



Annual Title VI Goals and Accomplishments Report  
2010 – 2011

Ted Strickland  
Governor

Jolene M. Molitoris  
Director

Michael O. Gordon  
Deputy Director

*An Equal Opportunity Employer and Provider of Services*

# Annual Title VI Update Accomplishment Report

## I. Policy Statement

In March 2010, Director Jolene M. Molitoris signed an updated Equal Opportunity Policy Statement adding genetic information as a protected class in accordance with Title II Genetic Information Nondiscrimination Act of 2008 (GINA). See [Attachment 1](#).

## II. Organization, Staffing, Structure

In January 2010, Michael O. Gordon was appointed by Director Molitoris to serve as the Deputy Director for the Division of Equal Opportunity. The Title VI Coordinator reports directly to Mr. Gordon and has easy access to Director Molitoris.

The following is a listing of staff responsible for Title VI compliance monitoring:

### Division of Equal Opportunity

Name	Title	Race	Gender
Michael O. Gordon	Deputy Director	Black	Male
Michaela J. C. Peterson	External Civil Rights Manager	White	Female
Kimberly A. Watson	Internal Civil Rights Manager	White	Female
Shelba D. Bradley	EO Investigator	Black	Female
Sarah E. Johnson	EO Investigator	White	Female
Trenee L. Pruitt	EO Investigator	Black	Female

### Title VI Liaisons

<b>Name</b>	<b>Title</b>	<b>Race/Gender</b>	<b>Division</b>
<b>Jana Cassidy</b>	Fiscal Officer 4	White/Female	Finance & Forecasting
<b>Dushon Johnson</b>	Administrative Assistant 3	Black/Female	Highway Operations
<b>Andy Teater</b>	Administrative Assistant 4	White/Male	Production Management
<b>Aisha Powell</b>	Affirmative Action Officer	Black/Female	Quality & Human Resources
<b>Julie Walcoff</b>	Administrative Assistant 3	White/Female	Transportation Systems Development

#### III. Title VI Monitoring and Review Process

Although the Division of Equal Opportunity has not yet conducted Title VI reviews of divisions, recipients, and/or sub-recipients, the Title VI Coordinator did develop the procedure to be used to do so. In 2011, the Title VI Coordinator will develop the Quality Assurance Review instrument to be used in evaluating Central Office divisions responsible for monitoring the districts, recipients, and sub-recipients.

#### IV. Complaints

No formal Title VI complaints were filed during the time period encompassing October 1, 2009 to September 30, 2010. However, the following ADA/504 complaints were raised during the time period in question:

- Steve DeVol on behalf of Michelle Wagner against Greater Dayton Regional Transit Authority (RTA) filed on August 12, 2010

Mr. DeVol claimed Greater Dayton RTA's narrow interpretation of a "disability" adversely impacted those individuals with mental disabilities. The issue revolved around eligibility for the "reduced fare" program. Greater Dayton RTA is not a recipient of federal funding by the Department as such DoEO lacked jurisdiction to handle the complaint. According to FTA, the

“half-fare” requirement is not an ADA requirement. Thus, all inquiries related thereto should be forwarded to FTA’s Office of Program Management. A copy of the correspondence to Mr. DeVol is attached hereto as [Attachment 2](#).

- Tod Clingman against the Ohio Department of Transportation filed with the Ohio Civil Rights Commission (OCRC) on June 2, 2010

Mr. Clingman filed a charge of discrimination claiming the Department did not create a plan for the replacement of the inner-belt bridge that carries I-71 into Cleveland. Mr. Clingman claimed that RTA deemed the bridge unsafe and will not allow ParaTransit to use this fast route to the Cleveland Clinic. The Department filed its position statement with OCRC on July 2, 2010. On or about September 9, 2010, OCRC determined it lacked jurisdiction in the matter and dismissed the case. A copy of OCRC’s determination is attached hereto as [Attachment 3](#).

- Shirley Meadows filed against Tri-County Community Action Transportation filed on July 8, 2010

Ms. Meadows alleged her rights as an individual with a disability have been violated by Tri-County related to the provision of services and how she is treated. This complaint falls under the jurisdiction of FTA; investigation is pending.

- Tod Clingman filed against the Ohio Department of Transportation with OCRC on June 24, 2010

Mr. Clingman alleged he was denied a public accommodation because “[o]n State Route 273 north bound in...[the] city of Brook Park there is a bump in the pavement across both lanes. *It occurs chronically* were [*sic*] there is a transition in the pavement from concrete to asphalt.” Mr. Clingman claimed that due to his injured back he needs this to be repaired and re-engineered to prevent it from occurring in the future. The Department filed its position statement with OCRC on July 14, 2010. On or about September 9, 2010, OCRC determined it lacked jurisdiction in the matter and dismissed the case. A copy of OCRC’s determination is attached hereto as [Attachment 4](#).

## V. Accomplishment Report for Each Program Area

Beginning in its 2011 Annual Update Accomplishment Report the Department will include the following information in this section:

### A. Planning

- How many consultant projects for planning were awarded and the dollar value?
- Describe efforts made to utilize minority and female consultants and subcontractors in federal funded contracts.
- Describe any studies conducted to provide data relative to minority persons, neighborhoods, income levels, physical environments, and travel habits. What assistance did the Title VI Coordinator provide to ensure that Title VI considerations were included in the planning stage?
- Identify the number of planning hearings held. Describe efforts to ensure citizen participation in the hearings, particularly by minorities and women. How many minorities and women both individually and through organizations were represented? Describe their role(s) in the citizen participation effort.

### B. Research

- How many research projects are currently underway?
- List of universities and/or consultants currently conducting research projects.
  - Universities
  - Consultants
  - Federal
- Provide a summary of actions taken to encourage universities to utilize minority and women students to participate on highway research projects.
- Provide a summary of actions taken to increase minority and women consultant firms in obtaining research projects.
- List any significant actions to be taken during the ensuing year.

### C. Location

- Describe complaints filed, if any, resulting from the choice of highway location decisions, or the procedure used for arriving at the decisions.
- Identify the titles, race, and gender of employees, and any vacancies, in the Location Program (?) area. Describe efforts of the Title VI Coordinator to increase the representation of minorities and women if this is an area of under representation. Describe efforts to encourage adequate representation of minorities and women on boards and committees involved in the development of transportation projects.
- How many Environmental Impact Studies (EIS) were reviewed? Summarize comments provided on the EIS about adverse impacts on minority, disabled, elderly, etc., communities.
- How many consultants currently have contracts involving project development activities and what are the dollar values? How many are minority consultants and what are the dollar values? Where minority and women participation is low, describe efforts to increase participation.
- How many project location public hearings were held? Describe how these hearings were advertised, including efforts to provide notification to minorities.
- Describe efforts to identify minority leaders and encourage them to provide suggestions and ask questions about the location of highways.
- Was there a need to utilize bilingual advertisements, announcements, notices, etc.?

### D. Design

- How many consultant firms currently have design contracts and what are the dollar values? How many of these are held by minority and women-owned firms and what are the dollar values?
- Describe efforts to increase minority and female participation in consultant contracts. Does the agency maintain a list of minority and women consultants? If so, how many firms are on the list? How many are receiving contracts?

- How many highway design phase public hearings were held? Describe minority individuals, groups, and organizations that participated in the hearings, including efforts to involve them. Provide a summary of concerns and issues raised, if any, related to minority communities. Describe actions taken by the Title VI Coordinator to facilitate and/or address these concerns.
- Identify the Design Program employees by title, race, and gender and identify any vacant positions. Describe efforts to increase minority and female representation where it is low.
- Identify Title VI complaints filed, if any, in the Design Program area. Provide a summary of each with basis, status, actions proposed, and actions taken.
- Identify any significant Title VI problem areas, accomplishments, and actions to take during the ensuing year.

E. Right-of-Way

- Identify the number of civil rights complaints filed, if any, in each of the following Right-of-Way functional areas:
  - Appraisals
  - Negotiations
  - Relocation Assistance and Payments
  - Property Management
- How many appraisers were utilized and how many were minority and women? What efforts were made by the Title VI Coordinator to increase minority and women representation if low?
- Identify the number of negotiations. Does the negotiator's log reflect any disparity in negotiations with minorities as compared to non-minorities?
- Explain concerns, if any, raised by minorities or women about options in the negotiation phase.
- Identify the number of relocations.
- Describe concerns, if any, raised by minorities or women on replacement housing, referral housing, and advisory services.
- Identify the number of contracts awarded for providing relocation assistance, the opportunities given to minorities and women to obtain these, and how many they received.
- Describe special efforts made to comply with Title VI regulations.

- Identify Right-of-Way staff by name, job, title, race, and gender.

F. Construction, Maintenance, and Contract Administration

- Describe civil rights complaints, if any, the agency received on its competitive bidding procedures and the corrective action, if needed, that the agency has taken. Provide a summary of any concerns raised by minority or women-owned business enterprises about licensing, pre-qualifications, lack of sub-contracting opportunities, etc.
- Summarize the efforts of the Title VI Coordinator to encourage the use of minority individuals, firms, or agencies for maintenance agreements or construction contracts.
- Describe any agency procedures that were reviewed to assure Title VI compliance in sub-contract agreements, first and second tier, material supply and equipment lease agreements.
- List any significant accomplishment goals and/or actions items to be taken during the ensuing year.

G. Education and Training

- Describe efforts made to encourage participation by minorities and women in National Highway Institute (NHI) educational and training program(s).
- Identify the type of NHI programs the agency staff attended, whether the agency sponsored or co-sponsored the programs, the number of agency staff that attended, and how many of these were minorities and women.
- Identify agency staff responsible for training by job title, race, and gender.
- Describe civil rights complaints filed, if any, concerning training and educational opportunities, and the corrective actions taken, if any. Provide a summary of concerns raised, complaints filed, status, etc.

## Division of Equal Opportunity – Accomplishments (2010)

- In October 2009, the Title VI & ADA/504 Coordinator worked with individuals from the Office of Real Estate, Office of Chief Legal Counsel, the Office of the Ohio Attorney General, and representatives from FHWA to discuss Title VI assurance language requirements in deeds, licenses, leases and permits. In

December 2009, the Department sent correspondence to FHWA, Ohio Division, requesting approval regarding its interpretation of the Title VI assurance language and which instruments needed the required language. A copy of that correspondence is attached hereto as [Attachment 5](#). In January 2010, FHWA acknowledged receipt of the aforementioned correspondence and approved the Department's interpretation of when and for which instruments Title VI assurance language is required. A copy of that correspondence it attached hereto as [Attachment 6](#).

As of September 2010, the required language has been added to the following instruments:

- MR 509 Permit
  - LPA Federal Local-Let Project Agreement
  - Director's Deed - ODOT RE 415-H
  - Director's Deed - ODOT RE 415-F
  - Director's Deed - ODOT RE 420
  - Director's Deed - ODOT RE 411-H
  - Director's Deed - ODOT RE 411-F
  - Residential Rental Application - RE 71-01
  - Residential Lease - RE 71-02
  - Commercial Lease - RE 71-03
  - Farm Land Lease - RE 71-04
  - Non-Residential Rental Application - RE 71-23
  - Release of Easements - ODOT RE 63 1
  - Contract of Purchase - RE 74-05
  - Contract of Purchase - RE 74-05G
  - Director's Deed - ODOT RE 74-08
  - Oil and Gas Lease - RE 75-11
  - Revocable Land Use Permit - RE 76-01
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- In March 2010, FHWA acknowledged receipt of the Department's February 24, 2010 electronic transmission of the final corrective action from the 2007 Title VI Review. The correspondence affirmed completion of the 10 corrective items delineated in the July 30, 2007 Title VI Quality Improvement Review (QIR) report. A copy of that correspondence is attached hereto as [Attachment 7](#).

- In May 2010, the Title VI & ADA/504 Coordinator, in conjunction with the ADA/504 Co-Coordinators in the Office of Roadway Engineering (Division of Production Management) and the Division of Facilities & Equipment Management, conducted its ADA/504 Self-Evaluation.
- In July 2010, the Title VI & ADA/504 Coordinator distributed its updated Title VI Poster to MPOs, rural transit agencies, and posted it on the Internet at: [\[http://www.dot.state.oh.us/Divisions/ChiefLegal/EqualOpportunity/Online%20Forms/Title%20VI%20Poster.pdf\]](http://www.dot.state.oh.us/Divisions/ChiefLegal/EqualOpportunity/Online%20Forms/Title%20VI%20Poster.pdf)
- In June 2010, the Title VI & ADA/504 Coordinator was nominated to attend the Train-the-Trainer “Designing Pedestrian Facilities for Accessibility (DPFA)” session in Baltimore, Maryland in August 2010. Ms. Watson, along with one of the ADA/504 Coordinators in the Office of Roadway Engineering (Michael Bline), was selected and attended the session.
- In September 2009, the Title VI & ADA/504 Coordinator, the Affirmative Action Officer, the External Civil Rights Manager, and the Deputy Director for DoEO attended the American Association of State Highway and Transportation Officials (AASHTO) 2010 National Civil Rights Training Symposium – *Diversity, Equity and Economic Prosperity*.

## Division of Equal Opportunity – Goals (2011)

- The established procedures will be finalized in a Standard Operating Procedure by April 15, 2011.
- The ADA/504 Transition Plan will be finalized by April 15, 2011.
- The Title VI & ADA/504 Coordinator, with assistance from staff, will work to develop a specific QAR monitoring instrument and implement the QAR process. As part of the QAR process, the Title VI & ADA/504 Coordinator and staff will review the Central Office emphasis program areas. The Title VI Liaisons will be responsible for monitoring the districts and sub-recipients (with assistance from the Title VI & ADA/504 Coordinator as needed) within their program areas.

- The Title VI & ADA/504 Coordinator will establish a quarterly meeting with Title VI Liaisons.
- The Title VI & ADA/504 Coordinator will continue her involvement with public information meetings for those projects with adverse impacts on minority and/or low-income populations.
- The Title VI & ADA/504 Coordinator will work with the Office of Training, Local Technical Assistance Program (LTAP), to provide Title VI training to sub-recipients and DFPA training to those interested.