



OHIO DEPARTMENT OF TRANSPORTATION

Annual Title VI Goals and Accomplishments Report 2011 – 2012

John R. Kasich
Governor

Jerry Wray
Director

Patrick J. Piccininni
Deputy Director &
Chief Legal Counsel

An Equal Opportunity Employer and Provider of Services

December 2011

Annual Title VI Update Accomplishment Report

I. Policy Statement

In August 2011, Director Jerry Wray signed an Equal Opportunity Policy Statement. See [Attachment 1](#).

II. Organization, Staffing, Structure

In June 2011, the Division of Equal Opportunity merged with the Division of Chief Legal Counsel to become the Division of Chief Legal Counsel & Equal Opportunity. Patrick J. Piccininni serves as the Deputy Director and Chief Legal Counsel for the Division. The Title VI Coordinator reports directly to Mr. Piccininni and has easy access to Director Wray. See [Attachment 2](#).

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

Division of Chief Legal Counsel & Equal Opportunity

| Name | Title | Race | Gender |
|-----------------------|--|-------|--------|
| Patrick J. Piccininni | Deputy Director and Chief Legal Counsel | White | Male |
| Kimberly A. Watson | Administrator Office of Equal Opportunity Title VI & ADA/504 Coordinator | White | Female |
| Sarah E. Johnson | Title VI & ADA/504 Specialist | White | Female |
| Shelba D. Bradley | EO Investigator | Black | Female |
| Treneé L. Pruitt | EO Investigator | Black | Female |

Title VI Liaisons

| Name | Title | Race/Gender | Division |
|-----------------------|--|--------------------|-------------------------|
| Jana Cassidy | Fiscal Officer 4 | White/Female | Finance |
| Dushon Johnson | Administrative Assistant 3 | Black/Female | Operations |
| Jim Viau | Manager, Relocation and Title VI Section | White/Male | Engineering |
| Aisha Powell | Affirmative Action Officer | Black/Female | Human Resources |
| Julie Walcoff | Safe Routes to School Program Manager | White/Female | Planning |
| Sarah Lee | DBE Program Manager | White/Female | Construction Management |

III. Title VI Monitoring and Review Process

Although the Office of Equal Opportunity has not yet conducted Title VI reviews of divisions, recipients, and/or sub-recipients, the Title VI Coordinator developed the procedure to be used to do so. In 2012, the Title VI Coordinator, with assistance from the Title VI Specialist, 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

There were two formal Title VI complaints filed with the Department during the time period encompassing October 1, 2010 to September 30, 2011. However, both complaints fell under the jurisdiction of the Federal Transit Administration (FTA).

- On or about April 18, 2011, Helen Siebeneck filed against Tri-County Community Action Transportation

Ms. Siebeneck alleged that Tri-County Community Action, Inc. (TLC) discriminated against her based on her age and disability when it did not provide her with requested transportation services; when she had to wait long periods of time for transportation services; and when she contacted TLC by telephone and did not receive a return call. The investigation revealed that no

probable cause exists to support the allegation of discrimination. In August 2011, the Department recommended that FTA adopt the Department's findings and take no further action.

- On or about August 8, 2011, Shirley Meadows filed against Tri-County Community Action Transportation

Ms. Meadows alleged that Tri-County Community Action, Inc. (TLC) employees violated her rights based on her race, color, national origin, sex, age, and disability when a TLC dispatcher canceled her requested transportation service on or about May 3, 2011. The investigation revealed that no probable cause exists to support the allegation of discrimination. In October 2011, the Department recommended that FTA adopt the Department's findings and take no further action.

In addition, two complaints were filed with the Federal Highway Administration (FHWA), Office of Civil Rights, and/or the United States Department of Transportation, Office of Civil Rights.

- On or about August 10, 2011, Advocates for Basic Legal Equality, Inc. filed against the City of Beavercreek

The complaint alleged that the City of Beavercreek's denial of the Greater Dayton Regional Transit Authority's application to place bus stops on Pentagon Avenue near the Fairfield Commons Mall violated Title VI based on race. On August 22, 2011, FHWA advised it did not have jurisdiction to investigate the matter and referred the complaint to FTA because it has responsibility for issues involving bus stops. At this time, the Department is waiting for FTA to determine what, if any, action will be required.

- On or about August 28, 2011, Christopher Quinones - President of Quinox, LLC filed against Independence Excavating and the Department

The complaint alleged that the Department and Independence Excavating discriminated against Mr. Quinones based on his national origin, Puerto Rican, as it related to a breach of contract claim on Project ODOT 10-2000. On or about September 27, 2011, FHWA advised the issues raised in the complaint were not Title VI violations but rather contract administration issues. Because it was determined that the allegations were not Title VI violations, the Office of Equal Opportunity lacked jurisdiction to investigate the allegations. Thus, the investigation into the alleged breach of contract and other contract

administration issues will be handled by the Division of Construction Management.

V. Accomplishment Report for Each Program Area

Beginning in its 2012 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.

Office of Equal Opportunity – Accomplishments (2011)

- In November 2010, the Title VI & ADA/504 Coordinator submitted to FHWA its Annual Title VI Goals and Accomplishments Report for 2010-2011.

- In December 2010, the Title VI & ADA/504 Coordinator submitted to FHWA the Department's Standard Operating Procedure for its Title VI Program.
- In January 2011, FHWA approved the Department's Annual Title VI Goals and Accomplishment Report for 2010-2011. A copy of the approval letter is attached hereto as [Attachment 3](#).
- In March 2011, the Title VI & ADA/504 Specialist attended training entitled "The ADA@20: Amended, Reinforced, & Clarified." The training covered areas that changed with the ADA Amendments Act and how those changes impact public organizations.
- In June 2011, the Title VI & ADA/504 Specialist:
 - Attended a webinar entitled "EEOC Regulations and Implementing the ADA Amendments Act." The webinar discussed changes in regulations and reporting as it relates to the ADA Amendments Act. The Affirmative Action Officer also attended this training.
 - Attended the Title VI Coordinators Quarterly Meeting on behalf of the Title VI & ADA/504 Coordinator. During the meeting, upcoming changes in reporting and the current changes and challenges that DOTs across the country are facing were discussed.
 - Presented information, along with the Affirmative Action Officer, on Title VI, Title VII, as well as ADA/504 information to the Summer Transportation Institute participants. This short presentation offered an overview of our responsibilities at the Department and what job classifications help to carry out those responsibilities.
- In June 2011, Treneé Pruitt, EO Investigator, attended an online webinar related to accessibility requirements under the ADA. Specifically, the training entailed the requirements for accessible doors and maneuvering clearances.
- In July 2011, the Title VI & ADA/504 Specialist and the Affirmative Action Officer attended the Southern Transportation Civil Rights Training Symposium in Atlanta, GA. The three-day conference included numerous training sessions

on various topics including: LPA responsibilities in complying with Title VI; census data in EEO programs; design standards for pedestrian facilities; Environmental Justice and effective community outreach; lessons learned in handling internal EEO complaints; compliance and enforcement in Title VI/Nondiscrimination; ADA workshop (LPA responsibilities in complying with ADA/504); Minority Colleges and Universities FHWA National Forum; public, private partnerships; workforce analysis; and EEO requirements for recipients of federal funds.

- In July 2011, the Title VI & ADA/504 Specialist presented information on Title VI, Title VII, as well as ADA/504 information to the CAD Concepts Summer Internship Program participants. This short presentation offered an overview of our responsibilities at the Department and what job classifications help to carry out those responsibilities.
- In August 2011, the Title VI & ADA/504 Specialist attended a webinar entitled “Notice of Proposed Rulemaking on Accessibility Guidelines for Public Rights of Way (Title VI).” The session provided information on existing facilities, roadway geometry, sidewalks, and pedestrian signals.
- In August 2011, the Title VI & ADA/504 Specialist and Title VI & ADA/504 Coordinator attended a two-day training session on the 2010 ADA Accessibility Guidelines. The training session covered information on implementing changes to existing structures as well as new construction and roadway construction as it pertains to the 2010 Amendments Act to the ADA.
- In September 2011, Treneé Pruitt, EO Investigator, attended an online webinar related to basic ADA compliance issues. Specifically, the training covered basic requirements for ensuring compliance by providing proper equipment for disabled employees and customers (e.g., relay services, TTY, and computer accessibility).
- The Title VI & ADA/504 Coordinator, with assistance from the Title VI & ADA/504 Specialist, worked with the Office of Training, Local Technical Assistance Program (LTAP), to develop Title VI training for sub-recipients. Due to the lack of registration, the classes were canceled. The Title VI & ADA/504

Coordinator and Title VI & ADA/504 Specialist will work with the Title VI liaisons to promote the Title VI training and the benefits for attending such.

Office of Equal Opportunity – Goals (2012)

- The ADA/504 Transition Plan will be finalized by December 31, 2011.
- The Title VI & ADA/504 Coordinator, with assistance from the Title VI & ADA/504 Specialist, will work to develop a specific QAR monitoring instrument and to implement the QAR process. As part of the QAR process, the Title VI & ADA/504 Coordinator and the Title VI & ADA/504 Specialist 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 and Title VI & ADA/504 Specialist as needed) within their program areas. **This process will be implemented by the next reporting period.**
- 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, with assistance from the Title VI & ADA/504 Specialist and ADA/504 Co-coordinators, will provide Designing Pedestrian Facilities for Accessibility (DPFA) training to internal customers and will work with the Office of Training, Local Technical Assistance Program (LTAP), to provide DPFA training to other interested parties.