Committee. The committee was created to focus on and improve diversity issues at MORPC. While not specifically designated to address federal Title VI compliance issues, this committee may have involvement in this in the future. Ultimately though, most of the on-going responsibility for meeting program-related Title VI requirements at MORPC rests with each department director.

III. KEY MPO TITLE VI ACTIVITIES

A. INTRODUCTION

MORPC conducts various activities to address and respond to Title VI-related issues, concerns, and requirements, Section III focuses on the primary Transportation Systems and Funding/MPO and related departments activities regarding Title VI and includes planning sub-sections on data collection.

B. PLANNING PROCESS

1. INTRODUCTION

The MORPC Transportation Systems and Funding Department carries out a *comprehensive, cooperative and continuing* planning process in accordance with the Code of Federal Regulations, Title 23, Section 450. The principal products of this process are the Metropolitan Transportation Plan and the Transportation Improvement Program. MORPC must continually monitor the impacts of its planning to avoid, minimize or mitigate disproportional impacts on Title VI-protected populations.

Title VI affects the MORPC planning process in important ways. These are described in more detail in subsections 2 and 3:

- Data collection
- Public involvement

The primary responsibility for ensuring that these tasks are appropriately and sensitively carried-out lies with the Transportation Systems and Funding Director, while the specific tasks are normally sub-delegated within the Transportation Systems and Funding Department. The MORPC Director of Public and Government Affairs also has a significant role in the public involvement and notification responsibilities.

The MORPC Transportation Systems and Funding Department also has often performed special activities or planning studies that are specifically directed to the Title VI-protected populations. Examples include the MPO's past involvement with (and ongoing interest in) developing and maintaining the following:

- human services transportation planning, mobility, and job access for the transportation disadvantaged as elements of the *Coordinated Plan*.
- *Transportation Demand Management Plan* that incorporates mobility management.
- *Planning Framework for the Evacuation of the Transportation Needs Populations in Central Ohio*.
- *insight2050* study that proactively plan for development and growth over the next 30+ years. This report considers changing demographics and impacts to the mobility of the transportation system.

- **Minority Mobility Needs:** During our outreach and analysis we did not identify any transportation needs specific to minority populations. Their needs were similar to the needs of the general population; access to jobs and other services and generally have adequate mobility throughout the region. Our planning process continuously reaches out to minority populations. To date we have not identified that minority populations in our region have transportation needs different from the population as a whole. These needs are access to jobs and other services; improve the safety of the transportation system; and minimize congestion. Over the last several years, the agency has seen an increase in the need to improve transit services and provide more biking and walking infrastructure to create better and more sustainable neighborhoods. Our transportation planning process includes minority population groups and viewpoints.
- **Impacts of State and Federal funds:** MORPC's analysis of the impact of the distribution of State and Federal funds is shown in figures IV-1 to IV-35 on pages 20- 37 of the Environmental Justice documentation. The charts identify the impacts of the TIP projects with respect to particular measures on various populations groups which specially include minority and non-minority populations groups. A disparate impact would show up in these graphs if the trends depicted on the graph would be different between minority and non-minority population. In all measures the trend lines of minority and non-minority population follow a similar pattern as a result of the TIP projects when compared to the no build situation. More details can be derived by the paragraph associated with each measure. (See Appendix H.)

This type of work is done periodically in addition to the standard MPO activities discussed below.

2. DATA COLLECTION

MORPC is a major collector, user and generator of economic, demographic, land use, transportation, and other data. Collecting some data is a regulatory requirement: *Develop procedures for the collection of statistical data (race, color, sex, age, disability, and national origin) of participants in, and beneficiaries of State highway programs, i.e., relocates, impacted citizens and affected communities* (23 CFR 200.9(b)(4)). Some of the purposes identified for collecting data, include:

To Identify:

- Impacts and persons/businesses impacted
- Transportation needs of all persons/groups within plans or project area
- People to include in the decision-making process
- Leaders/"Champion(s)" for various modes and transportation options
- Benchmark and monitor MORPC diversity efforts

Historically, the major need for data at MORPC has been related to the travel demand modeling component of the transportation work program and is a core part of MORPC's ongoing work. The need for data, however, goes beyond modeling and permeates most planning and service outreach activities at MORPC.

The MPO provides forecasts of population, housing, economic and transportation trends that provide the basis for addressing current issues and exploring future needs. MORPC also serves as a center for the collection, analysis, and dissemination of information in Central Ohio.

Some data is important to the planning process and Title VI because it helps identify the geographic locations and extent of traditionally-underserved populations that are protected through Title VI.

Demographic data regarding characteristics of these target populations for the metropolitan planning area is gathered and distributed into MORPC's traffic analysis zones. This is done so that the data can be further analyzed through the travel demand model. The analyses result in the identification of planning measurements that can be used to identify geographic areas of high densities of target populations.

3. PUBLIC INVOLVEMENT

An effective public involvement process is a cornerstone to due process protection under the law. The rationale is the desire for a public involvement process that proactively seeks and is open to addressing the needs of all persons, including those traditionally underserved. Furthermore, the rationale is to provide public access and the opportunity for input in the development of agency programming.

The public participation, consultation and notification requirements of MPOs are described in the Code of Federal Regulations Title 23, Section 450.316. CFR 450.316 (1) (vii): *Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services.*

Public involvement is defined as the *process by which interested and affected individuals or entities are consulted and included in decision-making process.* The public involvement process includes:

- Information dissemination (timely and relevant)
- Consultation (honest and open exchanges)
- "Stakeholder" participation (collaborative engagement)

Communication and public outreach are important to most MORPC programs and activities. Planning studies conducted by staff often need to include participation by a broad spectrum of area residents. Services offered by the housing or weatherization programs particularly, must reach lower and moderate-income groups, minorities, non-English speaking persons, and others. Results of the public participation efforts are included in the Public Involvement Appendix of each document. The Diversity and Inclusion plan also benchmarks the effectiveness of reaching out to these populations. See Focus Area: Service to Diverse Populations in the Diversity and Inclusion Plan. (See Appendix N.)

The MORPC public participation plan, which is updated periodically, helps to guide the engagement and outreach efforts for the transportation planning process. The current version of this plan is in Appendix G.

Some of the tools that MORPC uses to help keep the public informed include the following:

- ❖ **Website** – MORPC maintains an extensive website which is updated frequently. The site includes information on the agency’s responsibilities, policies, programs, publications, on-going activities, and press releases. Direct staff links are provided for most of the information on the website.
- ❖ **Social Media** – MORPC’s social media efforts include Facebook, Twitter, Vimeo, and LinkedIn.
- ❖ **Publications** – Each year, MORPC issues a multitude of publications, reports, and maps as part of the agency work, and responds to and processes a large number of data requests. Much of this can be accessed through the website. The publications are also distributed to the metropolitan libraries located within the transportation planning area.
- ❖ **Electronic newsletters** – MORPC utilizes electronic newsletters such as eSource and Voices of insight 2050 to also inform the public of its programs, projects and initiatives.
- ❖ **Press Releases** – Press releases are routinely sent to more than 150 media contacts, including daily and weekly newspapers, and television and radio stations throughout the Central Ohio area. These include numerous Title VI-protected groups. The press releases are also placed on the website in the Press Center.
- ❖ **Meetings Open to the Public** – All MORPC board and committee meetings are open to the public. Meeting dates, times and agendas for board and major committee meetings are posted well in advance on the agency’s website.
- ❖ **Opportunities for Public Comment** – MORPC routinely provides opportunities for public comment through Social Media (Facebook and Twitter), online, email, U.S. mail, fax, phone, and through public comment at meetings. MORPC responds to all comments received.
- ❖ **Staff is Accessible** – Staff is accessible in person, on the phone, by mail, by fax, and by email. Contact information for many staff members is included on the agency website.
- ❖ **Mailings** – MORPC routinely uses direct mail and email to keep the public informed of the agency’s services, programs, public comment periods, meetings, and publications. These mailings include a large number of community groups and social service agencies, some of which represent Title VI protected groups. MORPC also sends press releases to newspapers that are published by and for traditionally underserved populations.
- ❖ **Events** – Events such as workshops, open houses, and forums are held regularly, as needed. MORPC routinely offers the following different ways for people to comment on activities, programs, and decisions made at the agency, as follows:
- ❖ **Comments are Accepted at Any Time** – Comments are accepted by social media, online, phone, fax, email, U.S. mail, from the interactive maps on the website and in person at any board, committee or public meeting.
- ❖ **Formal Public Comment Periods for Major Activities** – Formal public comment and review periods are used to solicit comments on major planning and programming activities. This includes major amendments to the transportation plan or transportation improvement program and changes to important MORPC policies such as the public participation plan.

MORPC also has an active Community Advisory Committee that is a major component of the public involvement process and provides public input and recommendations to the Transportation Policy Committee. It is the responsibility of Public and Government Affairs to make sure that the Community Advisory Committee has representation from Title VI-relevant populations.

The Community Advisory Committee presently has 15 members, including 4 minority, and 3 people with a disability. MORPC consistently recruits for new committee members. MORPC also reviews and requires that project-specific committees include representation of diverse populations from the study areas.

The Transportation Advisory Committee serves as the technical component of the public involvement process and provides recommendations to the Transportation Policy Committee. The Transportation Advisory Committee (TAC) presently has 32 members.

MORPC has created an external facing Diversity in Local Government Working Group to address diverse voices on its Board and in its Working Committees. The Working Group is tasked with providing recommendations by November 2018.

In recent years, MORPC has taken steps to reach out to the growing non-English speaking communities in Central Ohio. MORPC has some of its outreach material translated into Spanish and Somali. It also routinely distributes information to Spanish and Somali publications in the region. The MORPC website is translatable into various languages. MORPC also has under contract various agencies that provide interpretation, translation and services for the deaf and hearing impaired. This information is available to all staff on the intranet site and at the front desk in the lobby. See additional information in the Diversity and Inclusion plan under Focus Area: Service to Diverse Populations. (See Appendix N.)

Additional information on public involvement is included on the MORPC website. See the MORPC “public involvement” and “Metropolitan Transportation Plan” links in Appendix A.

C. DIVERSITY AND INCLUSION PLAN

In 2009 MORPC formed the Diversity & Inclusion Committee to investigate the agency’s approach to diversity. The committee inventoried each department’s policies in serving diverse populations. The committee also hired a consultant, Multiethnic Advocates for Cultural Competence (MACC), to help MORPC enhance its diversity efforts.

In 2013, MORPC created the first MORPC Diversity & Inclusion Work Plan. The plan utilized the suggestions from MACC based on surveys and focus group interviews with staff and board members, as well as information provided from a MORPC self-assessment for cultural competence in the workplace completed for United Way.

The goal of the yearly work plans is to cultivate a work environment that is welcoming and inclusive; provide services and programs to the Central Ohio community creating a special place to live, work, and raise a family; and create a place for businesses to want to locate. The work plans assist MORPC in its planning and decision-making, establishing priorities, providing relevancy to the MORPC region,

building capacity, maintaining accountability, allocating resources and improving services to the Central Ohio community.

MORPC's commitment to diversity is evident in its Diversity Statement:

"Diversity refers to the differences that make us unique. MORPC recognizes, values, embraces and celebrates diversity by respecting and utilizing all of our differences to enhance our lives and our society."

The current 2016-2017 Diversity Work Plan reviewed the efforts of the 2015 Work Plan and the six focus areas.

The matrices, sorted by focus area, identifies: the process in which to achieve desired outcomes (Infrastructure); the capability to implement the processes (Competency); and the MORPC Team Member(s) responsible for the specific infrastructure (Staff). The matrix provides an area for reporting results (Outcome).

- **Workforce** (WF) – Commit to the preparation of a culturally competent workforce.
- **Workplace** (WP) – Improve accessibility and accommodations for minorities, people with disabilities and GBLT.
- **Diversity Spend** (DS) – Increase diverse vendors spend to 10 percent.
- **Service to Diverse Populations** (SD) – Increase/enhance service to diverse populations.
- **Diversity Requirements** (DR) – Continue to meet the federal requirements for DBE and Section 3 HUD monitoring and reporting.
- **Diversity Communications** (DC) – Increase the promotion of MORPC's services and programs to diverse audiences, and increase the awareness of MORPC's Diversity & Inclusion efforts.

In early 2018 and as a result of the outcomes from the 2017 Work Plan new actions were developed to improve performance on priority Diversity & Inclusion goals and to implement new internal structure to improve capacity, results and priority. The results of those efforts will be revealed in October/November 2018.

See Appendix N for the complete Diversity and Inclusion Work Plan.

IV. OTHER TITLE VI-RELATED RESPONSIBILITIES AT MORPC

A. TITLE VI RESOLUTION, POLICY STATEMENT AND ASSURANCES

MORPC is required by the U.S. Department of Transportation to submit approval of the three-year Title VI program and to maintain a Title VI policy statement signed by the Executive Director and Title VI assurances. See Appendix J. The policy statement, included in Appendix C, is an express commitment to non-discrimination and is signed by the chief administrative officer. The policy statement is required to be circulated throughout the organization and general public.

The Title VI assurances are now included as part of the annual MPO self-certification resolution, usually adopted in May of each year. Appendix C includes a copy of this from FY 2018.

It is relevant to note that by signing an assurance, the recipient has provided documentation that may be a basis for a 'breach of contract' action. Even without such writing, courts describe Title VI obligations (and other non-discrimination laws) as similar to a contract; "the recipients' acceptance of the funds triggers coverage under the non-discrimination provision" (*Paralyzed Veterans*, 477 U.S. at 605).

Assurances serve two important purposes: they remind prospective recipients of their non-discrimination obligations, and they provide a basis for the federal government to sue to enforce compliance with these statutes.

The notice, Notifying the Public of Rights Under Title VI, can be found on MORPC's website at <http://www.morpc.org/title-vi/>, in MORPC's lobby, and in the employee lounge.

B. ON-SITE TITLE VI FEDERAL OR STATE REVIEWS

The federal agency providing the financial assistance is primarily responsible for enforcing Title VI as it applies to its recipients. Federal agencies have several mechanisms available to *evaluate* whether recipients are in compliance with Title VI, and additional means to *enforce* or obtain compliance should a recipient's practices be found lacking. Evaluation mechanisms include pre-award reviews, post-award compliance reviews, and investigations of complaints.

MORPC is subject to on-site federal or state Title VI compliance reviews, though this would be a rare-occurrence, if it took place. On-site reviews, which would be a detailed review of how MORPC addresses Title VI compliance, can be done anytime that a federal agency director believes that such a review is warranted, or for other specific reasons. Due to the dispersion within the MPO and the agency of Title VI activities and responsibilities, any response to on-site reviews by the agency is likely to be a joint effort by various individuals and departments.

Much more common, are special Title VI reviews pertaining to one project (see next section), activity or to complaints, usually requiring a written response. Title VI issues are also usually reviewed as part of the MPO on-site certification review conducted by FHWA and FTA every four years. MORPC strives to comply to proper procedures and maintenance of documentation of all activities related to Title VI.

C. SPECIAL GRANTS

It is not unusual for MORPC to apply for special grants from various federal agencies or for federal grants through state agencies. These grants may be initiated by the MPO or another department at MORPC and may be a joint effort across departments. Often, in these cases, the federal agency (or state agency representing the federal agency) will require their own Title VI assessment – primarily answering various questions (and perhaps providing documentation) regarding Title VI at MORPC. This assessment is in accordance with U.S. Justice Department - recommended procedures for federal agencies.

Completing the required forms and documentation may be a combined effort at MORPC. As noted in the previous section, MORPC having correctly followed and documented Title VI procedures in the past can make responding to these Title VI reviews less difficult. The current document also should help with this.

Federal agencies typically require that an applicant submit an *assurance* of compliance with Title VI (and other applicable non-discrimination related laws) as part of a pre- grant award review. They may request information on pending lawsuits or complaints, prior compliance determinations, ethnic makeup of staff and decision-making bodies, and other related information. As part of the federal agency internal screening process, agency civil rights officials are normally notified of potential assistance grants and are provided the opportunity to raise a "red flag" or concern about potential grant recipients, such as MORPC.

D. COMPLAINT PROCESS

Any individual may exercise their right to file a complaint with MORPC, or oversight federal or state agencies, if that person believes that they have been subject to unequal treatment or discrimination, in their receipt of benefits/services on grounds of race, color, or national origin. MORPC adopted an external Title VI complaint process in 2004.

Under MORPC's Requirement to Record and Report Transit-Related Investigations, Complaints, and Lawsuits, MORPC has not, in the past three years, received a Title VI complaint, investigation or lawsuit.

MORPC makes a concerted effort to resolve complaints informally at the lowest level, using the agency's non-discrimination complaint process or other procedures. The complaint process is intended to be used for external discrimination complaints. It includes a multi-step process for resolving complaints in conjunction with the Ohio Department of Transportation and federal agencies.

MORPC is also required to make it known that discrimination-related complaints can be submitted to MORPC using this procedure or through the federal highway or transit administrations, or other federal agencies.

Per the complaint process, complaints would first be submitted to the Director of Operations. This person will review the complaint then request assistance in the response from the appropriate department director. The current complaint process is in Appendix E and on the MORPC website.

E. NOTIFYING BENEFICIARIES OF PROTECTION UNDER TITLE VI

In order to comply with 49 CFR Section 21.9(d) and the FTA Civil Rights Assurance (that MORPC has signed) and other requirements, recipients and subrecipients shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded them by Title VI. The information shall include:

- A statement that the agency operates programs without regard to race, color, and national origin.
- A description of the procedures that members of the public should follow in order to request additional information on the recipient's or sub-recipient's non-discrimination obligations.
- A description of the procedures that members of the public should follow in order to file a discrimination complaint against the recipient or subrecipient.

Notices of Title VI obligations and protections against discrimination are located on MORPC's website <http://www.morpc.org/title-vi/> in MORPC's main lobby and in the employee lunchroom. The notices are written in English and Spanish. Information regarding the notices is also available in the Diversity and Inclusion Plan under Area of Focus: Workplace.

The FTA Title VI Assurance says:

The Mid-Ohio Regional Planning Commission will make it known to the public that the person or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.

MORPC does this in the following ways:

- Website – MORPC maintains a website with a wide-range of information on discrimination-related concerns. It also includes MORPC's complaint process.
- Major Publications – In major publications, such as the Metropolitan Transportation Plan and Transportation Improvement Program, information is included in the front on MORPC's obligations related to Title VI and where to get more information.
- Brochures – the non-discrimination clause is also placed on MORPC pamphlets, brochures and applications

F. LIMITED ENGLISH PROFICIENCY (LEP) AND OTHER COMMUNICATION ISSUES

A limited English proficiency or LEP person is one who does not speak English as primary language and has limited ability to read, speak, write, or understand English. MORPC is required to implement *sound measures* and take *reasonable steps* for meaningful access to programs and activities by LEPs.

Requirement to Provide Meaningful Access to LEP Persons: Language Assistance Plan or LEP Plan is located in Appendix I.

Additional information on the LEP population is available in the Diversity and Inclusion Plan under Area Focus: Service to Diverse Populations and the ODOT Title VI Assessment. See Appendix N.

Illiteracy is another situation that can make communication, especially written communication, difficult. MORPC staff is available to help client's complete applications for service and other documents and to take verbal comments. Public meetings are also frequently held which allow for communication verbally with staff and in written form.

G. ANNUAL TITLE VI REPORT FOR ODOT

Annually, in May, in conjunction with developing the coming year's planning work program, MORPC updates the Title VI report required by the Ohio Department of Transportation. The MPO is mostly a subrecipient of federal transportation funds and ODOT is usually the primary recipient for MORPC.

The ODOT report, which helps to satisfy federal requirements for the primary recipient and the sub-recipient, is submitted to ODOT with the transportation work program and currently includes information related to: the composition of the MPO staff; Title VI complaints; use of minority contractors; and citizen participation activities. A copy of the most recent report is included in Appendix D and on the MORPC website.

H. CONTRACT PROCEDURES

Contract Procedures

MORPC's contracting and pre-contracting steps are generally done on a decentralized basis by individual departments, though all contracts are reviewed by the MORPC Chief of Staff & Finance Director. MORPC's current contracting procedures, as adopted by the Commission, are contained in Appendix O. These are general requirements that apply agency-wide.

The requirement is to include specific Title VI-related text in all MORPC requests for proposals (RFPs), requests for qualifications (RFQs) and contracts. MORPC is required to include the following language in all RFPs or RFQs:

[The following section is for projects funded by federal transportation funds.]

The Mid-Ohio Regional Planning Commission in accordance with Title VI of the Civil Rights Act of 1964 and the related nondiscrimination statutes, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all bidders including disadvantaged

business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, disability, low-income status, or limited English proficiency in consideration for an award.

The following text is required to be included in all contracts:

The background of this Agreement is as follows:

- A. Pursuant to the FAST Act of 2016, the Federal Highway Administration ("FHWA") made certain funds available to the State of Ohio for surface transportation planning programs. MORPC is the sub-recipient of some of these funds ("GRANT").
- B. The Mid-Ohio Regional Planning Commission (hereinafter referred to as the "SUBRECIPIENT") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, nondiscrimination in Federally-Assisted Programs of the Department of Transportation- Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no persons the United States shall, on the grounds of race, color, creed, religion, ancestry, national origin, sex or gender, sexual orientation, gender identity or expression, age, disability or other handicap, genetic information, marital/familial status, veteran status, or income or status with regard to public assistance, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the SUBRECIPIENT receives Federal financial assistance including the Ohio Department of Transportation, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.71(a) of the regulations.

§19. Non-Discrimination.

CONSULTANT shall carry out the applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by CONSULTANT to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as MORPC deems appropriate.

To effectuate compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d et seq.) as amended, the following notice to the CONSULTANT regarding federal aid recipients applies. MORPC has made similar notice of compliance via the GRANT agreement. During the performance of this Agreement, CONSULTANT for itself, its assignees and successors in interest agrees as follows:

- a) CONSULTANT will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, military status (past, present, or future), creed, gender identification, marital/familial status, limited English proficiency, or status with regard to public assistance. Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or

Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.

- b) CONSULTANT agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. CONSULTANT will, in all solicitations or advertisements for employees placed by or on behalf of CONSULTANT, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, military status (past, present, or future), creed, gender identification, marital/familial status, limited English proficiency, or status with regard to public assistance.
- c) *Compliance with Regulations:* CONSULTANT will comply with the regulations relative to nondiscrimination in Federally-assisted programs of the U.S. DOT Title 49, Code of Federal Regulations, Part 21, as amended, (hereinafter referred to as "Regulations"), which are herein incorporated by reference and made a part of this Agreement.
- d) *Nondiscrimination:* CONSULTANT, with regard to the work performed by it after the execution of this Agreement, will not discriminate on the grounds of race, color, national origin, sex, age, disability, low-income status, limited English proficiency, religion, genetic information, sexual orientation, gender identification, creed, military status (past, present, or future) or marital/familial status in the selection and retention of contractors and consultants, including in the procurement of materials and leases of equipment. The CONSULTANT will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B to Part 21 of the Regulations.
- e) *Solicitations for Contracts, including Procurement of Materials and Equipment:* In all solicitations either by competitive bidding or negotiation made by CONSULTANT for work to be performed under a contract, including procurement of materials or equipment, each potential contractor or supplier will be notified by CONSULTANT of the CONSULTANT's obligations under this Agreement and the Regulations relative to nondiscrimination on the grounds of race, religion, color, national origin, sex, age, disability, low-income status, limited English proficiency, genetic information, sexual orientation, gender identification, creed, military status (past, present, or future) or marital/familial status.
- f) *Information and Reports:* CONSULTANT will provide all information and reports required by the Regulations or directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information and its facilities as may be determined by ODOT, FHWA, or FTA to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of CONSULTANT is in the exclusive possession of another who fails or refuses to furnish this information, the CONSULTANT will so certify to ODOT, FHWA or FTA as appropriate, and will set forth what efforts it has made to obtain the information.
- g) *Sanctions for Noncompliance:* In the event of CONSULTANT'S noncompliance with the nondiscrimination provisions of this Agreement, ODOT will impose such Agreement sanctions as ODOT, FHWA, or FTA may determine to be appropriate, including, but not limited to:
 - i. Withholding of payments to CONSULTANT under this Agreement until CONSULTANT complies, and/or;
 - ii. Cancellation, termination, or suspension of this Agreement, in whole or in part.

h) *Incorporation of Provisions:* CONSULTANT will include the provisions of paragraphs a) through g) in every contract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. CONSULTANT will take such action with respect to any contracts or procurement as ODOT, FHWA, or FTA may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that, in the event CONSULTANT becomes involved in, or is threatened with, litigation with a contractor, consultant, or supplier as a result of such direction, MORPC may request ODOT to enter into such litigation to protect the interests of ODOT, and, in addition, MORPC may request the United States to enter into such litigation to protect the interest of the United States.

i) *Pertinent Non-Discrimination Authorities:*

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects)
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 et seq.,) (prohibits discrimination on the basis of sex)
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.), as amended (prohibits discrimination on the basis of disability) and 49 CFR Part 27
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.) (prohibits discrimination on the basis of age)
- Airport and Airway Improvement Act of 1982 (49 U.S.C. § 471, Section 47123), as amended (prohibits discrimination based on race, creed, color, national origin, or sex)
- The Civil Rights Restoration Act of 1987 (PL 100-209) (broadened the scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of Federal-Aid recipients, sub-recipients, and contractors, whether such programs or activities are Federally funded or not)
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. §§ 12131-12189), as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38 (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities)
- The Federal Aviation Administration’s Non-Discrimination Statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex)
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority or low-income populations)
- Executive Order 13166, Improving Access to Services for People with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100)
- Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended (prohibits discrimination in the sale, rental, and financing of dwellings on the basis of race, color,

- religion, sex, national origin, disability, or familial status (presence of child under the age of 18 and pregnant women)
- Title IX of the Education Amendments Act of 1972, as amended (20 U.S.C. 1682 *et seq.*) (prohibits discrimination on the basis of sex in education programs or activities)

MPO contracts also need to include the “Contractor Contractual Requirements.” This is included as part of the “Standard DOT Assurances” document, currently included as part of MORPC’s annual self-certification resolution. A copy of this is in Appendix C.

Appendix A

– Civil Rights and Non-Discrimination –

APPENDICES

Note: The documents included herein are current as of the date of this document. All the appendices though, are subject to revisions according to various schedules. For current documents, please contact MORPC staff or check MORPC website.

APPENDIX A – CIVIL RIGHTS AND NON-DISCRIMINATION RELATED INTERNET LINKS

Internet Links for Additional Civil Rights-Related Information (**Key Title VI-Related Documents and Links**)

MORPC WEBSITE

MORPC Front Page

<http://www.morpc.org/>

Job Opportunities and Equal Employment Opportunities

<http://www.morpc.org/careers/>

Housing Department Section

<http://www.morpc.org/program-service/home-repair-services/>

<http://www.morpc.org/title-vi/>

Weatherization Program Section

<http://www.morpc.org/program-service/home-energy-efficiency/>

MORPC TRANSPORTATION DEPARTMENT (MPO)

Federal Regulations Related to Metropolitan Planning Organizations

<https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=51162154cdbf6d6d4f7a8bba5aadd1d0&rgn=div5&view=text&node=23:1.0.1.5.11&idno=23>

Disadvantaged Business Enterprise Program

<https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise>

Planning Work Program (PWP)

<http://www.morpc.org/program-service/planning-work-program/>

MPO Public Involvement

<http://www.morpc.org/wordpress/wp-content/uploads/2018/01/2015TransportationPublicInvolvementPlan.pdf>

****Metropolitan Transportation Plan**** (includes Environmental Justice and Public Involvement documentation)

<http://www.morpc.org/program-service/metropolitan-transportation-plan/>

RELATED FEDERAL LEGISLATION AND EXECUTIVE ORDERS (LISTED CHRONOLOGICALLY GENERALLY BY DATE ENACTED):

****Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000)**** – prohibits discrimination on the grounds of race, color, or national origin

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

1970 Uniform Act (42 USC 4601 – related to persons displaced/property acquired

<http://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter61&edition=prelim>

Federal-aid Highway Act of 1973 (23 U.S.C. 324) – prohibits discrimination on the basis of sex

<https://www.justice.gov/crt/federal-coordination-and-compliance-section-5>

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) – prohibits discrimination based on handicap/disability

<https://www.hhs.gov/civil-rights/for-individuals/disability/laws-guidance/index.html>

or

<https://www.gpo.gov/fdsys/pkg/USCODE-2010-title29/pdf/USCODE-2010-title29-chap16-subchapV-sec794.pdf>

Age Discrimination Act of 1975 (42 U.S.C. 6101) – prohibits discrimination based on age

http://www.dol.gov/oasam/regs/statutes/age_act.htm

Civil Rights Restoration Act of 1987 (P.L. 100-259) – Restored original intent and scope of Title VI to include all programs and activities of federal-aid recipients and contractors whether federally-funded or not.

https://www.fhwa.dot.gov/environment/environmental_justice/legislation/restoration_act.cfm

Fair Housing Act Amendments of 1988 (42 U.S.C. 3601-3631) – adds religion as a protected group for relocation purposes

<https://www.justice.gov/crt/fair-housing-act-2>

Americans with Disabilities Act

<http://www.dol.gov/dol/topic/disability/ada.htm>

DOT Order 1000.12 – Implementation of DOT Title VI Program

<https://www.fhwa.dot.gov/civilrights/programs/order100012.cfm>

Executive Order 12250 – Department of Justice leadership and coordination of non-discrimination laws

<https://www.justice.gov/crt/executive-order-12250>

****Executive Order 12898 (EJ) in 1994**** – Federal actions to address equity and fairness in minority and low-income populations (“Environmental Justice”)

<http://www.archives.gov/federal-register/executive-orders/pdf/12898.pdf>

Executive Order 13166 (LEP) in 2000 – Requires meaningful access to services for people limited English proficiency

<https://www.lep.gov/13166/eo13166.html>

FEDERAL AGENCY WEBSITES:

JUSTICE DEPARTMENT

Civil Rights Division

<http://www.justice.gov/crt/>

Information and Technical Assistance on Americans with Disabilities Act

<http://www.ada.gov/>

Limited English Proficiency

<http://www.lep.gov/resources/resources.html>

DEPARTMENT OF TRANSPORTATION

Departmental Office of Civil Rights

<https://www.transportation.gov/civil-rights/>

Office of Small and Disadvantaged Business—Same link below

<https://www.transportation.gov/osdbu>

Accessibility

<https://www.transportation.gov/accessibility>

Federal Highway Administration (FHWA) – Office of Civil Rights

<https://www.fhwa.dot.gov/civilrights/>

****FHWA – Environmental Justice****

https://www.fhwa.dot.gov/environment/environmental_justice/index.cfm

Federal Transit Administration (FTA) – Civil Rights and Accessibility

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/civil-rightsada>

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Fair Housing/Equal Opportunity

https://www.hud.gov/program_offices/fair_housing_equal_opp

Small/Disadvantaged Business Utilization
https://www.hud.gov/program_offices/sdb

Ohio
<https://www.hud.gov/states/ohio>

OTHER FEDERAL LINKS

U.S. Commission on Civil Rights
<http://www.usccr.gov/>

FEDERAL AGENCY WEBSITES (CONTINUED):

Department of Energy (DOE) – Office of Impact and Diversity
<https://www.energy.gov/diversity/office-economic-impact-and-diversity>

Department of Commerce – Minority Business Development Agency
<http://www.mbda.gov/>

U.S. Access Board
<http://www.access-board.gov/>

FEDERAL REGULATORY-RELATED INFORMATION WEBSITES:

DEPARTMENT OF TRANSPORTATION

Office of Small and Disadvantaged Business
<https://www.transportation.gov/osdbu>

****FHWA Title VI Program Implementing Regulations**** (49 CFR 21 and 23 CFR 200) – U.S. DOT and
FHWA Title VI implementing regulations
<https://www.fhwa.dot.gov/legsregs/directives/fapg/cfr0200.htm>

FHWA Accessibility Guidance
https://www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/index.cfm

FHWA Resource Center – Civil Rights Team
<https://www.fhwa.dot.gov/resourcecenter/teams/civilrights/>

FHWA Disadvantaged Business Enterprise Program-Same link above
<https://www.fhwa.dot.gov/resourcecenter/teams/civilrights/>

OTHER AGENCIES

DOJ – Title VI Legal Manual

<https://www.justice.gov/crt/fcs/T6manual>

DOE

<http://www.energy.gov/>

Fair Housing Regulations

<https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:1.2.1.1.1>

Ohio and Local Government Links

CITY OF COLUMBUS

Equal Business Opportunity Commission Office

<https://www.columbus.gov/odi/Supplier-Diversity/>

STATE GOVERNMENT

Ohio Equal Opportunity Office

<http://das.ohio.gov/Divisions/Equal-Opportunity>

Ohio Unified DBE Certification Program

<http://www.dot.state.oh.us/Divisions/ODI/SDBE/Pages/UCP.aspx>

Ohio Department of Development – Minority Business Enterprise Division

https://development.ohio.gov/bs/bs_mbac.htm

Ohio Department of Transportation – Equal Opportunity Division

<http://das.ohio.gov/Divisions/Equal-Opportunity>

MISCELLANEOUS NON-GOVERNMENTAL LINKS (FOR INFORMATION PURPOSES ONLY – NO ENDORSEMENT BY MORPC INTENDED OR IMPLIED)

Central Ohio Minority Business Association

<http://www.comba.com/index.html>

DiversityInc.

<http://www.diversityinc.com/>

Everyday Democracy

<https://www.everyday-democracy.org/>

Civil Rights in Transportation Programs

<https://www.fhwa.dot.gov/civilrights/programs/>

Ohio State University – Kirwan Institute for the Study of Race and Ethnicity

<http://kirwaninstitute.osu.edu/>

Poverty and Race Research Action Council

<http://www.prrac.org/>

South Central Ohio Minority Supplier Development Council

<http://ohiomsdc.org/>

Transportation Equity Network

<http://www.transportationequity.org/>

Appendix B

– Non-Discrimination Clause in MORPC ODOT Agreement –

SECTION XIII: NON-DISCRIMINATION

To effectuate compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d et seq.), as amended, the following notice to the AGENCY regarding federal aid recipients applies.

During the performance of this Agreement, the AGENCY for itself, its assignees and successors in interest agrees as follows:

- I. Contractor will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, or future). Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.
2. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. Contractor will, in all solicitations or advertisements for employees placed by or on behalf of Contractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, or military status (past, present, or future).
3. Compliance with Regulations: The AGENCY will comply with the regulations relative to nondiscrimination in Federally-assisted programs of the U.S. DOT, 49 CFR Part 21, as amended, (hereinafter referred to as "Regulations"), which are herein incorporated by reference and made a part of this Agreement.
4. Nondiscrimination: The AGENCY, with regard to the work performed by it after the execution of this Agreement, will not discriminate on the grounds of race, color, national origin, sex, age, disability, low-income status, or limited English proficiency in the selection and retention of contractors and consultants, including in the procurement of materials and leases of equipment. The AGENCY will not participate either directly or indirectly in the discrimination prohibited by 49 CFR 21.5 including employment practices when the contract covers a program set forth in Appendix B to Part 21 of the Regulations.
5. Solicitations for Contracts, including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the AGENCY for work to be performed under a contract, including procurement of materials or equipment, each potential contractor or supplier will be notified by the AGENCY of the AGENCY's obligations under this Agreement and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, disability, low-income status, or limited English proficiency.
6. Information and Reports: The AGENCY will provide all information and reports required by the Regulations or directives issued pursuant thereto, and will permit access to its books,

records, accounts, other sources of information, and its facilities as may be determined by ODOT, FHWA, or FTA to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of the AGENCY is in the exclusive possession of another who fails or refuses to furnish this information, the AGENCY will so certify to ODOT, FHWA or FTA as appropriate, and will set forth what efforts it has made to obtain the information.

7. Sanctions for Noncompliance: In the event of the AGENCY's noncompliance with the nondiscrimination provisions of this Agreement, ODOT will impose such Agreement sanctions as ODOT, FHWA, or FTA may determine to be appropriate, including, but not limited to:
 - a. withholding of payments to the AGENCY under the Agreement until the AGENCY complies, and/or
 - b. cancellation, termination, or suspension of the Agreement, in whole or in part.
8. Incorporation of Provisions: The AGENCY will include the provisions of paragraphs one through eight in every contract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The AGENCY will take such action with respect to any contracts or procurement as ODOT, FHWA, or FTA may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that, in the event the AGENCY becomes involved in, or is threatened with, litigation with a contractor, consultant, or supplier as a result of such direction, the AGENCY may request ODOT to enter into such litigation to protect the interests of ODOT, and, in addition, the AGENCY may request the United States to enter into such litigation to protect the interest of the United States.

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 460 I) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-Aid programs and projects)
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 *et seq.*) (prohibits discrimination on the basis of sex)
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 *et seq.*), as amended (prohibits discrimination on the basis of disability) and 49 CFR Part 27
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*) (prohibits discrimination on the basis of age)
- Airport and Airway Improvement Act of 1982 (49 U.S.C. § 471, Section 47123), as amended (prohibits discrimination based on race, creed, color, national origin, or sex)
- The Civil Rights Restoration Act of 1987 (PL 100-209) (broadened the scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of Federal-Aid recipients, sub-recipients, and contractors, whether such programs or activities are Federally funded or not)
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. §§ 12131-1 2189), as

implemented by Department of Transportation regulations at 49 CFR parts 37 and 38 (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities)

- The Federal Aviation Administration's Non-Discrimination Statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex)
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental “effects on minority and low-income populations)
- Executive Order 13166, Improving Access to Services for People with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100)
- Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended (prohibits discrimination in the sale, rental, and financing of dwellings on the basis of race, color, religion, sex, national origin, disability, or familial status (presence of child under the age of 18 and pregnant women)
- Title IX of the Education Amendments Act of 1972, as amended (20 U.S.C. 1681 et seq.) (prohibits discrimination on the basis of sex in education programs or activities)

Appendix C

– Title Assurances, Self-Certification of Process, Contractors' Requirements –

"Certification of the MORPC Metropolitan Transportation Planning Process"

WHEREAS, the Transportation Policy Committee of the Mid-Ohio Regional Planning Commission is designated as the metropolitan planning organization (MPO) for the Columbus Urbanized Area; and

WHEREAS, 23 CFR 450.334 requires that the state and MPO certify, at least every four years, that the transportation planning process is being carried out in accordance with all applicable requirements, including:

- (1) 23 U.S.C. 134 and 49 U.S.C. 5303 (Metropolitan Transportation Planning requirements);
- (2) Sections 174 and 176(c) and (d) of the Clean Air Act, as Amended (42 U.S.C. 7504, 7506 (c) and (d) and 40 CFR part 93;
- (3) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
- (4) 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex or age in employment or business opportunity;
- (5) Section 1101(b) of the FAST-Act (Pub. L. 114-94) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT-funded projects;
- (6) 23 CFR part 230, regarding the implementation of the equal employment opportunity program on federal and federal-aid highway construction contracts;
- (7) The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37 and 38;
- (8) The Older Americans Act, as amended (42 U.S.C. 6101) prohibiting discrimination on the basis of age in programs or activities receiving federal financial assistance;
- (9) Section 324 of Title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
- (10) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities; and

WHEREAS, this "self-certification" is separate from the MPO certification done by the Federal Highway Administration and Federal Transit Administration, which was last conducted at MORPC in 2014; and

WHEREAS, as a prerequisite to the receipt of federal financial assistance (per 49 CFR Subtitle A, Section 21.7), MORPC is required to provide the Title VI Assurances included in Attachment A; and

WHEREAS, the Community Advisory Committee at its meeting on April 30, 2018 and the Transportation Advisory Committee at its meeting on May 2, 2018 recommended approval of this resolution by the Transportation Policy Committee; now therefore

BE IT RESOLVED BY THE TRANSPORTATION POLICY COMMITTEE OF THE MID-OHIO REGIONAL PLANNING COMMISSION:

- Section 1. That it certifies that the urban transportation planning process is carried out in conformance with all the applicable federal requirements to the degree that is appropriate for the size and complexity of the area.
- Section 2. That it provides the Title VI Assurances in Attachment A, Parts 1 and 2.
- Section 3. That this committee finds and determines that all formal deliberations and actions of this committee concerning and relating to the adoption of this resolution were taken in open meetings of this committee.


Rory McGuinness, Chair

MID-OHIO REGIONAL PLANNING COMMISSION

5/10/18
Date

Prepared by: Nick Gill

Attachments:

- A. Part 1 - Standard DOT Title VI Assurances
- Part 2 - Contractor Contractual Requirements

PART 1
STANDARD DOT TITLE VI ASSURANCES

The Mid-Ohio Regional Planning Commission (MORPC) hereby agrees that as a condition to receiving Federal financial assistance from the Department of Transportation (DOT), it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and all requirements imposed by 49 CFR Part 21 - Nondiscrimination in Federally Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which MORPC receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. Without limiting the above general assurance, MORPC agrees that:

1. Each "program" and "facility" (as defined in Sections 21.23(e) and 21.23 (b)) will be conducted or operated in compliance with all requirements of the Regulations.
2. It will insert the clauses of Part 2 of this assurance in every contract subject to the Act and the Regulations.
3. This assurance obligates MORPC for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon, in which case the assurance obligates MORPC or any transferee for the longer of the following periods:
 - (a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits, or
 - (b) the period during which MORPC retains ownership or possession of the property.
4. It will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom (s)he delegates specific authority to give reasonable guarantee that it, other sponsors, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants or Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this assurance.
5. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining Federal financial assistance for this Project and is binding on MORPC, its contractor, subcontractors, transferees, successors in interest and other participants in the Project. The person whose signature appears on this resolution is authorized to sign this assurance on behalf of MORPC.

PART 2
CONTRACTOR CONTRACTUAL REQUIREMENTS

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations.** The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter "DOT"), Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination.** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontracts, including Procurements of Materials and Equipment.** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports.** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Mid-Ohio Regional Planning Commission (MORPC), the Ohio Department of Transportation (ODOT), or DOT to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to MORPC, ODOT or DOT, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance.** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, MORPC shall impose such contract sanctions as it, ODOT or the DOT may determine to be appropriate, including, but not limited to:
 - a. Withholding of payments to the contractor under the contract until the contractor complies, and/or
 - b. Cancellation, termination, or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions.** The contractor and subcontractor(s) shall include the provisions of paragraphs 1 through 5 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor and subcontractor(s) shall take such action with respect to any subcontract or procurement as MORPC, ODOT or DOT may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a contractor or subcontractor(s) becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor or subcontractor(s) may request MORPC or ODOT to enter into such litigation to protect the interests of MORPC or ODOT and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

Appendix D

– ODOT Title VI Baseline Assessment Tool – FY2019 –

Metropolitan Planning Organizations (MPOs) & Regional Transportation Planning Organizations (RTPOs)

General

1. Which office within your organization has lead responsibility for Title VI compliance?

Public and Government Affairs

2. Who is your designated Title VI Coordinator? Please provide the person's name, title and contact information.

Terri Flora
Director of Public and Government Affairs
tflora@morpc.org
614-233-4126

3. Does your organization have a Title VI Program Plan? If so, please provide the website link or attach a copy. **Yes**

<http://www.morpc.org/title-vi/>

4. Does your organization have a Title VI policy? If so, please provide the website link or attach a copy.

We have the Title VI Program Plan, nothing specifically titled a Title VI Policy

<http://www.morpc.org/title-vi/>

5. Does your organization have written Title VI complaint procedures? If so, please provide the website link or attach a copy. **Yes**

<http://www.morpc.org/title-vi/>

6. Does your organization have a Title VI complaint form? If so, please provide the website link or attach a copy. **Yes**

<http://www.morpc.org/title-vi/>

7. Does your organization make the public aware of the right to file a complaint? If so, describe how this is accomplished.

Yes. MORPC utilizes the website and public notices to post Title VI information and the public's right to file a complaint.

8. In the past three years, has your organization been named in any Title VI and/or other discrimination complaints or lawsuits? If so, please provide the date the action was filed, a brief description of the allegations and the current status of the complaint or lawsuit. Describe any Title VI-related deficiencies that were identified and the efforts taken to resolve those deficiencies.

None

9. Has your organization provided written Title VI Assurances to ODOT? Is the Title VI Assurance included in the MPO self-certification resolution? (Note: this only applies to MPOs; RTPOs do not approve self-certification resolutions.) If so, please provide a copy as an attachment.

Yes, to both questions. The written assurances were last provided in the 2017 self-certification resolution. <http://www.morpc.org/title-vi/>

10. Does your contract language include Title VI and other non-discrimination assurances? **Yes**

While the agency does not include 49 CFR 26.13 (a) and (b) verbatim (and the regulations do not state the language must be included verbatim), language is included that we will comply with Title VI of the Civil Rights Act of 1964, 78 Stat.252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation. See the attached contract template.

11. Do you use any of the following methods to disseminate Title VI information to the public (select all that apply):

- i. Title VI posters in public buildings - **Yes Title VI Notices in MORPC building, foyer and lounge.**
- ii. Title VI brochures at public events - **Title VI language included on brochures.**
- iii. Title VI complaint forms in public buildings - **No**
- iv. Title VI complaint forms at public events - **No**
- v. Title VI policy posted on your website - **Notice is posted on website.**
- vi. Title VI Program Plan posted on your website - **Yes**

vii. Other (Please explain)

Public Involvement

12. Does your organization have a Public Participation Plan? **Yes** If so, please provide the website link or attach a copy. When was the Public Participation Plan most recently updated? **2015**
13. Please select which of the following outlets your organization uses to provide notices to different population groups (select all that apply):
- i. Neighborhood and community paper advertisements - **We provide notices directly through U.S. and email to neighborhood, community and civic associations.**
 - ii. Community radio station announcements - **Paid radio announcements are typically featured on a project basis, specifically, air quality alerts and Gohio.**
 - iii. Church and community event outreach - **Projects are typically featured at community events. The projects are usually air quality alerts and Gohio, but also TIP and MTP if a process is in progress.**
 - iv. Targeted fliers distributed in particular neighborhoods - **No fliers as many neighborhoods consider it litter but will post information in county buildings, senior centers/rec centers and public libraries.**
 - v. Other (Please explain)
14. Do you coordinate with local community groups to facilitate outreach to minorities and low-income populations? If so, please list groups. **We coordinate with neighborhood and civic organizations located in the areas with minorities and low-income populations. We also coordinate with social service agencies, resource agencies and faith-based organizations that serve these populations. See attachment.**
15. Do you take the following into consideration when identifying a public meeting location (select all that apply):
- i. Parking - **Yes**
 - ii. Accessibility by public transportation - **Yes**

iii. Meeting times - **Yes**

iv. Existence of ADA ramps - **A site review is conducted on all meetings located outside of MORPC.**

v. Familiarity of community with meeting location - **This occurs in coordination with the project location or boundaries.**

16. Have meeting participants requested special assistance (e.g., interpretation services) ahead of any public event in the past year? If so, describe how the request was addressed. **No.**

Limited English Proficiency (LEP) and Language Assistance

17. Are you familiar with the LEP four-factor analysis methodology? **Yes.**

18. Are you familiar with the LEP language assistance Safe Harbor threshold? **Yes.**

Does your organization have an LEP Plan and/or a Language Assistance Plan (LAP)? If so, please provide the website link or attach a copy. **Yes - <http://www.morpc.org/title-vi/>**

19. Has your organization identified vital documents that need to be made available in languages other than English? If so, describe how that need is being addressed. **Yes. Newsletters, applications for service, executive summaries are translated into Spanish and Somali.**

20. Do you have a list of staff who speak languages other than English? **Yes.**

21. Do you provide free translation services in languages other than English to the public upon request? **We cover the cost to have information translated and interpreters if needed.**

22. How often do you receive requests for language assistance? **Our Weatherization service receives requests several times a year.**

Title VI Training

23. Who provides Title VI training to your staff?

i. ODOT staff - **Yes**

ii. Title VI Coordinator - **Not exclusively on Title VI - included with Diversity below**

iii. Other (Please explain) - **We provide Diversity training, and elements from Title VI are included.**

24. How often are Title VI trainings conducted? **Annually as part of diversity training.**

25. How many staff were trained on Title VI this year? **Included with the Diversity training, 32 employees.**

Transportation Planning Program - Data Collection and Analysis

26. Does your agency maintain documentation describing its procedures for incorporating Title VI requirements into the region's transportation planning program?

MORPC documentation for incorporating Title VI into the metropolitan transportation planning program is included in the "Environmental Justice Report" and the "Environmental Justice Technical Analysis" prepared in conjunction with the Transportation Plan and Transportation Improvement Program (TIP). Title VI considerations in public involvement are documented in the "Transportation Public Involvement Plan" and in the appendix of the "Metropolitan Transportation Plan" and the appendix to the TIP.

27. Does your organization maintain socio-demographic data and mapping for the transportation planning region? **Yes.**
28. Does your organization use data to identify protected groups for consideration in the planning process? **Yes.**
29. Does your organization conduct Transportation Plan and Transportation Improvement Program environmental justice analyses of the impacts that planned transportation system investments will have on both minority (including low-income status populations) and non-minority areas? Discuss the assessment methodology and resulting documentation. **Yes - There is an EJ appendix included for each TIP and MTP. Full methodologies are included in them. TIP webpage:**
<http://www.morpc.org/program-service/transportation-improvement-program/>. **MTP webpage:**
<http://www.morpc.org/program-service/metropolitan-transportation-plan>
30. Does your organization track demographic information of participants in its transportation planning program public involvement events? **Only our Community Advisory Committee.**

Technical Assistance

31. Provide the name, title, and contact information for the person who completed this questionnaire and the date the questionnaire was completed. Is this the person who should be contacted with follow-up questions? If not, please provide the name, title, and contact information for that individual.
- Bernice Cage, Public Information & Diversity Officer, bcage@morpc.org. 614-233-4157.**

Nick Gill, Assistant Director, Transportation Systems & Funding, ngill@morpc.org. 614-233-4151

32. Do you have any questions regarding this questionnaire? If so, please include them here along with your email address or telephone number and an ODOT representative will respond. **What is the difference between our Title VI Plan and a Title VI Policy (i.e., questions 3 & 4)?**
33. Would your organization like Title VI training or other Civil Rights technical assistance from ODOT? If yes, please explain. **Yes, I would like to schedule Title VI training for MORPC.**

Appendix E

– Non-Discrimination Complaint Procedure –

NON-DISCRIMINATION COMPLAINTS

These procedures cover all external complaints regarding MORPC programs and activities filed under Title VI of the Civil Rights Act of 1964 or 49 CFR 21.1,

“The purpose of this part is to effectuate the provisions of Title VI of the Civil Rights Act of 1964 (hereafter referred to as the Act) to the end that no person in the United States shall, on the grounds of **race, color, or national origin (including limited English proficiency)**, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Transportation.”

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

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

(1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on the grounds of race, color, or national origin.

(i) Deny a person any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to a person, which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat a person differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial aid, or other benefit provided under the program;

(vi) Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program; or

(vii) Deny a person the opportunity to participate as a member of a planning, advisory, or similar body, which is an integral part of the program.

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

Procedure

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with the MORPC Director of Operations. A formal complaint must be filed within 180 calendar days of the alleged occurrence.
2. Upon receipt of the complaint, the MORPC Director of Operations will determine its jurisdiction, acceptability, and need for additional information. MORPC also will acknowledge receipt of the complaint by notifying the complainant in writing within 10 days.
3. The MORPC Director of Operations will assign or designate a staff person from whose area is affected by the complaint to investigate the merit of the complaint.
4. The complaint will receive a case number and will be logged in the MORPC records identifying its basis and the race, color, national origin, and gender of the complainant. The assigned staff will start the investigation.
5. Within 50 calendar days of receipt of the complaint, MORPC's investigator will prepare an investigative report for the Executive Director's review. The report shall include a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. MORPC also will include signed affidavits from all parties – complainant, accused, and witnesses, as applicable. Any reports or documents gathered during the investigation also will be included.
6. The investigative report and its findings may be sent to MORPC's legal counsel for review. The counsel will review the report and associated documentation and will provide input within 10 calendar days.
7. MORPC's investigator will review any comments or recommendations from MORPC's legal counsel. The investigator will discuss the report and recommendations with the Executive Director. The report will be modified as needed and made final for its release.
8. Once MORPC's investigative report becomes final, the parties will be properly notified of the outcome and appeal rights.
9. MORPC's investigative report and a copy of the complaint will be forwarded to the appropriate oversight agency (for example, the Ohio Department of Transportation), if applicable, within 70 calendar days of the receipt of the complaint.
10. If the complainant is not satisfied with the results of the investigation, s/he shall be advised of their right to appeal. The first appeal is to the Discrimination Complaint Appeal Board of the MORPC Executive Committee. The chair of the Executive Committee, or their designee, serves as chair of the Appeal Board, along with two other Executive Committee members selected by the chair. The Appeal Board is the final review process within MORPC. If the complainant remains unsatisfied, MORPC's determination can be appealed to federal or state entities, as applicable, or to the United States Department of Justice (USDOJ). Appeals to the MORPC Appeal Board must be filed within 30 days of notification (per step 8) of a decision on the complaint. The MORPC Appeal Board will make a decision on the complaint and notify the complainant of such within 60 days. Appeals outside

MORPC must be filed within 180 days after MORPC's final resolution. Absent new facts, MORPC will not reconsider its determination.

11.If it is determined, following the initial investigation or following any appeals that MORPC acted in a discriminatory manner MORPC will take whatever action is needed, per the recommendations in the investigative report, to remedy the discriminatory practice.

For more information regarding the MORPC complaint process or for filing complaints, please contact the MORPC Director of Public & Government Affairs, Terri Flora, at 614-233-4126 or tflora@morpc.org.

Completed complaint forms can be mailed or faxed to:

Terri Flora
MORPC
111 Liberty Street, Suite 100
Columbus, Ohio 43215

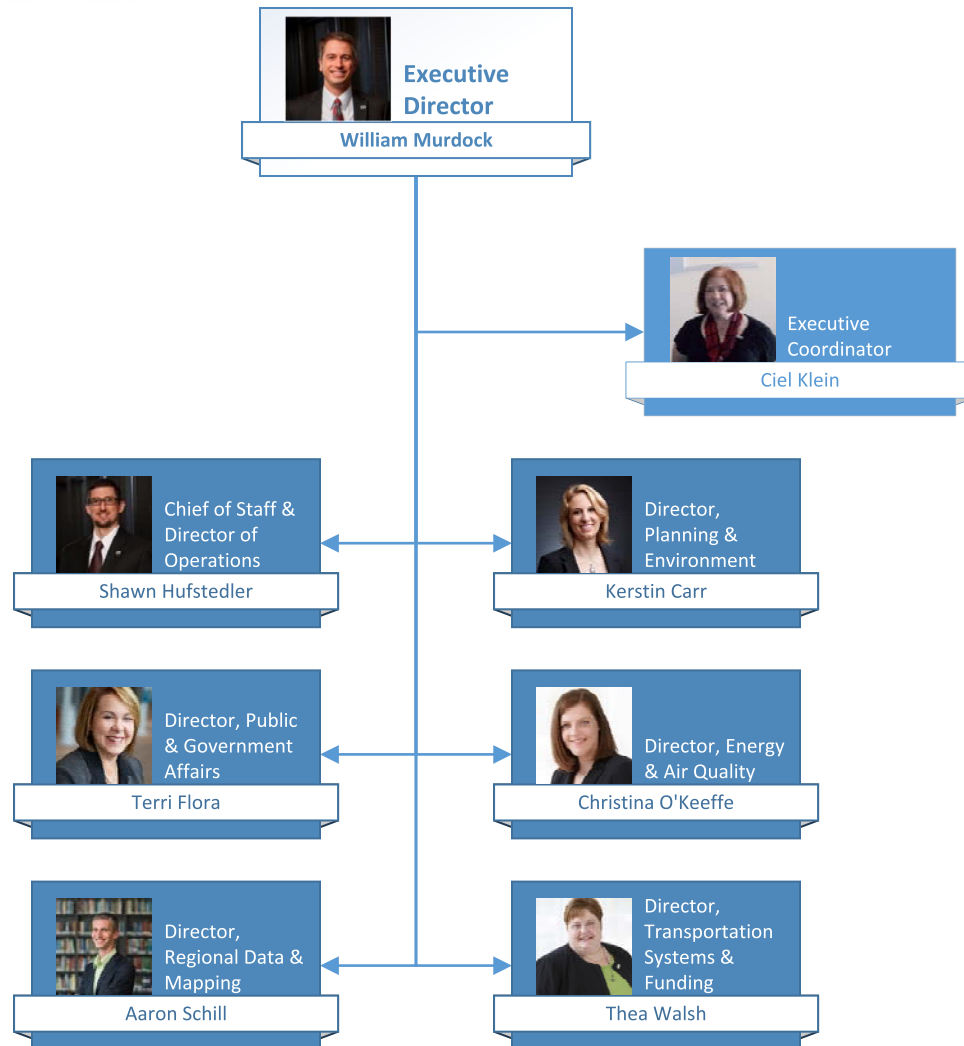
Fax 614-228-1904

The completed and signed form also can be scanned and emailed to: tflora@morpc.org >> .

Please call 614-233-4126 following the submittal of a complaint form to make sure that the completed form has been received. Thank you.

Appendix F

– Responsibilities for Title VI Compliance at MORPC –



Appendix G

– Public Involvement Plan –



Mid-Ohio Regional
Planning Commission

2015 TRANSPORTATION PUBLIC INVOLVEMENT PLAN

SEPTEMBER 2015



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MID-OHIO REGIONAL PLANNING COMMISSION

The Public Involvement Plan specifies the procedures that the Mid-Ohio Regional Planning Commission will use when conducting its transportation planning process. The Plan also includes a section on Environmental Justice, the Americans with Disabilities Act and MORPC's Nondiscrimination Complaint Procedures.

BACKGROUND

The Mid-Ohio Regional Planning Commission (MORPC) is a voluntary association of local governments in Central Ohio. Franklin County and nearby counties as well as their cities, villages and townships are eligible for membership. Elected and appointed officials sit on the Commission, which is the policy-making body of the organization.

As a regional planning commission, MORPC has the flexibility and capability to be responsive to its members' needs. MORPC assists with planning and implementing programs in areas of energy conservation, infrastructure, transportation, land use, economic prosperity, environmental protection and others.

MORPC serves as a forum for state and local governments on regional issues and helps represent local communities' interests and needs at the state and federal levels. MORPC recognizes and encourages public and private cooperation on a regional basis and works to build consensus, sound planning practices and realistic decision making for the future. Because of MORPC's role in the region, MORPC's Transportation Policy Committee was originally designated the Metropolitan Planning Organization (MPO) for the Columbus urbanized area in 1964 and re-designated in 1973.

MORPC AS THE MPO

As the MPO, MORPC's Transportation Policy Committee conducts the federally required 3C (continuous, cooperative and comprehensive) transportation planning process. This process results in plans and programs that consider all transportation modes and supports the goals of the metropolitan transportation plan. It is the basis for the development of the 20-year Metropolitan Transportation Plan and the 4-year Transportation Improvement Program (TIP). The plans and programs lead to the development and operation of the region's integrated, multimodal transportation system that facilitates the efficient and economic movement of people and goods.

Public involvement provides a deliberative and transparent process for people affected by the projects, strategies and initiatives recommended from the transportation planning process. "People" as defined here include the general



public as well as major stakeholders, special interest groups, those traditionally underserved by transportation, minorities, people with disabilities, freight shippers, providers of freight transportation services, and neighborhood and civic associations. Input from all of these groups creates a more inclusive process in shaping the development of the metropolitan transportation plan and the TIP.

The public involvement process encourages early and continuous involvement that not only helps to develop plans that accommodate the needs of the traveling public but also the efficient movement of goods. Public involvement is also required by the Metropolitan Planning Regulations of the United States Department of Transportation 23 CFR 450.316, 49 U.S.C. 5307(b)(1-7) and FTA Circular 9030.1E. This Public Involvement Plan (PIP) is the process by which public involvement activities are conducted by MORPC's Public & Government Affairs Department.

The transportation planning process is complex and due to its complexity, the general public is encouraged to view the website, solicit presentations, and attend meetings and other public forums to gain an understanding of the process and plans. The meetings are designed not only to educate and inform the public but also to allow the public the opportunity to provide input into the various elements of the planning and decision-making process.

INTENT OF THE TRANSPORTATION PUBLIC INVOLVEMENT PLAN

The PIP is designed to provide the public reasonable opportunity to participate in, review, and comment on the formulation of transportation policies, plans, and programs. This process provides a set of procedures to be consistently and comprehensively applied to incorporate the public's involvement in the transportation planning process including the planning and development of the Central Ohio Transit Authority's (COTA's) and Delaware Area Transit Agency's (DATABus's) programs and projects. The PIP further serves to satisfy the public involvement requirements for Federal Transit Administration (FTA) Section 5307 Urbanized Area Formula Program grant funding received by both COTA and DATABus.

It is the intent of the MPO to utilize this process in a proactive manner to solicit input from a broad representation of the community. The MPO will secure data and consult with resource agencies, social service agencies, environmental groups and associations, state, county and local governmental agencies, townships, and other non-governmental agencies. The MPO actively seeks the views of the minority, people with disabilities, low-income and other populations traditionally underserved by transportation to ensure that a broad representation is obtained.



The overall process is based upon the following goals:

- Provide timely information about planning issues and processes to the public.
- Foster transparency by providing reasonable public access to technical and policy information used in the development of transportation plans.
- Provide adequate notice of public involvement and planning activities.
- Continually seek specific ways to engage and consider the needs of all segments of the population.
- Obtain early and continuous public involvement in the transportation planning process.

The PIP is reviewed periodically by the Ohio Department of Transportation, the Federal Highway Administration and the Federal Transit Administration to ensure that full and open access is provided by the MPO, COTA and DATABus in the decision-making process. The Public Involvement Plan outlined in the following section enhances the opportunity for public input and satisfies federal requirements for public participation.

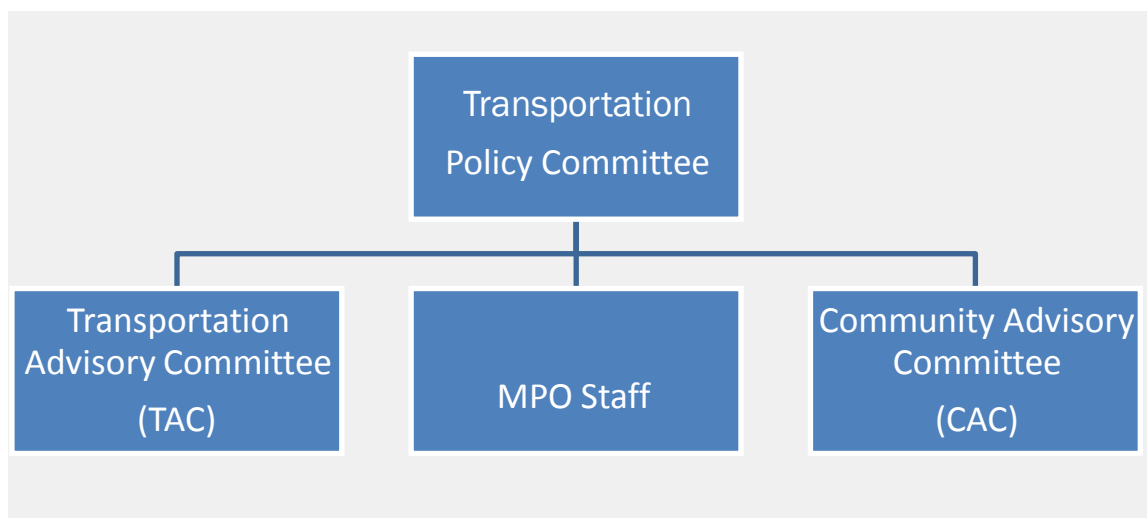
TRANSPORTATION PUBLIC INVOLVEMENT PLAN

The transportation planning area for the MPO includes Delaware and Franklin counties, Bloom and Violet townships in Fairfield County, New Albany, Pataskala and Etna Township in Licking County, and Jerome Township in Union County. The MPO boundaries of the planning area are updated every 10 years based on the results of the national census. There are currently no Tribal lands or federal public lands identified in the MPO planning area.

MORPC uses a three-tier process to solicit input in the development of transportation plans, programs and policies. This process includes a structured MPO committee process, a project-specific process and a public outreach/information dissemination effort tailored to meet specific needs.

Tier 1: MPO's Committee Structure

The MPO's existing public involvement structure incorporates the activities of three transportation committees: the Transportation Policy Committee, the Transportation Advisory Committee (TAC) and the Community Advisory Committee (CAC).



Transportation Policy Committee - The Policy Committee is the MPO. It is responsible for the review and adoption of all MPO planning work products such as the PIP, the Planning Work Program (PWP), the 20-year Metropolitan Transportation Plan, the 4-year TIP, area studies, corridor plans, amendments to adopted plans and programs and COTA's and DATABus's programs and projects, and Section 5307 Urbanized Area Formula annual Program of Projects. This committee, upon recommendations from TAC and CAC, makes decisions on transportation policy.

The Policy Committee includes the representation of local elected officials, officials of agencies that administer or operate major modes or systems of transportation, appropriate state officials, and chair of the CAC.

Transportation Advisory Committee (TAC) – TAC provides technical advice, assistance, and recommendations to the Policy Committee and MPO staff. TAC reviews the procedures for and results of the various phases of the transportation planning process and special studies, methodology, projections, assumptions, and recommended plans, programs, strategies and solutions before submission to the Policy Committee.

TAC's membership represents state, local, and federal transportation agencies, public utilities, public and private transportation providers, environmental and freight interests, and consultants.

The Community Advisory Committee (CAC) – The CAC provides recommendations to the Policy Committee from a citizen, special interest and community perspective. The CAC is one method by which the public can review and participate in all current transportation planning efforts, projects and issues.

The CAC membership, as defined by its bylaws, is a broad representation of the community including, but not limited to, low-income and minority households, special interest groups, neighborhood and area commissions and those traditionally underserved by transportation.

By having a membership which usually serves for several years, the CAC becomes educated about the often complicated transportation issues, constraints, and processes and their relationship to other conditions in the community. For more information see the CAC Bylaws (Appendix A).

Tier 2: Project-Specific Public Involvement

Participation in specific studies occurs through the formation of committees or the utilization of standing committees. The committee's structure is reviewed to ensure that the appropriate segments of the population and specific special interests are represented and encouraged to participate. The committee members assist by addressing study issues through reviewing and providing feedback on information presented, answering questions at public meetings and by providing information to local constituents.

Agencies that undertake area studies and corridor plans, where there is a specific need of intensive study to determine potential transportation needs and impacts and which will be formally adopted by the MPO follow this process. Persons who may be impacted directly by the study results are involved through the following process:

- Advisory groups may be established for the study or standing committees that include the representation of specific target groups. Representatives from appropriate neighborhood and area commissions, employers, resource agencies, businesses, special interests, and local, state and federal transportation agencies are invited to participate. The advisory group meetings are held in venues convenient to the study area.
- Public meetings are scheduled in the study area. Invitations to attend the meetings are placed on the Agency website and Facebook, placed in electronic newsletters, and distributed by direct and electronic mail to neighborhood and civic associations, employers, businesses, resource agencies, media and local communities in the study and transportation planning area.

Interim and final results of these studies are presented to the advisory groups, CAC, TAC, Transportation Policy Committee and other interested groups and communities. Short, written reports on progress may also be provided.

Information on the study milestones may be displayed in a newsletter and distributed to the media, general public, and public libraries, placed on a website and on social media. A website specifically for the study may be developed.



If this is the case, all written documents and presentations will include the web address of the study.

All study plans, draft and final versions, are available for public review and comment at area libraries, the performing agency, and on the website. Upon request, MPO work products and documents are made available in alternative formats.

Tier 3: Public Outreach/Information Dissemination

MORPC involves the public in the transportation planning process through an array of outreach methods. Public meetings, one-on-one contacts, social media, presentations and the website are used to engage the public in the planning process. Upon request, MPO work products and documents are made available in alternative formats.

Public Outreach

The public outreach program for the Metropolitan Transportation Plan, the TIP, COTA, DATABus and FTA Section 5307 Program of Projects includes the following:

Legal notices are placed, as required by 23 CR Part 450.316, in local newspapers (with the largest circulation for each county and minority newspapers) prior to public review periods for the Metropolitan Transportation Plan, the TIP and all public hearings. MORPC's Calendar of Events is updated and press releases are distributed to the media announcing the availability of draft and final major reports, public review periods, public meetings and other transportation planning efforts.

Posting of information on all transportation programs and projects including links to significant projects located within the transportation planning area that are not conducted by MORPC can be found at www.morpc.org. Public comments can be submitted on the website, by electronic mail or sent through U.S. mail.

Announcements to review draft reports and attend public meetings are sent to neighborhood and civic associations, local communities, special interest groups, businesses and resource agencies by direct and electronic mail, placed on social media and included in electronic newsletters.

MORPC's periodic publications that provide information pertaining to various transportation activities include an electronic newsletter, *Regional eSource* and the agency print newsletter, *MORPCConnection*.

Copies of all drafts and final reports are distributed to the metropolitan libraries and state library in the transportation planning area, and are placed on the website at www.morpc.org/transportation.

CONSULTATION

As the MPO, MORPC conducts a transportation planning process that is continuous, cooperative and comprehensive with a 20-year horizon. This process results in plans and programs that consider all transportation modes and supports the goals in the metropolitan transportation plan. During this process, MORPC as the MPO will consult agencies and officials responsible for other planning activities within the metropolitan planning area that are affected by transportation (state and local planned growth agencies, airport operations, freight movements, safety agencies, active transportation groups, non-profit organizations, environmental protection groups, economic development agencies) and provide for the design and delivery of transportation services.

The consulting agencies will provide input and comments to MORPC, the Ohio Department of Transportation, COTA and DATABus (current plans, studies, data, and analysis) on the various components of the transportation planning process. The input will be considered and provided to the public for review and comment during each of the milestones:

- Evaluating the current transportation system and future needs
- Identifying performance measures and implementation strategies addressing deficiencies in the transportation system
- Identifying a fiscally balanced financial plan that can be expected for implementation
- Announcement of strategies, solutions and projects

METROPOLITAN TRANSPORTATION PLAN PUBLIC INVOLVEMENT PROCEDURES

The various components of the Metropolitan Transportation Plan are presented to the CAC, TAC and Transportation Policy committees for review and comment over the course of its development. A notice of availability of the draft documents for review with a minimum 30-day comment period by the general public is distributed by social media, and by direct and electronic mail to neighborhood and civic associations, employers, resource agencies, media, and local communities. A notice of availability and copies of draft documents are distributed to area libraries and placed on the website at <http://www.morpc.org/transportation/overview/main.asp>.

The MPO hosts an open house 30 days prior to the adoption of the transportation plan. A formal presentation is provided, the various components of the transportation plan are displayed and MPO staff is available to answer questions. Invitations to attend the open house are distributed by direct and electronic mail



and social media to CAC, TAC, Transportation Policy Committee members, neighborhood and civic associations, employers, resource agencies, social service agencies, media, and local communities in the transportation planning area. A copy of the formal presentation is placed on the website. Upon request, MPO work products and documents are made available in alternative formats.

All comments received are considered public comments, and therefore are subject to disclosure under Ohio's Public Records Act. All public comments received are reviewed for consideration and if found appropriate, are incorporated into the document. All responses are included in the final adopted document in a separate appendix. Copies of the final adopted document are sent to metropolitan libraries and the state library in the transportation planning area.

In order for transportation projects to be eligible for federal funding, they must be included in the Metropolitan Transportation Plan. At times it may be necessary to amend the Metropolitan Transportation Plan. Amendments to the Metropolitan Transportation Plan will be made available to the public for a 30-day comment period prior to approval. The amendment is brought before the CAC, TAC and Policy Committees for approval. The amendment and the revised Metropolitan Transportation Plan including the revised project listing, map and other amendment changes will be placed on the website.

TRANSPORTATION IMPROVEMENT PROGRAM (TIP) PUBLIC INVOLVEMENT PROCEDURES

Prior to the development of the draft TIP, a legal notice is placed in the major local and minority newspapers announcing the update. The notice will satisfy requirements for public participation in the development of FTA Section 5307 Program of Projects. A notice announcing the availability of the draft TIP for review with a minimum 30-day comment period is sent to CAC, TAC, Transportation Policy Committee members, neighborhood and civic associations, employers, resource agencies, media, and local communities in the transportation planning area. The notice distributed by direct and electronic mail and social media announces the comment period and states where a copy of the document can be obtained or viewed. The draft document is distributed to the metropolitan libraries and the state library in the planning area and placed on the website at

http://www.morpc.org/transportation/overview/transportation_improvement.asp.

MORPC hosts an open house 30 days prior to the adoption of the TIP. Elements of the TIP, including FTA Section 5307 Program of Projects, are displayed and a presentation is conducted on the information. The presentation is placed on the website. MPO staff is available to answer questions. Invitations to attend the open house are distributed by electronic and direct mail, and social media to CAC, TAC, Policy Committee members, neighborhood and civic associations, employers, resource agencies, media, and local communities in the transportation planning area. Upon request, MPO work products and documents are made available in alternative formats.



Comments are received electronically, by U.S. mail, or submitted in writing at public meetings. MORPC will accommodate the needs of any public in submitting comments. All public comments received are considered and responses are included in the final adopted document located in a separate appendix. Copies of the final document are placed on the website and sent to the metropolitan libraries and the state library in the transportation planning area.

Periodically amendments to the TIP are needed because the schedule, scope or funding of a transportation project needs to be revised or a new project added to the TIP. Notice of the amendment will also satisfy the public participation requirements for FTA Section 5307 annual Program of Projects. The amendment is brought before the CAC, TAC and Transportation Policy Committees for approval. Notification of a TIP amendment will be included on the committees' agendas. Significant amendments are made available to the public for a 30-day comment period prior to approval. All amendments to the TIP are placed on the website.

ENVIRONMENTAL JUSTICE

Recognizing that the impacts of federal programs and activities may raise questions of fairness to affected groups, President Clinton, on February 11, 1994, signed Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The needs of those traditionally underserved by the existing transportation system are sought and considered by the MPO. The following actions are meant to reduce the barriers for participation in the decision-making process by low-income and/or minority residents, elderly, or people with disabilities.

Post card notices are mailed informing the underserved populations of opportunities to participate, major milestones, and public meetings. When possible, public meetings are held in locations that are located along a transit bus route, convenient to low-income populations and accessible to people with disabilities. Such locations include public libraries, schools, community centers, and churches. Agencies and organizations that represent these populations are included in mailings.

Upon request, MPO work products and documents are made available in alternative formats.



AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act of 1990 (ADA) <http://www.ada.gov/pubs/ada.htm> is a civil rights statute that prohibits discrimination against people with disabilities in all aspects of life. ADA therefore calls for federally assisted programs to be accessible to people with disabilities. People with disabilities are encouraged to participate through MORPC's CAC and to get involved in the development and improvement of transportation and paratransit plans and services. All public meetings conducted by the MPO take place at locations that have accessible facilities so as to accommodate people with mobility limitations.

MID-OHIO REGIONAL PLANNING COMMISSION NONDISCRIMINATION COMPLAINT PROCEDURES FOR PROGRAMS OR ACTIVITIES OF MORPC

MORPC does not discriminate on the basis of age, race, color, national origin, gender, sexual orientation, familial status, religion or disability in programs, services or in employment. Information on non-discrimination and related MORPC policies and procedures is available at www.morpc.org. The information is also publically displayed in all MORPC conference rooms, lobby and lounge areas. Nondiscrimination procedures cover all external complaints regarding MORPC programs and activities filed under Title VI of the Civil Rights Act of 1964 or 49 CFR 21 and are available at: www.morpc.org/about-morpc/overview/policies/title-vi, "Nondiscrimination in the Federally Assisted Programs of the Department of Transportation." Information on how to file a complaint can be viewed on MORPC's website at www.morpc.org/about-morpc/overview/policies/non-discrimination-complaints, or a hard copy may be requested by calling the Director of Human Resources at (614) 228-2663.





**111 Liberty Street, Suite 100
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Appendix H

– Environmental Justice Analysis TIP –



Environmental Justice Analysis

Appendix 3 to SFY 2018-2021 MORPC TIP



Mid-Ohio Regional
Planning Commission

111 Liberty Street, Suite 100
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April 28, 2017

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I. INTRODUCTION TO ENVIRONMENTAL JUSTICE

A. Definition of Environmental Justice

The U.S. EPA's Office of Environmental Justice defines environmental justice as follows:

"The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations and policies. Fair treatment means that no group of people, including racial, ethnic, or socio-economic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies."

B. Regulatory Framework for Environmental Justice

Recognizing that the impacts of federal programs and activities may raise questions of fairness to affected groups, President Clinton, on February 11, 1994, signed Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. MORPC has extended this target population to also include people with disabilities.

Environmental justice, while not a new requirement, amplifies the provisions found in the three-decade old Title VI of the Civil Rights Act of 1964. Title VI of the Civil Rights Act of 1964 prohibits discriminatory practices in programs and activities receiving federal funds. The transportation planning regulations, issued in October 1993, require that metropolitan transportation planning processes be consistent with Title VI. MORPC complies with Title VI by preparing and submitting Title VI documentation reports, as directed by ODOT. MORPC also has a Title VI assurance resolution currently in force, which states that MORPC complies with Title VI and US DOT-related requirements. Finally, MORPC operates a Disadvantaged Business Enterprise Program per US DOT requirements and provides periodic reporting to ODOT.

The executive order also refocuses attention on the National Environmental Protection Act (NEPA), a 30-year-old law that set policy goals for the protection, maintenance, and enhancement of the environment.

Environmental justice strengthens Title VI by requiring federal agencies to make achieving environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations. The Ohio Department of Transportation developed DOT Order 5610.2 to address environmental justice and to respond to Executive Order 12898.

The Policy of DOT Order 5610.2 is to:

“Promote the principles of environmental justice through the incorporation of those principles in all DOT programs, policies, and activities. This shall be done by fully considering environmental justice principles throughout planning and decision-making processes in the development of programs, policies, and activities, using the principles of the National Environmental Policy Act of 1969 (NEPA), Title VI of the Civil Rights Act of 1964, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and other DOT statutes, regulations, and guidance that address or affect infrastructure planning and decision-making; social, economic, or environmental matters; public health; and public involvement.”

C. MORPC’s Approach to Environmental Justice

MORPC in its response to this very important challenge devised a process to assess the impacts of the transportation planning process, the regional transportation plan and the Transportation Improvement Program on the target populations. MORPC identified three principles to ensure environmental justice considerations were properly integrated into the transportation planning process.

- Adequate public involvement of low-income and minority populations in regional transportation decision making.
- Assess whether there were disproportionately high and adverse impacts on low-income and minority populations resulting from federal programs.
- Assure that the low-income and minority populations receive a proportionate share of benefits of federal transportation investments.

MORPC assembled an Advisory Task Force and completed an initial preliminary assessment in April 2000, which addressed each of the three principles. This initial assessment also established EJ analysis as an ongoing aspect of MORPC's planning work program and that each Transportation Improvement Program (TIP) and Metropolitan Transportation Plan (MTP) update will include a quantitative environmental justice analysis.

This appendix provides demographic information for the MORPC area and the results of applying the quantitative measures to the set of projects included in the SFY 2018-2021 Transportation Improvement Program (TIP). The public involvement environmental justice issues are discussed in the public participation components of the TIP.

II. DEMOGRAPHICS

The population of Central Ohio is diverse. To protect people from being overlooked or taken advantage of in the course of regional transportation planning, special populations are identified to protect them from disproportional impact from transportation projects. This effort is part of the Environmental Justice process that MPO's use in preparing regional transportation plans. The EJ target populations include minorities and people in poverty (low-income).

Demographic data were sought regarding characteristics of these target populations for the MORPC Transportation Study Area. The selected data were distributed into MORPC's Traffic Analysis Zones (TAZs). This was done so that the data could be further analyzed through the travel demand model. The analysis resulted in the identification of planning measurements that were used to identify a geographic target area of high densities of these target populations to test effects of changes to the transportation system on these populations.

A. Data Set Review

The 2011-2015 American Community Survey (ACS) from the U.S. Census contains comprehensive information detailed for pertinent data sets at low geographical levels. The 2011-2015 ACS was used to calculate Target Populations which include people in poverty and minority population. These data are reported at the census tract level. An equivalency table was created between the census tracts and the MORPC Traffic Analysis Zone (TAZ) geography to transfer data from census tract to TAZ geographies. Characteristics of the Census Tract data available from the ACS were applied to 2015 estimated populations of the TAZ. Averages of regional totals for the target populations were calculated to identify concentrations of these populations in the study area. Using the breakpoint at which areas fall above or below the average for the study area alerts planners to special areas of consideration when analyzing the effects of changes to the transportation system.

B. EJ Target Populations

Demographic data for the special populations used in the Environmental Justice analysis were estimated for year 2015 using the methodology mentioned above. An equivalency between the census block group and MORPC Traffic Analysis Zone (TAZ) geographies was developed to report the data at TAZ level. The totals and averages for the demographic variables identified for measuring environmental justice are shown on Figures II-1 and II-2. The data are displayed in two ways on each map. They are density maps, where dots on the map represent people or households. These graphics show concentrations of the target populations. These dots are overlaid on a thematic display in which the traffic zones are shaded based on how the characteristics of the traffic zone compare the threshold for that specific variable.

Details regarding the special populations that include minorities and people in poverty are described below. Table II-1 is a comparison between the percentages of these target populations in MORPC MPO area and the entire state of Ohio.

Table II-1: 2015* Environmental Justice Target Populations in Central Ohio and State Totals

Special Population	MORPC MPO Area	State of Ohio
Minority Population	27.7%	17.6%
Population in Poverty	15.0%	15.8%

*Sources: using percentages from 2011-2015 American Community Survey as 2015 approximates

Minority Populations

People considered minorities are identified in the census as people of African-American, Hispanic/Latino, Asian American, American Indian and Alaskan Native, Native Hawaiian and other Pacific Islander. The minority population in the MORPC MPO area was 27.7 percent of the total population in 2015.

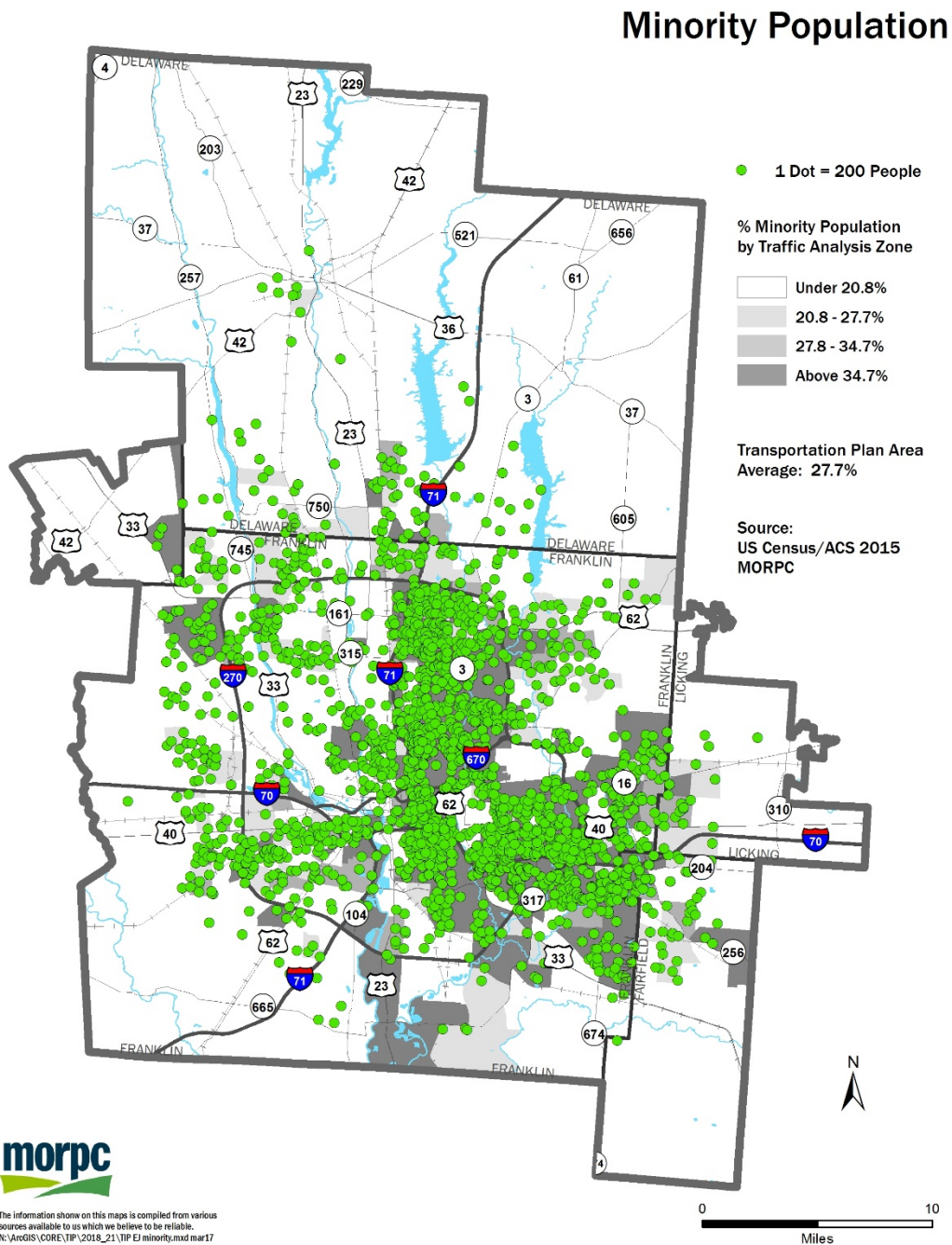
Most higher percentages of minority populations were located in the central parts of the city rather than in the outlying areas including neighborhoods in and around downtown Columbus, the Near East Side, Ohio State University, the Short North, the Linden area, Whitehall, and in the near northeast. In addition, neighborhoods around Eastland Shopping Center and in the south in the area of Groveport Road and SR 104 had much higher percentages of minority populations than the average for the study area. Neighborhoods around Polaris and Dublin have seen much growth in minority populations.

Low-Income Population

Low-income population was identified as people living below the level of poverty. The national poverty guidelines are issued annually by the Department of Health and Human Services. National poverty thresholds vary based on family size. About 15.0 percent of the population within the MORPC MPO area was living below the level of poverty in 2015. Approximately 50 percent of the people in poverty were concentrated in areas that exceeded the threshold. The highest concentration of people living in poverty was in the communities near the Columbus central business district, including the Ohio State University (OSU) area. Areas along Cleveland Avenue, West Broad Street, and East Main Street west of the City of Bexley also showed high concentrations of people living below the poverty level.

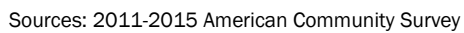
C. Distribution of Target Populations

Figure II-1: Environmental Justice Distribution of Minority Population by TAZ (2015)



Sources: 2011-2015 American Community Survey

Population in Poverty



III. QUANTITATIVE MEASURES METHODOLOGY

This section describes the environmental justice measures MORPC has identified and applied to the set of projects in the Transportation Improvement Program. These measures should provide some information on whether or not the transportation investments being made in the region are having disproportionate adverse impacts on the target populations and if the benefits from these investments are equitably distributed.

A. Identification of Measures

In order to identify if there are any adverse or disproportionate impacts on the target populations, measures are needed. Measures compare the relative treatment of the target populations and non-target populations in the planning process and the Transportation Improvement Program. They are not intended to measure how the implementers carry out the plan.

Characteristics of Measures:

- should be meaningful
- should be able to be applied or determined
- may be quantifiable or qualitative
- may be applied to compare targeted areas to other areas or to compare target populations to the other populations throughout the region
- some may be mode-specific (they are either unavailable for some modes or have little meaning)

B. Measures considered

While developing the list of possible measures it seemed that there were different types of measure data that could be developed. The types of measure data are:

- Population based
- Geographic based
- Visual

Population-based measures best address the environmental justice definition in that they provide information on the target population regardless of where they are located. Population-based measures take into consideration small pockets of target populations within non-target populations.

Geographic-based measures, on the other hand, provide information specific to a geographic area. Some information such as congested vehicle miles of travel can only be reported for an identified geographic area. The data reported within these areas are applicable to all of the populations that reside in the particular area. Thus, for an environmental justice analysis identification of the geographic area(s) of interest is very important. The geographic area(s) should have higher than average percentages of the target population and in total account for a large majority of the target population.

The goal of the population- and geographic-based measures is to be able to provide a series of numbers that can be compared to determine if there are environmental justice concerns. There are, however, some data that just can't be boiled down to a number for comparison. These can be classified as visual data. The visual data are usually in the form of maps.

It is not possible to identify one measure that will determine if there are environmental justice issues. However, it is necessary to look at a variety of measures that provide information on different issues. Likewise some measures may only be applicable for autos while others may be transit measures.

Some measures are accessibility measures while others reflect estimated travel. For example, the number of jobs within 20 minutes is a measure of accessibility to jobs. However, average work trip length is based on the estimated pattern of trip making. Estimates of congested vehicle miles of travel are another example of a travel measure.

Some measures could be either an accessibility measure or a travel measure depending on how they are calculated. For example, average travel time to CBD, if based on the estimated pattern of trip making, would be a travel measure. However, if it were calculated based on the average as if everyone made a trip to the downtown, it would be an accessibility measure.

C. Measurements Identified for Application

During the preliminary environmental justice completed in 2000 various measures were identified as appropriate environmental justice measures. Based on the data and methodologies available now, the measures were narrowed down for application in the EJ analysis, which will be described in more details in the next section. Over time additional measures may be developed depending on the available data and methodology.

D. Measurement Methodology

All of the measures described in this section were developed from MORPC's tour-based travel demand forecasting model process. The travel demand forecasting process takes basic land use and transportation system information and estimates travel patterns and volumes on the transportation system.

The tour based model needs land uses and socioeconomic data aggregated at traffic analysis zones (TAZs). There are 1,449 TAZs in MORPC's transportation planning area. From this information the number of trips generated by each TAZ is estimated. In the travel demand modeling chain, the model micro-simulates daily trips at the tour-level for each individual household. A tour is a closed chain of trips starting and ending at the same base location rather than elemental trips. Each tour has a primary destination and possible intermediate stops. These tours for each person are then aggregated into the trips by modes at the TAZ level. Then trips made in a vehicle are "assigned" to the highway network taking into account the characteristics of the highway network. Similarly, trips made by transit are assigned to the transit network. The results provide estimates of the daily number of vehicles or passengers on the network facilities.

MORPC currently compiles comprehensive land use sets every five years. The most current set is for 2015. In addition, MORPC reviews local land use plans, regional population

projections and other information to create future horizon year estimates of the data. Our horizon year is 2040.

For most measures, data for three different scenarios are presented. The first represents the 2015 conditions. The next two represent projected 2040 conditions under two transportation system assumptions. The first scenario is the No-Build condition that means no other projects are completed except for those currently in construction today. The other scenario assumes all of the projects in the Transportation Improvement Program are constructed.

The following describes measures in more detail and the methodology used to develop the value of the various measures. Section IV presents the results of the measures.

Estimating 2040 Target and Non-Target Populations by Zone

In order to create the population-based measures, it is necessary to estimate the target and non-target population within each TAZ. However, in the land use variables for 2040 only total population by TAZ is developed. The most recent data are from the 2009-2013 American Community Survey. Thus, it was necessary to develop a procedure to estimate 2040 target populations by zone.

In estimating the target populations by traffic zone, it was assumed that the total regional percentage for each population would be the same percentage as the 2015 percentage. For example, the regional percentage in poverty in 2015 was 13.9 percent. Thus, for the forecasted 2040 populations, it was assumed that the regional poverty percentage would remain at 13.9 percent.

In the model, a complete population is synthesized by sampling from the PUMS (Public User Micro Sample) data for the horizon year. By linking the synthesized population to the PUMS data, the target population percentage in each zone can be derived for the current and horizon year. By using these percentages as a starting point, adjustments were made to zones throughout the region in order to achieve the same regional percentage as in 2015. The adjusted population was spread throughout the region based on this starting distribution of the particular target population. For example, assume 10,000 additional poverty population is needed for the horizon year 2040 to achieve the same 12.7 percent as in 2015. If, in the starting 2040 distribution, one TAZ had 1 percent of the total poverty population, an additional 100 ($=10,000 \times .01$) poverty persons were added to the zone. Likewise, a zone with 0.1 percent of the total poverty population received an additional 10 ($=10,000 \times 0.001$) poverty persons. During this process, it was ensured that total target population did not exceed the total population of each zone.

Average Number of Job Opportunities Close

This measure estimates the average number of jobs there are within a specified travel time. The number of jobs by TAZ is one of MORPC's standard variables. First, the model was used to estimate peak period auto travel times and peak and off-peak transit travel times from each TAZ to every other TAZ. This is commonly referred to as a travel-time skim. Next, for each TAZ based on the skim, the total number of jobs within 20 minutes by auto and 40 minutes by transit were calculated. Finally, a weighted average of the number of jobs was calculated based on the number of each population group within each TAZ.

Average Number of Shopping Opportunities

This measure estimates the average number of shopping attractions there are within a specified travel time. Shopping attractions is an item that is estimated through the modeling process. As stated previously, in the new model, the base travel unit of modeling is tour that is a closed chain of trips starting and ending at the same base location rather than elemental trips. Each tour has a primary destination and possible intermediate stops. For a shopping tour, one attraction is added to the primary destination while one attraction would be added to any intermediate stop if there is an intermediate stop. Therefore, the shopping attractions are not a measure of the number of stores, but a measure of how many trips these stores attract on a typical day. This measure is developed in the same manner as job opportunities. Auto and transit travel-time skims were first developed, the total number of attractions within various travel times was calculated and a weighted average of the number of attractions was calculated based on the number of each population group within each TAZ. A 20-minute auto travel time and a 40-minute transit travel time were selected as the thresholds.

Average Number of Non-Shopping Opportunities

This measure estimates the average number of non-shopping attractions there are within a specified travel time. These attractions are for quality-of-life trips such as doctor's appointments, going to the bank and other non-shopping errands from home (namely, the purposes of the tours are other maintenance, discretionary and eating out in the model). Once again this is an item that is estimated through the modeling process and it is not a measure of the number of places, but a measure of how many trips these places attract on a typical day. This measure is developed in the same manner as shopping opportunities. Auto and transit travel-time skims were first developed, the total number of attractions within various travel times was calculated and a weighted average of the number of attractions was calculated based on the number of each population group within each TAZ. A 20-minute auto travel time and a 40-minute transit travel time were selected as the thresholds.

Percent of Population Close to a College

This measure estimates the percentage of population groups that are within a specified time to the closest college. A travel-time threshold of 20 minutes for auto and 40 minutes for transit were selected to match the thresholds used for job opportunities. The following colleges were used: Ohio State, Columbus State, Capital, Columbus College of Art & Design, Otterbein, DeVry Institute of Technology, Franklin, Mount Carmel College of Nursing, and Ohio Dominican. The measure was developed by using the travel-time skims to identify the travel time from every zone to each college. The minimum time was then determined and the population for each group was summed for all the zones that were less than 20 minutes for auto and 40 minutes for transit.

Percent of Population Close to a Hospital

This measure estimates the percentage of population groups that are within a specified time to the closest hospital. A travel-time threshold of 20 minutes for auto and 40 minutes for transit was selected to match the thresholds used for other home-based opportunities. The

following hospitals were used in the analysis for all scenarios: Grady Memorial Hospital, Dublin Methodist Hospital, Mount Carmel St. Ann's Hospital, Mount Carmel New Albany Surgical Hospital, Riverside Methodist Hospital, the Woods at Parkside Hospital, Ohio State University Hospital, Select Specialty Hospital - Columbus, Doctors Hospital, Mount Carmel West Hospital, Grant Medical Center, Ohio State University Hospital East, Nationwide Children's Hospital, Mount Carmel East Hospital, Regency Hospital, OhioHealth Westerville Medical Campus, Mount Carmel Grove City Medical Center (opened in 2014), and Ohio Health Medical Campus at Hill Road (opened in 2014). Hospitals were chosen not for the purposes of transport to emergency rooms, but because hospitals usually have complexes of medical offices in their vicinity. The original task force suggested using the various outpatient clinics and other small medical facilities, but these are too numerous and cannot be predicted into the future.

The measure was developed in the same manner as percent of population close to colleges. Travel-time skims were used to identify the travel time from every zone to each hospital. The minimum time was then determined and the population for each group was summed for all the zones that were less than 20 minutes for auto and 40 minutes for transit.

Percent of Population Close to a Major Retail Destination

This measure estimates the percentage of population groups that are within a specified time to the closest major retail destination. A travel-time threshold of 10 minutes for auto and 20 minutes for transit was selected to match the thresholds used for shopping opportunities. The following major retail destinations were used in the analysis: Polaris Fashion Place area, Tuttle Crossing Mall area, Easton Square area, Sawmill & SR 161 area, North Pointe Plaza area, Carriage Place area, Graceland area, Columbus Square area, Stone Ridge Plaza area, Westpointe Plaza area, Consumer Square west area, Lennox Town Center area, Eastland Mall area, Chantry Square area, and Taylor Square area.

The measure was developed in the same manner as percent of population close to colleges. Travel-time skims were done to identify the travel time from every zone to each major retail destination. The minimum time was then determined and the population for each group was summed for all the zones that were less than 20 minutes for auto and 40 minutes for transit.

Average Travel Time for Mandatory (Work, University and School) Purposes

Through the modeling process, different tour purposes are defined. One of these is mandatory tours, with purposes as Work, University and School. The previous measures discussed were accessibility measures. This measure, however, is a travel estimate measure. Average travel time is based on the model's estimated tour-making pattern for 2015 and 2040.

To compute this measure, first the different-period travel-time skims are matched up with each mandatory-tour record simulated in the model according to the starting and ending time of the tour. The travel time of the tour is calculated by summing up the travel time over all trips in the tour (the closed chain of trips). Because this time is total round trip time, it is divided by two to get the average time between ones home and their work, university or school destination. Then, the average travel time for mandatory purposes originating from each zone is computed. Finally, the weighted average mandatory-purpose travel time by population group was calculated.

It should be noted that when estimating the average travel time for each mode it is calculated as if all of the tours were to be made by the particular mode. This makes it a crossover between an accessibility measure and a travel measure. Although the actual origin and destinations are predicted, exact population groups using the different modes is unknown. Thus, when calculating the measure for a particular mode, the weighted average is based on the proportion to the target and non-target population in the origin zone and that of all the tours originating from the zone are made by the particular mode. However, not all the tours can be made by the transit, so the tours that cannot be made by the transit were ignored when calculating the measure for transit.

Average Travel Time for Shopping Purposes

As in the case for average mandatory-purpose travel time, average travel time for shopping purposes is based on the model estimation of tour-making patterns for 2015 and 2040 and is a travel estimate measure.

This measure is calculated in the same manner as is average travel time for mandatory purposes. First, the different-period travel-time skims are matched up with each shopping-tour record simulated in the model according to the starting and ending time of the tour. The travel time of the tour is calculated by summing up the travel time over all trips in the tour (the closed chain of trips). Because this time is total round trip time, it is divided by two to get the average time between ones home and their shopping destination. Then, the average travel time for shopping-purposes originating from each zone is computed. Finally, the weighted average shopping-purpose travel time by population group was calculated.

Average Travel Time for Other Purposes

There are still other tours that are not either shopping or work related. These include going to the doctor, bank, restaurant, recreation and other errands. They are grouped together and defined as other tours (namely, the purposes of the tours are other maintenance, discretionary and eating out in the model). As in the case for the previous travel time averages, average travel time for other purposes is based on the model estimation of tour-making patterns for 2015 and 2040 and is a travel estimate measure.

This measure is calculated in the same manner as is average travel time for mandatory purposes. First, the different-period travel-time skims are matched up with each other-tour record simulated in the model according to the starting and ending time of the tour. The travel time of the tour is calculated by summing up the travel time over all trips in the tour (the closed chain of trips). Because this time is total round trip time, it is divided by two to get the average time between ones home and their other destination. Then, the average travel time for other-purposes originating from each zone is computed. Finally, the weighted average other-purposes travel time by population group was calculated.

Average Travel Time for All Purposes

Another measure is the average travel time for all purposes. This measure estimates the average travel time for all purposes simulated in the model. The measure is calculated in the same manner as were the three previous measures.

Average Travel Time to Columbus CBD

The average travel time to the Columbus CBD is a measure of the accessibility to the downtown. It is determined by using the travel-time skims and determining the time from each zone to the statehouse in the downtown. A weighted average for each population group was then calculated based on the population in each zone. For transit average travel time to the CBD, only the zones that have walk access to transit are included in the average.

Transit Accessibility to Columbus CBD

This measure determines the percentage of each population group that has access to the CBD by transit because the entire region does not have transit service. This measure is determined by identifying zones that have walk access to transit service. Then the population within these zones for each group is summed and the percentage of the total population for the group calculated.

Congested Vehicle Miles of Travel during Peak Hours

This measure is a geographic measure. Before preparing this measure it is necessary to define a geographic target area. The geographic target area should constitute a large portion of the target population groups, have higher than average percentages of target population groups, and be defined in such a way that it is whole with smooth boundaries. The area defined will be discussed in the application section.

This measure estimates the percentage of travel in the target and non-target areas that are either moderately or highly congested during the peak hours that includes both AM and PM peak periods.

Transportation Investments

This is also a geographic measure. The location of projects that have been included in the Transportation Improvement Program was compared to the geographic target areas and the total dollar amount of these highway investments calculated.

Displacements from Highway Projects

The projects on MORPC's Transportation Improvement Program have been submitted for inclusion by ODOT, local agencies, or municipalities. In general, ODOT or the local community has reviewed a transportation project prior to the project's submission to MORPC. Therefore, it is somewhat unlikely that a project that has a high amount of displacement would be submitted for inclusion on the TIP without significant public involvement and analysis. As the projects proceed through the environmental process, the number of displacements will be determined and any environmental justice issues will be addressed at that time.

IV. ANALYSIS AND RESULTS

This section presents the results of applying the measures to the three scenarios, year 2015, year 2040 No-Build and year 2040 TIP. Much of the data are presented through charts with the data tables included in Attachment A.

A. Average Number of Job Opportunities Close

Figures IV-1 through IV-3 shows the target populations on average have access to more jobs than do non-target populations by either auto or transit. Also, when compared to the 2040 No-Build, 2040 TIP populations have access to more jobs by auto and the gains appear to be relatively uniform across all of the population groups. When compared to the 2040 No-Build, 2040 TIP populations have access to more jobs by both peak and off-peak period transit travel and the gains appear to be relatively uniform across all of the groups. This increase by transit travel is mainly due to the improved level of service along roadways. With regard to this measure it would appear that there are no adverse impacts on the target populations and no prominent disproportionate impacts among the population groups.

Figure IV-1

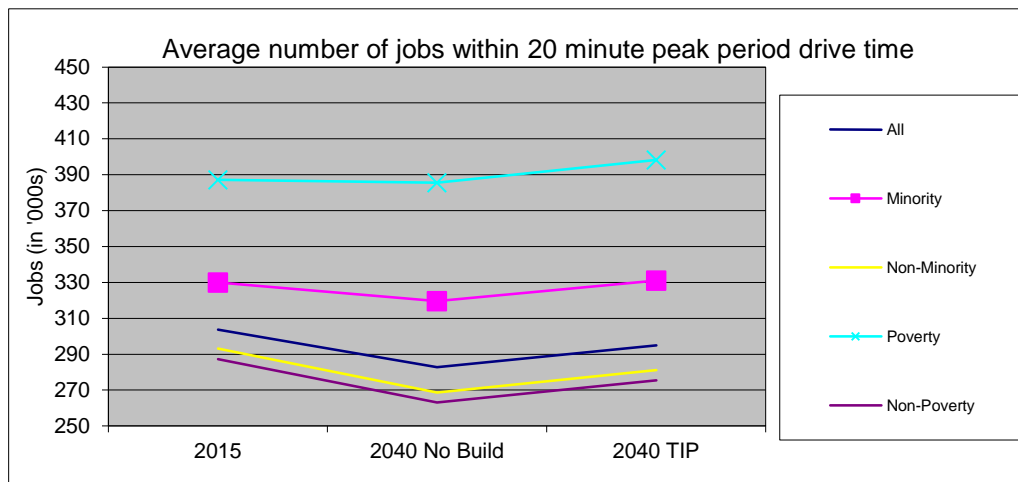


Figure IV-2

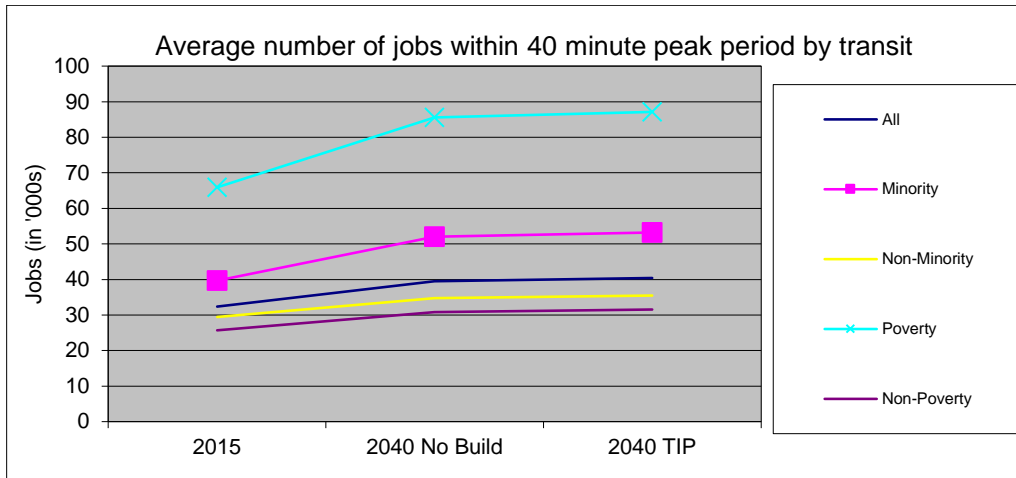
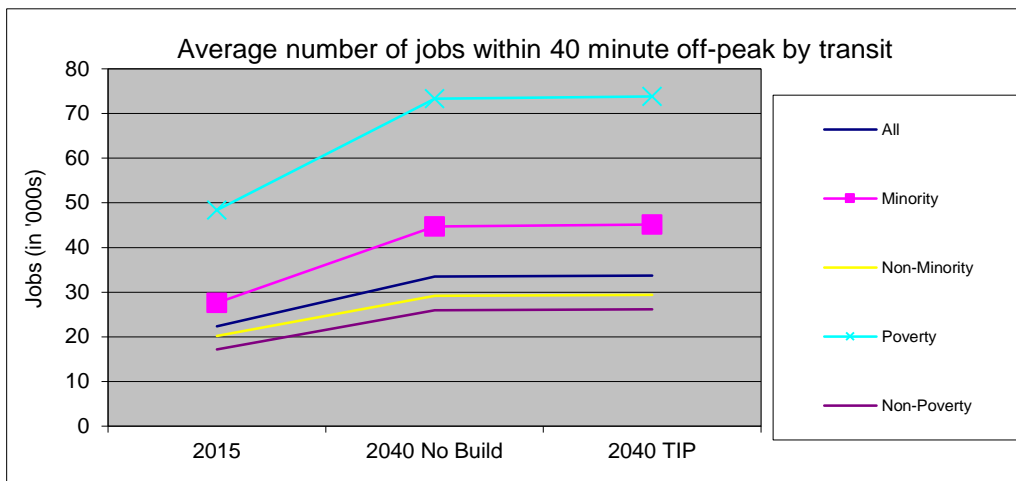


Figure IV-3



B. Average Number of Shopping Opportunities

Figures IV-4 through IV-6 show that the target populations on average have access to more shopping opportunities than do non-target populations by either auto or transit. Also, when compared to the 2040 No-Build, 2040 TIP populations have access to more shopping opportunities by auto and the gains appear to be relatively uniform across all of the population groups. When compared to the 2040 No-Build, 2040 TIP populations have access to more shopping opportunities by both peak and off-peak period transit travel and the gains appear to be relatively uniform across all of the groups. This increase by transit travel is mainly due to the improved level of service along roadways. With regard to this measure it would appear that there are no adverse impacts on the target populations and no prominent disproportionate impacts among the population groups.

Figure IV-4

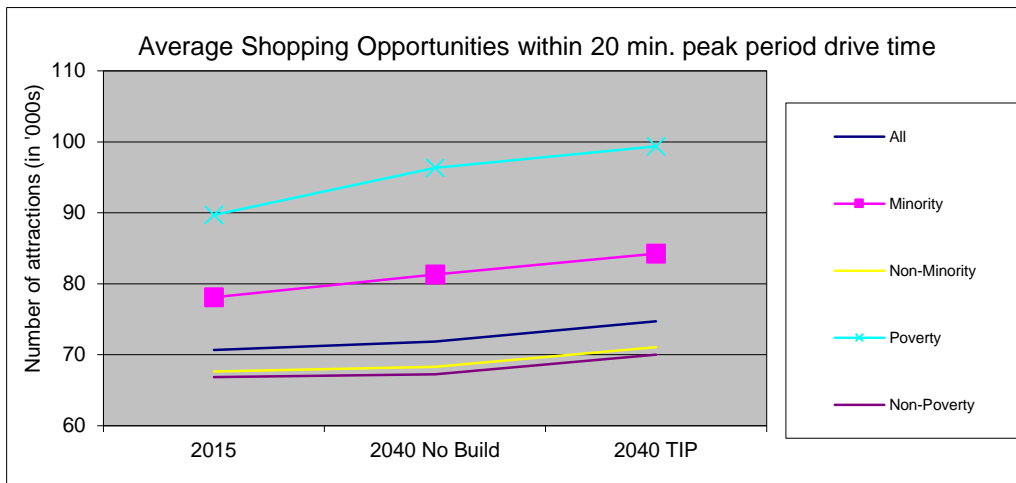


Figure IV-5

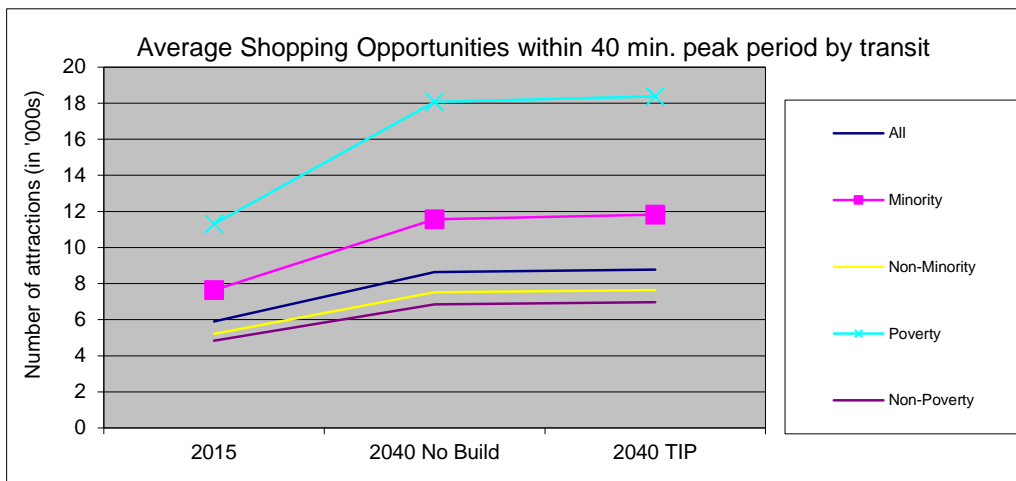
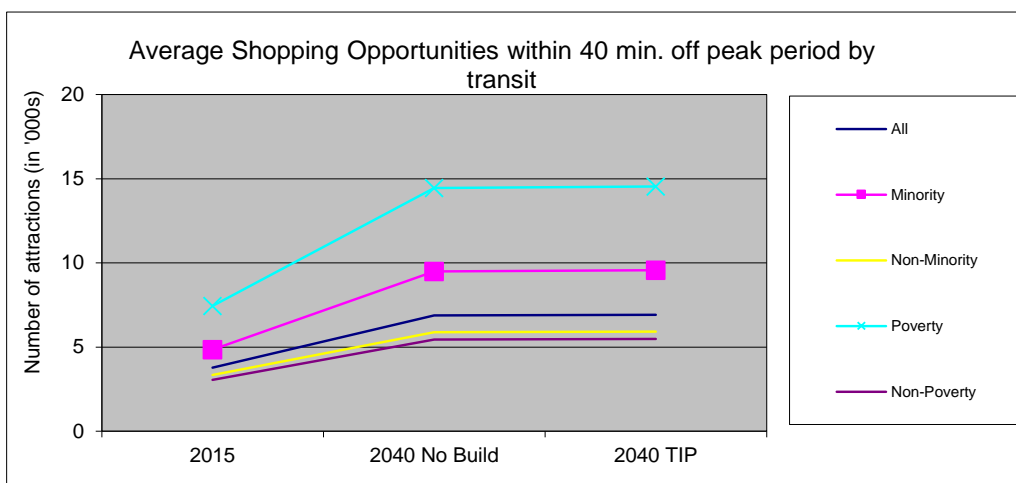


Figure IV-6



C. Average Number of Non-Shopping Opportunities

Figures IV-7 through IV-9 show that the target populations on average have access to more opportunities for non-shopping trips than the non-target populations. Also, when compared to the 2040 No-Build, 2040 TIP populations have access to more opportunities by auto and the gains appear to be relatively uniform across all of the population groups. When compared to the 2040 No-Build, 2040 TIP populations have access to more opportunities by both peak and off-peak period transit travel and the gains appear to be relatively uniform across all of the groups. This increase by transit travel is mainly due to the improved level of service along roadways. With regard to this measure it would appear that there are no adverse impacts on the target populations and no prominent disproportionate impacts among the population groups.

Figure IV-7

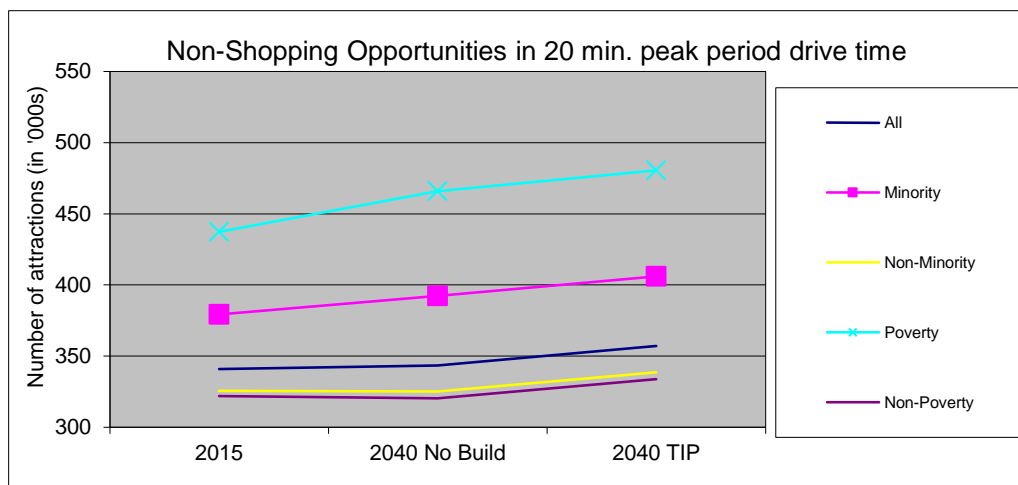


Figure IV-8

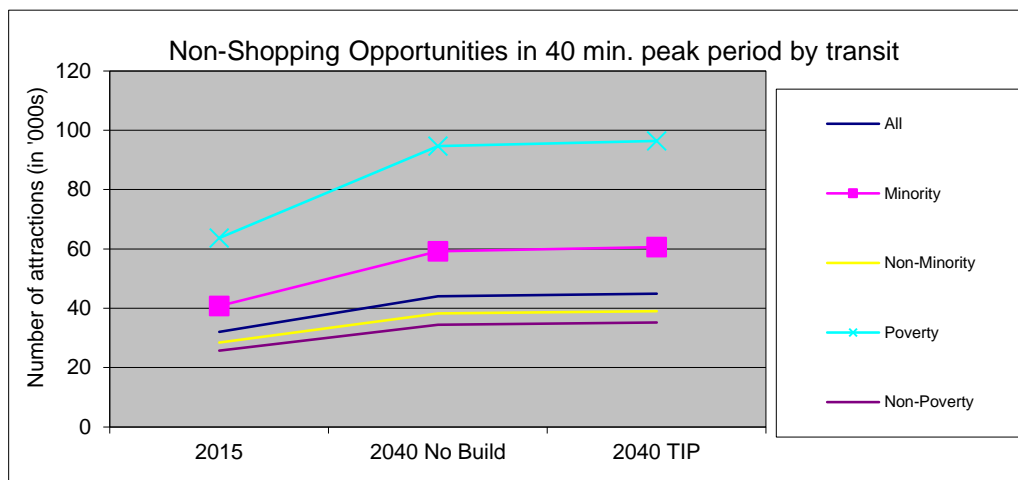
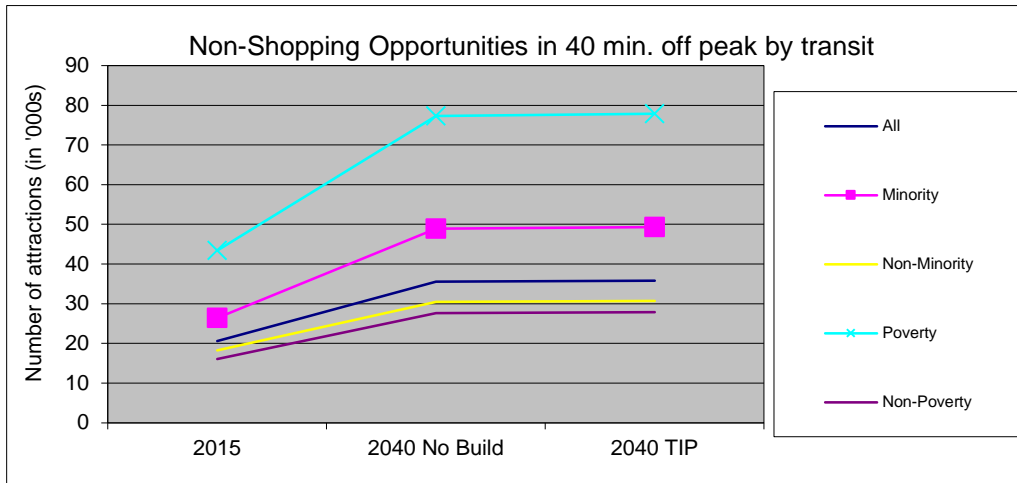


Figure IV-9



D. Percent of Population Close to a College

Figures IV-10 through IV-12 shows a higher percentage of target populations within 20 minutes of auto drive time or 40 minutes of transit time to a college than are non-target populations. When compared to the 2040 No-Build, a higher percentage of 2040 TIP populations is within 20 minutes' auto drive time to a college and the gains appear to be relatively uniform across all the population groups. When compared to the 2040 No-Build, there are no gains or slightly increase in 2040 TIP populations that are within 40 minutes' both peak and off-peak transit travel time to a college and the changes appear to be relatively consistent between target and non-target populations. With regard to this measure it appears that there would be no disproportionate negative impacts on the target populations.

Figure IV-10

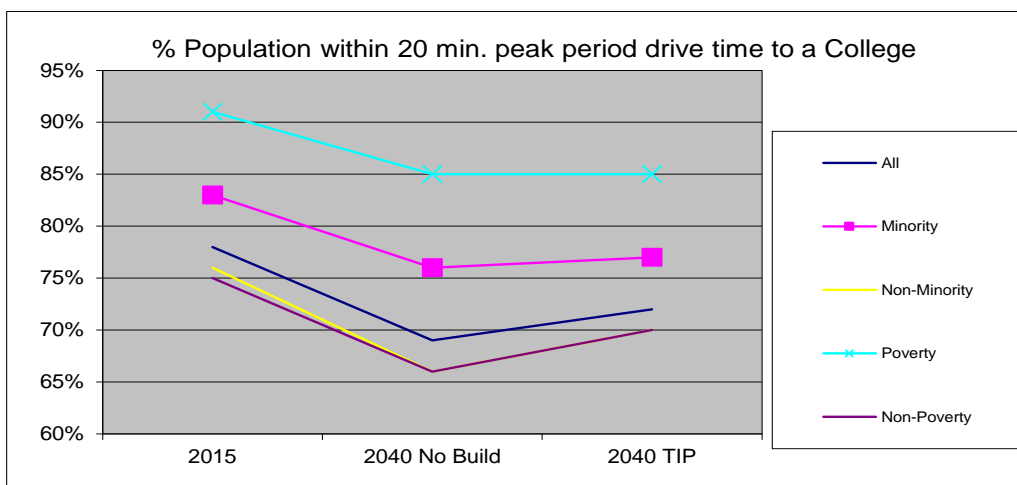


Figure IV-11

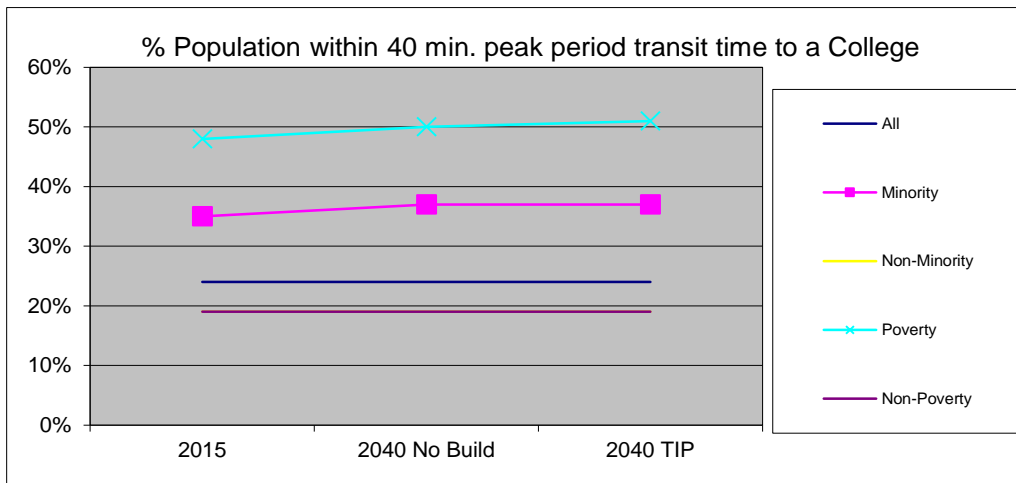
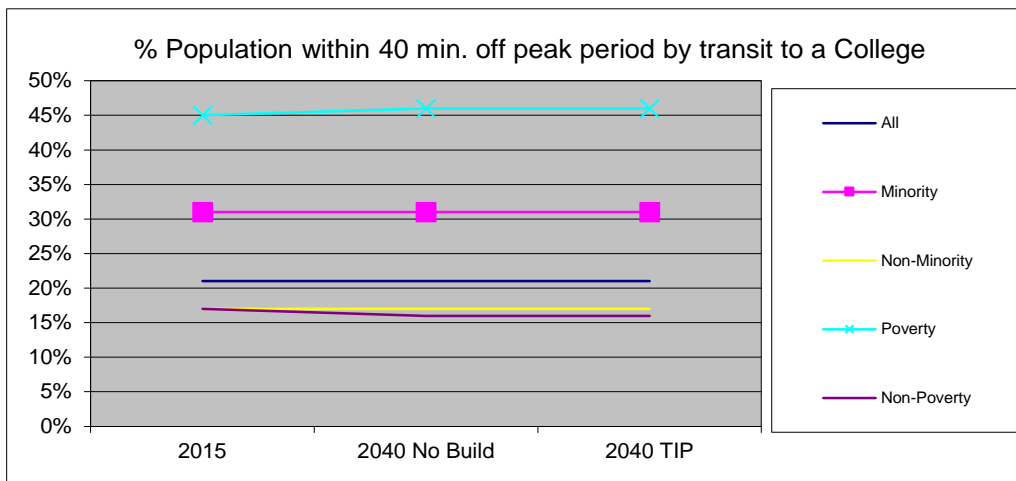


Figure IV-12



E. Percent of Population Close to a Hospital

Figures IV-13 through IV-15 shows a higher percentage of target population is within 20 minutes of auto drive time or 40 minutes of transit time to a hospital than non-target populations. Also, when compared to the 2040 No-Build, a higher percentage of 2040 TIP populations is within 20 minutes to a hospital by auto and the gains appear to be relatively uniform across all of the population groups. When compared to the 2040 No-Build, a similar percentage of 2040 TIP populations is within 40 minutes' both peak and off-peak transit travel time to a hospital and the changes appear to be relatively consistent between target and non-target populations. With regard to this measure it appears that there would be no disproportionate negative impacts on the target populations.

Figure IV-13

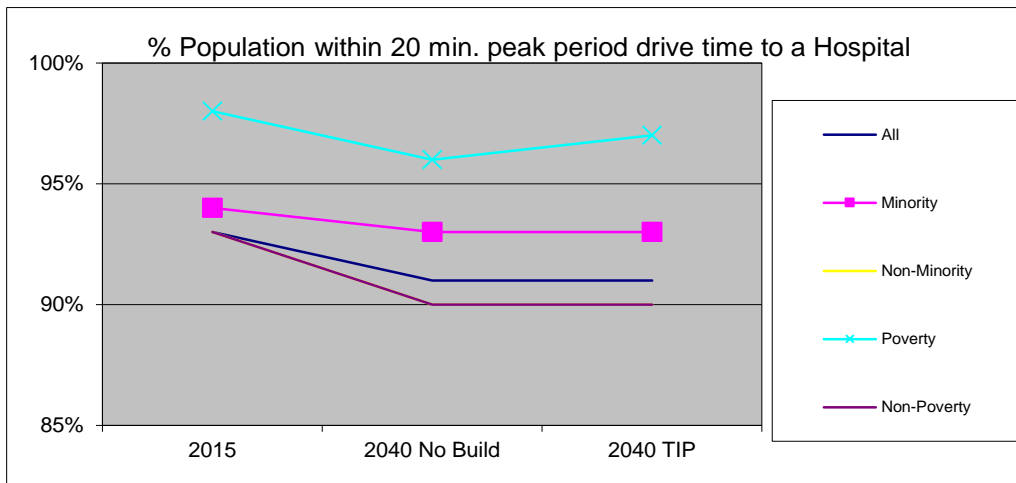


Figure IV-14

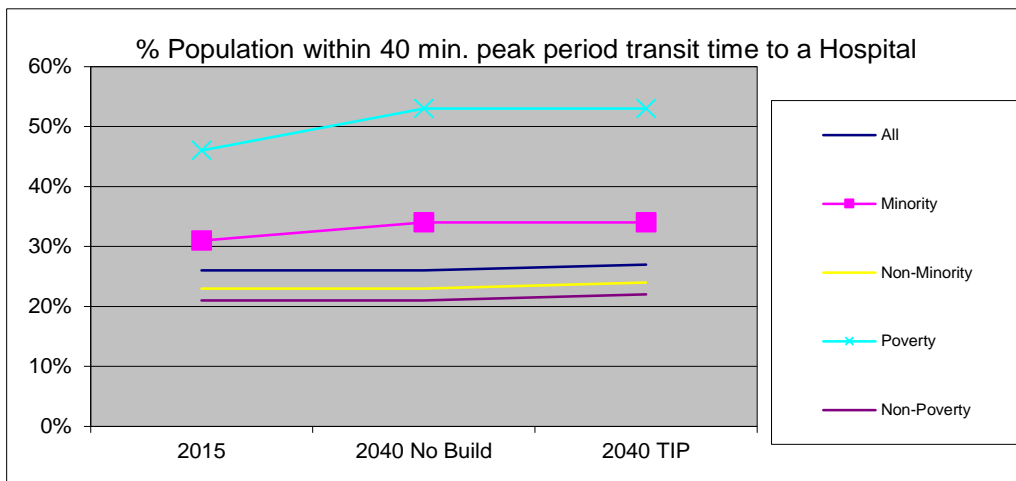
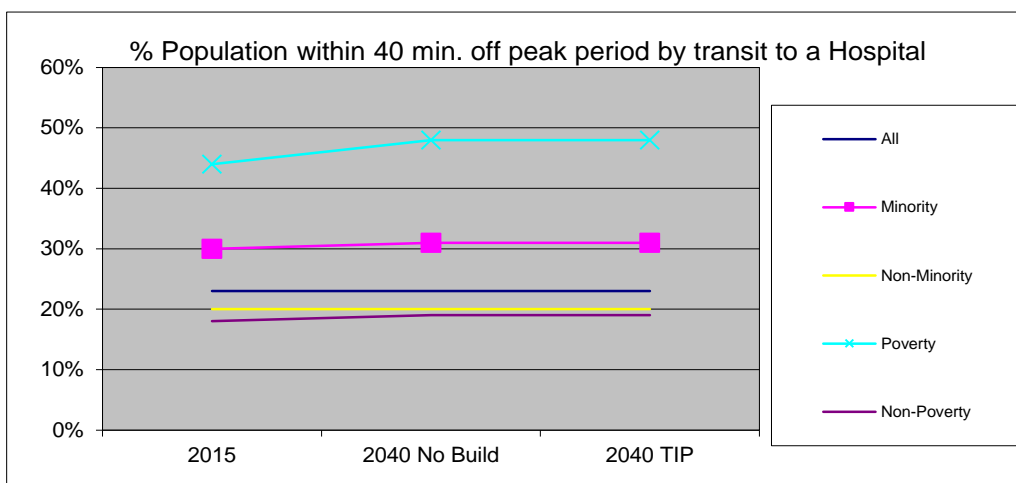


Figure IV-15



F. Percent of Population Close to a Major Retail Destination

Figures IV-16 through IV-18 shows higher percentages of target populations within 20 minutes of auto drive time or 40 minutes of transit time to a major retail destination than are non-target populations. When compared to the 2040 No-Build, a same or slightly higher percentage of 2040 TIP populations is within 20 minutes to a major retail destination by auto or transit and the gains appear to be relatively uniform across all of the population groups. With regard to this measure it would appear that there are no adverse impacts on the target populations and no prominent disproportionate impacts among the population groups.

Figure IV-16

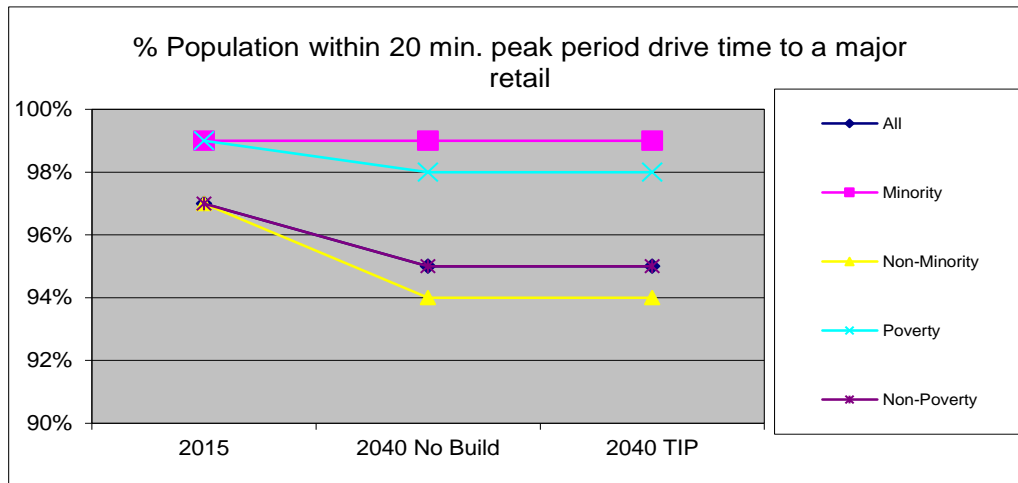


Figure IV-17

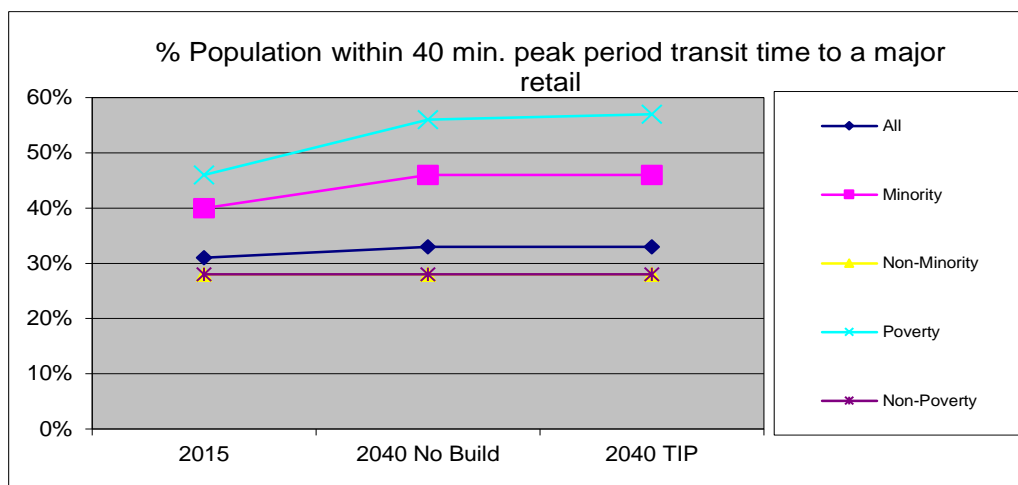
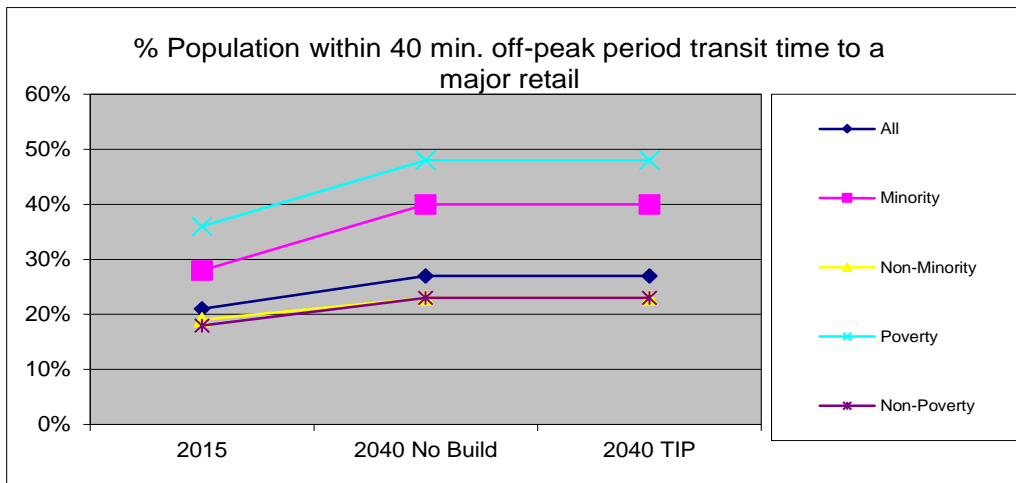


Figure IV-18



G. Average Travel Time for Work, University and School Purposes

Figures IV-19 through IV-20 shows the average travel time between one's home and their work, university or school destination for target populations is less than that for non-target populations. Also, when compared to the 2040 No-Build, auto and transit travel time decreases for 2040 TIP populations and the improvements appear to be relatively uniform across all of the population groups. With regard to this measure it appears that there would be no disproportionate negative impacts on the target populations.

Figure IV-19

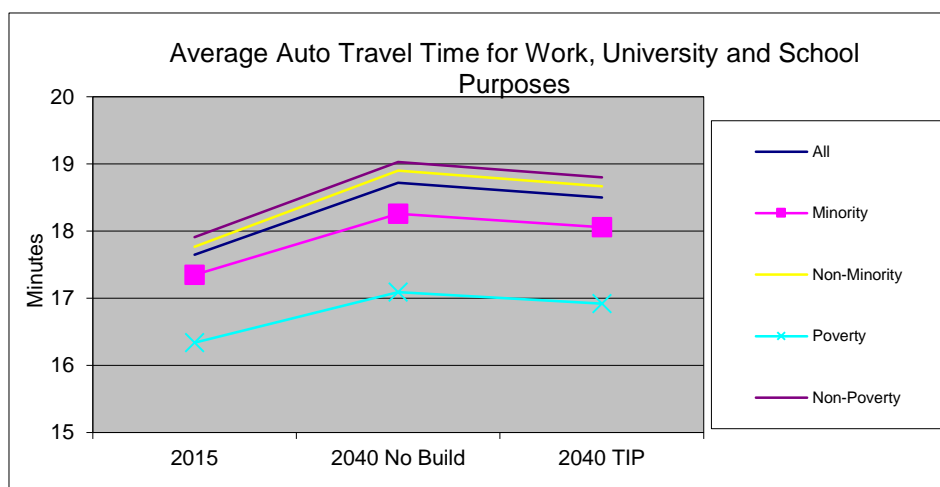
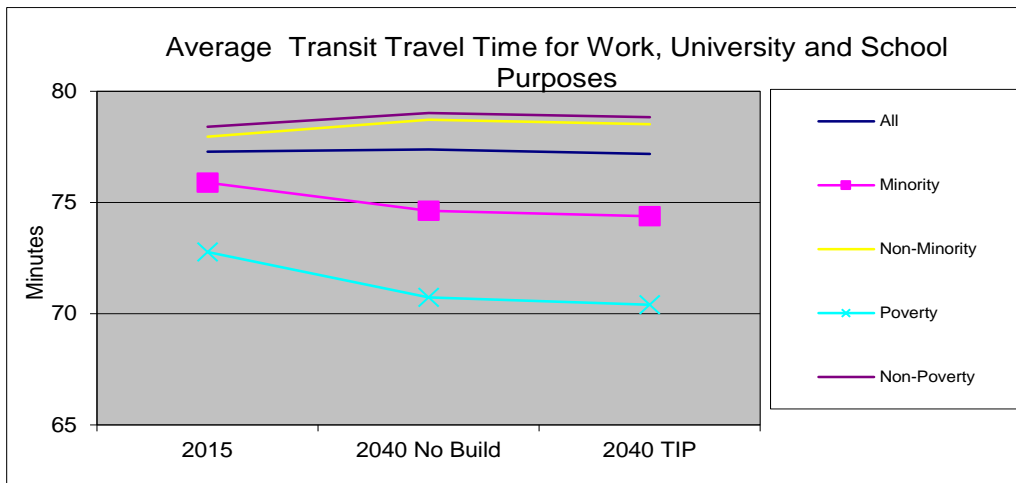


Figure IV- 20



H. Average Travel Time for Shopping Purposes

Figures IV-21 through IV-22 shows the average travel time between one's home and their shopping destination for target populations is less than or similar to that for non-target populations. Also, when compared to the 2040 No-Build, auto travel time decreases for 2040 TIP populations and the improvements appear to be relatively uniform across all of the population groups. When compared to 2040 No-Build, transit travel time decreases slightly or remains the same for 2040 TIP populations. With regard to this measure it would appear that there are no adverse impacts on the target populations and no prominent disproportionate impacts among the population groups.

Figure IV-21

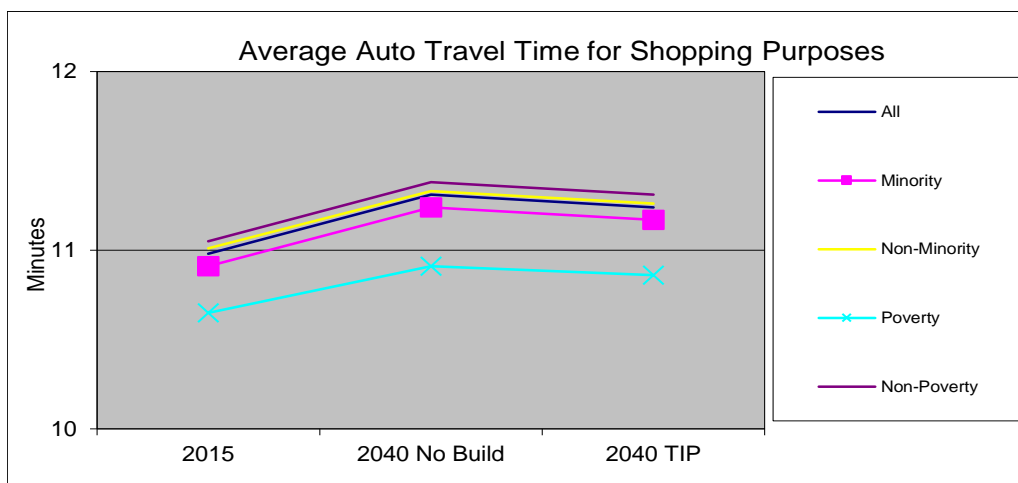
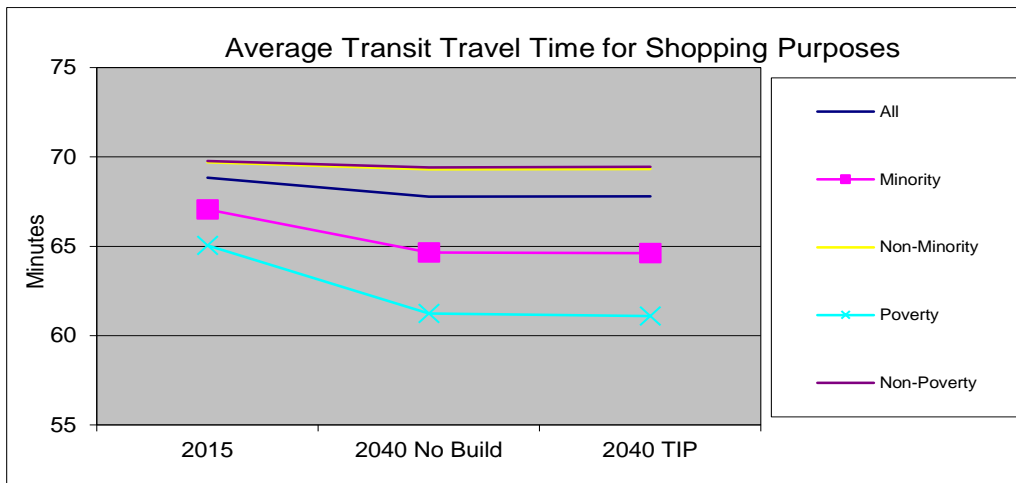


Figure IV- 22



I. Average Travel Time for Other Purposes

Figures IV-23 through IV-24 shows the average travel time between one's home and their destination for other purposes for target populations is less than or similar to that for non-target populations. Also, when compared to the 2040 No-Build, both auto and transit travel time decreases for 2040 TIP populations and the improvements appear to be relatively uniform across all of the population groups. With regard to this measure it appears that there would be no disproportionate negative impacts on the target populations.

Figure IV-23

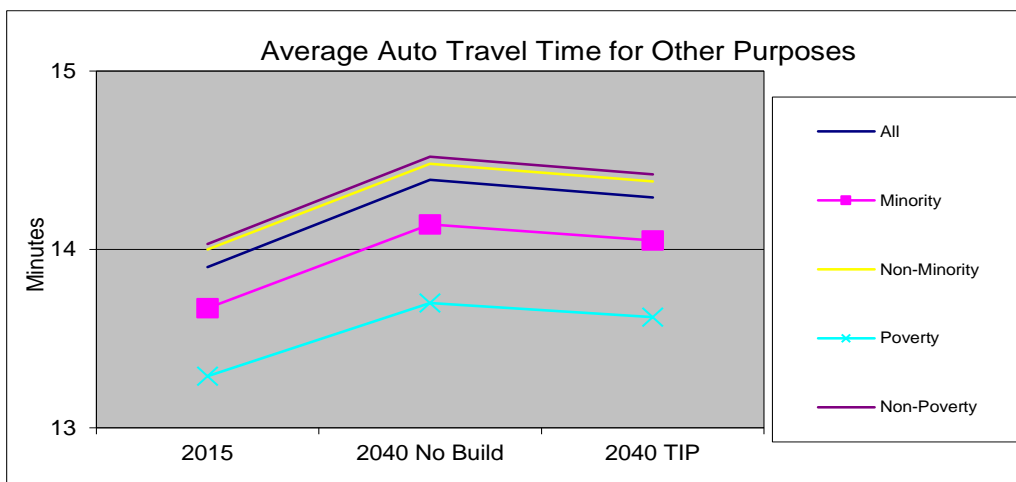
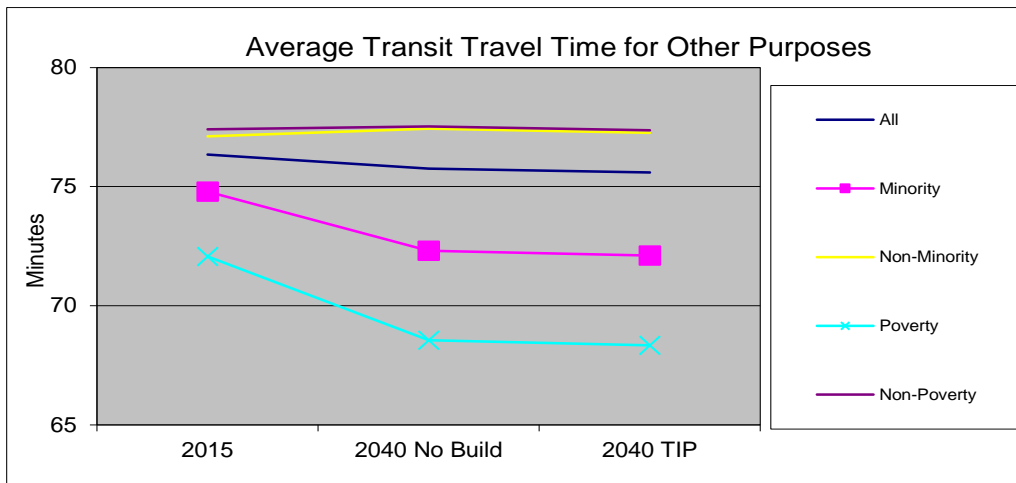


Figure IV-24



J. Average Travel Time for All Purposes

Figures IV-25 through IV-26 shows the average travel time for all purposes for target populations is less than that for non-target populations. Also, when compared to the 2040 No-Build, both auto and transit travel time decreases for 2040 TIP populations and the improvements appear to be relatively uniform across all of the population groups. With regard to this measure it appears that there would be no disproportionate negative impacts on the target populations.

Figure IV-25

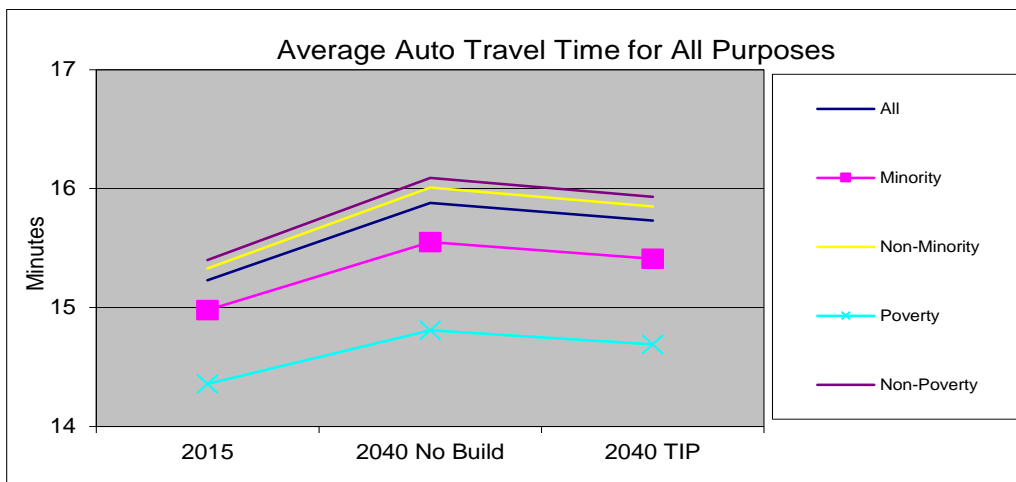
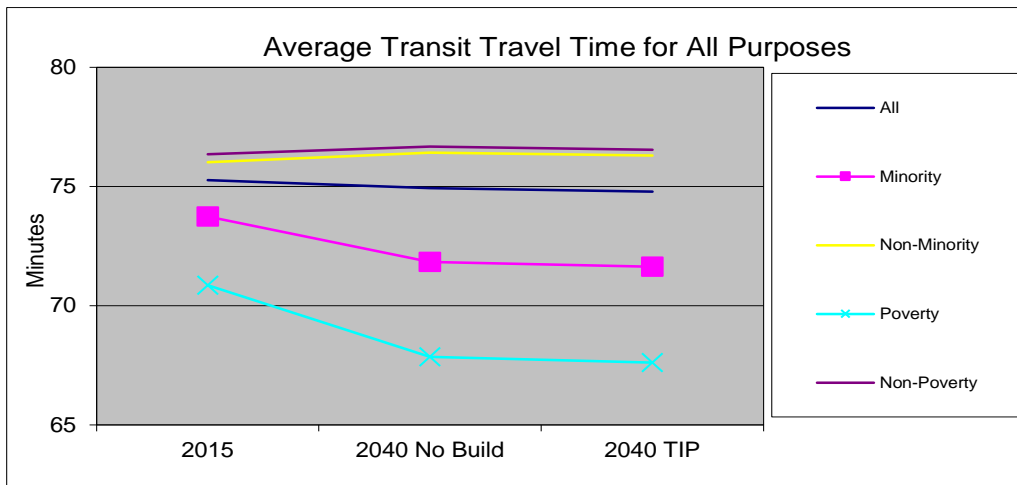


Figure IV-26



K. Average Travel Time to Columbus CBD

Figure IV-27 to IV-30 shows that for each scenario the average travel time to the Columbus CBD is less for the target populations than for non-target populations. Also, when compared to the 2040 No-Build, peak auto travel time to CBD decreases for 2040 TIP populations while off-peak auto travel time to CBD remains the same. When compared to 2040 No-Build, peak transit travel time decreases for all 2040 TIP populations while off-peak transit travel time remains the same or slightly decreases. The improvements appear to be relatively uniform across all of the population groups. With regard to this measure it would appear that there are no adverse impacts on the target populations and no disproportionate impacts among the population groups.

Figure IV-27

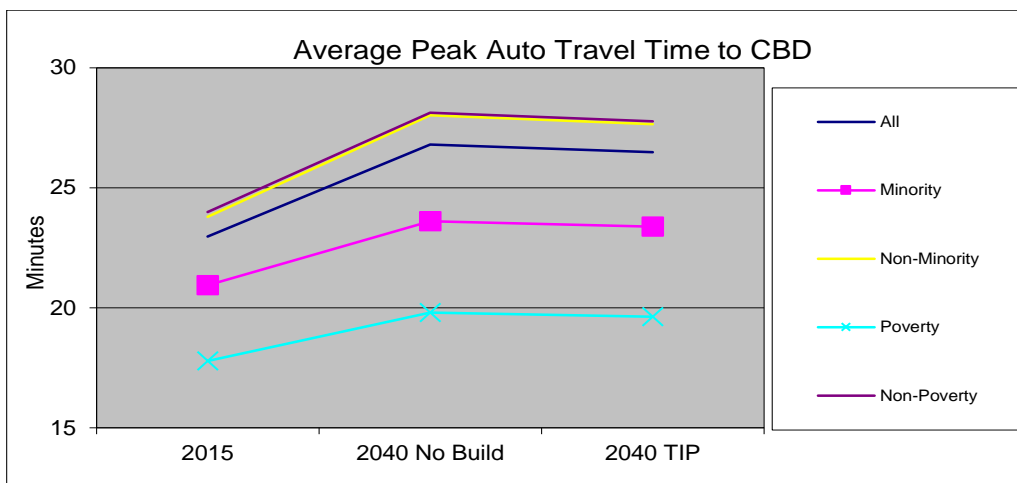


Figure IV-28

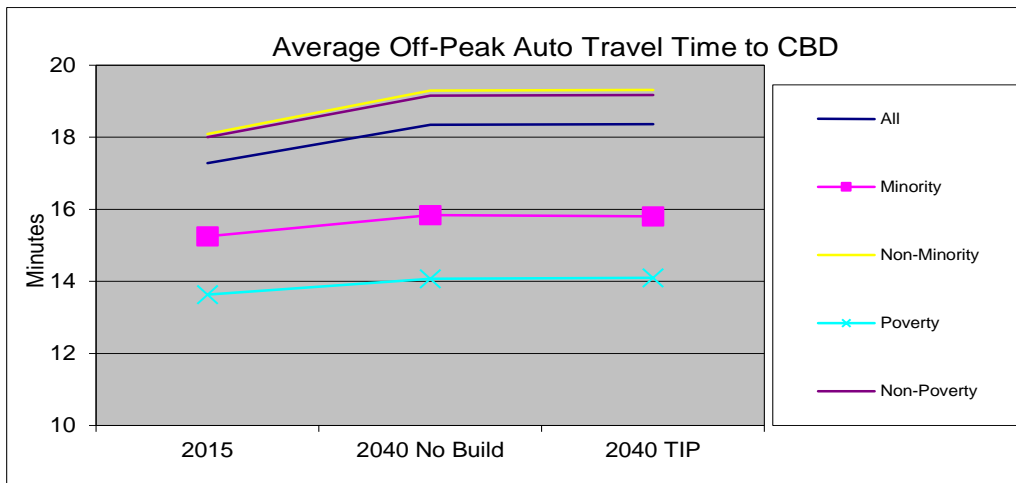


Figure IV-29

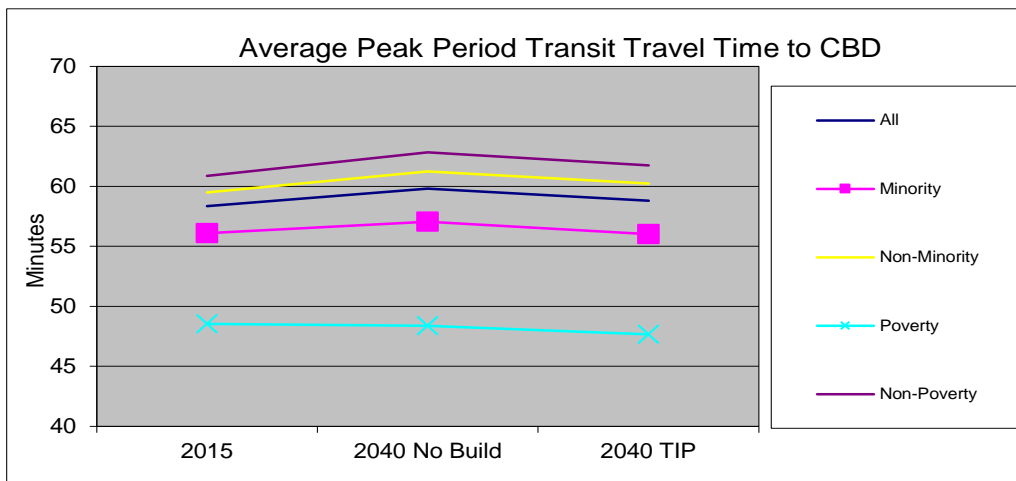
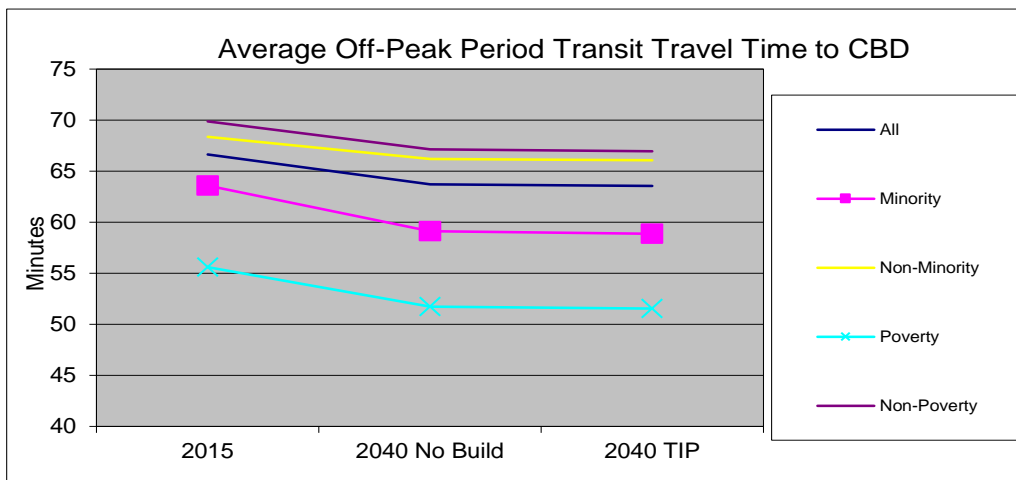


Figure IV-30



L. Transit Accessibility to Columbus CBD

Figures IV-31 and IV-32 show the percent of population that is accessible to the Columbus CBD by transit. This figure shows that for each scenario the percent of population accessible to the Columbus CBD is higher for the target populations than for non-target populations. When compared to the 2040 No-Build, a similar percentage of 2040 TIP population is accessible to the CBD during peak hours and it appears to be relatively uniform across all of the population groups. With regard to this measure it appears that there would be no disproportionate negative impacts on the target populations.

Figure IV-31

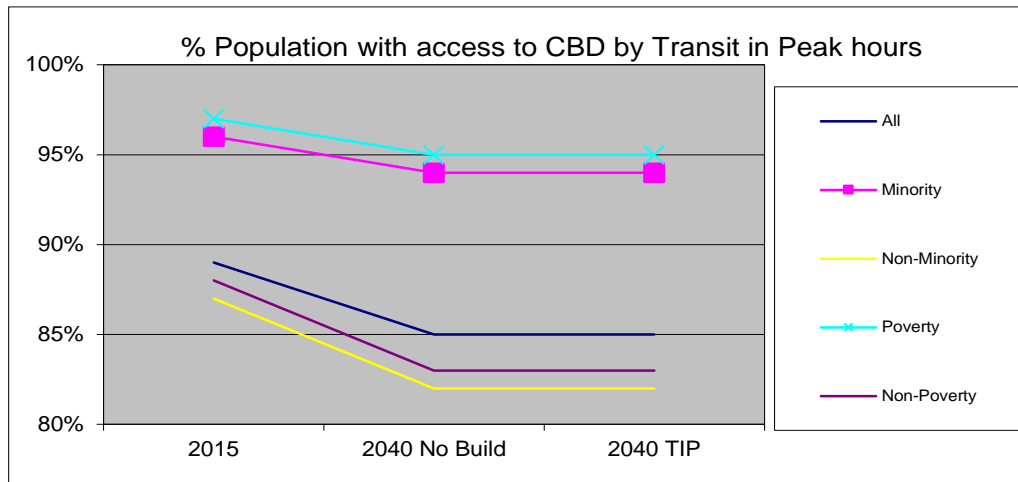
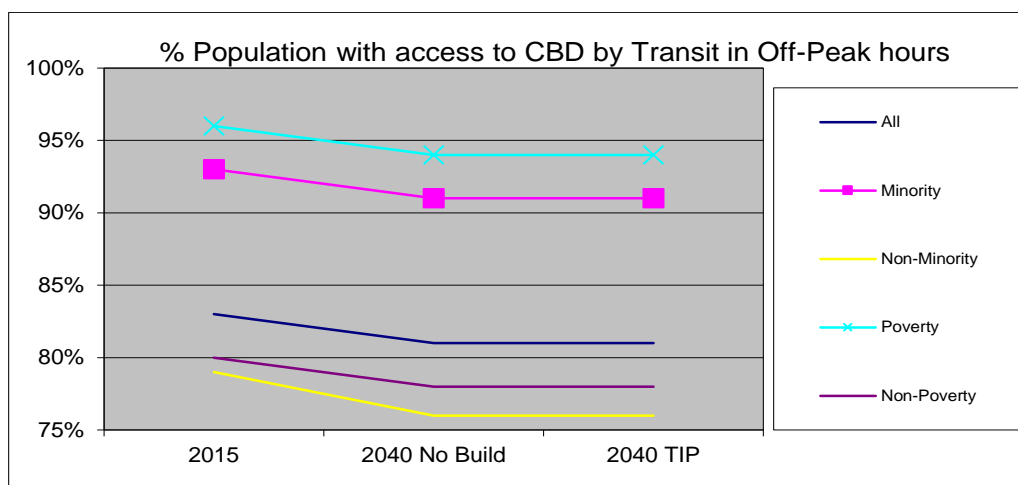


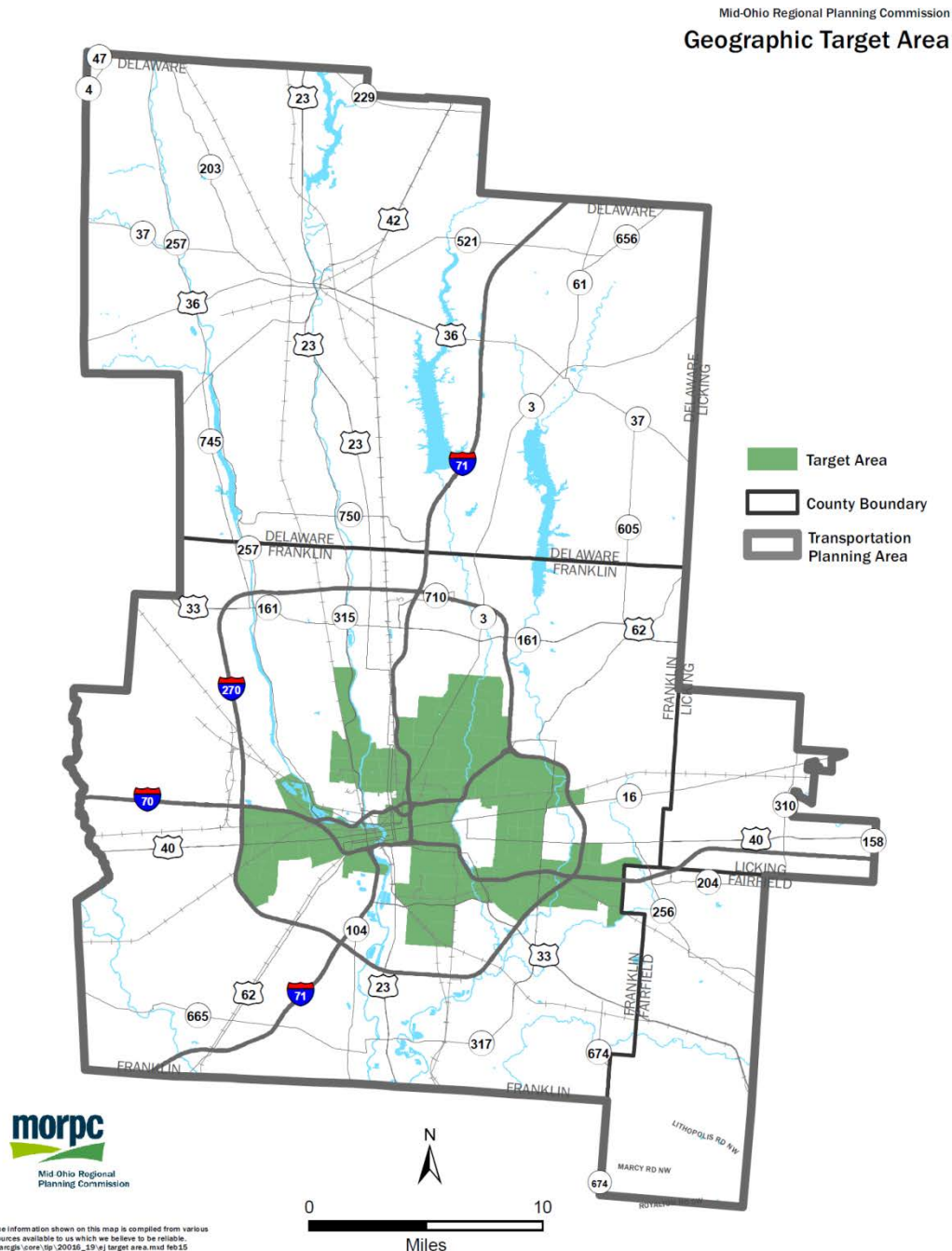
Figure IV-32



M. Congested Vehicle Miles of Travel during Peak Hours

Figure IV-33 shows the geographic target area that was identified. This target area generally includes areas that fall above twice the regional average for minority or poverty populations. The shape of the area is irregular, falling roughly between Morse Road and Bethel Road on the north and the southern boundary follows Refugee Road going down along Alum Creek Road and following Williams Road. The western and northern edges are roughly around I-270. Bexley and neighborhoods in the near south of Columbus are excluded. This area includes the majority of the target populations in 2015.

Figure IV-33 Geographic Target Area



Figures IV-34 and IV-35 shows that for the year 2015, 2040 No-Build and 2040 TIP scenarios, the percent of congested vehicle miles during peak hours is higher for target populations than for non-target populations. When comparing all three scenarios together, percent of congested VMT and the respective scenario improvements appear to be relatively uniform for the Target and Non-target areas. Also, when compared to the 2040 No-Build, percent congested VMT traveled in 2040 TIP decreases for both Target and Non-target areas. With regard to this measure it would appear that there are no adverse impacts on the target populations and no disproportionate impacts among the population groups.

Figure IV-34

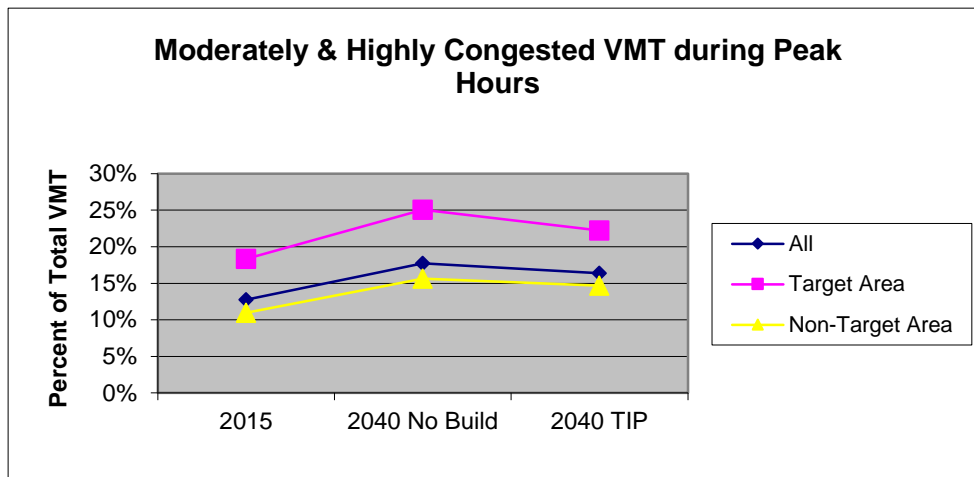
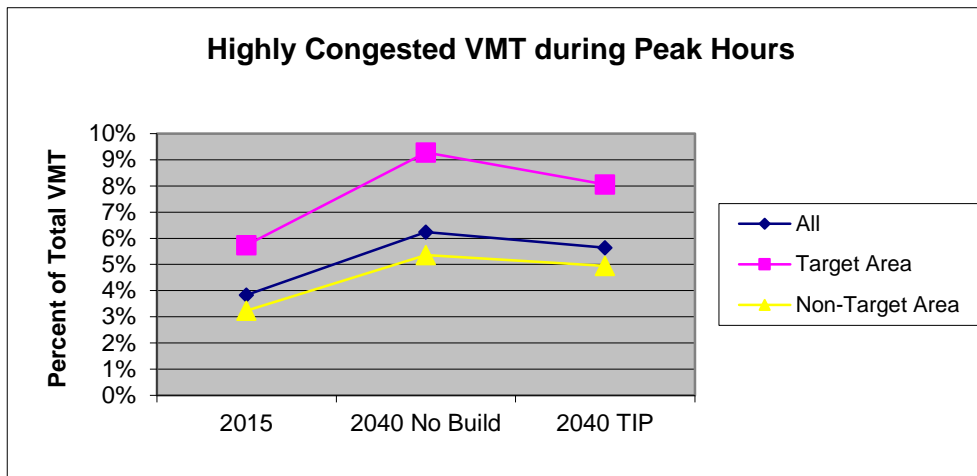


Figure IV-35



N. Transportation Expansion Investments

Millions of dollars are spent on transportation projects in the Central Ohio area. These include maintenance projects and major transportation projects are projects that add capacity to the transportation system. Major projects are projects that would include additional lanes and new or reconfigured interchanges.

Table IV-2 shows the amount of estimated transportation funding included in the Transportation Improvement Program. The target area totals include only location-specific projects. This does not include the region-wide transit funds or studies. These funds are included in the total and thus, by default in the non-target area value. However, many of these activities do benefit the target area. Most of the population growth in the Columbus area is occurring outside the outer belt, especially in Delaware County. To accommodate the growth in the outer areas, more transportation projects are needed and expected in these growing areas.

Table IV-2

	TIP Funding (in Thousands)	Proportion
Target Area	\$ 622,334	30%
Non-Target Area	\$ 1,419,202	70%
Total	\$ 2,041,536	100%

It is important to note that these cost estimates include only the large projects of the transportation system and do not include most local agencies' routine maintenance costs. Because a significant portion of the target area is heavily developed, there are fewer capacity expansion projects in the area. Furthermore, it is worth noting that transportation investments in a particular area may provide increased benefits beyond that area. Therefore, it may be more worthwhile to assess the benefits and the displacements and disruptions of a transportation project to a particular area than the amount of dollars spent.

O. Displacement from Projects

The projects on MORPC's TIP have been submitted for inclusion by ODOT, local agencies, or municipalities. In general, ODOT or the local community has reviewed a transportation project prior to the project's submission to MORPC. Therefore, it is somewhat unlikely that a project that has a high amount of displacement would be submitted for inclusion on the TIP without significant public involvement and analysis. As the projects proceed through the environmental process, the number of displacements will be determined and any environmental justice issues will be addressed at that time.

V. Summary

A variety of quantitative measures was presented in the previous section. Many measures are provided because one measure cannot capture all aspects of an environmental justice analysis. And in fact, these measures in total cannot take into account all things that can be considered with regard to environmental justice issues. These measures, however, are developed to provide some insight on whether significant environmental justice issues are present.

In general, the quantitative analysis did not indicate disproportionate impacts to environmental justice or other target populations. Furthermore, the benefits realized from the projects were proportionate with regard to both the environmental justice and other target populations and the non-environmental justice and other non-target populations. It is important to keep in mind that this was done at a systems level and additional refinement will be made as the various projects go through additional project development process steps.

Attachment A- Data Tables

Average Number of Jobs within 20 minute peak period drive time

	2015	% of	2040 No Build	% of	2040 TIP	% of	% Over
		Total		Total		Total	No Build
All	303,750	32%	282,672	25%	294,915	26%	4%
Minority	329,974	35%	319,613	28%	331,110	29%	4%
Non-Minority	293,141	31%	268,654	24%	281,181	25%	5%
Poverty	387,133	40%	385,610	34%	398,193	35%	3%
Non-Poverty	287,163	30%	263,177	23%	275,356	24%	5%

Average Number of Jobs within 40 minute peak period time by transit

	2015	% of	2040 No Build	% of	2040 TIP	% of	% Over
		Total		Total		Total	No Build
All	32,378	3%	39,516	3%	40,371	4%	2%
Minority	39,642	4%	52,051	5%	53,224	5%	2%
Non-Minority	29,440	3%	34,760	3%	35,494	3%	2%
Poverty	65,941	7%	85,576	8%	87,098	8%	2%
Non-Poverty	25,701	3%	30,793	3%	31,522	3%	2%

Average Number of Jobs within 40 minute off-peak period time by transit

	2015	% of	2040 No Build	% of	2040 TIP	% of	% Over
		Total		Total		Total	No Build
All	22,335	2%	33,464	3%	33,729	3%	1%
Minority	27,619	3%	44,723	4%	45,165	4%	1%
Non-Minority	20,197	2%	29,192	3%	29,389	3%	1%
Poverty	48,411	5%	73,309	6%	73,827	6%	1%
Non-Poverty	17,148	2%	25,918	2%	26,135	2%	1%

Total Jobs 2015 = 955,975

2040 = 1,136,626

Average Number of Shopping Attractions within 20 minute peak period drive time

	2015	% of	2040 No Build	% of	2040 TIP	% of	% Over
		Total		Total		Total	No Build
All	70,654	31%	71,863	25%	74,695	26%	4%
Minority	78,088	35%	81,299	28%	84,267	29%	4%
Non-Minority	67,646	30%	68,282	24%	71,062	25%	4%
Poverty	89,707	40%	96,343	33%	99,376	34%	3%
Non-Poverty	66,864	30%	67,226	23%	70,020	24%	4%

Average Number of Shopping Attractions within 40 minute peak period time by transit

	2015	% of	2040 No Build	% of	2040 TIP	% of	% Over
		Total		Total		Total	No Build
All	5,908	3%	8,629	3%	8,782	3%	2%
Minority	7,645	3%	11,567	4%	11,815	4%	2%
Non-Minority	5,205	2%	7,514	3%	7,631	3%	2%
Poverty	11,299	5%	18,064	6%	18,368	6%	2%
Non-Poverty	4,835	2%	6,842	2%	6,967	2%	2%

Average Number of Shopping Attractions within 40 minute off-peak period time by transit

	2015	% of	2040 No Build	% of	2040 TIP	% of	% Over
		Total		Total		Total	No Build
All	3,784	2%	6,881	2%	6,923	2%	1%
Minority	4,856	2%	9,501	3%	9,573	3%	1%
Non-Minority	3,350	1%	5,886	2%	5,917	2%	1%
Poverty	7,450	3%	14,448	5%	14,538	5%	1%
Non-Poverty	3,055	1%	5,447	2%	5,481	2%	1%

Shopping attractions 2015 = 224,901

2040 = 288,407

Average Number of Non-Shopping Attractions within 20 minute peak period drive time

	2015	% of	2040 No Build	% of	2040 TIP	% of	% Over
		Total		Total		Total	No Build
All	340,945	32%	343,483	25%	357,132	26%	4%
Minority	379,185	35%	392,200	29%	406,097	30%	4%
Non-Minority	325,474	30%	324,996	24%	338,552	25%	4%
Poverty	437,284	41%	465,999	34%	480,414	35%	3%
Non-Poverty	321,780	30%	320,280	23%	333,785	24%	4%

Average Number of Non-Shopping Attractions within 40 minute peak period time by transit

	2015	% of	2040 No Build	% of	2040 TIP	% of	% Over
		Total		Total		Total	No Build
All	31,974	3%	44,045	3%	44,921	3%	2%
Minority	40,799	4%	59,220	4%	60,632	4%	2%
Non-Minority	28,403	3%	38,286	3%	38,960	3%	2%
Poverty	63,692	6%	94,651	7%	96,376	7%	2%
Non-Poverty	25,664	2%	34,461	3%	35,176	3%	2%

Average Number of Non-Shopping Attractions within 40 minute off-peak period time by transit

	2015	% of	2040 No Build	% of	2040 TIP	% of	% Over
		Total		Total		Total	No Build
All	20,601	2%	35,564	3%	35,817	3%	1%
Minority	26,410	2%	48,929	4%	49,344	4%	1%
Non-Minority	18,250	2%	30,492	2%	30,684	2%	1%
Poverty	43,382	4%	77,326	6%	77,860	6%	1%
Non-Poverty	16,069	1%	27,655	2%	27,855	2%	1%

Total Non-Shopping Attractions 2015 = 1,077,925

2040 = 1,369,291

Percent of Population within 20 minute peak period drive time to a College

	2015	2040 No Build	2040 TIP
All	78%	69%	72%
Minority	83%	76%	77%
Non-Minority	76%	66%	70%
Poverty	91%	85%	85%
Non-Poverty	75%	66%	70%

Percent of Population within 40 minute peak period time to a College by transit

	2015	2040 No Build	2040 TIP
All	24%	24%	24%
Minority	35%	37%	37%
Non-Minority	19%	19%	19%
Poverty	48%	50%	51%
Non-Poverty	19%	19%	19%

Percent of Population within 40 minute off-peak period time to a College by transit

	2015	2040 No Build	2040 TIP
All	21%	21%	21%
Minority	31%	31%	31%
Non-Minority	17%	17%	17%
Poverty	45%	46%	46%
Non-Poverty	17%	16%	16%

Colleges included are:

THE OHIO STATE UNIVERSITY
COLUMBUS STATE COMMUNITY COLLEGE
CAPITAL UNIVERSITY
COLUMBUS COLLEGE OF ART & DESIGN

OTTERBEIN COLLEGE
DEVRY INSTITUTE OF TECHNOLOGY
FRANKLIN UNIVERSITY
MOUNT CARMEL COLLEGE OF NURSING
OHIO DOMINICAN COLLEGE

Percent of Population within 20 minute peak period drive time to Hospital

	2015	2040 No Build	2040 TIP
All	93%	91%	91%
Minority	94%	93%	93%
Non-Minority	93%	90%	90%
Poverty	98%	96%	97%
Non-Poverty	93%	90%	90%

Percent of Population within 40 minute peak period time to Hospital by transit

	2015	2040 No Build	2040 TIP
All	26%	26%	27%
Minority	31%	34%	34%
Non-Minority	23%	23%	24%
Poverty	46%	53%	53%
Non-Poverty	21%	21%	22%

Percent of Population within 40 minute off-peak period time to Hospital by transit

	2015	2040 No Build	2040 TIP
All	23%	23%	23%
Minority	30%	31%	31%
Non-Minority	20%	20%	20%
Poverty	44%	48%	48%
Non-Poverty	18%	19%	19%

Hospitals included in all scenarios are:

Grady Memorial, Dublin Methodist, Mount Carmel St. Ann's, Mount Carmel New Albany Surgical, Riverside Methodist, the Woods at Parkside, Ohio State University, Select Specialty - Columbus, Doctors, Mount Carmel West, Grant Medical Center, Ohio State University East, Nationwide Children's, Mount Carmel East, Regency, and OhioHealth Westerville Medical Campus, Mount Carmel Grove City Medical Center and Ohio Health Medical Campus at Hill Rd.

Percent of Population within 20 minute peak period drive time to Major Retail

	2015	2040 No Build	2040 TIP
All	97%	95%	95%
Minority	99%	99%	99%
Non-Minority	97%	94%	94%
Poverty	99%	98%	98%
Non-Poverty	97%	95%	95%

Percent of Population within 40 minute peak period time to Major Retail by Transit

	2015	2040 No Build	2040 TIP
All	31%	33%	33%
Minority	40%	46%	46%
Non-Minority	28%	28%	28%
Poverty	46%	56%	57%
Non-Poverty	28%	28%	28%

Percent of Population within 40 minute off-peak period time to Major Retail by Transit

	2015	2040 No Build	2040 TIP
All	21%	27%	27%
Minority	28%	40%	40%
Non-Minority	19%	23%	23%
Poverty	36%	48%	48%
Non-Poverty	18%	23%	23%

Major Retail Locations included are:

Polaris Fashion Place area, Tuttle Crossing Mall area, Easton Square area, Saw mill & SR 161 area, North Pointe Plaza area, Carriage Place area, Stone Ridge Plaza area, Westpointe Plaza area, Graceland area, Columbus Square area, Consumer Square west area, Lennox Town Center area, Eastland Mall area, Chantry Square area, and Taylor Square area.

Average Auto Travel Time for Work, University and School Purposes (minutes)

	2015	2040 No Build	% Inc	2040 TIP	% Inc	v.s. 2040 No-Build	
			Over 2015		Over 2015	Min Saved	%Saved
All	17.7	18.7	6%	18.5	5%	0.2	1%
Minority	17.4	18.3	5%	18.1	4%	0.2	1%
Non-Minority	17.8	18.9	6%	18.7	5%	0.2	1%
Poverty	16.3	17.1	5%	16.9	4%	0.2	1%
Non-Poverty	17.9	19.0	6%	18.8	5%	0.2	1%

Average Transit Travel Time for Work, University and School Purposes (minutes)

	2015	2040 No Build	% Inc	2040 TIP	% Inc	v.s. 2040 No-Build	
			Over 2015		Over 2015	Min Saved	%Saved
All	77.3	77.4	0%	77.2	0%	0.2	0%
Minority	75.9	74.6	-2%	74.4	-2%	0.3	0%
Non-Minority	78.0	78.7	1%	78.5	1%	0.2	0%
Poverty	72.8	70.7	-3%	70.4	-3%	0.3	0%
Non-Poverty	78.4	79.0	1%	78.8	1%	0.2	0%

Average Auto Travel Time for Shopping Purposes (minutes)

	2015	2040 No Build	% Inc	2040 TIP	% Inc	v.s. 2040 No-Build	
			Over 2015		Over 2015	Min Saved	%Saved
All	11.0	11.3	3%	11.2	2%	0.1	1%
Minority	10.9	11.2	3%	11.2	2%	0.1	1%
Non-Minority	11.0	11.3	3%	11.3	2%	0.1	1%
Poverty	10.7	10.9	2%	10.9	2%	0.1	0%
Non-Poverty	11.1	11.4	3%	11.3	2%	0.1	1%

10.72

Average Transit Travel Time for Shopping Purposes (minutes)

	2015	2040 No Build	% Inc	2040 TIP	% Inc	v.s. 2040 No-Build	
			Over 2015		Over 2015	Min Saved	%Saved
All	68.8	67.8	-2%	67.8	-2%	0.0	0%
Minority	67.1	64.7	-4%	64.6	-4%	0.0	0%
Non-Minority	69.7	69.3	-1%	69.3	-1%	0.0	0%
Poverty	65.1	61.2	-6%	61.1	-6%	0.1	0%
Non-Poverty	69.8	69.4	-1%	69.5	0%	0.0	0%

Average Auto Travel Time for Other Purposes (minutes)

	2015	2040 No Build	% Inc	2040 TIP	% Inc	v.s. 2040 No-Build	
			Over 2015		Over 2015	Min Saved	%Saved
All	13.9	14.4	4%	14.3	3%	0.1	1%
Minority	13.7	14.1	3%	14.1	3%	0.1	1%
Non-Minority	14.0	14.5	3%	14.4	3%	0.1	1%
Poverty	13.3	13.7	3%	13.6	2%	0.1	1%
Non-Poverty	14.0	14.5	3%	14.4	3%	0.1	1%

Average Peak Transit Travel Time for Other Purposes (minutes)

	2015	2040 No Build	% Inc	2040 TIP	% Inc	v.s. 2040 No-Build	
			Over 2015		Over 2015	Min Saved	%Saved
All	76.4	75.8	-1%	75.6	-1%	0.2	0%
Minority	74.8	72.3	-3%	72.1	-4%	0.2	0%
Non-Minority	77.1	77.4	0%	77.3	0%	0.2	0%
Poverty	72.1	68.6	-5%	68.3	-5%	0.2	0%
Non-Poverty	77.4	77.5	0%	77.4	0%	0.2	0%

Average Auto Travel Time for All Purposes (minutes)

	2015	2040 No Build	% Inc	2040 TIP	% Inc	v.s. 2040 No-Build	
			Over 2015		Over 2015	Min Saved	%Saved
All	15.2	15.9	4%	15.7	3%	0.2	1%
Minority	15.0	15.6	4%	15.4	3%	0.1	1%
Non-Minority	15.3	16.0	4%	15.9	3%	0.2	1%
Poverty	14.4	14.8	3%	14.7	2%	0.1	1%
Non-Poverty	15.4	16.1	4%	15.9	3%	0.2	1%

Average Transit Travel Time for All Purposes (minutes)

	2015	2040 No Build	% Inc	2040 TIP	% Inc	v.s. 2040 No-Build	
			Over 2015		Over 2015	Min Saved	%Saved
All	75.3	74.9	0%	74.8	-1%	0.1	0%
Minority	73.7	71.8	-3%	71.6	-3%	0.2	0%
Non-Minority	76.0	76.4	1%	76.3	0%	0.1	0%
Poverty	70.9	67.9	-4%	67.6	-5%	0.3	0%
Non-Poverty	76.4	76.7	0%	76.5	0%	0.1	0%

Average Peak Auto Travel Time to CBD (minutes)

		2040 No	% Inc		% Inc	v.s. 2040 No-Build	
	2015	Build	Over 2015	2040 TIP	Over 2015	Min Saved	%Saved
All	23.0	26.8	17%	26.5	15%	0.3	1%
Minority	20.9	23.6	13%	23.4	12%	0.2	1%
Non-Minority	23.8	28.0	18%	27.7	16%	0.4	1%
Poverty	17.8	19.8	11%	19.6	10%	0.2	1%
Non-Poverty	24.0	28.1	17%	27.8	16%	0.4	1%

Average Off-Peak Auto Travel Time to CBD (minutes)

		2040 No	% Inc		% Inc	v.s. 2040 No-Build	
	2015	Build	Over 2015	2040 TIP	Over 2015	Min Saved	%Saved
All	17.3	18.3	6%	18.4	6%	0.0	0%
Minority	15.3	15.8	4%	15.8	4%	0.0	0%
Non-Minority	18.1	19.3	7%	19.3	7%	0.0	0%
Poverty	13.6	14.1	3%	14.1	3%	0.0	0%
Non-Poverty	18.0	19.2	6%	19.2	7%	0.0	0%

Average Peak Transit Travel Time to CBD (minutes)

		2040 No	% Inc		% Inc	v.s. 2040 No-Build	
	2015	Build	Over 2015	2040 TIP	Over 2015	Min Saved	%Saved
All	58.4	59.8	3%	58.8	1%	1.0	2%
Minority	56.1	57.1	2%	56.0	0%	1.0	2%
Non-Minority	59.5	61.2	3%	60.2	1%	1.0	2%
Poverty	48.5	48.4	0%	47.7	-2%	0.7	2%
Non-Poverty	60.9	62.8	3%	61.7	1%	1.1	2%

Average Off-Peak Transit Travel Time to CBD (minutes)

		2040 No	% Inc		% Inc	v.s. 2040 No-Build	
	2015	Build	Over 2015	2040 TIP	Over 2015	Min Saved	%Saved
All	66.6	63.7	-4%	63.5	-5%	0.2	0%
Minority	63.6	59.1	-7%	58.9	-7%	0.2	0%
Non-Minority	68.4	66.2	-3%	66.1	-3%	0.1	0%
Poverty	55.6	51.7	-7%	51.5	-7%	0.2	0%
Non-Poverty	69.9	67.1	-4%	67.0	-4%	0.2	0%

Percent of Population with Access to CBD by Transit in the Peak Hours

	2015	2040 No Build	2040 TIP
All	89%	85%	85%
Minority	96%	94%	94%
Non-Minority	87%	82%	82%
Poverty	97%	95%	95%
Non-Poverty	88%	83%	83%

Percent of Population with Access to CBD by Transit in the Off Peak Hours

	2015	2040 No Build	2040 TIP
All	83%	81%	81%
Minority	93%	91%	91%
Non-Minority	79%	76%	76%
Poverty	96%	94%	94%
Non-Poverty	80%	78%	78%

Percent of Vehicle Miles Traveled by Level of Congestion during Peak Hours

	Level of Congestion	2015	2040 No Build	2040 TIP
All	Moderate + High	13%	18%	16%
	High	4%	6%	6%
Target Area	Moderate + High	18%	25%	22%
	High	6%	9%	8%
Non-Target Area	Moderate + High	11%	16%	15%
	High	3%	5%	5%

Appendix I

– Limited English Proficiency Plan –



Mid-Ohio Regional
Planning Commission

LIMITED ENGLISH PROFICIENCY PLAN

 **NOVEMBER 1, 2018**

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Mid-Ohio Regional Planning Commission

The Mid-Ohio Regional Planning Commission (MORPC) is a voluntary association of local governments in Central Ohio. Franklin County and nearby counties as well as their cities, villages and townships are eligible for membership. Elected and appointed officials sit on the Commission, which is the policy-making body of the organization.

As a regional planning commission, MORPC has the flexibility and capability to be responsive to its members' needs. MORPC assists with planning and implementing programs in areas of energy conservation, infrastructure, transportation, land use, economic prosperity, environmental protection and others.

MORPC serves as a forum for state and local governments on regional issues and helps represent local communities' interests and needs at the state and federal levels. MORPC recognizes and encourages public and private collaboration on a regional basis and works to build consensus, sound planning practices and realistic decision making for the future. Because of MORPC's role in the region, MORPC's Transportation Policy Committee was originally designated the Metropolitan Planning Organization (MPO) for the Columbus urbanized area in 1964 and re-designated in 1973.

As the MPO, MORPC's Transportation Policy Committee conducts the federally required 3C (continuous, cooperative and comprehensive) transportation planning process. This process results in plans and programs that consider all transportation modes and supports the goals of the metropolitan transportation plan. It is the basis for the development of the 20-year Metropolitan Transportation Plan and the 4-year Transportation Improvement Program (TIP). The plans and programs lead to the development and operation of the region's integrated, multimodal transportation system that facilitates the efficient and economic movement of people and goods.

MORPC's Data and Mapping services provide quick answers to specific questions and performs analysis that helps inform decision makers about transportation, housing, economics, environment, energy, or sustainability policies. MORPC serves as a clearinghouse for Census data; population, housing and job forecasts; traffic counts; historic aerial photography; and downloadable GIS data.

MORPC offers support and expertise for local governments to align community needs proactively with regional energy use and development, including regional air quality forecasting and alerts; Residential Energy Efficiency Programs; policy and programs related to cleaner air, financing, energy reliability and infrastructure; and manufacturing, building, and housing energy assessments.

MORPC also works to enhance Central Ohio's natural environment and improve quality of life, public health, and economic prosperity and growth through bicycle and pedestrian planning, complete streets policies and tools, transportation safety and greenways and water quality.

To help stabilize and redevelop neighborhoods in communities around Central Ohio, MORPC offers a number of housing services, including home repairs.

Limited English Proficiency

Compliance with Title VI includes Limited English Proficient (LEP) persons. The Limited English Proficiency (LEP) portion of this plan addresses Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color or national origin. In 1974, the U.S. Supreme Court affirmed that the failure to ensure a meaningful opportunity for national origin minorities with limited-English proficiency to participate in a federally funded program violates Title VI (Federal-Aid Recipient Programs & Activities) regulations. Additionally, requirements are outlined in Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency, signed on August 11, 2000. Its purpose is to ensure accessibility to programs and services to eligible persons who have limited proficiency in the English language. Furthermore, the U.S. Department of Transportation (DOT) published Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons in the December 14, 2005 Federal Register, Volume 70; Number 239. The guidance explicitly identifies Metropolitan Planning Organizations (MPOs) as organizations that must follow this guidance. The Limited English Proficiency (LEP) Plan must be consistent with the fundamental mission of the organization, though not unduly burdening the organization.

Federal Transit Administration's Circular FTA C 4702.1B, October 1, 2012, provides recipients of FTA's financial assistance with guidance and instructions necessary to carry out U.S. DOT Title VI regulations (49 CFR, part 21) and to integrate into their programs and activities considerations expressed in the Department's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (70 FR 74087, December 14, 2005).

In March 2014, MORPC approved Resolution T-1-14: **"REQUESTING APPOINTMENT OF THE TRANSPORTATION POLICY COMMITTEE AS THE DESIGNATED RECIPIENT FOR FEDERAL TRANSIT ADMINISTRATION SECTION 5310 FUNDS FOR THE COLUMBUS URBANIZED AREA"**. T-1-14 appointed the Transportation Policy Committee as the Designated Recipient for FTA's Section 5310 (*Enhanced Mobility of Seniors and Individuals with Disabilities*) funds for the Columbus Urbanized Area with all of the responsibilities incumbent upon that appointment.

Plan Summary

MORPC updated the *2018 Limited English Proficiency Plan* to identify reasonable steps for providing language assistance to persons with limited English proficiency (LEP) who wish to access MORPC services. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and who have limited ability to read, speak, write or understand English.

This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available. In order to prepare this plan, MORPC undertook the U.S. DOT four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a MORPC program, activity or service.
2. The frequency with which LEP persons come in contact with MORPC programs, activities or services.
3. The nature and importance of programs, activities or services provided by MORPC to the LEP population.
4. The resources available to MORPC and overall cost to provide LEP assistance.

A summary of the results of MORPC's four-factor analysis is in the following section.

FOUR FACTOR ANALYSIS

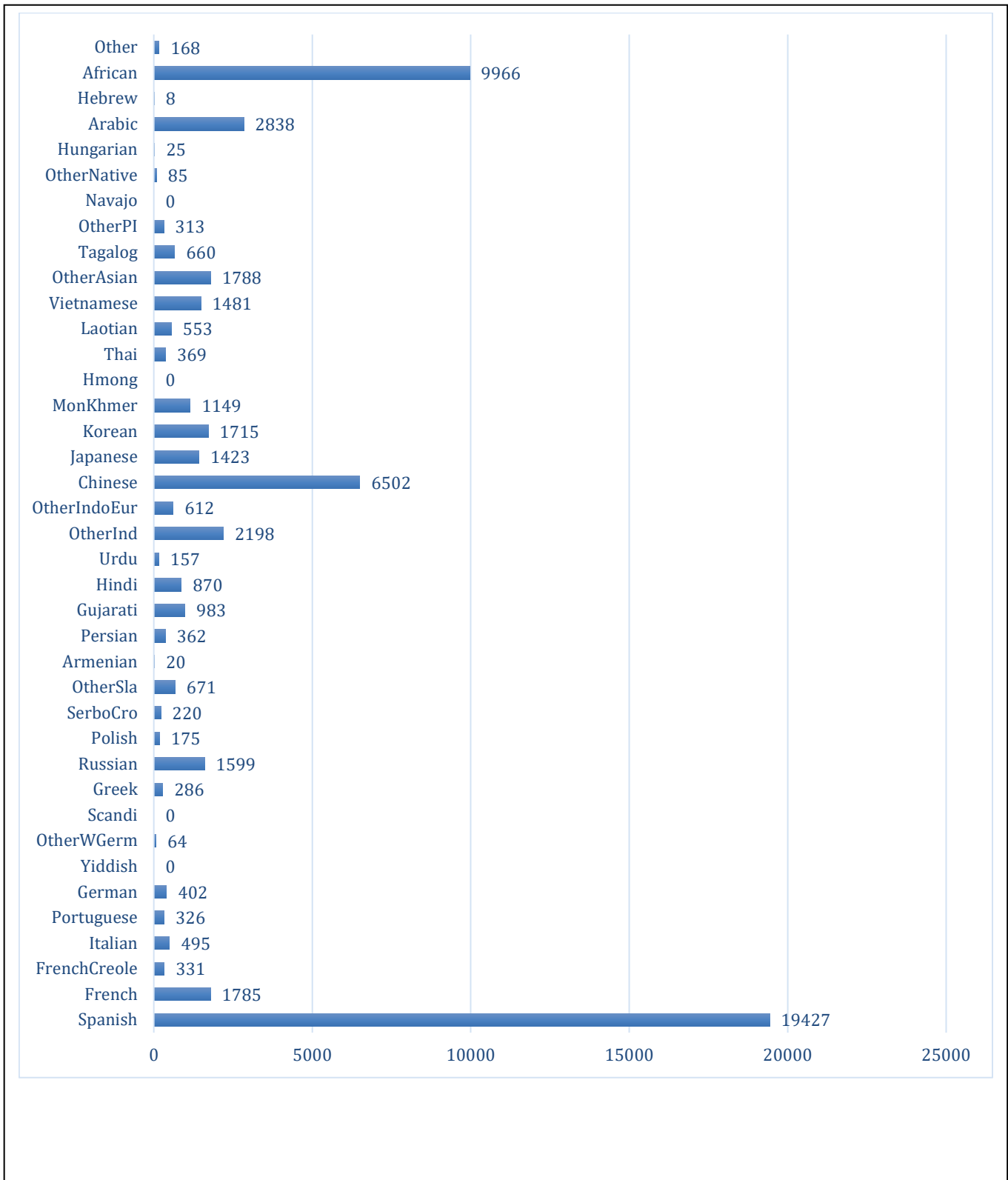
LEP Persons Encountered by the Services

MORPC collaborates with the general public, local communities, transit agencies, county engineers and the Ohio Department of Transportation to conduct the federally required metropolitan planning process for the region and to identify transportation strategies and projects for funding. MORPC does not provide bus service, rail service or other transportation services to the public other than Gohio Commute, a program designed to provide commuters and companies with resources to help them explore the many commuting options available in Central Ohio.

MORPC has additional programs that interact or could interact with LEP persons:

- Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program provides Federal funding to improve mobility for seniors and people with disabilities. This program distributes grant funds for capital expenses for vehicles and related equipment used to transport seniors and people with disabilities and activities related to mobility management. Funds may also be used for operating projects, travel training to instruct persons with disabilities on using fixed-route bus services, and capital projects to remove barriers at bus stops for persons with disabilities.
- The Residential Energy Efficiency Program improves the comfort and safety of homes and creates energy savings for income-eligible renters and homeowners in Franklin County. The free services are available year-round in Franklin County and include assessment of the home to identify energy improvements.
- MORPC Housing Rehab Program helps low- and moderate-income homeowners maintain and improve their homes through several housing rehabilitation programs. With funding provided by multiple agencies, MORPC has programs available to help with exterior repairs, emergency repairs and whole home rehabilitation. Basic program eligibility requirements are based on total household income, ownership of the home, and area of residency.
- MORPC's Gohio Commute promotes sustainable transportation alternatives with the goal of reducing congestion in the region, saving commuters on their fuel costs and improving the environment.
- MORPC's Air Quality Awareness Program seeks to address our region's air quality issues, and to inform and alert the public, local governments, businesses, organizations and individuals of the actions they can take to protect public health and reduce air pollution.

MORPC identified the LEP populations within its MPO boundary, including Delaware and Franklin counties, Bloom and Violet townships in Fairfield County, New Albany, Pataskala and Etna Township in Licking County and Jerome Township in Union County. The total number of LEP persons according to the 2015 Census American Community Survey is 60,026 or 4.24 percent. The three largest LEP groups in the MPO area speak Spanish (19,427) or 32.4 percent, African languages (9,966) or 16.6 percent, and Chinese languages (6,502) or 10.8 percent.



2015 Census American Community Survey

Frequency of Contact with MORPC Services

As the MPO, LEP persons may come into contact with MORPC through participation in the transportation planning process, the Gohio Commute program and the Air Quality Awareness Program. MORPC's public involvement processes are outlined in the Public Involvement Plan (PIP), which was last updated in 2015. The PIP outlines MORPC's policies with regard to public involvement, public outreach and public comments. MORPC conducts public open houses and attends community meetings to receive input regarding the region's prioritization list or for special projects, as they may occur. Public outreach is achieved through a three-tier process; Advisory Committees, Public Outreach/Information and Project-Specific Public Involvement.

The Gohio program reaches out to the public through MORPC's website, telephone hotline, social media, highway signs, employer programs, community festivals and fairs, summits and conferences, radio, television and newspaper advertising and interviews. Information on the program has been provided in Spanish and English.

The Air Quality program reaches out to the public through MORPC's website, telephone hotline, social media, employer programs, community festivals and fairs, summits and conferences, radio, television and highway message signs. Information on Air Quality Alerts is provided in Spanish and English. The telephone hotline provides air quality alerts in both English and Spanish.

The Residential Energy Efficiency Program and the Housing Rehab programs reach out to the public through direct mail, MORPC's website, social media, community festivals and fairs and television. The Residential Energy Efficiency Program has provided information in Spanish and English.

Attached is a summary of diverse populations, compiled through our Diversity & Inclusion Plan, who have requested services from MORPC. While it does not include those necessarily considered LEP, it does provide some indication of the populations utilizing our services. MORPC provides interpreters and translators, as needed, for all programs.

Nature and importance of the Service

The designation of MORPC in November 2014 as the recipient of FTA's Section 5310 funds requires consideration of the regional LEP population when providing access to people with a disability and seniors. MORPC's 5310 funds are distributed to subrecipients who provide service to people with disabilities and seniors. Air Quality Alerts, Section 5310, Gohio and MORPC Residential Energy and Housing Rehab programs provide services that benefit people with disabilities and seniors in all diverse populations.

Resources for LEP Outreach

There are several funding resources available to MORPC for LEP outreach. A portion of MORPC membership dues, through the Diversity and Inclusion Program, are currently budgeted for translation and interpretation services. Program transportation funds (Public Involvement, Gohio, Air Quality and Section 5310) also are eligible for translation and interpretation services.

Translation of major transportation documents has been researched and found to be extremely costly, especially in Somali. A focus group was held with members where English is their second language (ESL) to determine if it would be beneficial to translate MORPC's large technical transportation documents. The members of the focus group felt that it would not be beneficial, but a less expensive option, the translation of applications, brochures, newsletters, one-page fact sheets, and executive and popular summaries would be more appropriate. See appendix.

MORPC will continue to reach out to the LEP community and provide language translation and interpretation services when practical and in consideration of the funding available. When applicable, the translation of documents will begin after the final English version has been completed. Some documents, such as brochures, can be produced in multiple languages in the same document where size is not an issue.

Based on the four-factor analysis, MORPC has developed its LEP Plan as outlined in the following section.

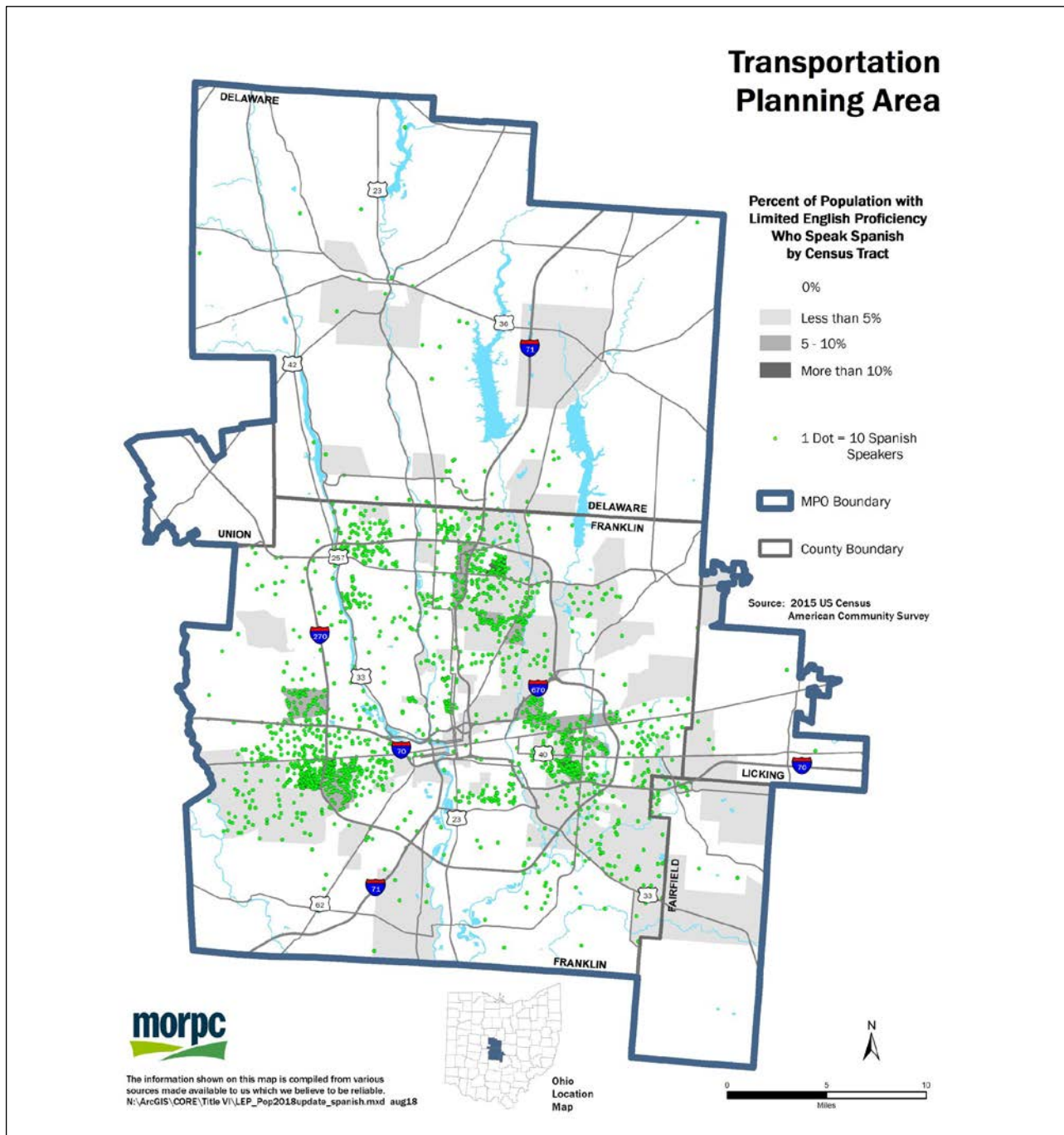
Historical and Current Efforts

In September 2018 MORPC completed a Limited English Proficiency Summary that identified the three primary LEP populations and their locations in the MPO planning area. When seeking input on our transportation planning process, special projects, and communicating the availability of our services and programs, MORPC has utilized a variety of tools in reaching out to our LEP populations, which include the following:

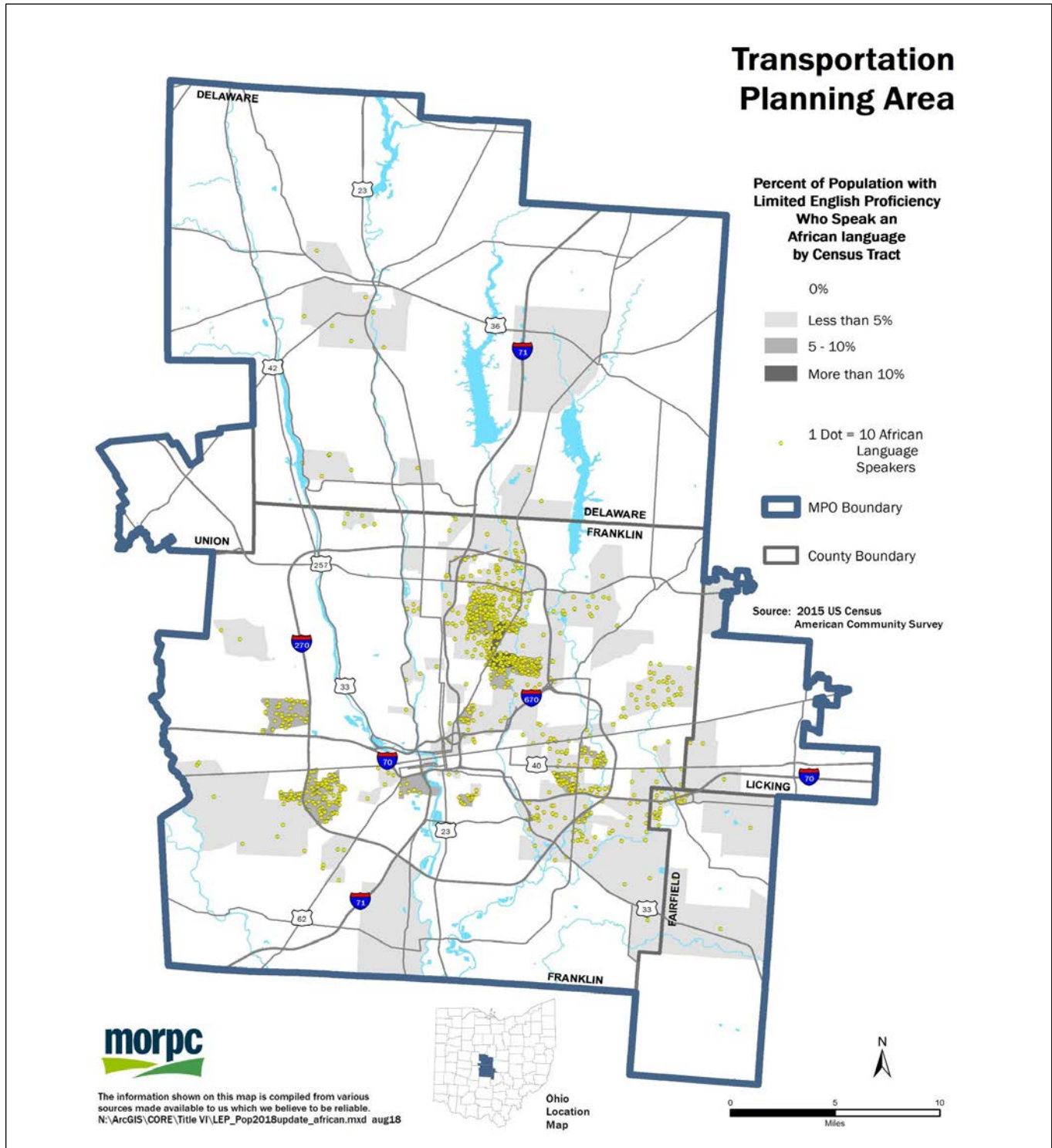
- A language translation tool on its website
- *Language Identification cards* available in the front lobby for walk-ins
- Process to assist persons with limited English proficiency
- Partner organizations within the Latino and Asian communities that assist MORPC in outreach to LEP individuals specifically and to the Latino community in general (Hispanic Coalition, Asian Festival, US Together, Council on World Affairs)
- Title VI notice to the public in English and Spanish located in MORPC's Lobby and Lounge
- Air Quality Hotline in Spanish
- Air Quality brochure produced in Spanish and Somali
- Weatherization flyers produced in Spanish
- Gohio radio ads produced in Spanish and placed on a Spanish radio station, La mega
- Commuter Challenge postcards produced in Spanish and English
- Advertisements placed in event programs

Identification of LEP population

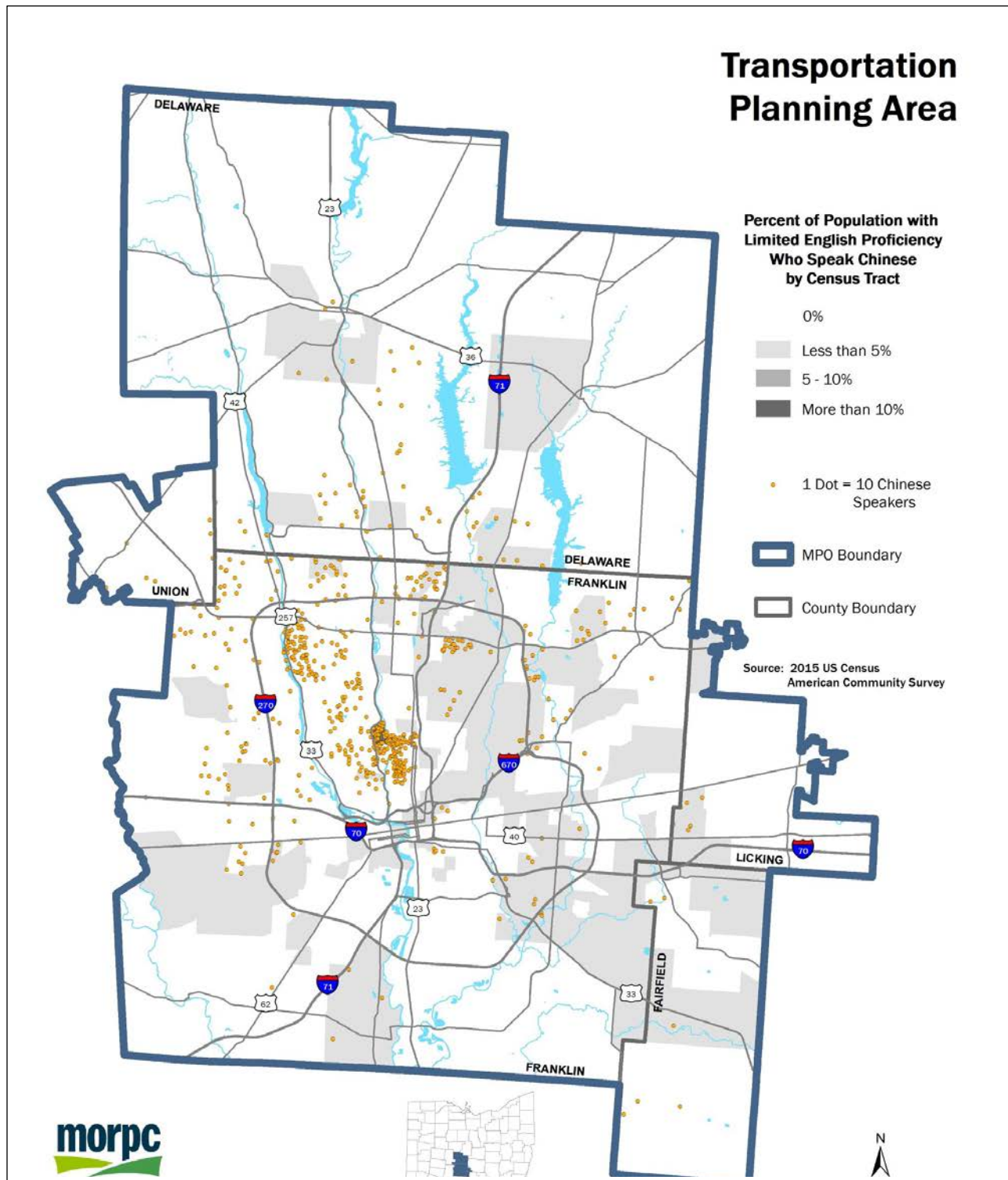
The LEP population was mapped to show LEP individuals as a percent of total population by census tract as shown in the attached map. There are several concentrations of LEP populations located mostly in Franklin County. The concentrations of Spanish speaking populations include areas between SR 161 and I-270, south of SR 161 along I-71, around the Columbus International Airport between Broad Street and I-670, along SR 33 south of SR 161, along west I-270 and West Broad Street and on the east side south of Broad Street and Hamilton Road to I-70 West.



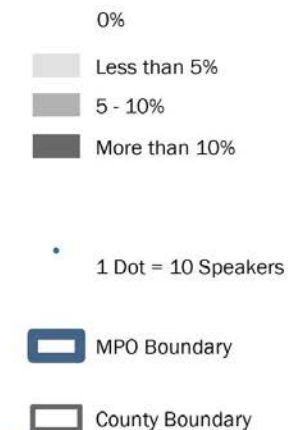
The LEP populations that represent African speaking languages are located primarily in Franklin County in the areas from SR 161 to 17th Avenue between I-71 and I-270, West Broad east of I-270 and on the east side around Hamilton Road and East Main Street.



LEP populations that speaks Chinese are located primarily in Franklin County in the areas north of the Ohio State University between SR 315 and US 23 and south of SR 161 along US 33.



**Percent of Population with
Limited English Proficiency
Who Speak a language other
than Spanish, Chinese,
or an African language
by Census Tract**



Language Assistance Measures

MORPC prides itself on reaching out to the public by attending their community and neighborhood meetings to present information on the transportation planning process. Before attending a community meeting to present the long-range transportation plan or the transportation improvement program, MORPC will determine if an interpreter and translation of the information is needed. With special projects or to gain access to LEP neighborhoods, MORPC utilized representatives from the City of Columbus's New Americans Initiative and utilized staffs who speak alternative languages when attending/hosting meetings in the region.

MORPC pays particular attention at open houses or public meetings to determine who may exhibit low literacy skills. In the past, MORPC has asked participants to notify us when an interpreter was needed. While interpreters have not been requested at MORPC open houses or public meetings, our Residential Energy and Gohio programs have utilized this service. MORPC's Air Quality Alert program's hotline is provided in English and Spanish.

MORPC has *Language Identification cards* available in its lobby for walk-ins. Interpreters can attend meetings to accommodate participants who don't speak English or speak English "less than very well." When an interpreter is needed, in person or on the telephone, staff will attempt to determine what language is required and then access language assistance services at MORPC's Language line service. See appendix.

MORPC continues to make every effort to arrange for translation, sign language or other special assistance at meetings for individuals with special needs who request them before the meeting. To date, there have been no such requests.

MORPC surveys its employees to determine those who can fluently speak another language. We have from time to time utilized staff to record a hotline script or radio advertisement in an alternative language.

Along with the annual tracking of diverse populations in the Diversity & Inclusion Plan, MORPC will track and monitor the efforts to serve LEP populations by the following:

- Frequency of encounters seeking interpreters or translation services
- Nature and importance of activity to LEP persons
- Agency documents translated into alternative languages
- Distribution of translated outreach material (location, frequency, number)

Providing Notice to LEP Persons

When staff schedules a meeting for which the target audience is expected to include LEP individuals, outreach material will be printed in the alternative language and a request will be made for an interpreter. Brochures, maps, applications and other publications will be made available in an alternative language when a specific LEP population is identified. Information will also be distributed to area libraries within the targeted areas in alternative languages. In 2017, over \$4,400 was expended for translation and interpretation services.

MORPC works closely with the City of Columbus neighborhood and civic organizations. We request that they inform us when translation or interpretation services are needed especially in targeted areas.

MORPC will let LEP persons know that language services are available free of charge by the following:

- Notice placed in outreach material
- Providing notices in newspapers, radio and television stations whose audiences are LEP populations about the availability of language assistance services
- Notice to contractors and subcontractors of their obligation to provide language assistance to LEP individuals who participate in their programs and services and/or to whom services are provided

Employee LEP Training

Annually, MORPC employees go through a Diversity and Inclusion training to prepare and educate them on the region's changing population. MORPC also will provide training to include a process on how to serve people who speak English "less than very well." Many front-line employees are already familiar with a process on how to obtain interpretation services for that population. The training will be expanded to include other MORPC staff and all new hires.

The following training on MORPC's Title VI Policy and LEP responsibilities provided to MORPC's staff will include:

- Types of language services available.
- Process to serve LEP individuals when they call in, walk in or attend a public meeting hosted by MORPC.
- How to respond to written communications from LEP persons.
- Documentation of language assistance requests.
- The process to handle a potential Title VI/LEP complaint.

Expansion of Outreach Efforts

MORPC will continue its LEP outreach efforts to also include:

- Posting a Title VI complaint form on MORPC's website in Spanish.
- Producing outreach material (applications, TIP Popular Summary, TIP brochure, printed newsletters and one-page fact sheets) in Spanish.
- MORPC will survey its employees to determine those who speak another language fluently. This request will be included in new employee orientations.
- The outreach material produced in alternative languages will be distributed to metropolitan libraries located in the target areas identified in the map. See Page 8.

Evaluation and Update

MORPC will update the LEP Plan as required by U.S. DOT. At a minimum, the plan will be reviewed and updated when data from current and future U.S. Censuses are available, or when it is clear that higher concentrations of LEP individuals are present in the region.

Updates will continue on the following:

- The number of documented LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Update of LEP population in the region.
- Determination as to whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether MORPC's financial resources are sufficient to fund language assistance resources needed.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.
- Develop criteria for deciding which materials will be translated.
- Explore the feasibility of producing outreach material in languages other than English and Spanish.

Questions regarding this plan should be submitted to Bernice Cage, Public Information and Diversity Officer, Mid-Ohio Regional Planning Commission, 111 Liberty Street, Suite 100, Columbus, OH, 43215, bcage@morpc.org, 614-233-4157.

Attachments to Appendix I

Translation/Interpretation Services

Interpreters:

Ohio Hispanic Coalition

Interpretation Services - \$35/hr Spanish & Somali - \$40/hr for other languages

Choi Rubio 614-840-9934 – MORPC Contact

24 hour services is provided

From 8:00 am – 5:00 pm call 614-880-2624

From 5:00 pm – 8:00 am call 614-746-1032

You will be invoiced & include your cost center number when paying.

Translation Services:

Asist Translation Services

Becky Dussault, Director of Marketing

614-602-4584

becky@asisttranslations.com

Send copy of what you want translated and she will send back an estimate.

She will not translate until you have given her approval.

You will be invoiced & include your cost center number when paying.

Certified WBE and EDGE

Request an interpreter for the Deaf

Email **or** phone: **Deaf Services Center (DSC)**

5830 North High Street

Worthington, OH 43085

Email: cindin@dsc.org and copy deb@dsc.org

Phone: 841-1991

Procedure:

DSC prefers a week's notice but can accommodate shorter time frames. When requesting an interpreter the following information is required:

- Name of person who is deaf
- Date you need the service
- Start and end times
- Address or location
- Onsite contact person

If you have questions, feel free to contact:

Cindi Nash BA, NIC

Interpreter Coordinator/Interpreter

CEO/Executive Director Assistant

Deaf Services Center, Inc.

5830 N High St

Worthington OH 43085

(614) 841-1991 V

(614) 515-4484 VP

(614) 841-4909 fax

cindin@dsc.org

Appendix J

– Title VI Resolution –



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Memorandum

TO: Mid-Ohio Regional Planning Commission
Executive Committee
Officers and Board Members

FROM: Thea J. Walsh, AICP
Director of Transportation Systems and Funding

DATE: November 2, 2018

SUBJECT: Proposed Resolution 25-18: "Adoption of MORPC's 2018 Title VI Program"

This resolution is to approve the Title VI/Non-Discrimination Program at MORPC. Given that MORPC receives and sub allocates Federal Transit Administration (FTA) funds, MORPC must fulfill the Title VI requirements and guidelines of the Civil Rights Act of 1964.

Federal regulations require MORPC to produce a Title VI monitoring program which must be approved by MORPC's Transportation Policy Committee every three years.

Items required for a Title VI Program in a metropolitan planning organization (MPO) includes:

- A copy of MORPC's Title VI notice
- MORPC's Title VI discrimination complaint process
- A list of public transportation related Title VI investigations, complaints, or lawsuits
- MORPC's public participation plan
- MORPC's plan for providing language assistance for persons with limited English proficiency
- A table depicting racial breakdown of minorities on relevant MORPC committees
- A description of efforts to ensure subrecipients are complying with Title VI
- A demographic profile of the metropolitan area
- A description of the procedures by which the mobility needs of minority populations are identified and considered within the planning process
- Demographic maps that overlay with minority and non-minority populations that demonstrate the impact of state and federal funds in aggregate for public transportation managed by the MPO
- Analyze the impacts of federal funds spent and identify any disparate impacts on the basis of race, color, or national origin, and, if so, identify a substantial legitimate justification for the disparate impact

William Murdock, AICP
Executive Director

Rory McGuinness
Chair

Karen J. Angelou
Vice Chair

Erik J. Janas
Secretary

- A description of the procedures the MPO uses to pass through FTA financial assistance
- MORPC's process to provide assistance to potential subrecipients applying for funding
- MORPC's RFP and contract procedures

MORPC staff believes MORPC is in compliance with the Title VI requirements.

Attachment: Resolution 25-18

RESOLUTION 25-18

“Adoption of MORPC's 2018 Title VI Program”

WHEREAS, in October 2014 the Governor of Ohio appointed the Mid-Ohio Regional Planning Commission as Designated Recipient ID No. 1310 for the Federal Transit Administration's (FTA) Section 5310 (*Enhanced Mobility of Seniors and Individuals with Disabilities*) funds for the Columbus Urbanized Area; and

WHEREAS, MORPC is the designated recipient of the Section 5310 Federal Transit Administration (FTA) funds for the Columbus, Ohio urbanized area, that are distributed to sub recipients; and

WHEREAS, MORPC is subject to Title VI of the Civil Rights Act of 1964 and the U.S Department of Transportation's implementing regulations; and

WHEREAS, the FTA requires all recipients document their compliance by submitting a Title VI Program according to the guidelines provided in FTA Circular 4702.1B to their FTA regional civil rights officer once every three years; now therefore

BE IT RESOLVED BY THE MID-OHIO REGIONAL PLANNING COMMISSION:

- Section 1. That it approves MORPC's *2018 Title VI/Non-Discrimination Program* dated November 2018.
- Section 2. That it directs staff to implement, monitor and recommend updates to the Program as needed.
- Section 3. That it directs staff to transmit this resolution and program to the FTA.
- Section 4. That the executive director is authorized to take such other action and execute and deliver such other documents as, acting with the advice of legal counsel, he shall deem necessary and appropriate to carry out the intent of this resolution.
- Section 5. That this Commission finds and determines that all formal deliberations and actions of this Commission concerning and relating to the adoption of this resolution were taken in open meetings of this Commission.



Rory McGuinness
Mid-Ohio Regional Planning Commission

Effective date:	November 8, 2018
Submitted by:	Thea Walsh, Director, Transportation Systems & Funding
Prepared by:	Bernice Cage, Public Information & Diversity Manager, Public & Government Affairs
	Mary Ann Frantz, Alternative Transportation Manager, Transportation Systems & Funding
Authority:	Ohio Revised Code Section 713.21
For action date:	November 8, 2018
Attachment:	2018 Title VI/Non-Discrimination Program



Mid-Ohio Regional
Planning Commission

Title VI/Non-Discrimination Program at MORPC

(Focus on Metropolitan Planning Organization)

November 2018

- **Mid-Ohio Regional Planning Commission**
- **FTA Recipient ID: 1310**
- **Columbus, Ohio**

**Title VI¹/Non-Discrimination Program
at the
Mid-Ohio Regional Planning Commission
(Focus on Metropolitan Planning Organization)**

Report Prepared by MORPC

November 2018

This report was prepared by the Mid-Ohio Regional Planning Commission (MORPC), 111 Liberty St., Columbus, Ohio 43215, 614-228-2663. Funding was provided by the Federal Highway Administration, Federal Transit Administration, Ohio Department of Transportation, and Delaware, Fairfield, Franklin, Licking and Union Counties. The report reflects the views and policies of the Mid-Ohio Regional Planning Commission.

In accordance with requirements of the U.S. Department of Transportation, MORPC does not discriminate on the basis of age, race, color, national origin, gender, sexual orientation, familial status, ancestry, military status, religion or disability in programs, services or in employment. Information on non-discrimination and related MORPC policies and procedures is available at www.morpc.org/title-vi.

¹ Title VI of the U.S. Civil Rights Act of 1964

There are many forms of illegal discrimination based on race, color, or national origin that can limit the opportunity of minorities to gain equal access to services and programs. Among other things, in operating a federally-assisted program, a recipient cannot, on the basis of race, color, or national origin, either directly or through contractual means:

- Deny program services, aids, or benefits;
- Provide a different service, aid, or benefit, or provide them in a manner different than they are provided to others; or
- Segregate or separately treat individuals in any matter related to the receipt of any service, aid, or benefit.

U.S. Department of Justice

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Appendix A – Civil Rights and Non-Discrimination Related Links

Appendix B – Non-Discrimination Clause in MORPC ODOT Agreement

Appendix C – Title Assurances, Self-Certification of Process, Contractors' Requirements

Appendix D – ODOT Title VI Baseline Assessment Tool – FY2019

Appendix E – Non-Discrimination Complaint Procedure

Appendix F – Responsibilities for Title VI Compliance at MORPC

Appendix G – Public Involvement Plan

Appendix H – Environmental Justice Analysis TIP

Appendix I – Limited English Proficiency Plan
Attachments to Appendix I

Appendix J – Title VI Resolution

Appendix K – Final MORPC 5310 Program Management Plan

Appendix L – Title VI Notice

Appendix N – 2016-2017 Diversity and Inclusion Plan

Appendix O - MORPC Contracting Process Procedures

SUMMARY OF MORPC ONGOING TITLE VI-RELATED ACTIVITIES

Name	Description	Date
Title VI Assurances	DOT Title VI assurances are required by FHWA and FTA. MORPC includes these with the annual MPO self-certification resolution.	May 2018
Data Collection	MORPC is required to collect and map data on Title VI-protected populations in the planning area. This is an on-going activity of the transportation department.	Ongoing
Public Involvement Plan	MORPC is required to proactively encourage public participation – <i>seeking out and considering the needs of those traditionally-underserved</i> – the transportation department maintains a separate public involvement plan.	September 2015
Title VI External Complaint Process	MORPC is required to maintain a complaint process.	Current
Beneficiary Title VI Notifications	MORPC is required to let beneficiaries know MORPC's obligations in regards to Title VI and how complaints can be filed.	Current
LEP (Limited English Proficiency)	MORPC is required to take <i>sound measures and reasonable steps</i> to serve the non-English speaking populations in the area. MORPC takes steps to better reach out to these populations and to produce various materials in different languages.	November 2018
ODOT Title VI Report	ODOT requires this report annually. It is included as an appendix in the transportation planning work program document.	May 2018
Contracts, RFPs, RFQs Reviews	MORPC contracts, RFPs and RFQs are required to include specific Title VI related language. Individual departments and the finance director are responsible for making sure that this is done correctly.	Current

I. INTRODUCTION

A. THIS PROGRAM

This program, in response to FTA C4702.13, provides an overview of the responsibilities that the Mid-Ohio Regional Planning Commission (MORPC) has in regards to the Civil Rights Act of 1964 (and related law) and how these responsibilities are carried out by MORPC. The program focuses primarily on Title VI of the Civil Rights Act and on the Metropolitan Planning Organization (MPO) functions at MORPC (see U.S. Code Title 23, section 134 and Title 49, section 5303). MORPC documents some of its non-discrimination-related activities in other reports and these are referenced and/or the current versions are included herein.

The information presented in this program is current as of the date of the report and will continue to provide an overview of Title VI and related non-discrimination activities and requirements. However, all of the information is subject to change and revision in accordance with new legislation, rules and policies at the federal, state, or MORPC levels, or due to MORPC updates of various documents. Therefore, it is strongly recommended that the MORPC staff or MORPC website and other internet links in Appendix A be consulted for the latest information.

This program is intended to serve three primary audiences and purposes:

- **Federal and State Oversight Agencies** – To provide information to state and federal oversight agencies on how MORPC carries out its responsibilities in regards to Title VI and related non-discrimination requirements.
- **MORPC Staff** – As a reference for MORPC staff on Title VI-related requirements and responsibilities and procedures that MORPC follows related to non-discrimination.
- **General Public** - Information for the general public on the non-discrimination regulations that MORPC is obligated to follow (due to being a federal fund recipient and a public entity) and how MORPC responds to these requirements.

It should be noted that MORPC is responsible, contractually, to various jurisdictions in carrying out and properly and sensitively following non-discrimination requirements. The state and federal governments have significant oversight responsibility for MORPC in regards to non-discrimination, and for some MORPC funding sources, local governments or other entities also may have an oversight role. (See Appendix B.)

B. CIVIL RIGHTS ACT OF 1964 AND TITLE VI

At a time when significant amounts of open, overt and even government-sanctioned discrimination still existed against Americans of African descent across the United States, the U.S. Congress passed the landmark Civil Rights Act of 1964. President Lyndon Johnson signed the Civil Rights Act of 1964 into law on July 2, 1964.

In considering the Title VI legislation, one senator addressed how North Carolina hospitals received substantial federal monies for construction, that such hospitals discriminated against blacks as

patients and as medical staff, and that, in the absence of legislation, judicial action was the only means to end these discriminatory practices:

"That is why we need Title VI of the Civil Rights Act, H.R. 7152 - to prevent such discrimination where Federal funds are involved. . . . Title VI is sound; it is morally right; it is legally right; it is constitutionally right. . . . What will it accomplish? It will guarantee that the money collected by colorblind tax collectors will be distributed by Federal and State administrators who are equally colorblind. Let me say it again: The title has a simple purpose - to eliminate discrimination in Federally-financed programs."

Full integration and equal rights for blacks had reached an unstoppable momentum despite the lingering efforts of some governments and individuals to maintain and justify segregationist practices and policies of the past. Today, discrimination against various groups, often in a less blatant way than in 1964 and usually not sanctioned by law, continues as a significant issue. Unintentional discrimination, perhaps through policies or procedures that have the unintended result of discriminating against particular persons or groups, is also an issue today.

The Civil Rights Act of 1964 included eleven titles. Title VI, the primary focus of this program because of its particular applicability to the MPO and MORPC, addressed discrimination in federally-funded programs and activities. A widely-used passage related to Title VI sums up what the title is about:

No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (42 USC 2000 Section 601).

This made entities that receive federal funding, such as MORPC, directly subject to the federal Civil Rights Act and requirements to operate in accordance with federal non-discrimination law. Current Title VI law requires non-discrimination in all programs and activities, whether federally-funded or not, of those who receive federal funds.

The term "program or activity" and the term "program" mean all of the operations of:

- a. A department, agency, special purpose district, or other instrumentality of a state or of a local government; or
- b. The entity of such state or local government that distributes such assistance and each such department or agency (and each other state or local government entity) to which the assistance is extended, in the case of assistance to a state or local government;

Any part of which is extended federal financial assistance. 42 U.S.C. § 2000d-4a(1)

In the 50-plus intervening years, following the passage of the 1964 Civil Rights Act, the specific applicability of the Act has been clarified or expanded to include more than race, color and national origin. Discrimination protections based on age, handicap/disability, sex, religion, limited English proficiency, and income level have also been included in various federal statutes, regulations, executive orders, and policies.

MORPC and other federal fund recipients must adjust their programs and policies to conform with these requirements, as well. Federal, state and local discrimination prohibitions against lesbian, gay, bi-sexual, and transgender (LGBT) individuals also are common (e.g., see June 2010 HUD press release No. 10-119).

Many programs have two recipients. The *primary* recipient or conduit directly receives the federal financial assistance. The primary recipient then distributes the federal assistance to a *subrecipient* to carry out a program. Both the primary recipient and subrecipient must act in accordance with Title VI. MORPC is a primary and subrecipient.

The specific Title VI-related activities discussed in this program are mostly in response to regulations and directives of the U.S. Department of Transportation (DOT), particularly the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). DOT Title VI implementing regulations are contained in the Code of Federal Regulations, 49 CFR 21.

C. AUTHORITIES

Most federal agencies have adopted regulations that prohibit recipients of federal funds from using criteria or methods of administering their programs that have the *effect* of subjecting individuals to discrimination based on race, color, or national origin. The Supreme Court has held that such regulations may validly prohibit practices having a disparate impact on protected groups, even if the actions or practices are not intentionally discriminatory. *Guardians*, 463 U.S. 582; *Alexander v. Choate*, 469 U.S. at 292-94; see *Elston v. Talladega County Board of Education*, 997 F.2d 1394, 1406 (11th Cir.), *reh'g denied*, 7 F.3d 242 (11th Cir. 1993).

While each federal agency extending federal financial assistance has primary responsibility for implementing Title VI with respect to its recipients, overall coordination in identifying legal and operational standards, and ensuring consistent application and enforcement, rests with the Civil Rights Division of the Department of Justice.

Title VI claims against an entity such as MORPC may be proven under two primary theories:

- Intentional discrimination/disparate treatment; and
- Disparate impact/effects.

The first refers to intentional discrimination based on race, color, or national origin. The second refers to actions that use a neutral procedure or practice that has a disparate impact on individuals of a particular race, color, or national origin, and when such a practice lacks a "substantial legitimate justification."

The documents below are some of the major federal civil rights-related legislation, regulations, executive orders, and federal agency guidance that MORPC is subject to. These are generally listed chronologically by date enacted and are not all-inclusive. See Appendix A for links to actual documents and other related information.

- ❖ [Title VI of the Civil Rights Act of 1964](#) (42 U.S.C. 2000) – prohibits discrimination on the grounds of race, color, or national origin

- ❖ 1970 Uniform Act (42 USC 4601) – related to persons displaced/property acquired
- ❖ Federal-aid Highway Act of 1973 (23 U.S.C. 324) – prohibits discrimination on the basis of sex
- ❖ Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) – prohibits discrimination based on handicap/disability
- ❖ Age Discrimination Act of 1975 (42 U.S.C. 6101) – prohibits discrimination based on age
- ❖ Implementing Regulations (49 CFR 1.51, 49 CFR 21 and 23 CFR 200) – U.S. DOT and FHWA Title VI implementing regulations
- ❖ Federal Transit Laws Title 49 U.S.C. Chapter 53 as amended by MAP-21
- ❖ Civil Rights Restoration Act of 1987 (P.L. 100-259) – restored original intent and scope of Title VI to include all programs and activities of federal-aid recipients and contractors whether federally-funded or not
- ❖ Fair Housing Act Amendments of 1988 (42 U.S.C. 3601-3631) – adds religion as a protected group for relocation purposes
- ❖ Americans with Disabilities Act of 1990 (P.L. 101-336) – non-discrimination based on disability
- ❖ DOT Order 1000.12 – implementation of DOT Title VI Program
- ❖ Executive Order 12250 – (28 CFR 42.401) Department of Justice coordination of enforcement of non-discrimination in federally assisted programs
- ❖ Executive Order 12898 (EJ) in 1994 – federal actions to address equity and fairness in minority and low-income populations (“Environmental Justice”)
- ❖ Executive Order 13166 (LEP) in 2000 – requires meaningful access to services for people with limited English proficiency

D. STATE OF OHIO NON-DISCRIMINATION LAWS

The State of Ohio also includes many of the same non-discrimination requirements as the federal government in various sections of the Ohio Revised Code, Ohio Administrative Code, Executive Orders, and other documents. The location for some of this information is Section 4112 of the ORC. MORPC, in all of its functions, is also subject to following these state laws and regulations.

E. MORPC ORGANIZATION AND FUNDING

MORPC is organized per sections 713.21 and 713.23 of the Ohio Revised Code as a “Regional Planning Commission” (RPC) and serves member jurisdictions in the Central Ohio area. The MORPC Transportation Policy Committee acts as the “Metropolitan Planning Organization” or “MPO” for the Columbus Urbanized Area (see “Prospectus” in MORPC Transportation Planning Work Program – link in Appendix A) as designated by the Ohio Governor and U.S. Department of Transportation.

MORPC has served as the MPO (or “Transportation Study”) since 1964 and as a planning entity per the Ohio Revised Code since 1943 (under different organizational arrangements and names). The current organization, under the name “Mid-Ohio Regional Planning Commission,” was formed in 1969.

MORPC currently includes four major “production” departments: 1) Transportation Systems and Funding (the “MPO”); 2) Data and Mapping; 3) Planning and Environment; and 4) Energy and Air Quality. Energy and Air Quality includes a home weatherization and housing rehab component, and within Transportation Systems and Funding there is a separate demand management program that provides ridesharing services in 15 counties. MORPC also includes several “support” departments including Executive Management, Finance, Information Technology, and Public and Government Affairs.

MORPC is an independent, voluntary membership-run planning entity and receives part of its operations funding from member dues, which are also used to match grants. The MPO service area includes Delaware and Franklin Counties, and portions of northwest Fairfield County, southeast Union County and southwest Licking County.

The current MPO geographic area was generally established in 1973 except that portions of middle and northern Delaware County, not previously included in the MPO, were added in the early 1990s. Due to the increasing spread of urban growth beyond the central county in the past decade or so, and due to the larger 8-county U.S. Census Bureau-defined metropolitan statistical area, MPO work considers and sometimes includes, or extends into, areas beyond the MPO boundary.

MORPC is governed by a “commission” (or “board”) composed of officials appointed from member governments per MORPC bylaws and articles of agreement. The MPO is governed by the “Transportation Policy Committee” under advisement from the Transportation Advisory Committee and the Community Advisory Committee. The Transportation Policy Committee includes the members of the Commission who are from geographic areas within the MPO boundary and some additional members, per Transportation Policy Committee bylaws.

Board Diversity – To understand and effectively serve the needs of a diverse population, an organization’s board needs to have the perspective of diverse voices at the table. In June 2018, MORPC conducted a survey of its Board members which also requested racial and ethnic minority representation. Out of a total of 134 respondents:

- 30% female
- 70% male
- 8% African American
- 1% Hispanic
- 1% Native American
- 90% Caucasian
- 27% between the ages of 25-44
- 58% between the ages of 45-64
- 15% the age of 65 or older

MORPC operates differently from most public entities in that agency funding comes not from a committed or dedicated tax source but from the voluntary participation of local governments, and from performing work associated with various grants and agreements, which can change over time. These grants and agreements are from federal agencies, the State of Ohio, local governments, utility companies, foundations, and from other public and private entities, to perform, implement or administer specific programs, services or studies.

The funding for a large portion of this work comes directly or indirectly from the federal government, often through state agency recipients. Sometimes these funds come through other subrecipients. The primary federal agencies that provide funding to MORPC include the Department of Transportation (DOT), the Department of Housing and Urban Development (HUD), the Department of Energy (DOE), and the Department of Health and Human Services (HHS). MORPC currently operates three major programs, which normally provide the bulk of federal funding to the agency:

- Transportation/MPO functions funded by the DOT
- Home Weatherization program funded by the DOE & HHS
- Housing programs funded by HUD

Section 5310 Funds

PROVIDING ASSISTANCE TO SUBRECIPIENTS Chapter III, 11

MORPC is the Designated and Primary Recipient of FTA Section 5310 funds in the Columbus, Ohio urbanized area. MORPC passes Section 5310 funds through to subrecipients as required by the grant program. MORPC is in the process of developing agreements/contracts using FFY 2016 and 2017 funds executed with FTA with the following subrecipients.

- Alpha Group of Delaware County
- American Red Cross
- Arch Express
- Association for the Developmentally Disabled
- Canal Winchester Senior Transportation Services
- Clintonville Beechwold Community Resource Center
- Grove City
- Groveport
- Heritage Day Health Centers
- LifeCare Alliance
- National Church Residences
- Netcare Access
- SourcePoint

Subrecipients are to be held to the same non-discrimination standards and accountable to the FTA Master Agreement as well as more defined guidelines based on their particular projects as MORPC when using these funds. Each subrecipient is also responsible to complete FTA's Certification and Assurances each federal fiscal year as they become available.

Subrecipients can access MORPC's Title VI notice of rights, complaint form and procedures and adopted policies at <http://www.morpc.org/title-vi/>. All Title VI complaints regarding services

provided with Section 5310 funds are to be addressed to MORPC as well as the recipient using MORPC's complaint procedures.

Sample notices, procedures, demographic and other information will be coordinated and provided by MORPC to assist subrecipients in their Title VI compliance.

MONITORING SUBRECIPIENTS Chapter III, 12

MORPC has developed a process and schedule to track subrecipients Title VI Program compliance and submissions. MORPC's grant administrator will perform site visits as appropriate to each subrecipient to ensure their projects are in compliance with the signed agreement and FTA standards. The administrator will receive reports that will be entered into FTA TrAMS.

As required by the project, selected subrecipients will submit invoices to MORPC for reimbursement. Additional information may be requested in the event documentation is needed for reimbursement to ensure they are in compliance.

Conduct Equity Analysis for Determination of Site or Location of Facilities Chapter III, 13

MORPC and its subrecipients do not use FTA funds to determine the location of a new facility or make renovations to existing facility. No projects require an equity analysis for land acquisition and the displacement of persons from their residences or businesses.

Procedures MORPC uses to pass through FTA financial assistance to subrecipients in a non-discriminatory manner Chapter VI, 2, c (2)

MORPC has a Section 5310 Program Management Plan (PMP) approved by FTA. The PMP documents the pass through of FTA financial assistance to subrecipients in a nondiscriminatory manner. As part of the Section 5310 funding request process, Title VI data collection and general reporting requirements, Limited English Proficiency Requirements and FTA Certification and Assurances is required. A description of procedures to request funding is also included in the PMP. (See Appendix K.)

When funding becomes available, MORPC submits a press release, posts on MORPC's website and social media, sends email blasts and mails post cards to potential subrecipients. MORPC's email and USPS mailing lists are inclusive of minority population organizations.

Each applicant is required as part of its Section 5310 funding request to provide information relating to the clientele to be served by the project, including the number of minority individuals broken down by African American, Hispanic, Asian or Pacific Islander, Native American, and Asian-Indian population groups. MORPC's Title VI complaint process will be used to solicit any complaints based on perceived discrimination based on race, color, or national origin. As a Designated and Primary Recipient, MORPC will monitor subrecipients with regard to Title VI.

Procedures MORPC uses to provide assistance to potential subrecipients applying for funding, including its efforts to assist applicants that would serve predominantly minority populations. Chapter VI, 2, c (3)

As stated in MORPC's PMP when the funding cycles are announced the selection process is open and transparent, and every effort will be made to reach multiple agencies that provide services to the primary target populations, ensuring equity of access to the benefits of the grant programs among eligible groups, as required by Title VI of the Civil Rights Act.

MORPC contacts interested parties representing all segments of the study area, including advocates for people with disabilities, the elderly and minority populations have been maintained. In addition to mailing announcements and web postings, funding availability will be communicated using MORPC's Transportation Public Involvement Plan. (See Appendix G.)

The selection process includes an informational workshop where outlining the development of project and criteria is offered. The workshop and assistance in developing proposals are advertised and offered to all interested parties.

II. TITLE VI ORGANIZATION AT MORPC

A. INTRODUCTION

In general, routine Title VI and related non-discrimination responsibilities at MORPC are handled in a decentralized manner, being primarily the responsibility of individual departments. This reflects the reality that MORPC operates through many different agreements, contracts and programs, and each of them may have somewhat different requirements and responsibilities relating to Title VI and non-discrimination.

Though MORPC is one entity, each production department operates their programs in different functional areas, somewhat independently utilizing different funding sources and agreements, and under varying requirements, roles, and constraints, which individual departments are most familiar with. This affects how Title VI responsibilities are organized at MORPC.

It should be noted that all of MORPC, without exception and across all departments, is subject to following federal Title VI and non-discrimination requirements. In that MORPC receives any federal funds, it is subject to these regulations, but in fact, MORPC receives significant amounts of federal funds that infiltrate every activity and operation of MORPC. This makes the entire agency subject to the related federal laws in all its operations.

B. KEY STAFF RESPONSIBILITIES

As shown in the MORPC Title VI organization chart in Appendix F, the agency Executive Director, who is hired by the Commission, has overall responsibility for non-discrimination and implementation of the Title VI program. Directly reporting to the Executive Director on non-discrimination and civil rights issues is the Director of Public & Government Affairs who serves as the overall agency “Title VI Coordinator.”

This person is the key contact person that has general responsibility over civil rights-related and non-discrimination issues that may arise within the agency. The Director of Public and Government Affairs is responsible for Title VI as it relates to public outreach and Title VI notifications.

The other key staff member related to Title VI, who also reports directly to the Executive Director, is the Chief of Staff and Director of Operations. The Chief of Staff is responsible for helping to make sure the agency meets Title VI requirements in purchasing and in professional service or other contracts. This person is also responsible for employment and hiring and for the agency’s Equal Employment Opportunity reporting.

MORPC has recently established an internal Diversity Committee. The committee was created to focus on and improve diversity issues at MORPC. While not specifically designated to address federal Title VI compliance issues, this committee may have involvement in this in the future. Ultimately though, most of the on-going responsibility for meeting program-related Title VI requirements at MORPC rests with each department director.

III. KEY MPO TITLE VI ACTIVITIES

A. INTRODUCTION

MORPC conducts various activities to address and respond to Title VI-related issues, concerns, and requirements, Section III focuses on the primary Transportation Systems and Funding/MPO and related departments activities regarding Title VI and includes planning sub-sections on data collection.

B. PLANNING PROCESS

1. INTRODUCTION

The MORPC Transportation Systems and Funding Department carries out a *comprehensive, cooperative and continuing* planning process in accordance with the Code of Federal Regulations, Title 23, Section 450. The principal products of this process are the Metropolitan Transportation Plan and the Transportation Improvement Program. MORPC must continually monitor the impacts of its planning to avoid, minimize or mitigate disproportional impacts on Title VI-protected populations.

Title VI affects the MORPC planning process in important ways. These are described in more detail in subsections 2 and 3:

- Data collection
- Public involvement

The primary responsibility for ensuring that these tasks are appropriately and sensitively carried-out lies with the Transportation Systems and Funding Director, while the specific tasks are normally sub-delegated within the Transportation Systems and Funding Department. The MORPC Director of Public and Government Affairs also has a significant role in the public involvement and notification responsibilities.

The MORPC Transportation Systems and Funding Department also has often performed special activities or planning studies that are specifically directed to the Title VI-protected populations. Examples include the MPO's past involvement with (and ongoing interest in) developing and maintaining the following:

- human services transportation planning, mobility, and job access for the transportation disadvantaged as elements of the *Coordinated Plan*.
- *Transportation Demand Management Plan* that incorporates mobility management.
- *Planning Framework for the Evacuation of the Transportation Needs Populations in Central Ohio*.
- *insight2050* study that proactively plan for development and growth over the next 30+ years. This report considers changing demographics and impacts to the mobility of the transportation system.

- **Minority Mobility Needs:** During our outreach and analysis we did not identify any transportation needs specific to minority populations. Their needs were similar to the needs of the general population; access to jobs and other services and generally have adequate mobility throughout the region. Our planning process continuously reaches out to minority populations. To date we have not identified that minority populations in our region have transportation needs different from the population as a whole. These needs are access to jobs and other services; improve the safety of the transportation system; and minimize congestion. Over the last several years, the agency has seen an increase in the need to improve transit services and provide more biking and walking infrastructure to create better and more sustainable neighborhoods. Our transportation planning process includes minority population groups and viewpoints.
- **Impacts of State and Federal funds:** MORPC's analysis of the impact of the distribution of State and Federal funds is shown in figures IV-1 to IV-35 on pages 20- 37 of the Environmental Justice documentation. The charts identify the impacts of the TIP projects with respect to particular measures on various populations groups which specially include minority and non-minority populations groups. A disparate impact would show up in these graphs if the trends depicted on the graph would be different between minority and non-minority population. In all measures the trend lines of minority and non-minority population follow a similar pattern as a result of the TIP projects when compared to the no build situation. More details can be derived by the paragraph associated with each measure. (See Appendix H.)

This type of work is done periodically in addition to the standard MPO activities discussed below.

2. DATA COLLECTION

MORPC is a major collector, user and generator of economic, demographic, land use, transportation, and other data. Collecting some data is a regulatory requirement: *Develop procedures for the collection of statistical data (race, color, sex, age, disability, and national origin) of participants in, and beneficiaries of State highway programs, i.e., relocates, impacted citizens and affected communities (23 CFR 200.9(b)(4)).* Some of the purposes identified for collecting data, include:

To Identify:

- Impacts and persons/businesses impacted
- Transportation needs of all persons/groups within plans or project area
- People to include in the decision-making process
- Leaders/"Champion(s)" for various modes and transportation options
- Benchmark and monitor MORPC diversity efforts

Historically, the major need for data at MORPC has been related to the travel demand modeling component of the transportation work program and is a core part of MORPC's ongoing work. The need for data, however, goes beyond modeling and permeates most planning and service outreach activities at MORPC.

The MPO provides forecasts of population, housing, economic and transportation trends that provide the basis for addressing current issues and exploring future needs. MORPC also serves as a center for the collection, analysis, and dissemination of information in Central Ohio.

Some data is important to the planning process and Title VI because it helps identify the geographic locations and extent of traditionally-underserved populations that are protected through Title VI.

Demographic data regarding characteristics of these target populations for the metropolitan planning area is gathered and distributed into MORPC's traffic analysis zones. This is done so that the data can be further analyzed through the travel demand model. The analyses result in the identification of planning measurements that can be used to identify geographic areas of high densities of target populations.

3. PUBLIC INVOLVEMENT

An effective public involvement process is a cornerstone to due process protection under the law. The rationale is the desire for a public involvement process that proactively seeks and is open to addressing the needs of all persons, including those traditionally underserved. Furthermore, the rationale is to provide public access and the opportunity for input in the development of agency programming.

The public participation, consultation and notification requirements of MPOs are described in the Code of Federal Regulations Title 23, Section 450.316. CFR 450.316 (1) (vii): *Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services.*

Public involvement is defined as the *process by which interested and affected individuals or entities are consulted and included in decision-making process.* The public involvement process includes:

- Information dissemination (timely and relevant)
- Consultation (honest and open exchanges)
- "Stakeholder" participation (collaborative engagement)

Communication and public outreach are important to most MORPC programs and activities. Planning studies conducted by staff often need to include participation by a broad spectrum of area residents. Services offered by the housing or weatherization programs particularly, must reach lower and moderate-income groups, minorities, non-English speaking persons, and others. Results of the public participation efforts are included in the Public Involvement Appendix of each document. The Diversity and Inclusion plan also benchmarks the effectiveness of reaching out to these populations. See Focus Area: Service to Diverse Populations in the Diversity and Inclusion Plan. (See Appendix N.)

The MORPC public participation plan, which is updated periodically, helps to guide the engagement and outreach efforts for the transportation planning process. The current version of this plan is in Appendix G.

Some of the tools that MORPC uses to help keep the public informed include the following:

- ❖ Website – MORPC maintains an extensive website which is updated frequently. The site includes information on the agency's responsibilities, policies, programs, publications, on-going activities, and press releases. Direct staff links are provided for most of the information on the website.
- ❖ Social Media – MORPC's social media efforts include Facebook, Twitter, Vimeo, and LinkedIn.
- ❖ Publications – Each year, MORPC issues a multitude of publications, reports, and maps as part of the agency work, and responds to and processes a large number of data requests. Much of this can be accessed through the website. The publications are also distributed to the metropolitan libraries located within the transportation planning area.
- ❖ Electronic newsletters – MORPC utilizes electronic newsletters such as eSource and Voices of insight 2050 to also inform the public of its programs, projects and initiatives.
- ❖ Press Releases – Press releases are routinely sent to more than 150 media contacts, including daily and weekly newspapers, and television and radio stations throughout the Central Ohio area. These include numerous Title VI-protected groups. The press releases are also placed on the website in the Press Center.
- ❖ Meetings Open to the Public – All MORPC board and committee meetings are open to the public. Meeting dates, times and agendas for board and major committee meetings are posted well in advance on the agency's website.
- ❖ Opportunities for Public Comment – MORPC routinely provides opportunities for public comment through Social Media (Facebook and Twitter), online, email, U.S. mail, fax, phone, and through public comment at meetings. MORPC responds to all comments received.
- ❖ Staff is Accessible – Staff is accessible in person, on the phone, by mail, by fax, and by email. Contact information for many staff members is included on the agency website.
- ❖ Mailings – MORPC routinely uses direct mail and email to keep the public informed of the agency's services, programs, public comment periods, meetings, and publications. These mailings include a large number of community groups and social service agencies, some of which represent Title VI protected groups. MORPC also sends press releases to newspapers that are published by and for traditionally underserved populations.
- ❖ Events – Events such as workshops, open houses, and forums are held regularly, as needed. MORPC routinely offers the following different ways for people to comment on activities, programs, and decisions made at the agency, as follows:
- ❖ Comments are Accepted at Any Time – Comments are accepted by social media, online, phone, fax, email, U.S. mail, from the interactive maps on the website and in person at any board, committee or public meeting.
- ❖ Formal Public Comment Periods for Major Activities – Formal public comment and review periods are used to solicit comments on major planning and programming activities. This includes major amendments to the transportation plan or transportation improvement program and changes to important MORPC policies such as the public participation plan.

MORPC also has an active Community Advisory Committee that is a major component of the public involvement process and provides public input and recommendations to the Transportation Policy Committee. It is the responsibility of Public and Government Affairs to make sure that the Community Advisory Committee has representation from Title VI-relevant populations.

The Community Advisory Committee presently has 15 members, including 4 minority, and 3 people with a disability. MORPC consistently recruits for new committee members. MORPC also reviews and requires that project-specific committees include representation of diverse populations from the study areas.

The Transportation Advisory Committee serves as the technical component of the public involvement process and provides recommendations to the Transportation Policy Committee. The Transportation Advisory Committee (TAC) presently has 32 members.

MORPC has created an external facing Diversity in Local Government Working Group to address diverse voices on its Board and in its Working Committees. The Working Group is tasked with providing recommendations by November 2018.

In recent years, MORPC has taken steps to reach out to the growing non-English speaking communities in Central Ohio. MORPC has some of its outreach material translated into Spanish and Somali. It also routinely distributes information to Spanish and Somali publications in the region. The MORPC website is translatable into various languages. MORPC also has under contract various agencies that provide interpretation, translation and services for the deaf and hearing impaired. This information is available to all staff on the intranet site and at the front desk in the lobby. See additional information in the Diversity and Inclusion plan under Focus Area: Service to Diverse Populations. (See Appendix N.)

Additional information on public involvement is included on the MORPC website. See the MORPC “public involvement” and “Metropolitan Transportation Plan” links in Appendix A.

C. DIVERSITY AND INCLUSION PLAN

In 2009 MORPC formed the Diversity & Inclusion Committee to investigate the agency’s approach to diversity. The committee inventoried each department’s policies in serving diverse populations. The committee also hired a consultant, Multiethnic Advocates for Cultural Competence (MACC), to help MORPC enhance its diversity efforts.

In 2013, MORPC created the first MORPC Diversity & Inclusion Work Plan. The plan utilized the suggestions from MACC based on surveys and focus group interviews with staff and board members, as well as information provided from a MORPC self-assessment for cultural competence in the workplace completed for United Way.

The goal of the yearly work plans is to cultivate a work environment that is welcoming and inclusive; provide services and programs to the Central Ohio community creating a special place to live, work, and raise a family; and create a place for businesses to want to locate. The work plans assist MORPC in its planning and decision-making, establishing priorities, providing relevancy to the MORPC region,

building capacity, maintaining accountability, allocating resources and improving services to the Central Ohio community.

MORPC's commitment to diversity is evident in its Diversity Statement:

"Diversity refers to the differences that make us unique. MORPC recognizes, values, embraces and celebrates diversity by respecting and utilizing all of our differences to enhance our lives and our society."

The current 2016-2017 Diversity Work Plan reviewed the efforts of the 2015 Work Plan and the six focus areas.

The matrices, sorted by focus area, identifies: the process in which to achieve desired outcomes (Infrastructure); the capability to implement the processes (Competency); and the MORPC Team Member(s) responsible for the specific infrastructure (Staff). The matrix provides an area for reporting results (Outcome).

- **Workforce** (WF) – Commit to the preparation of a culturally competent workforce.
- **Workplace** (WP) – Improve accessibility and accommodations for minorities, people with disabilities and GBLT.
- **Diversity Spend** (DS) – Increase diverse vendors spend to 10 percent.
- **Service to Diverse Populations** (SD) – Increase/enhance service to diverse populations.
- **Diversity Requirements** (DR) – Continue to meet the federal requirements for DBE and Section 3 HUD monitoring and reporting.
- **Diversity Communications** (DC) – Increase the promotion of MORPC's services and programs to diverse audiences, and increase the awareness of MORPC's Diversity & Inclusion efforts.

In early 2018 and as a result of the outcomes from the 2017 Work Plan new actions were developed to improve performance on priority Diversity & Inclusion goals and to implement new internal structure to improve capacity, results and priority. The results of those efforts will be revealed in October/November 2018.

See Appendix N for the complete Diversity and Inclusion Work Plan.

IV. OTHER TITLE VI-RELATED RESPONSIBILITIES AT MORPC

A. TITLE VI RESOLUTION, POLICY STATEMENT AND ASSURANCES

MORPC is required by the U.S. Department of Transportation to submit approval of the three-year Title VI program and to maintain a Title VI policy statement signed by the Executive Director and Title VI assurances. See Appendix J. The policy statement, included in Appendix C, is an express commitment to non-discrimination and is signed by the chief administrative officer. The policy statement is required to be circulated throughout the organization and general public.

The Title VI assurances are now included as part of the annual MPO self-certification resolution, usually adopted in May of each year. Appendix C includes a copy of this from FY 2018.

It is relevant to note that by signing an assurance, the recipient has provided documentation that may be a basis for a 'breach of contract' action. Even without such writing, courts describe Title VI obligations (and other non-discrimination laws) as similar to a contract; "the recipients' acceptance of the funds triggers coverage under the non-discrimination provision" (*Paralyzed Veterans*, 477 U.S. at 605).

Assurances serve two important purposes: they remind prospective recipients of their non-discrimination obligations, and they provide a basis for the federal government to sue to enforce compliance with these statutes.

The notice, Notifying the Public of Rights Under Title VI, can be found on MORPC's website at <http://www.morpc.org/title-vi/>, in MORPC's lobby, and in the employee lounge.

B. ON-SITE TITLE VI FEDERAL OR STATE REVIEWS

The federal agency providing the financial assistance is primarily responsible for enforcing Title VI as it applies to its recipients. Federal agencies have several mechanisms available to *evaluate* whether recipients are in compliance with Title VI, and additional means to *enforce* or obtain compliance should a recipient's practices be found lacking. Evaluation mechanisms include pre-award reviews, post-award compliance reviews, and investigations of complaints.

MORPC is subject to on-site federal or state Title VI compliance reviews, though this would be a rare-occurrence, if it took place. On-site reviews, which would be a detailed review of how MORPC addresses Title VI compliance, can be done anytime that a federal agency director believes that such a review is warranted, or for other specific reasons. Due to the dispersion within the MPO and the agency of Title VI activities and responsibilities, any response to on-site reviews by the agency is likely to be a joint effort by various individuals and departments.

Much more common, are special Title VI reviews pertaining to one project (see next section), activity or to complaints, usually requiring a written response. Title VI issues are also usually reviewed as part of the MPO on-site certification review conducted by FHWA and FTA every four years. A copy of the 2018 Title VI and Non-discrimination questions and answers to the Certification Review are included in Appendix M. MORPC strives to comply to proper procedures and maintenance of documentation of all activities related to Title VI.

C. SPECIAL GRANTS

It is not unusual for MORPC to apply for special grants from various federal agencies or for federal grants through state agencies. These grants may be initiated by the MPO or another department at MORPC and may be a joint effort across departments. Often, in these cases, the federal agency (or state agency representing the federal agency) will require their own Title VI assessment – primarily answering various questions (and perhaps providing documentation) regarding Title VI at MORPC. This assessment is in accordance with U.S. Justice Department - recommended procedures for federal agencies.

Completing the required forms and documentation may be a combined effort at MORPC. As noted in the previous section, MORPC having correctly followed and documented Title VI procedures in the past can make responding to these Title VI reviews less difficult. The current document also should help with this.

Federal agencies typically require that an applicant submit an *assurance* of compliance with Title VI (and other applicable non-discrimination related laws) as part of a pre- grant award review. They may request information on pending lawsuits or complaints, prior compliance determinations, ethnic makeup of staff and decision-making bodies, and other related information. As part of the federal agency internal screening process, agency civil rights officials are normally notified of potential assistance grants and are provided the opportunity to raise a "red flag" or concern about potential grant recipients, such as MORPC.

D. COMPLAINT PROCESS

Any individual may exercise their right to file a complaint with MORPC, or oversight federal or state agencies, if that person believes that they have been subject to unequal treatment or discrimination, in their receipt of benefits/services on grounds of race, color, or national origin. MORPC adopted an external Title VI complaint process in 2004.

Under MORPC's Requirement to Record and Report Transit-Related Investigations, Complaints, and Lawsuits, MORPC has not, in the past three years, received a Title VI complaint, investigation or lawsuit.

MORPC makes a concerted effort to resolve complaints informally at the lowest level, using the agency's non-discrimination complaint process or other procedures. The complaint process is intended to be used for external discrimination complaints. It includes a multi-step process for resolving complaints in conjunction with the Ohio Department of Transportation and federal agencies.

MORPC is also required to make it known that discrimination-related complaints can be submitted to MORPC using this procedure or through the federal highway or transit administrations, or other federal agencies.

Per the complaint process, complaints would first be submitted to the Director of Operations. This person will review the complaint then request assistance in the response from the appropriate department director. The current complaint process is in Appendix E and on the MORPC website.

E. NOTIFYING BENEFICIARIES OF PROTECTION UNDER TITLE VI

In order to comply with 49 CFR Section 21.9(d) and the FTA Civil Rights Assurance (that MORPC has signed) and other requirements, recipients and subrecipients shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded them by Title VI. The information shall include:

- A statement that the agency operates programs without regard to race, color, and national origin.
- A description of the procedures that members of the public should follow in order to request additional information on the recipient's or sub-recipient's non-discrimination obligations.
- A description of the procedures that members of the public should follow in order to file a discrimination complaint against the recipient or subrecipient.

Notices of Title VI obligations and protections against discrimination are located on MORPC's website <http://www.morpc.org/title-vi/> in MORPC's main lobby and in the employee lunchroom. The notices are written in English and Spanish. Information regarding the notices is also available in the Diversity and Inclusion Plan under Area of Focus: Workplace.

The FTA Title VI Assurance says:

The Mid-Ohio Regional Planning Commission will make it known to the public that the person or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.

MORPC does this in the following ways:

- Website – MORPC maintains a website with a wide-range of information on discrimination-related concerns. It also includes MORPC's complaint process.
- Major Publications – In major publications, such as the Metropolitan Transportation Plan and Transportation Improvement Program, information is included in the front on MORPC's obligations related to Title VI and where to get more information.
- Brochures – the non-discrimination clause is also placed on MORPC pamphlets, brochures and applications

F. LIMITED ENGLISH PROFICIENCY (LEP) AND OTHER COMMUNICATION ISSUES

A limited English proficiency or LEP person is one who does not speak English as primary language and has limited ability to read, speak, write, or understand English. MORPC is required to implement *sound measures* and take *reasonable steps* for meaningful access to programs and activities by LEPs.

Requirement to Provide Meaningful Access to LEP Persons: Language Assistance Plan or LEP Plan is located in Appendix I.

Additional information on the LEP population is available in the Diversity and Inclusion Plan under Area Focus: Service to Diverse Populations and the ODOT Title VI Assessment. See Appendix N.

Illiteracy is another situation that can make communication, especially written communication, difficult. MORPC staff is available to help client's complete applications for service and other documents and to take verbal comments. Public meetings are also frequently held which allow for communication verbally with staff and in written form.

G. ANNUAL TITLE VI REPORT FOR ODOT

Annually, in May, in conjunction with developing the coming year's planning work program, MORPC updates the Title VI report required by the Ohio Department of Transportation. The MPO is mostly a subrecipient of federal transportation funds and ODOT is usually the primary recipient for MORPC.

The ODOT report, which helps to satisfy federal requirements for the primary recipient and the sub-recipient, is submitted to ODOT with the transportation work program and currently includes information related to: the composition of the MPO staff; Title VI complaints; use of minority contractors; and citizen participation activities. A copy of the most recent report is included in Appendix D and on the MORPC website.

H. CONTRACT PROCEDURES

Contract Procedures

MORPC's contracting and pre-contracting steps are generally done on a decentralized basis by individual departments, though all contracts are reviewed by the MORPC Chief of Staff & Finance Director. MORPC's current contracting procedures, as adopted by the Commission, are contained in available in Appendix O. These are general requirements that apply agency-wide.

The requirement is to include specific Title VI-related text in all MORPC requests for proposals (RFPs), requests for qualifications (RFQs) and contracts. MORPC is required to include the following language in all RFPs or RFQs:

[The following section is for projects funded by federal transportation funds.]

The Mid-Ohio Regional Planning Commission in accordance with Title VI of the Civil Rights Act of 1964 and the related nondiscrimination statutes, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all bidders including disadvantaged

business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, disability, low-income status, or limited English proficiency in consideration for an award.

The following text is required to be included in all contracts:

The background of this Agreement is as follows:

- A. Pursuant to the FAST Act of 2016, the Federal Highway Administration ("FHWA") made certain funds available to the State of Ohio for surface transportation planning programs. MORPC is the sub-recipient of some of these funds ("GRANT").
- B. The Mid-Ohio Regional Planning Commission (hereinafter referred to as the "SUBRECIPIENT") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, nondiscrimination in Federally-Assisted Programs of the Department of Transportation- Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no persons the United States shall, on the grounds of race, color, creed, religion, ancestry, national origin, sex or gender, sexual orientation, gender identity or expression, age, disability or other handicap, genetic information, marital/familial status, veteran status, or income or status with regard to public assistance, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the SUBRECIPIENT receives Federal financial assistance including the Ohio Department of Transportation, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.71(a) of the regulations.

§19. Non-Discrimination.

CONSULTANT shall carry out the applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by CONSULTANT to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as MORPC deems appropriate.

To effectuate compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d et seq.) as amended, the following notice to the CONSULTANT regarding federal aid recipients applies. MORPC has made similar notice of compliance via the GRANT agreement. During the performance of this Agreement, CONSULTANT for itself, its assignees and successors in interest agrees as follows:

- a) CONSULTANT will ensure that applicants are hired and that employees are treated during employment without regard to their race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, military status (past, present, or future), creed, gender identification, marital/familial status, limited English proficiency, or status with regard to public assistance. Such action shall include, but not be limited to, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or

Recruitment Advertising; Layoff or Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.

- b) CONSULTANT agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. CONSULTANT will, in all solicitations or advertisements for employees placed by or on behalf of CONSULTANT, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin (ancestry), disability, genetic information, age (40 years or older), sexual orientation, military status (past, present, or future), creed, gender identification, marital/familial status, limited English proficiency, or status with regard to public assistance.
- c) *Compliance with Regulations:* CONSULTANT will comply with the regulations relative to nondiscrimination in Federally-assisted programs of the U.S. DOT Title 49, Code of Federal Regulations, Part 21, as amended, (hereinafter referred to as "Regulations"), which are herein incorporated by reference and made a part of this Agreement.
- d) *Nondiscrimination:* CONSULTANT, with regard to the work performed by it after the execution of this Agreement, will not discriminate on the grounds of race, color, national origin, sex, age, disability, low-income status, limited English proficiency, religion, genetic information, sexual orientation, gender identification, creed, military status (past, present, or future) or marital/familial status in the selection and retention of contractors and consultants, including in the procurement of materials and leases of equipment. The CONSULTANT will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B to Part 21 of the Regulations.
- e) *Solicitations for Contracts, including Procurement of Materials and Equipment:* In all solicitations either by competitive bidding or negotiation made by CONSULTANT for work to be performed under a contract, including procurement of materials or equipment, each potential contractor or supplier will be notified by CONSULTANT of the CONSULTANT's obligations under this Agreement and the Regulations relative to nondiscrimination on the grounds of race, religion, color, national origin, sex, age, disability, low-income status, limited English proficiency, genetic information, sexual orientation, gender identification, creed, military status (past, present, or future) or marital/familial status.
- f) *Information and Reports:* CONSULTANT will provide all information and reports required by the Regulations or directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information and its facilities as may be determined by ODOT, FHWA, or FTA to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of CONSULTANT is in the exclusive possession of another who fails or refuses to furnish this information, the CONSULTANT will so certify to ODOT, FHWA or FTA as appropriate, and will set forth what efforts it has made to obtain the information.
- g) *Sanctions for Noncompliance:* In the event of CONSULTANT'S noncompliance with the nondiscrimination provisions of this Agreement, ODOT will impose such Agreement sanctions as ODOT, FHWA, or FTA may determine to be appropriate, including, but not limited to:
 - i. Withholding of payments to CONSULTANT under this Agreement until CONSULTANT complies, and/or;
 - ii. Cancellation, termination, or suspension of this Agreement, in whole or in part.

h) *Incorporation of Provisions:* CONSULTANT will include the provisions of paragraphs a) through g) in every contract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. CONSULTANT will take such action with respect to any contracts or procurement as ODOT, FHWA, or FTA may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that, in the event CONSULTANT becomes involved in, or is threatened with, litigation with a contractor, consultant, or supplier as a result of such direction, MORPC may request ODOT to enter into such litigation to protect the interests of ODOT, and, in addition, MORPC may request the United States to enter into such litigation to protect the interest of the United States.

i) *Pertinent Non-Discrimination Authorities:*

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects)
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 et seq.,) (prohibits discrimination on the basis of sex)
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.), as amended (prohibits discrimination on the basis of disability) and 49 CFR Part 27
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.) (prohibits discrimination on the basis of age)
- Airport and Airway Improvement Act of 1982 (49 U.S.C. § 471, Section 47123), as amended (prohibits discrimination based on race, creed, color, national origin, or sex)
- The Civil Rights Restoration Act of 1987 (PL 100-209) (broadened the scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of Federal-Aid recipients, sub-recipients, and contractors, whether such programs or activities are Federally funded or not)
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. §§ 12131-12189), as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38 (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities)
- The Federal Aviation Administration’s Non-Discrimination Statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex)
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority or low-income populations)
- Executive Order 13166, Improving Access to Services for People with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100)
- Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended (prohibits discrimination in the sale, rental, and financing of dwellings on the basis of race, color,

religion, sex, national origin, disability, or familial status (presence of child under the age of 18 and pregnant women)

- Title IX of the Education Amendments Act of 1972, as amended (20 U.S.C. 1682 *et seq.*) (prohibits discrimination on the basis of sex in education programs or activities)

MPO contracts also need to include the “Contractor Contractual Requirements.” This is included as part of the “Standard DOT Assurances” document, currently included as part of MORPC’s annual self-certification resolution. A copy of this is in Appendix C.

Appendix K

– 2018 Final MORPC 5310 Program Management Plan –

Mid-Ohio Regional Planning Commission
Program Management Plan for
Enhanced Mobility of Seniors and Individuals with Disabilities
FTA Section 5310 Program



Mid-Ohio Regional Planning Commission
Transportation Systems and Funding

2/12/2015

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Purpose

The Program Management Plan (PMP) is intended to facilitate both recipient management and FTA oversight by documenting the Mid-Ohio Regional Planning Commission's (MORPC) (the designated recipient) procedures and policies for administering the Section 5310 program for the Columbus Ohio Urbanized Area (UZA).

This document includes MORPC's program objectives, policies, procedures, and administrative requirements, in a form readily accessible to potential sub-recipients, recipient staff, FTA, and the public. The PMP's primary purposes is to serve as the basis for FTA to perform recipient-level management reviews of the program, and to provide public information on the recipient's administration of the Section 5310 program. It may also be used internally by the recipient as a program guide for local project applicants.

Management Plan Review

FTA conducts oversight reviews to examine each designated recipient's management procedures, and the relationship of the procedures to its management plan. When a triennial review is scheduled, FTA and its contractors examine the PMP on file as part of a desk review at the regional office to determine whether the procedures in the PMP satisfy current requirements. At a site visit, the reviewers document whether or not the designated recipient is following its own stated procedures.

Management Plan Content

While there is no prescribed format for the PMP, the plan is required to address and provide information on the following topics below.

A. Program Goals and Objectives

Title 49 U.S.C. 5310 authorizes formula assistance to enhance the mobility of seniors and individuals with disabilities by providing formula funding to states and designated recipients. FTA refers to this formula program as “the Section 5310 program.” Funds authorized by 49 U.S.C. 5310 are subject to annual appropriations.

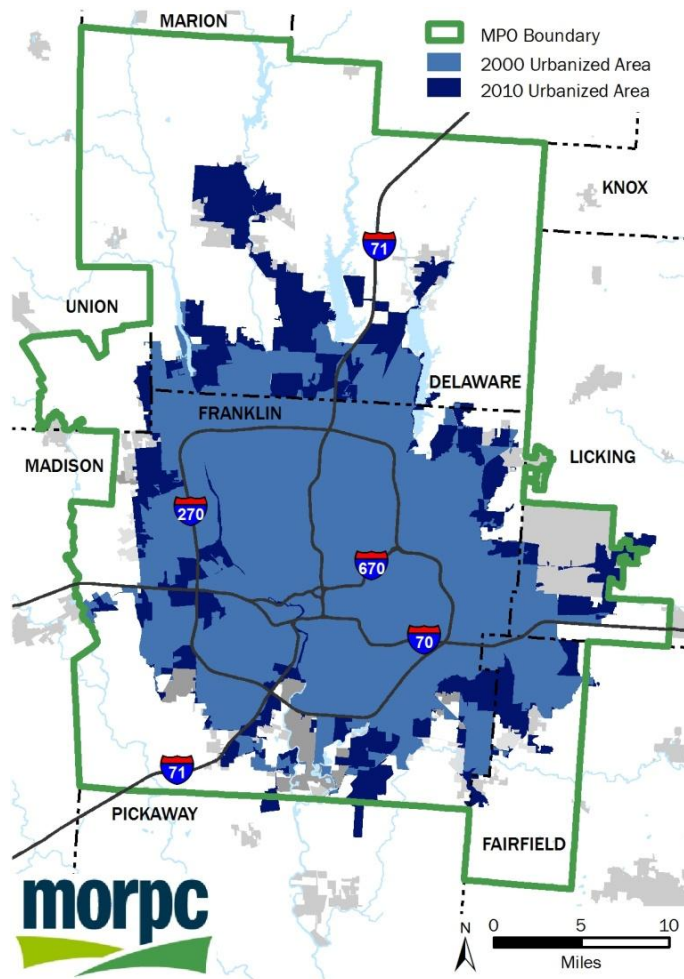
The goal of the Section 5310 Program is to improve mobility for seniors and individuals with disabilities by removing barriers to transportation services and expanding the transportation mobility options available to them. To meet this goal, the Section 5310 program provides financial assistance for capital and operating projects that are public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable and projects that exceed the requirement of the ADA, improve access to fixed-route service and decrease reliance by individuals with disabilities on complementary paratransit, and alternatives to public transportation that assist seniors and individuals with disabilities.

This program provides funding to increase access to the community with transportation options through coordination, expansion of efforts and resources of public transportation agencies, human services agencies and private providers of public transportation services.

- Public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable.
- Public transportation projects that exceed the requirements of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 et seq.).
- Public transportation projects that improve access to fixed-route service and decreased reliance on complementary paratransit.
- Alternatives to public transportation projects that assist seniors and individuals with disabilities with transportation.

Under MAP-21 this program no longer provides a single apportionment to each state; it now provides apportionments specifically for large urbanized, small urbanized and rural areas, and requires designations of recipients in large UZAs. Consistent with the type of projects eligible under the former New Freedom program, MAP-21 expanded the eligible activities to include operating expenses.

MORPC’s objective is to build upon and strengthen the partnerships among federal, state, regional, local, and private sector public transportation entities to improve public transportation planning, coordination, access, safety and delivery of service.



All projects selected through this program will be derived from locally developed Coordinated Public Transit – Human Service Transportation Plans (Coordinated Plans) in the Columbus, Ohio UZA. Currently the UZA has two Coordinated Plans - one for each county - Franklin and Delaware. The Franklin County Coordinated Plan is from an urban perspective and Delaware’s is rural. After the 2010 Census the Columbus, Ohio UZA was expanded to include the urban cluster of the City of Delaware and parts of Delaware County. See map.

Establishing goals for the Section 5310 program is accomplished in MORPC’s Metropolitan Transportation Plan (MTP) and the UZA’s Coordinated Plans. These plans are developed with extensive public involvement that identifies gaps in service and develops strategies for better service, policy coordination and implementation options to improve mobility.

B. Roles and Responsibilities

In the fall of 2014, the Governor of Ohio designated MORPC as the Section 5310 designated recipient for the Columbus UZA. MORPC will work with FTA to develop and respond to all policy issues. MORPC staff will manage the day-to-day activities of the program, including technical assistance, planning; grant administration and monitoring, including preventive maintenance and vehicles or other program inspections.

MORPC will manage all aspects of the Section 5310 program for the Columbus, Ohio UZA and perform a variety of administrative functions as outlined by FTA in its Enhanced Mobility of Seniors and Individuals with Disabilities program circular FTA C9070.1G.

MORPC will be responsible for notifying eligible local entities of the available funding, developing and administering a funding process, verifying applicant eligibility, developing and forwarding an annual Program of Projects (POP), developing and revising this PMP, certifying that grant distribution is fair and equitable, and certifying that all projects are derived from a Coordinated Plan.

Overseeing the implementation of projects as developed and prioritized in the Coordinated Plan, including, where not specified in the plan, selecting entities to carry

out projects consistent with procedures approved in the Coordinated Plan and/or documented in the designated recipient's PMP.

Certifying a fair and equitable distribution of funds is to be coordinated with other transportation services, and insuring that at least 55 percent of the projects are used for "traditional" Section 5310 projects.

Manage all aspects of grant distribution, including project reporting, oversight, audit and closeout for sub-recipients receiving funds under this program.

C. Coordination

All projects included in the application for the Section 5310 program will be derived from a "Locally Developed Coordinated Public Transit Human Services Transportation Plan" as described in Circular 9070.1G Section V.

The Franklin and Delaware County Coordinated Plans were developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, nonprofit transportation, human services providers and members of the public. These plans were prepared through a process that is consistent with the applicable metropolitan and statewide planning process.

The Franklin and Delaware County Coordinated Plans have been maintained and included in the region's (MORPC's) MTP. The two locally developed Coordinated Plans - one in an urban area and one in a rural area - will be combined and included in the next update of MORPC's Metropolitan Planning Organization's 2040 MTP in 2016.

D. Eligible Sub-recipients

Eligibility will not be more restrictive than the Federal Eligibility requirements. Eligible recipients (as identified in FTA Circular 9070.1G) for each type are as follows:

- A. Traditional Section 5310 Projects (at least 55% of total Section 5310 funding)
 - 1. Private non-profit organizations
 - 2. A state or local government authority that:
 - a. Is approved by the state to coordinate services for seniors and the disabled
 - b. Certifies that there are no non-profit organizations in the area to provide these services
- B. Non-Traditional Section 5310 Projects (up to 45% of total Section 5310 funding)
 - 1. A state or local government authority unlike those described above
 - 2. Private non-profit organizations
 - 3. Private for-profit organizations – must certify that all funds are used in the provision of shared ride services

E. Local Share and Local Funding Requirements

MORPC will follow federal guidelines for determining eligible local matching share. The local policy will not be more restrictive than the federal policy. All of the local share must

be provided from sources other than Federal Department of Transportation (DOT) funds. Sources include: other non-DOT federal funds, dedicated tax revenues, private donations, and private foundation revenue from human service contracts, net income generated from advertising and concessions.

Project sponsors are responsible for securing the local share commitment, which must be documented with a signed letter of commitment. The grantee is responsible for ensuring that non-DOT federal funds may be used as local match and are eligible to be used in the project. In-kind match will be allowed, but only if the in-kind contribution is an integral part of the proposed project and the value of the match is documented and supported and represents a cost which would otherwise be eligible under the program.

F. Project Selection Criteria and Method of Distributing Funds

In MAP-21 Section 5310 permits, but does not require a competitive selection process. Each year MORPC will determine if funds should be allocated by a competitive selection process with a MORPC sub-committee or if funds should be allocated by MORPC to identified entities to address regional priorities. Projects can be conducted by a Direct Recipient, by an eligible sub-recipient, or through contract with a third party. MORPC could identify the appropriate implementing agency or could develop a Request for Qualifications which would be publicly advertised.

Project selection criteria will be developed based on the guidance provided in MAP-21's circular for Section 5310 and the priorities identified in the Franklin and Delaware County Coordinated Plans. Special emphasis will be placed on evidence of efforts to coordinate transportation services. All projects will be judged by their capacity to improve access to the community for target populations.

The selection process will be open and transparent, and every effort will be made to reach multiple agencies that provide services to the primary target populations, ensuring equity of access to the benefits of the grant programs among eligible groups, as required by Title VI of the Civil Rights Act.

Since the development of the UZA's Coordinated Plans, contacts of interested parties representing all segments of the study area, including advocates for people with disabilities, the elderly and minority populations have been maintained. In addition to mailing announcements and web postings, funding availability will be communicated using MORPC's Transportation Public Involvement Policy (<http://www.morpc.org/pdf/2013TransportationPublicInvolvementPlanUpdate.pdf>).

The selection process will include an application workshop where outlining the development of project applications and criteria will be offered. The workshop will be advertised and offered to all interested applicants. Assistance in developing proposals will be offered to all applicants. Funding requests will be submitted to MORPC. During a competitive selection process projects will be ranked depending on the strength of the proposals and the likely impact of the proposed project on priorities identified in the UZA's Coordinated Plans. Funds will be distributed to adequately fund the highest ranked

project first, and as many other high-ranking projects as possible, in order of their ranking.

G. Annual Program of Program of Projects Development and Approval Process

MORPC will advertise the availability of Section 5310 funding and issue a call for projects to interested public and private entities, the media, individuals, and members and place on MORPC's website.

At the beginning of the cycle a workshop will be held for interested parties to review the application process, eligibility, goals, criteria, timetables, local match guidelines and performance monitoring requirements.- Information will also be available on MORPC's website.

MORPC will review applications received, certify compliance with the UZA's Coordinated Plans and recommend the POP to be placed on MORPC's TIP.

Selected and contingent projects will be listed in a POP and amended to MORPC's Transportation Improvement Program (TIP) by MORPC committee approval. MORPC's Community Advisory Committee (CAC) and Transportation Advisory Committee (TAC) will request recommendation for approval by MORPC's Transportation Policy Committee. Upon MORPC committee approval the POP and TIP/STIP will be amended to Ohio's State Transportation Improvement Program (STIP), and submitted to FTA. Applicants will be concurrently notified if they are included in the submission or were rejected.

H. Administration Planning and Technical Assistance

Up to 10 percent of the apportionments for the Section 5310 program may be used, at a 100 percent federal match, for ongoing technical assistance and administration expenses. MORPC will use a portion of this allocation to pay for staff time and expenses to administer the program and its requirements, and anticipates using up to the 10 percent limit for the following activities:

- Update the Coordinated Plan as needed.
- Develop and update the PMP.
- Share best practices.
- Facilitate meetings among agencies; assist in development of recordkeeping and reporting.
- Work as a partner with transit agencies, other providers and programs on GIS and mapping.
- Providing technical assistance to applicants and sub-recipients.
- Contracting with sub-recipients.
- Grant management, ongoing administration, and monitoring of sub-recipients.

I. Transfer of funds

Following FTA guidance, should any current recipients of the Urbanized Formula Grant Program (Section 5307) apply and be selected, MORPC will allow these recipients the

option of applying directly to FTA for Section 5310 funds. In this event, the direct recipient must enter into a supplemental agreement with MORPC. Section 5310 recipients that elect to become direct recipients will then be responsible for all reporting and certifications. A letter will be sent to inform the FTA regional administrator of any transfer of funds, along with the fiscal year of apportionment, the amount of funds to be transferred, and the selected projects for which they will be used.

A signed memorandum of understanding will be provided to Section 5307 recipients detailing the roles and responsibilities of each party. MORPC will write a letter to FTA listing the names of the projects approved, with the amount and type of funding approve including the match and total project cost. The letter will also indicate whether projects can be applied to the required 55% devoted to “traditional” Section 5310 projects. Each Section 5307 applicant that chooses to apply directly to FTA will be required to attach this letter to their applicant in TEAM.

J. Private Sector Participation

Private providers of public transportation services and employers are invited to participate in the coordinated planning process through direct mail; advertisements, public notices and advertisements in area newspapers, and these participants will be among the many stakeholders that will be contacted for the Section 5310 call for applications. MORPC’s public involvement policy provides the opportunity for continuing involvement throughout transportation planning and programming process. (in F above)

K. Civil Rights

MORPC will comply with regulations to the end that no person shall, on the ground of race, color, sex, age, creed, handicap, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program from employment or activity for which it receives federal financial assistance either directly or indirectly from the federal departments, and other federal, state and local government sources as well as any and all national, regional, and local private funds; and hereby gives assurance that it will in all phases and levels of program and activities, act affirmatively to achieve equal opportunities for participation by actively seeking out qualified people for due consideration for availability and job opportunities and encouraging the involvement of the socially and/or physically disadvantaged population in all phases of the program.

Each applicant is required as part of its Section 5310 application to provide information relating to the clientele to be served by the project, including the number of minority individuals broken down by Black, Hispanic, Asian or Pacific Islander, Native American, and Asian-Indian population groups. A process will be developed to solicit any complains based on perceived discrimination based on race, color, or national origin

Additionally, each applicant is required to certify compliance to MORPC concerning a number of assurances including:

- 1) Equal Employment Opportunity;

- 2) Nondiscrimination on the Basis of Disability;
- 3) Disadvantaged Business Enterprises Program; and
- 4) Compliance with Title VI of the Civil Rights Act of 1964, as amended
- 5) Limited English Proficiency Requirement

L. Section 504 and ADA Reporting

MORPC agrees to comply with the requirements of 49 U.S.C. §5301 (d) which state the federal policy that elderly individuals and individuals with disabilities have the same right as other individuals to use public transportation services and facilities, and that special efforts will be made in planning and designing those services and facilities to implement transportation accessibility rights for elderly individuals and individuals with disabilities. MORPC will monitor sub-recipients first by requiring a signed agreement outlining the expectations for sub-recipients regarding Section 504 and ADA reporting. In the case of Section 5307 recipients who apply directly for Section 5310 and funds, those agencies have the appropriate ADA-related policies and procedures

MORPC will require demographic information, including disability status of riders on quarterly project reports. Sub-recipients will be asked to report all project measures in a manner to include both a disability and an ethnic breakdown of the population served. MORPC has a process to solicit any complaints based on perceived discrimination based on disability status.

M. Program Measures

The reporting and data collection measures for the Section 5310 Program will be prescribed in the grant agreements with sub-recipients to collect the following specific data:

- Services provided that impact the availability of transportation services for individuals with disabilities as a result of the Section 5310 projects implemented in the current reporting year. Examples include geographic coverage, service quality, or service times.
- Number of calls for information about transportation for elderly individuals and individuals with disabilities, and the actual or estimated successful referrals of those calls will be requested.
- Additions or changes to the environmental infrastructure (e.g., transportation facilities, sidewalks, etc.) technology, or vehicles that impact the availability of transportation services as a result of Section 5310 projects implemented in the current reporting year.
- Actual or estimated number of rides (as measured by one-way trips) provided for individuals with disabilities or seniors as a result of the projects implemented in the current reporting year.

N. Designated Recipient Program Management

MORPC has assigned a staff person as project manager for its PMP. This staff person, or designee, will be responsible for reviewing and processing all reports, plans and certifications required to be submitted under these regulations. MORPC will review information provided by the sub-recipients of Section 5310 funds on a quarterly basis, at a minimum. A quarterly progress report form will be developed to document the program measures for the Section 5310 program as enumerated (in M) above.

All reporting and financial transactions will be managed through FTA's Transit Award and Management System (TRAMS) and Electronic Clearing House Operation Web (ECHO-Web) systems. Any transit agency receiving Section 5307 funds that is awarded Section 5310 funds may opt to become a direct recipient of these grants by completing the supplemental agreement in TRAMS, and will be responsible for all project grant management; MORPC will be released from any liability pertaining to direct recipient grants.

MORPC will develop and execute grant sub-agreements with each sub-recipient selected to receive funding from the Section 5310 program detailing reporting requirements and containing all applicable certifications and assurances. The amount, type (capital or operating) and time period of the funding award will be included in this contract; any expenses incurred in excess of the budgeted amounts are the sole responsibility of the sub-recipient and are not eligible for reimbursement.

The program manager, or designee, will establish and maintain a point of contact with each sub-recipient and will monitor compliance through review of required quarterly reports, plans, certifications, correspondence, telephone inquiries and periodic site visits required by FTA. When the sub-recipient is a Section 5307 Direct Recipient, many of the required FTA monitoring safeguards will be in place at the Direct Recipient level and will be utilized to monitor compliance.

Accounting Systems, Financial Management & Reporting

MORPC has an established accounting and reporting system that meets FTA requirements for financial management. In addition, all sub-recipients must assure MORPC that each has fiscal control and accounting procedures that will permit preparation of the required reports as well as a level of expenditures adequate to establish that such funds are used consistent with the rules and requirements of the program. These systems will also allow for the accurate, current, and complete disclosure of all financially assisted activities, the establishment and maintenance of accounting records which are supported by source documents and which adequately identify the source and application of funds provided, the effective control and accountability of cash, real and personal property, and other assets; the comparison of actual expenditures with budgeted amounts, allowing for the development of performance or productivity data and unit cost information, where appropriate; the application of OMB cost principles, agency program regulations, and the terms of sub-recipient's grant agreement to determine the reasonableness, allow ability, allocation

ability of costs; and a procedure for minimizing the time elapsing between the receipt of Federal funds and local disbursement.

All sub-recipients receiving operating assistance will be required to report financial and operating data on a quarterly and annual basis. Milestone reports are also required for all capital and planning grants. Eligible Direct Recipients have in place accounting systems, financial management procedures and reporting capabilities adequate to meet the requirements of FTA.

All sub-recipients receiving capital assistance are required to keep appropriate property control records on all equipment and real property. Federal Office of Management and Budget and FTA guidelines are used in meeting this reporting requirement.

Procurement, Property Management, Vehicle Use, Maintenance and Disposition

Sub-recipients including MORPC will be required to certify compliance with all federal requirements for fair and open competitive procurement processes, including 49 CFR 18.36 and FTA Circular 4220.1E, "Third-Party Contracting Requirements." Equipment purchases may be conducted directly by the sub-recipient, with MORPC oversight and prior written authorization, or through an existing term contract through another governmental agency or ODOT, if eligible.

The FTA requirements and standards apply to the procurement of all supplies, equipment, and services funded by FTA. Prior to entering into any third sub-agreement, lease, or third party contract, sub-recipients must review the "Excluded Parties Listing System" at <http://epls.gov/>.

MORPC will inspect all vehicles, programs, and infrastructure every three years, and develop and maintain an inventory of all assets. Along with the onsite inspections, each agency's maintenance procedures and practices will be reviewed. Recommendations are made as needed and a follow-up is scheduled if conditions warrant. MORPC is committed to a policy of encouraging good preventive maintenance practices. All grantees and other programs will be encouraged to use a preventive maintenance schedule.

All Section 5310 vehicle sub-recipients must submit a semi-annual monitoring report to MORPC. This report is required until MORPC grants vehicle disposition. Report information is compiled and reviewed periodically to determine if the vehicle, program or projects are being fully utilized. Any sub-recipient determined to underutilize funds is noted and will be contacted to correct any issues. .

MORPC will approve disposition of a vehicle or other equipment when the useful life standards have been met for that particular item or prior to useful life if extraordinary circumstances are involved. All requests for disposition must be made in writing.

Reporting, Audits, and Closeouts

Sub-recipients receiving greater than \$500,000 annually in federal funding are responsible for obtaining annual audits at either the grant or organization level that are consistent with the requirements of OMB Circular A-133. A copy of this audit must be submitted to MORPC, and any audit findings must be resolved by the sub-recipient. If a sub-recipient receives other federal funding in addition to Section 5310 an A-133 must be done and submitted to MORPC.

Vehicle and operating reports are to be quarterly. Data collected include mileage, number of days vehicles are operated, one-way trips for elderly, disabled, and other categories of passengers, condition rating of the vehicle, and maintenance, accident and training information.

Mobility Management Reports are to be submitted quarterly. Data collected relate to the program measures and will be customized based on the Mobility Management Project.

MORPC will submit reports to FTA from the time of grant approval until all eligible program expenses have been reimbursed. Project closeouts are conducted in accordance with FTA guidance.

O. Other Provisions

While MORPC will be the Designated Recipient of funds, it does not operate vehicles or provide direct transportation service. In approving grants to sub-recipients, MORPC will require certifications and assurances from sub-recipients that they will comply with other federal requirements such as environmental protection, Buy America provisions, pre-award and post-delivery reviews, restrictions on lobbying, prohibition on exclusive school transportation, and drug and alcohol testing, as appropriate. Depending on the nature of the project, MORPC will require reporting on the relevant actions taken to comply with the federal requirements listed above as part of quarterly reporting.

In cases when selected project involves a Direct Recipient of FTA funds, that entity will apply for funds directly and monitor the project. Those agencies are familiar with and in compliance with FTA requirements as part of the Section 5307 process.

Appendix L

– Title VI Notice –



Notifying the Public of Rights under Title VI Mid-Ohio Regional Planning Commission

- The Mid-Ohio Regional Planning Commission (MORPC) operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with MORPC.
- For more information on MORPC's non-discrimination policies and the procedures to file a complaint, contact Terri Flora at 614.233.4126 or 800.866.6772, or by email at: tflora@morpc.org. Additional information can be found at www.morpc.org.
- A complainant may file a complaint directly with the Federal Transit Administration, Federal Highway Administration, or other federal agency, as applicable. The MORPC website (above) provides information from various federal agencies.
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Notificando al Público de los Derechos Bajo el Título VI Comisión de Planificación Regional Mid-Ohio

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- Un demandante puede presentar una queja directamente con La Administración Federal de Tránsito, Administración Federal de Carreteras o otra agencia federal, según corresponda. La ubicación de la página web MORPC (arriba) proporciona información de varias agencias federal.
- Si necesita información en otro idioma, contacte Terri Flora al 614.233.4126.

Appendix N

– 2016-2017 Diversity and Inclusion Plan –



Mid-Ohio Regional
Planning Commission

DIVERSITY & INCLUSION

2016 – 2017 WORK PLAN

■ SEPTEMBER 1, 2016

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Background

The Mid-Ohio Regional Planning Commission (MORPC), a voluntary association of local governments, regional organizations and a non-profit 501 (c) (3), began in 1943 as the Franklin County Planning Commission. In 1969 the planning commission's area was expanded, resulting in the creation of MORPC. Since then MORPC has grown to a membership of over 60 political subdivisions and regional agencies in and around Franklin, Delaware, Fairfield, Licking, Madison, Perry, Pickaway, Ross and Union Counties. MORPC's area of interest also includes Fayette, Hocking, Logan, Marion, Morrow, and Knox Counties.

In 2009, MORPC formed the Diversity & Inclusion Committee to investigate the agency's approach to diversity. The committee membership included MORPC's Board Chair and team members representing all departments and various positions. The committee inventoried each department's policies in serving diverse populations. The committee also hired a consultant, Multiethnic Advocates for Cultural Competence (MACC), to help MORPC determine and enhance its diversity efforts.

In 2013, MORPC developed the first MORPC Diversity & Inclusion Work Plan to guide the diversity efforts of the MORPC Board and Staff. Following six areas of focus (Workforce, Workplace, Service to Diverse Populations, Diversity Spend, Diversity Requirements, and Diversity Communications), the plan incorporated the recommendations from MACC which were based on survey results and focus group interviews with staff and board members. Information was also incorporated from MORPC's *Self-Assessment for Cultural Competence in the Workplace* required by United Way of Central Ohio. Cultural Competency refers to the integration and transformation of knowledge about individuals and groups of people into specific standards, policies, practices, attitudes and used in appropriate cultural settings to increase the quality of services and produce better outcomes for MORPC. United Way requires MORPC, as a recipient of funding, to complete an assessment of these standards.

Each applicable department provided input which helped determine the outcome for each focus area. The outcomes were reviewed by the Diversity and Inclusion Committee and an annual report was provided to the MORPC Board of the Plan's accomplishments.

The 2014 Diversity & Inclusion Work Plan was built on the achievements and challenges of the 2013 Plan. As a response to the outcomes from the 2013 Plan, the Diversity and Inclusion Committee placed greater emphasis on capturing data specifically in the areas of Diversity Spend and Service to Diverse Populations.

The 2015 Diversity & Inclusion Work Plan showed improvement in the reporting of the data which provided a more accurate depiction of the Diversity Spend. While the total Diversity Spend for MORPC was over 25 percent, the data reveals our continuing challenge to improve spending in the areas of Minorities and Disadvantaged Business Enterprises. Service to Diverse Populations also showed little change, or in some cases a decline specifically to Hispanics, one of our largest minority populations in Central Ohio.

Introduction

Central Ohio, like many other regions, will be experiencing dramatic changes in demographics and lifestyles over the next three decades that will affect the future success of our communities. The changing demographics and economic prosperity are placing the Central Ohio region in the same league as the nation's top cultural centers. As evidenced in the insight2050 report, results demonstrate the importance of a strategic focus on diversity and inclusion:

- Current projections now reveal that our region will grow in upwards of a million people by 2050
- The number of seniors aged 65 or older is expected to more than double by 2050
- Single-person households are projected to account for more than half of the total growth
- Racial and ethnic minorities are expected to account for nearly all of our region's growth by 2050
- Increasing evidence suggests that a region's ability to compete economically will depend more and more upon its ability to attract and retain young talent

Why MORPC Supports Diversity and Inclusion

What the insight2050 analysis doesn't show is that growth is expected to occur through natural births and will primarily consist of people of color. Given these results and in order to remain vital, competitive, and relevant in the global marketplace, MORPC must engage, partner, and collaborate with diverse groups. Diversity is quickly becoming an important issue that not only affects the agency's performance but the vitality of the region. Building relationships and trust with diverse groups affords MORPC the flexibility to help support and strengthen the vitality of Central Ohio.

In early 2016, MORPC underwent a re-organization to more effectively reflect the goals of the agency. Diversity & Inclusion was placed under the leadership of the Director of Public Affairs, Laura Koprowski, with program administration directed by Bernice Cage, Public Information and Diversity Officer. The Diversity & Inclusion (D&I) Committee was also restructured and consists of MORPC senior leadership and board member, Cristina Villacinda Farr. The Diversity & Inclusion Work Plan was updated to reflect the viewpoint of the committee and its interaction with each of the departments.

The overarching goal of this work plan is to cultivate a work environment that is welcoming and inclusive; provides services and programs to the Central Ohio community creating a special place to live, work, and raise a family; and contribute to local business growth and success. This work plan assists MORPC in its planning and decision-making, establishing priorities, providing relevancy to the region, building capacity, maintaining accountability, allocating resources, and improving services to the Central Ohio community.

MORPC's Diversity Statement:

“Diversity refers to the differences that make us unique. MORPC recognizes, values, embraces, and celebrates diversity by respecting and utilizing all of our differences to enhance our lives and our society.”

Overview of 2016-2017 Diversity Work Plan

The 2016-2017 Diversity Work Plan intends to enhance and improve upon the six focus areas identified in the previous plans. Each focus area includes demographics or references to relevant data as well as MACC or United Way of Central Ohio Assessment recommendations appropriate for that area.

The matrices, sorted by focus area, are a snapshot of goals, processes and actions that will help determine movement, accomplishments and challenges in each area. Each matrix identifies the methodology which will be used to achieve the stated goal; the tasks best suited to implement the methodology; and the MORPC Team Member(s) responsible. The matrix also provides an area for results (Outcome) which will be reported annually. A Glossary of Terms is included at the end for acronyms used throughout this document.

Following each matrix, a more detailed rationale is provided to lend insight into why specific methodologies and tasks were selected.

The 2016-2017 Work Plan will continue to analyze and assess the six focus areas identified in the previous plans with recommended changes to the goals as needed. The plan guides the diversity work of the MORPC Board and staff.

Six Areas of Focus and Goals:

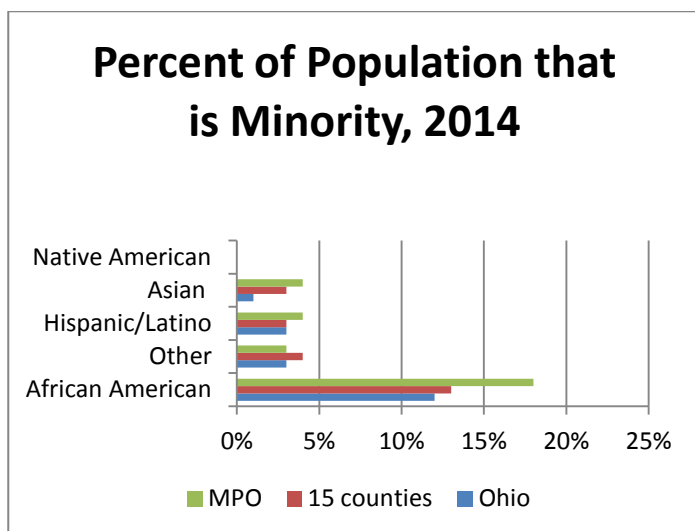
- **Workforce & Leadership** (WF) – Commit to the preparation of a culturally competent MORPC workforce and Board.
- **Workplace** (WP) – Improve accessibility and ensure accommodations for minorities, people with disabilities, and LGBTQ at MORPC and venues used for MORPC meetings.
- **Diversity Spend** (DS) – Maintain total diversity spend at 15 percent or more.
- **Service to Diverse Populations** (SD) – Increase and accommodate service to diverse populations.
- **Diversity Requirements** (DR) – Continue to meet the federal requirements for monitoring and reporting DBE, Section 3 HUD, Title VI, and Limited English Proficiency.
- **Diversity Communications** (DC) – Increase the promotion of MORPC's services, plans, meetings, events, and programs to diverse audiences, and increase the awareness of MORPC's Diversity & Inclusion efforts.

DIVERSITY WORK PLAN 2016-2017 FOCUS AREAS

Focus Area: **Workforce & Leadership**

Goal: Commit to the preparation of a culturally competent workforce and Board.

Methodology	Tasks	Staff	Outcome
Training for Employees	Identify and provide Diversity training	Operations Director Diversity Officer	
Training for Board Members and Committees (working group members, etc.)	Identify the appropriate committees and working groups to offer Diversity training Provide training to Board members	Operations Director P&GA Director Diversity Officer	
Board & Committee Diversity	Continue appropriate tracking & identification Create seats on Board that represent diverse populations	Diversity Officer Member Services Coordinator Executive Committee	
New Staff, Board and Committee Orientation	Present MORPC's Diversity efforts to new employees, committee and board members	Operations Director Member Services Coordinator	
Employee Resource Group	Obtain team member input on Diversity & Inclusion efforts as needed	Diversity Officer	
Employee, Committee & Board Member Awareness	Regular reporting to team, committee and board members of Diversity & Inclusion Work Plan status and other relevant activities	Diversity Officer Director of P&GA	



Data used in this table is from the American Community Survey, 2010-2014

The current makeup of MORPC consists of a staff of 72 employees. The table below depicts the diversity of its staff. In order to represent our community, the demographics of staff should reflect the population.

MORPC Staff	
African-American	6%
Asian	3%
Caucasian	90%
Hispanic	1%
Female	51%
Male	49%

Board Diversity – To understand and effectively serve the needs of a diverse population, an organization’s board should include the perspective of diverse voices at the table. Funders, in their applications, often ask for a breakdown of the diversity of the MORPC Board. The current diversity of the MORPC Board as of February 1, 2016 is:

- Female 29%
- Male 71%
- racial/ethnic minority combined 8%
- between the ages of 65 and older 13%
- between the ages of 25-44 32%
- between the ages of 45-64 53%

Committee Diversity – A process has begun to ask committees and working groups of MORPC to self identify.

New Staff and Board Orientations – Information on MORPC’s Diversity Program is presented to new employees and board members during orientations. New employees are given a copy of the Diversity & Inclusion Work Plan and are required to view a workplace diversity awareness video. Board Members are introduced to MORPC’s Diversity effort during a new member orientation.

Diversity Training - In 2009 MACC recommended that MORPC provide training to staff in cultural competency and diversity. It was noted that although there was a strong awareness of and tolerance for diversity and cultural differences, that awareness and tolerance did not seem to translate to the inclusion of those differences into how “business is done” at MORPC. The goal of this type of training is to help move the organizational culture from one where the focus is on tolerance to one where diversity is respected, celebrated and incorporated into how day-to-day activities are conducted.

Training since 2011 includes:

- MACC Cultural Competency training (all staff)
- “COSI’s Race Exhibit” featured the global migration of different races and the treatment of different cultures in the United States (all staff)
- “Cultural Diversity Begins With you” focused on the differences unique to each employee (all staff)
- The “Cost of Poverty Simulation” provided an opportunity for staff to experience the difficulties faced by those living in poverty (all staff)
- “Learning the Language” explored the impacts of generational themes on and in the workplace (all staff)
- Building Cross-Cultural Competence in Global Business Environments (senior leadership)

One challenge identified in 2015 was the level of training provided for existing versus new employees. With approximately 10 percent of current employees never having attended the above mentioned training, the next training would need to be of interest and beneficial to all employees. Two topics suggested, regardless of employee seniority, are implicit bias and cultural protocol. Training will be scheduled in 2016 and 2017 on implicit bias and cultural protocol and how it can be used in the workplace.

Employee Resource Group (ERG) – An employee resource group will be utilized as needed to provide input into proposed Diversity and Inclusion efforts. An employee resource group was used in early 2015 to brainstorm on suggestions to increase the diversity spend. The results were used to improve various processes for finding, selecting and procuring diverse vendors. More information on the processes and the subsequent results can be found in Diversity Spend.

Diversity & Inclusion Committee – To reflect the changes in the re-organization of the agency, the Diversity & Inclusion (D&I) Committee was restructured in 2016. One key issue identified is determining how to institutionalize Diversity and Inclusion into the agency. This means making sure diversity is an intentional part of every recruiting decision, every team assembled for a project, every education opportunity, every promotion, and every compensation decision. To be successful, research shows that this process must be driven from the top, with real buy-in at every level of management. The re-organization of the D&I Committee consisted of directors and one board member. We anticipate that this re-organization will encourage a greater emphasis on the outcomes that we are striving for in the various focus areas.

Focus Area: **Workplace**

Goal: Continuous improvement of the accessibility and assurance of accommodations for minorities, people with physical disabilities, and LGBTQ at MORPC and venues used for MORPC meetings.

Methodology	Tasks	Staff	Outcome
Facilities	Ongoing Assessment: Conference rooms & Halls Equipment Employee Lounge Restrooms	Operations	
Facilities	Review facility accessibility and accommodations after foyer renovations have been completed.	Operations	
Public Notices	Review language and location of notices to ensure compliance.	Diversity Officer	


In early 2015, staff changes and improvements were made to the building which eliminated the full-time receptionist position and installed security doors preventing access to the rest of the building. In the event of a meeting, a staff member is assigned to greet and assist guests. At other times, individuals entering the building have access to a phone, call sheet, and instructions on how to contact staff. Instructions to contact staff are also included in all public meeting agendas.

Provisions were made to assist people with physical disabilities. A handicap button was installed for the largest door in the foyer. MORPC also replaced rugs in public places with tapered edges and added three additional handicap parking spaces for a total of six spaces.

The foyer has been under review to determine if any additional changes are necessary. Since then, we have learned that people in wheelchairs find it difficult to use the phone and the call sheets due to its location on a bar-height desk. In 2016, MORPC will continue to monitor the foyer to assist when necessary until the appropriate changes can be made.



Public Notices – Notices in English and Spanish notifying the public of their Rights under Title VI are prominently located in MORPC’s lobby. With changes in MORPC’s organizational structure, minor edits were made to the notices announcing the Director of Operations as the point of contact.



**Mid-Ohio Regional
Planning Commission**

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Focus Area: **Diversity Spend**

Goal: –Maintain total diversity spend at 15 percent or more.

Methodology	Tasks	Staff	Outcome
Supplier Diversity	Monitor & Report Quarterly to MORPC Staff Leadership	Finance	
	Continue development & implementation of plan to increase minority spend	Program Staff D&I Committee	
	Improve employee access to diverse suppliers Provide training to Staff on vendor database	Diversity Officer	
	Monitor employee procurement of diverse vendors	Diversity Officer	
	Assess & Monitor diverse vendors list	Diversity Officer and Finance	
RFPs & RFQs	Compile & review responses and selection summary forms for all RFPs & RFQs issued in 2016	Chief of Staff	

Total Diversity Spend

Since 2014 a concerted effort has been undertaken to identify and capture diverse vendors. This included researching vendors MORPC has used in the past several years to determine if they are diverse vendors. (The 2013 and 2012 data presented below was not adjusted as a result of this process.) In 2015 the percent of total diversity spend increased while the dollar amount spent on diverse vendors decreased. This was due to a reduction of the total agency expenditures by approximately \$1.3 million.

	Diversity Spend Percentage of Total Expenditures	Total Diversity Spend (\$)	Change in Diversity Spend from prior year (\$ and %) *
2012	4.13	\$395,741	--
2013	9.22	\$473,248	\$77,507 (19.6% increase)
2014	23.05	\$1,491,916	\$682,066 (60% increase)
2015	25.15	\$1,285,044	\$206,872 (14% decrease)

The chart below shows that the diversity spend for the Women Business Enterprise (WBE) increased from 7 to 12 percent. The Small Business Enterprise (SBE)/ Encouraging Diversity, Growth and Equity (EDGE) and the Minority Business Enterprise (MBE) spend decreased. However, the reduction of the agency expenditures most likely played a role in these numbers.

% Diversity Spend	WBE	SBE/EDGE	MBE
2013	8.82	.1	.29
2014	7.32	14.69	1.04
2015	12.15	11.66	.59

In 2016, a greater emphasis will be placed on training staff on the processes to identify, select, and procure vendors. The selection summary forms, required for RFPs, RFQs, and quotes, will be used to monitor the vendors selected and why they were chosen. Vendor databases have been combined to assist staff in locating diverse vendors.

Focus Area: **Service to Diverse Populations**

Goal: Increase and accommodate service to diverse populations.

Methodology	Tasks	Staff	Outcome
Applications Clients	Increase marketing and outreach to diverse populations. Diversify marketing to be more inclusive of targeted populations.	Program Staff	
	Report annually on the location, frequency & number of the distribution of translated outreach material.	Diversity Officer	
	Monitor quarterly and report to D&I Committee to determine how we are meeting our target	Intake Staff Diversity Officer	
Walk- ins	Assess & implement needed improvements to accommodate limited English proficiency and people with disabilities Monitor quarterly	Diversity Officer	
Call- ins	Assess & implement when possible needed improvements to accommodate people who call in Monitor quarterly	Diversity Officer Program Staff	
	Report annually on the frequency of encounters seeking interpreters or translation services	Program Staff Diversity Officer	
Point of Service	Allocate appropriate resources to accommodate communications with targeted populations Monitor quarterly	Diversity Officer Program Staff	

Applications – In 2013 MORPC began monitoring intake applications to determine a benchmark for diverse populations utilizing its various services and programs; Residential Energy & Efficiency also known as Weatherization, Housing Rehabilitation (Rehab), and RideSolutions (RS). MORPC terminated its Housing Foreclosure Counseling program in December 2014 and Homebuyer Counseling Program in March 2015.

The benchmarks are compared against the percentage of diverse populations in the respective service areas. The purpose is to ascertain if diverse populations are utilizing our services and programs and if so, if the percentage is reflective of the population.

Weatherization Programs

The results depicted in the graphs show that in 2015 the percentage of African Americans utilizing MORPC Weatherization Programs, both Warm Choice and HWAP, is above the represented population in the service areas. However, the Asian and Hispanic/Latino groups are underrepresented in Weatherization applications.

Populations	% Income Eligible HH in Franklin County	Warm Choice/Electric % Served		
		2013	2014	2015
African American	30	17.6	45.5	42
Native American	0	0	0	0
Asian	3	0	0	0.6
Other	3	1	3.3	2
Hispanic/Latino	5	1.3	1.4	1

Populations	HWAP % Eligible People 5 Zips	% Served 2015
African American	35	44
Native American	0	0
Asian	1	0
Other	5	6
Hispanic/Latino	4	0

Housing Rehab Programs

In 2015, MORPC two housing rehab programs showed under representation of African Americans in the service areas. The Asian percentages increased in the housing rehab applications in 2015 and reflect the represented populations in the service area. The United Way of Central Ohio Franklinton Rehab program is under represented in all diverse groups.

Percent of Housing Rehab Minorities Served				
Populations	2013	2014	2015	% Income Eligible
African American	17.6	29	7.6	30
Native American	1.9	0	1.5	0
Asian	0	2	6	3
Other	0.9	0	0	3
Hispanic/Latino	1.3	0	0	5

Percent of Franklinton Rehab Minorities Served		
Populations	% Income Eligible	2015
African American	27	1.6
Native American	2	0
Asian	0	0
Other	1	0
Hispanic/Latino	2	0

RideSolutions applications show an increase in African American and Asian applications. However, the percent of RideSolutions applications from the Hispanic/Latino populations decreased in 2014 and is not represented in 2015.

Percentage of Rideshare Applications by Minority Populations				
	2013	2014	2015	% People in 15 Counties
African American	45	26.9	39	13
Native American	0	0	0.5	0
Asian	6	2.6	5	3
Other	7	6.7	1	4
Hispanic/Latino	3	2	0	3

MORPC will continue to market to these populations in an effort to increase usage of the Weatherization Programs, Housing Rehab Programs, and RideSolutions. The Limited English Proficiency (LEP) Plan developed in 2015 and the D&I Committee should help in these efforts.

Linguistically Competent (Accommodate call-ins/walk-ins/Point of Service) – MORPC provides interpretation and translation services, including services to the deaf, for its diverse populations when a person calls MORPC's office (directly to a staff member) and/or at a specific site or location (home/work). Materials left with the customer can be translated into other languages. In accordance to the LEP Plan, outreach materials that are designed for the general public should also be translated into other languages. The translation of collateral materials will incur additional costs to programs.

Focus Area: Diversity Requirements

Goal: Continue to meet the federal requirements for monitoring and reporting DBE, Section 3 HUD, Title VI, and Limited English Proficiency.

Methodology	Tasks	Staff	Outcome
DBE	Monitor & Report	Transportation Systems & Funding	
Section 3	Monitor & Report	Housing	
Title VI	Monitor & Report	All	
LEPP	Review for Compliance	P&GA	

Disadvantaged Business Enterprise

Disadvantaged Business Enterprise (DBE) monitoring and participation are federal requirements for Metropolitan Planning Organizations (MPOs) such as MORPC. MORPC has administered its own DBE program for more than 25 years, with a current goal of 12 percent DBE participation for professional service contracting. The DBE program applies only to federal transportation funds and is established per the rules, requirements, and guidelines of the U.S. DOT and Ohio Department of Transportation (ODOT). U.S. DOT is recognized as a leader (among federal agencies) in operating a DBE program and requiring the same of its funding recipients.

To be eligible for DBE participation:

- A business must be certified as a “disadvantaged” business by a U.S. DOT-authorized certification agency in order to qualify as a “DBE” (in Ohio, the certification entity is the Ohio DBE *Unified Certification Program*, who maintain a website listing certified contractors)
- Must be a small business per the Small Business Administration (SBA)
- Must be determined to be part of one of following groups: Black, Hispanic, Native American, Eskimo, Aleut, Native Hawaiian, Asian Pacific American, Subcontinent Asian American, Women, or other socially and economically “disadvantaged” (determined on a case-by-case basis)

While completing the Uniform Report of DBE Awards or Commitments and Payments for 2015, and utilizing the requirements listed above, MORPC was unable to report any DBE participation. Upon further review, we discovered that our accounting system was unable to capture DBE vendors because payments are made to the primary contractors and DBEs are traditionally subcontractors. A

review of this process determined how best to capture participation from all DBE vendors. Another issue discovered is that a vendor certified as a Minority (MBE) or Woman (WBE) Owned Business does not qualify them as a DBE. They must hold a DBE certification to participate.

Section 3

Under Section 3 of the HUD Act of 1968, wherever HUD financial assistance is expended for housing or community development, to the greatest extent feasible, economic opportunities will be given to Section 3 residents and businesses in that area. A Section 3 business is a business that is 51 percent or more owned by Section 3 residents or employs Section 3 residents for at least 30 percent of its full-time, permanent staff; or provides evidence of a commitment to subcontract to Section 3 business concerns with 25 percent or more of the dollar amount of the awarded contract. The percent of Section 3 Businesses in 2015 was less than 1 percent. A review of the process in 2016 will help us identify the challenges and suggested improvements to increase Section 3 participation.

Title VI

MORPC has responsibilities in regards to the Civil Rights Act of 1964. The Civil Rights Act of 1964 included eleven titles. Title VI, the primary focus of this program because of its particular applicability to the MPO and MORPC, addressed discrimination in federally-funded programs and activities. A widely-used passage related to Title VI sums up what the title is about:

No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (42 USC 2000 Section 601).

Current Title VI law requires non-discrimination in all programs and activities, whether federally-funded or not, of those who receive federal funds.

Limited English Proficiency Plan

Compliance with Title VI included Limited English Proficient (LEP) persons. In 1974, the U.S. Supreme Court affirmed that the failure to ensure a meaningful opportunity for national origin minorities with limited-English proficiency to participate in a federally funded program violates Title VI regulations. Additionally, requirements are outlined in Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency ensures accessibility to programs and services to eligible persons who have limited proficiency in the English language.

MORPC's Limited English Proficiency Plan considers the following four factors:

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter a MORPC program, activity or service.
2. The frequency with which LEP persons come in contact with MORPC programs, activities or services.
3. The nature and importance of programs, activities or services provided by MORPC to the LEP population.
4. The resources available to MORPC and overall cost to provide LEP assistance.

More information on MORPC's LEP Plan can be found at www.morpc.org under About MORPC.

Focus Area: Diversity Communications

Goal: Increase the promotion of MORPC's services, plans, meetings, events, and programs to diverse audiences, and increase the awareness of MORPC's Diversity & Inclusion efforts.

Methodology	Tasks	Staff	Outcome
Media	Advertising & Press Releases	Diversity Officer Program Staff	
Websites and Social Media	Prepare and/or keep current the following: Toolkit of vendors (vendor database) What We Buy Work Plan Graphics	Diversity Officer Public Affairs Coordinators	
Collateral Materials	Graphics Language Photographs	Diversity Officer Program Staff Public Affairs Coordinators	
Sponsorships	Select sponsorships	Diversity Officer	
Meetings and Events	Schedule and host annual meetings with community leaders representing our diverse audiences	MORPC Board Members Executive Director Diversity Officer Department Directors Program Staff	

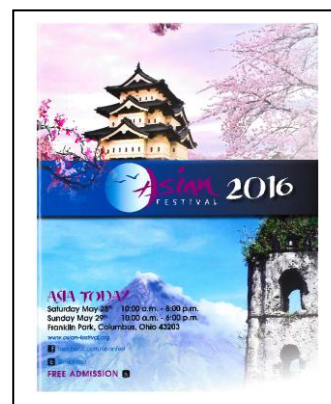
Media - One component that top companies in the area of Diversity and Inclusion share is that they promote their diversity efforts to the general public. Diversity is evident in their outreach, their website and in notices to the media. The populations they serve are stated consistently and emphatically. MORPC promotes that it values Diversity and Inclusion through its media releases. In 2013 and 2014, MORPC created diversity ads that were used with sponsorship opportunities.

Websites and Social Media - MORPC will use every opportunity to promote being diverse and inclusive through the website, social media and its collateral materials.

Sponsorships - In 2016, MORPC sponsored the two-day Asian Festival. MORPC will review sponsorships to determine how best to serve these populations.

Budget

The 2016 budget is \$21,000 and is allocated toward staff wages, training, interpreters/translation fees, membership, advertising and other related costs. The 2017 budget is expected to also be around \$21,000. The specifics will be determined and approved fall 2016.



CONCLUSION

Annually a report on the outcomes and achievements of the current plan is presented to the Executive Committee and the Board.

Glossary of Terms

CSA - Combined Statistical Area – 17-county area including Delaware, Fairfield, Fayette, Franklin, Guernsey, Hocking, Knox, Licking, Logan, Marion, Morrow, Madison, Muskingum, Perry, Pickaway, Ross, and Union Counties.

Culture – shared set of values, beliefs, customs, and celebrations, practices of a racial, ethnic or self-identified group.

Cultural competence – integration and transformation of knowledge about individuals and groups of people into specific standards, policies, practices, and attitudes, and used in appropriate cultural settings to increase the quality of services, thereby producing better outcomes.

D&I – Diversity and Inclusion

DBE – Disadvantaged Business Enterprise – applies to federal transportation funds and is established per the rules of the United States Department of Transportation.

EDGE - Encouraging Diversity, Growth and Equity

ERG - Employee Resource Groups - employee networks that support everything from recruiting and retention efforts to marketing products and services.

ESL – English as a Second Language is the use or study of English by speakers with different native languages.

LGBTQ –Lesbian, gay, bisexual, transgender, and questioning individuals/identities.

LEP – Limited English Proficiency - persons who are unable to communicate effectively in English because their primary language is not English and they have not developed fluency in the English language.

MACC - Multiethnic Advocates for Cultural Competence

MBE – Minority Business Enterprise is for-profit enterprise which is owned, operated and controlled on a daily basis by minority group members.

MPO – Metropolitan Planning Organization

ODOT – Ohio Department of Transportation

REE – Resident Energy Efficiency Program – a weatherization program that improves home energy efficiency for qualified homeowners in Franklin County.

SBE – Small Business Enterprise is owned and operated by a qualifying person, who is under-represented in an industry and meets the definition of “small business” according to the SBA’s standards. The term “person” used throughout the regulations includes an individual, entity, or business concern. § 121.103(c)(1).

Section 3 of the Housing and Urban Development Act of 1968 - Wherever HUD financial assistance is expended for housing or community development, to the greatest extent feasible, economic opportunities will be given to Section 3 residents and businesses in that area.

TBD – To be determined.

U.S. DOT – United States Department of Transportation (Federal Highway Administration and Federal Transit Administration).

WBE – Women Business Enterprise is an independent business concern that is at least 51 percent owned and controlled by one or more women who are U.S. citizens or Legal Resident Aliens, and whose management and daily operation are controlled by one or more of the female owners.

Appendix O

- MORPC Contracting Process Procedures –

MORPC CONTRACT PROCESSING PROCEDURE

■ **March 2018**

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Purpose

This procedure is to help facilitate and expedite the MORPC contract process. Before being signed by the Executive Director, all MORPC contracts must be reviewed for correct language, sound business sense, risk management, budget review, accounting set-up, grant management, invoicing procedures and needs, etc., and must be reviewed by the Chief of Staff & Director of Operations Shawn Hufstedler.

Background

Contracts originate with the project manager at the department level and must be reviewed by the department head. Once the contract has been reviewed and accepted by the department head, the contract routing process begins. The department Executive Assistant must complete a Contract Routing Form for each contract and communicate specific requests to Executive Coordinator Shari Saunders. Contact Shari with processing questions and Shawn for technical questions.

Use the contract templates if at all possible. Any deviation will add to the review time, and possibly involve MORPC's external legal Counsel. Your program will be responsible for paying the legal review fees. Talk to your director before you start to determine if early involvement of Shawn Hufstedler is needed.

When in doubt about any point in the process, contact Shari Saunders.

General Contracting Steps

1. **Determine if a Resolution is Needed.** See the Resolution Process (at <http://mic.morpc.org/>) to determine if an Executive Committee or Commission resolution is needed.
 - An Executive Committee resolution is needed for obligations and agreements that are in the current operating budget and are over \$75,000.
 - A Commission Resolution is needed for obligations and agreements that are not included in the current operating budget. Some subcontracts may have been authorized when the acceptance of funding was authorized.
2. **Create a Contract.**
 - a) Types of contracts. Contracts are created for subcontractor/vendor (people we are paying); or for funders (people who are paying us).
 - 1) Subcontractor/Vender Contracts. MORPC will create contracts from one of our templates (see below for more information on templates) for our subcontractors/vendors, unless the vendor has a draft contract (that satisfies our requirements) to initiate the review process.
 - 2) Funder Contracts. Funder contracts are usually provided by the funder, but on rare occasions may be generated by MORPC upon funder request.

- b) Contract Templates. It is important to adhere as closely as possible to contract templates. The more a contract deviates from the template, the longer it takes to review.
- 1) Contract templates are available at <http://mic.morpc.org/> in the Finance Section/Contract Info & Forms.
 - 2) See Shari Saunders if help is needed in determining the appropriate template (vendors/funder/subcontractor).
 - a. The Federal and Non-Federal templates are fixed fee contracts for the goods and services provided. (See [Common Contract Types](#) on mic.morpc.org for more information.)
 - b. The product based templates are time and materials contracts. You pay for the time and materials to complete the work.
 - c. Use federal templates for contracts using federal transportation dollars.
 - d. Use non-federal templates for contracts not using federal transportation dollars.
 - e. Housing templates are project specific.
 - 3) NOTE: all MORPC contracts are signed by Executive Director William Murdock.
 - 4) All MORPC contracts must at a minimum contain:
 - a. Clear Scope of Services that describes work to be performed and project outcomes.
 - b. Beginning and ending dates – clear time frame/duration identified. Identify dates for interim reports if applicable.
 - c. Fee schedule with a “not to exceed” amount identified.
 - d. Non-discrimination clause.
 - e. Title VI requirements.
 - f. Reference to SBE or DBE goals or requirements. For federal transportation funds, the consultant shall identify how they shall meet the DBE goal and in the event the consultant is unable to meet the DBE goal, the ODOT waiver process must be followed. The prime consultant must contract with DBE sub-consultants before signing the contract with MORPC. Each DBE sub-consultant agreement must be submitted to MORPC for approval prior to the DBE beginning work on the project. Work with DBE Coordinator Nick Gill during the RFP process to determine the DBE goal.
 - g. Termination clause.
 - h. If indemnity from liability clause is included, ask the contractor if the clause may be removed.
- c) Terms of the Contract. The originating department needs to be familiar with the terms of the contract or any amendments and:
- 1) Ensure the contract conforms with the requirements of the funder.
 - 2) Ensure the contract conforms to state and federal (if applicable) law.
 - 3) Ensure the contract conforms with MORPC requirements.

- 4) Ensure the procurement process used to select any contractor/subcontractor conforms to the funder's requirements, state law, federal law (if applicable), and MORPC requirements.
 - 5) Verify concurrence with the scope of services.
 - 6) Agree with the relevant terms of the contract.
 - 7) Ensure that the contract fits within budget available for the applicable project or projects.
 - 8) Verify conformity with the MORPC resolution, if applicable.
 - 9) Compare to similar past contracts.
 - 10) Verify all mentioned attachments are included.
3. **Complete Contract Routing Form.** Please use the most current version (at <http://mic.morpc.org/> in the Finance Section/Contract Info & Forms). The online Contract Routing Form includes pop-up instructions. There is also a separate instruction sheet with more detailed instructions available.

Give completed Contract Routing Form, two original contracts, and supporting documentation (copy of Resolution, winning proposal, RFP/RFQ Response Summary Sheet, etc.) to Shari Saunders.

- 1) Shari Saunders will communicate any funding or procedural concerns to the staff originator. Feel free to contact Shari to check on the status of the contract throughout the process.
 - 2) If there is reason to provide an electronic copy (ex: a draft with tracked changes needs to be reviewed), e-mail it to Shari Saunders and Shawn Hufstedler and provide one copy instead of two with the contract routing form.
 - 3) All contracts, regardless if they are draft or final, go through the same process.
 - 4) NOTE: A completed W-9 form is required for new vendors. See April Drake for blank forms.
4. **Contract process through Finance.**
- 1) Shari Saunders reviews for completeness, consistency, and general accuracy of contract routing form and attachment(s).
 - 2) Shawn Hufstedler reviews for content, etc. Susan Tsen processes housing rehab/repair contracts. Any problems or concerns will be addressed with the staff originator. Items that may require legal review include:
 - a. High risk funding.
 - b. Strange clauses.
 - c. Newspaper test.
 - d. New funder.
 - 3) The contract then goes to William Murdock for review/approval.
 - 4) After the contract is signed by William, Ciel Klein will scan and make copies for further processing. The signed contract(s) is returned to the originating department to send out to the vendor or funder as appropriate. Once the vendor/funder has signed the contract, return an original copy to Shari Saunders.

- 5) Finance will process the contract and assign it a number. Shari Saunders will enter the information into the contract database and file hard copies of fully executed contracts.
5. **Contract Processing Time.** Generally allow two weeks for contract processing in Finance. If the contract is returned to the originating department for revision, the two weeks begins when the contract is returned to Finance. If a shorter time is needed, see Shari Saunders so agency contracts can be appropriately prioritized. Every effort should be made to allow for at least a **TWO WEEK review time** by Finance. Note that if legal review is required or the contract is unusually complicated, additional time will be necessary.



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