



OHIO DEPARTMENT OF TRANSPORTATION

Annual Title VI Goals and Accomplishments Report 2013 – 2014

John R. Kasich
Governor

Jerry Wray
Director

Patrick J. Piccininni
Deputy Director &
Chief Legal Counsel

An Equal Opportunity Employer and Provider of Services

November 2013

Annual Title VI Update Accomplishment Report

I. Policy Statement

The Equal Opportunity Policy Statement signed by Director Wray in August 2011 remains in effect. See [Attachment 1](#).

II. Organization, Staffing, Structure

The Title VI Coordinator continues to report to Patrick J. Piccininni, 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
Darrell A. Davis	Title VII Associate	Black	Male
Aisha R. Powell	Assistant Legal Counsel	Black	Female

Title VI Liaisons

Name	Title	Race/Gender	Division
Jana Cassidy	Fiscal Officer 4	White/Female	Finance
Dushon Johnson	Program Administrator 2	Black/Female	Operations
Lauren Purdy	Administrator Office of Contract Sales	White/Female	Construction Management
Brett Harris	Compliance and Training Officer	White/Male	Planning – Office of Transit
Robin E. Fogt	Affirmative Action Officer/ Title VII Specialist	White/Female	Chief Legal Counsel & Equal Opportunity liaison for Human Resources
Dave Seech	Special Projects Planner	White/Male	Planning – Office of Transit
Jim Viau	Manager Relocation and Title VI Section	White/Male	Engineering
Julie Walcoff	Safe Routes to School Program Manager	White/Female	Planning

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 2014, 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. This will be a priority during the upcoming year.

The Office of Equal Opportunity has partnered with the Office of Local Programs to develop a procedure to best monitor sub-recipients. The Office of Equal Opportunity developed a Title VI checklist to be provided to sub-recipients. See [Attachment 3](#). The Office of Local Programs will then include those requirements as part of the Quality Assurance Review (QAR) it performs on recipients.

As noted in the 2012-2013 annual goals and accomplishments report, the Office of Equal Opportunity partnered with the Local Technical Assistance Program (LTAP) in the Office of Local Programs to develop online training for sub-recipients. Completion of Title VI training will be a pre-requisite for receiving financial assistance through the Department. The online training will be rolled out in January 2014.

IV. Complaints

There were no formal Title VI complaints filed with the Federal Highway Administration (FHWA), Office of Civil Rights, and/or the United States Department of Transportation, Office of Civil Rights. There was, however, one Letter of Findings issued in the complaint dated August 11, 2011 by the Advocates for Basic Legal Equality, Inc. (ABLE) & Leaders for Equality and Action, Inc. (LEAD) against the City of Beavercreek. In June 2013, FHWA issued its Letter of Findings, which included a determination that the City of Beavercreek violated Title VI when it denied Greater Dayton RTA's application to install three bus stops along Pentagon Boulevard. See [Attachment 4](#).

After that finding and in compliance with its responsibilities in the Letter of Findings, the Title VI & ADA/504 Coordinator and Title VI & ADA/504 Specialist worked closely with the City of Beavercreek to address the recommendations made in the Letter of Findings. On October 14, 2013, the City of Beavercreek City Council reheard Greater Dayton RTA's application for the three bus stops along Pentagon Boulevard. Council voted 5 to 2 to approve the application. Based on information received by Greater Dayton RTA, construction of the three stops is imminent. The Title VI & ADA/504 Coordinator and Title VI & ADA/504 Specialist will continue to monitor the City of Beavercreek's progress in complying with the final recommendation related to developing and implementing a Transit Stops Application process specifically and a process for federally-funded programs generally that do not violate Title VI (whether through intentional or unintentional discrimination).

V. Accomplishment Report for Each Program Area

Beginning in its 2014 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 accomplishments, 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.

As noted above, the Office of Equal Opportunity has partnered with the LTAP to develop online Title VI and Environmental Justice Training, which will be available to sub-recipients and anyone else interested in taking the courses.

In August 2013, LTAP hosted a Designing Pedestrian Facilities for Accessibility (DPFA) training session and 181 individuals attended the training. LTAP plans on developing online modules of the DPFA training.

Office of Equal Opportunity – Accomplishments (2013)

- In October, November, and December 2013, the Title VI & ADA/504 Coordinator, the Title VI & ADA/504 Specialist, the Affirmative Action Officer/Title VII Specialist, Title VII Associate, and Assistant Legal Counsel attended the EEO Academy hosted by the Department of Administrative Services, Equal Opportunity Division.

- In December 2012, the following occurred:
 - The Title VI & ADA/504 Coordinator submitted to FHWA the Department's Annual Title VI Goals and Accomplishments Report for 2012-2013.
 - The Title VI & ADA/504 Coordinator and Title VI & ADA/504 Specialist along with staff from the Office of Roadway Engineering participated in a webinar sponsored by FHWA on ADA, DPFA.

- In January 2013, the following occurred:
 - The Title VI & ADA/504 Specialist attended the ATSSA/ODOT 2013 Opportunities in Transportation "How To" Conference Planning Meeting.
 - FHWA approved the Department's Annual Title VI Goals and Accomplishment Report for 2012-2013. See [Attachment 5](#).

- In February 2013, the following occurred:
 - The Title VI & ADA/504 Coordinator, Assistant Legal Counsel, and the Title VI & ADA/504 Specialist attended the ADA/DPFA webinar presented by FHWA.
 - The Title VI & ADA/504 Coordinator, the Title VI & ADA/504 Specialist, and the Affirmative Action Officer/Title VII Specialist attended the Nexus: Title VI & Public Involvement webinar presented by FHWA.
 - The Title VI & ADA/504 Coordinator and Title VI & ADA/504 Specialist attended the ATSSA/ODOT 2013 Opportunities in Transportation "How To" Conference Planning Meeting.

- In March 2013, the following occurred:
 - Title VI & ADA/504 Coordinator and Title VI & ADA/504 Specialist along with Heather Bowden (former Planning employee), Don Fisher (Roadway Engineering), and Tim Swauger (City of Columbus) presented “ADA the Buckeye Way” at the 2013 ATSSA/ODOT Opportunities in Transportation Safety Conference held at the Embassy Suites in Dublin, Ohio.
 - The Title VI & ADA/504 Coordinator with assistance from the Title VI and ADA/504 Specialist developed and distributed a Title VI Checklist for Sub-Recipients. See [Attachment 3](#).

- In April 2013, the following occurred:
 - The Affirmative Action Officer/Title VII Specialist attended a webinar through hr.com regarding LGBT issues in the workplace. The webinar reviewed past and current court cases that have set precedence specifically with regard to persons who are in the process of changing their gender.
 - FHWA approved the Department’s Affirmative Action Plan. See [Attachment 6](#).

- In May 2013, the Title VI & ADA/504 Coordinator, the Title VI & ADA/504 Specialist, and the Affirmative Action Officer/Title VII Specialist attended District 5’s Annual Meeting for Managers. The managers in attendance were given a refresher on a variety of Title VII and ADA issues including trends the Office of Equal Opportunity has seen in the past year, spikes in complaint areas, do’s and don’ts, and a reminder about documenting performance and behavior-based issues on employee performance evaluations.

- In June 2013, the Title VI & ADA/504 Specialist participated in the ADA/504 Transition Plan webinar presented by FHWA.

- In August 2013, the following occurred:
 - Assistant Legal Counsel, the Title VI & ADA/504 Coordinator, and the Affirmative Action Officer/Title VII Specialist participated in a webinar entitled *Same Story, Different Day: The Attorney's Perspective on the EEOC and FCRA*. The webinar reviewed the EEOC's guidance on pre-employment screens as related to the Fair Credit Reporting Act and gave tips on best practices.
 - The Title VI & ADA/504 Coordinator and Affirmative Action Officer/Title VII Specialist attended the Southern Transportation Civil Rights Conference in Charleston, SC. Workshop and general session content included: Environmental Justice and Transportation Decisions, Managing Civil Rights Programs, Investigating EEO Complaints, MIHE Partnerships, Title VI Compliance, the Future of Civil Rights Programs, Using Workforce Data, One DOT, Organizational Structure of a CR Office, Status of CR in Transportation, Leadership Strategies in Administering CR Programs, and DBE Oversight.
 - The Title VI & ADA/504 Specialist attended the EEOC Excel Training Conference in Denver, CO. Sessions included: Why Getting Even May Cost You – Retaliation, How to Conduct an Internal Sexual Harassment Investigation, Arrest & Conviction Records, Crossing the Line: When Bullying Becomes Harassment in the Workplace, National Origin Discrimination: English Only & Documentation Issues, and Wounded Warriors Returning to Work.
 - The Affirmative Action Officer/Title VII Specialist and Assistant Legal Counsel resumed the EEO/AA QAR.

- In September 2013, the following occurred:
 - The Affirmative Action Officer/Title VII Specialist gave a presentation to the Business & Human Resource Administrators detailing affirmative action utilization targets, how goals are calculated, and the implications of these goals on the districts' hiring process. The

presentation included a discussion on choosing the best candidate with regard to the Affirmative Action Plan.

- Assistant Legal Counsel and the Affirmative Action Officer/Title VII Specialist participated in a webinar entitled *Criminal Background Checks and the Hiring Process: Steering Clear of the FCRA and the EEOC*.

Office of Equal Opportunity – Goals (2014)

- The ADA/504 Transition Plan will be updated.
- 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. **The monitoring process will be implemented by the next reporting period. This is considered a priority work plan item.**
- 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.
- As noted above, the Office of Equal Opportunity has partnered with LTAP to develop Title VI and Environmental Justice Training for the Department' sub-recipients. It is anticipated the online Title VI training will be rolled out in January 2014.