

# ***Title VI***



**OKI REGIONAL COUNCIL OF GOVERNMENTS**

**2009 TITLE VI PROGRAM  
ODOT COMPLIANCE REVIEW RESPONSE**

**I. Metropolitan Planning Organization Agency Compliance**

**A. Does the Agency maintain a Title VI Plan/documentation recording its compliance with 49 CRF Part 21 and related nondiscrimination regulations?**

Yes, OKI produces a compliance review annually. This review responds to and documents how the agency meets the Title VI requirements. In addition, all OKI contracts require the contractor to comply with the Regulations of the KYTC, where applicable, the ODOT, where applicable, and the INDOT, where applicable, relative to non-discrimination in Federally-assisted programs of the Department of Transportation (Title 49, Code of Federal Regulations, Part 21).

**B. To what extent does the MPO Agency employ minority staff personnel?**

Staff Profile

Effective 2/06/2009 Full-Time Regular Positions (number/Percent)

| <u>Male</u> | <u>Female</u> | <u>Majority</u> | <u>Minority</u> |
|-------------|---------------|-----------------|-----------------|
| 13/52%      | 12/48%        | 21/84%          | 4/16%           |

**C. Has the Agency adopted a formal Title VI complaint process?**

Yes. The update of OKI's formal Title VI Complaint Procedure was completed July, 2008.

**D. Has the agency received any specific Title VI complaints in the program area under review? If so, what corrective action has been taken?**

OKI has not received any specific Title VI complaints directly nor to our knowledge have any complaints been received by the funding agencies in regards to OKI.

**E. Does the Agency maintain a Disadvantaged Business Enterprise (DBE) Program and associated contracting/procurement goals consistent with the provisions of 49 CFR 26?**

Yes. The OKI DBE Program is maintained in accordance with the provisions of 49 CFR 26 and the procurement goals are calculated for the upcoming fiscal year once it has been determined where contracting capabilities/opportunities exist.

## **II. Consultant Contracts**

### **A. Does the Agency have written consultant selection procedures consistent with the provisions of 23 CFR 49.18?**

Yes. Within the written guidelines of OKI's consultant agreement the language states that the selection procedures are consistent with the provisions of 23 CFR 49.18 and the consultant should govern himself/herself accordingly.

### **B. What considerations are given to minority contractors in the selection of consultants for transportation planning work?**

#### **1. Does the Agency establish and monitor annual Title VI contracting goals?**

Yes. OKI's DBE Liaison Officer (DBELO) is responsible for the implementation and compliance of all aspects of its DBE Program including the establishment of OKI's annual DBE goal as well as the attainment thereof.

#### **2. Does the consultant selection process include maintenance of records of qualified minority consultants?**

The DBELO maintains an updated directory of certified DBEs.

#### **3. What other methods or procedures are utilized to encourage use of qualified minority consultants?**

It is the policy of OKI to utilize minority-owned and operated businesses to a reasonable and equitable extent in all aspects of the procurement of supplies and services purchased and utilized within the framework of applicable state law. To this end an "Affirmative Action Program for Minority Business Enterprise" has been prepared to detail the actions to be taken by OKI in the consideration of minority contractors. This documentation includes various listings of minority firms in the area for use in procurements. In addition to the use of the Minority Business Enterprise (MBE) listing, specific and separate notices are placed in minority focused newspapers in the area to solicit minority participation. OKI is also a member of the Greater Cincinnati / Northern Kentucky African American Chamber of Commerce and has plans to join the Hispanic Chamber Cincinnati USA. These memberships should afford greater exposure to its procurement opportunities. OKI's RFQ Policy provides for sufficient response time periods in order for firms of all sizes to demonstrate their qualifications.

#### **4. Are Title VI assurances and provisions included on consultant contracts?**

Yes. OKI ensures that every DOT-assisted contract and subcontract it executes includes the required contract clause from document 49 CFR Part 26 Section 13 of the Legislation & Regulations of the Federal Highway Administration.

### **C. Have consultants made positive efforts to employ qualified minority subcontractors? If so, to what extent?**

All consultants and contractors to OKI, by contractual conditions, are required to “comply with the regulations relative to non-discrimination in federally-assisted programs of the Department of Transportation Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time” and the contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including the procurement 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.”

**D. What are the Agency’s procedures for monitoring consultant compliance with Title VI contract provisions?**

As such, procedures have not been developed for auditing consultant compliance with Title VI contract provisions. This is due in part to the fact that few of the consultant contractors require a subcontractor and in those cases where one is required it is included in the initial response to the RFQ. If a minority subcontractor is used, OKI will monitor progress through year-to-date invoices submitted by the primary consultant.

**III. Urban Transportation Planning Process**

**A. Does the MPO maintain documentation describing its procedures for incorporating Title VI requirements into the region’s urban transportation planning program?**

Public participation is the single most important element of the transportation planning process. OKI’s Unified Planning Work Program (UPWP) includes a discreet work element directing the development and maintenance of the Participation Plan. The Plan describes processes in place to successfully engage the citizens, communities and business interests of the region.

**B. What techniques and procedures are employed to provide data relative to minority and disabled populations, age and sex distributions, neighborhoods, income levels, physical environment, travel habits, etc?**

The techniques and procedures employed by OKI to provide data relative to the aforementioned population classes and other socio-demographic characteristics are supported through data obtained from the U.S. Census Bureau.

**C. Is this data used to develop a socio-demographic profile of the MPO region?**

The data is used for planning purposes to identify Environmental Justice communities and special needs areas. This data is published in the OKI Regional Transportation Plan and made available to the public through a variety of means including the agency website.

**D. To what extent is the data considered in determining that a proposed transportation system will be capable of responding favorably to minority group requirements? What techniques are used?**

From a technical perspective, OKI utilizes procedures that respond to the total population disaggregated by traffic analysis zones. The ethnic, income and employment data is then utilized to determine specific effects on these identified groups and appropriate accommodations or mitigations are made in the planning recommendations.

From a process perspective, OKI continues to make special efforts to reach the elderly, disabled, low income, minority, and zero-car populations through organizations, radio and newspapers that are targeted to these population groups to seek their involvement and input in both the planning process and the solicitation of recommendations.

Additionally, in 2000 the OKI policy board took steps to establish an Environmental Justice Advisory Committee. The main charge to this committee is to assist and guide staff in identifying and involving viewpoints from an environmental justice perspective in the OKI region, and conducting such activities within the scope of the evolving federal environmental justice guidelines.

**E. Do the MPO Transportation Plan and TIP include assessments of the impacts that planned transportation system investments will have on both minority and non-minority areas? Discuss the assessment methodology and resulting documentation.**

The assessment of the impact of a planned transportation system and/or route is completed as part of the evaluation of OKI recommendations and is undertaken in conjunction with civic participation efforts to assure that both the technical evaluation itself and the results are responsive to the citizenry as a whole. Relative to the assessment methodology used, all TIP applications include a section on Environmental Justice that must be completed by the applicant. During the course of the review of that section of the application by OKI's Environmental Justice Advisory Committee (EJAC), the information provided by the applicant is reviewed and scored and then all applications are referred to OKI's Intermodal Coordinating Committee (ICC) with EJAC's funding recommendations. This process results in documentation that is incorporated into the respective Committee and Board minutes.

**F. To what extent has the MPO developed a formalized procedure (organization, responsibilities, etc.) to provide for citizen participation in the transportation planning process?**

In 1984 the OKI Citizen Participation Committee reached consensus that the format for its usefulness had been expended and that it was now time for a more mainstream approach to civic engagement through public-private partnerships. With the support of OKI's Executive Committee, which acknowledged that there is still a need to incorporate public involvement into its decision making process, in 2000 the OKI policy board took steps to establish the Environmental Justice Advisory Committee (EJAC). The objective of this Committee is to ensure that the general public has access to regional transportation information; to ensure that all segments of the population are included in the decision making process and, to

provide a mechanism for equity. In response to recent SAFETEA-LU planning regulations that now require MPOs, such as OKI, to include public or community outreach as well as new consultations with various agencies at all levels, OKI's Policy for Environmental Justice has now evolved into a formal Participation Plan with language that is SAFETEA-LU compliant. The OKI Participation Plan was adopted by the OKI Board on June 14, 2007.

**G. Are minorities, both individually and through their organizations, represented in the citizen participation effort? If so, how many and in what capacities?**

To ensure that minorities are represented in the civic participation effort, representation on OKI's 21-member Environmental Justice Advisory Committee includes the Hispanic Resource Center, the Cincinnati NAACP Branch, The AMOS Project (a faith-based group), the Center for Independent Living Options, The Inclusion Network and the Urban Appalachian Council. The Committee Chair position is held by a representative from the local NAACP Branch where that individual holds a similar position.

**H. What techniques or procedures are employed to address limited English proficiency?**

The OKI service region has a sizeable Hispanic community. In order to ensure that members of a limited English proficiency group, such as the Hispanic community, are afforded the opportunity to participate in OKI's transportation planning process every legal notice announcing a Public Meeting or Public Hearing is placed in the local Hispanic newspaper in both the English and Spanish language. Staff also participates in social, civic and ecumenical activities that are oriented to the Hispanic community in an effort to establish some rapport with the community.

**I. Are there any further affirmative actions taken by the MPO to enlist the involvement and support of minority populations in the transportation planning process?**

OKI maintains an awareness, sensitivity and willingness to respond to appropriate issues that involve minorities, low income, elderly, disabled and zero-car populations. OKI also ensures that information is readily accessible to all persons; that the needs and interests of all persons within the OKI region are fully considered in the planning process and, that all recommendations received are incorporated at the appropriate junctures. Also, all Legal Notices include a statement asking anyone in need of assistance to attend a Public Meeting or Public Hearing to contact OKI's Public Involvement Specialist.

**J. Is a Title VI assurance included in the annual MPO self certification resolution?**

Yes, a Title VI assurance is specifically included in the OKI's self certification resolution.

**ATTACHMENT "A"**  
**STAFF PROFILE REPORT - TRANSPORTATION SECTION**  
**EFFECTIVE DATE FEBRUARY 6, 2009**

| <b>TABLE 1:</b>                  |               |             |              |        |
|----------------------------------|---------------|-------------|--------------|--------|
| <u>TOTAL PERMANENT EMPLOYEES</u> | <u>FEMALE</u> | <u>MALE</u> | <u>TOTAL</u> |        |
| MINORITY                         | 3             | 1           | 4            | (16%)  |
| MAJORITY                         | 9             | 12          | 21           | (84%)  |
| TOTAL                            | 12<br>(48%)   | 13<br>(52%) | 25           | (100%) |

| <b>TABLE 1A:</b>                    |               |             |              |        |
|-------------------------------------|---------------|-------------|--------------|--------|
| <u>PROFESSIONAL LEVEL EMPLOYEES</u> | <u>FEMALE</u> | <u>MALE</u> | <u>TOTAL</u> |        |
| MINORITY                            | 2             | 1           | 3            | (14%)  |
| MAJORITY                            | 7             | 11          | 18           | (86%)  |
| TOTAL                               | 9<br>(43%)    | 12<br>(57%) | 21           | (100%) |

| <b>TABLE 1B:</b>               |               |             |              |        |
|--------------------------------|---------------|-------------|--------------|--------|
| <u>SUPPORT LEVEL EMPLOYEES</u> | <u>FEMALE</u> | <u>MALE</u> | <u>TOTAL</u> |        |
| MINORITY                       | 1             | 0           | 1            | (25%)  |
| MAJORITY                       | 2             | 1           | 3            | (75%)  |
| TOTAL                          | 3<br>(75%)    | 1<br>(25%)  | 4            | (100%) |

| <b>TABLE 2:</b>            |               |             |              |        |
|----------------------------|---------------|-------------|--------------|--------|
| <u>TEMPORARY EMPLOYEES</u> | <u>FEMALE</u> | <u>MALE</u> | <u>TOTAL</u> |        |
| MINORITY                   | 0             | 0           | 0            | (0%)   |
| MAJORITY                   | 1             | 1           | 2            | (100%) |
| TOTAL                      | 1<br>(50%)    | 1<br>(50%)  | 2            | (100%) |