



OHIO DEPARTMENT OF TRANSPORTATION

Annual Title VI Goals and Accomplishments Report 2016 – 2017

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OVERVIEW

As a recipient of federal financial assistance, the Ohio Department of Transportation (ODOT), including its direct grant recipients and sub-recipients, is obligated to adhere to, and is committed to achieving full compliance with Title VI of the Civil Rights Act of 1964 (Title VI) and all related nondiscrimination laws. ODOT incorporates the principles of Environmental Justice (EJ) (Executive Order 12898) into its programs, policies, and activities to ensure there are no transportation system-related disproportionate adverse impacts particularly to low-income and minority populations. Executive Order 13166 on Limited English Proficiency (LEP) is also included to ensure meaningful access is provided to persons who are limited in the English language. The basic philosophy of Title VI is 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 subjected to discrimination under any program or activity receiving federal financial assistance” (42 U.S.C. Section 2000d).

The Annual Title VI Goals and Accomplishments Report summarizes ODOT’s Title VI Program implementation and compliance activities for the one-year period following the last annual update.

This Report covers accomplishments achieved between October 1, 2015 and September 30, 2016 and identifies goals to be initiated between October 1, 2016 and September 30, 2017. It provides an overview of changes made in procedures and practices within ODOT to ensure nondiscrimination in all of ODOT’s programs, services and activities.

SUMMARY OF ACCOMPLISHMENTS AND GOALS

Policy Statement

It is the policy of ODOT to provide an environment of equity and access in its delivery of services to the public and beneficiaries. Through its Title VI/Nondiscrimination Program, ODOT aims to ensure that no person will be denied the benefits of or be excluded from participation in or be subjected to discrimination under any program, service, or activity on the basis of race, color, national origin, sex, age, disability, low-income status, or limited English proficiency. To this end, ODOT has executed a Title VI/Nondiscrimination Policy.

Completed Activities/Accomplishments

Description	Completion Date
Updated Title VI/Nondiscrimination Policy to reflect the designation of a new Title VI Coordinator; submitted updated policy to the ODOT Director for approval and signature; published updated policy on the ODOT internet site	October 2015

Planned Activities/Goals

Description	Target Timeframe
Update Title VI/Nondiscrimination Policy to reflect changes	As needed
Submit updated policy to the ODOT Director for approval and signature	As needed
Publish updated policy on the ODOT internet site	As needed

Assurances

ODOT has entered into a Nondiscrimination Agreement, Title VI Assurances, with the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). The assurances set forth ODOT's commitment to comply with Title VI in all its programs and activities.

Completed Activities/Accomplishments

Description	Completion Date
Surveyed Central Office Divisions to determine which offices execute contracts. Central Office Divisions were provided a copy of the signed assurances. Central Office Divisions were also provided the required assurance language in multiple formats for ease of inclusion in draft contract templates. Central Office Divisions were given guidance on incorporating assurance language into all applicable instruments. The Title VI Coordinator used survey responses to develop a list of all offices that execute contracts and the types of contracts executed. This list is being incorporated into the Title VI Program Area Reviews to ensure assurance language is included in executed contacts and updated as necessary.	March 2016
Provided technical assistance to the Office of Chief Legal Counsel (CLC) by developing a reference chart of the required Title VI assurance language and applicable instruments for use when CLC reviews contracts for other offices, divisions and districts within ODOT to help ensure Title VI assurance language is included in all applicable instruments	March 14, 2016
Provided technical assistance to the Office of Chief Legal Counsel through updating Personal Service Contract templates to include assurance language	March 21, 2016
Provided technical assistance to various offices, divisions and districts within ODOT through updating contracts and contract templates to include assurance language, including but not limited to: Office of Transit, Rail Development Commission, Office of Statewide Planning and Research, Office of Local Programs, and Office of Consultant Services	May 2016 – August 2016

Planned Activities/Goals

Description	Target Timeframe
Update and execute Standard Title VI/Nondiscrimination Assurances pursuant to DOT Order No. 1050.2A	As needed
Send notice to all ODOT Districts and Divisions with the updated assurances	As needed
Survey ODOT Districts and Divisions to determine which offices execute contracts	Annually
Update list of all offices that execute contracts and the types of contracts executed	Annually
Review executed contracts to ensure assurance language is included	Annually

Organization & Staffing

ODOT is committed to establishing an independent Civil Rights Unit which has the structure to carry out required responsibilities and adequately staffing the Civil Rights Unit with clearly defined responsibilities to effectively fulfill its Title VI responsibilities.

Completed Activities/Accomplishments

Description	Completion Date
Aisha Powell was designated Title VI Coordinator. The Title VI Coordinator has easy access to the ODOT Director on Title VI issues and is responsible for monitoring ODOT's Title VI activities, as well as preparing required reports.	October 1, 2015
ODOT's Office of Equal Opportunity (OEO), which houses its Title VI Program, designated a Training Program Manager who is responsible for its civil rights training programs, including the Title VI training program.	April 4, 2016
OEO added three Equal Opportunity Investigators who are responsible for handling complaints of discrimination, harassment and retaliation – including alleged violations of Title VI and its related nondiscrimination laws.	February 22, 2016 – September 6, 2016
OEO posted a Title VI Specialist position which will be responsible for assisting the Title VI Coordinator with implementing ODOT's Title VI/Nondiscrimination Program.	September 7, 2016
OEO designated a Title VI Policy Team and Interdisciplinary Team who will help ensure compliance with Title VI.	September 9, 2016

Planned Activities/Goals

Description	Target Timeframe
Evaluate organizational structure to ensure ODOT maintains its ability to implement a robust Title VI/Nondiscrimination Program	April 30, 2017

*ODOT has engaged a consultant which, as one of its tasks, will be evaluating ODOT's organizational structure in furtherance of this goal. The timeline of completion for all items the consultant will be tasked with is April 30, 2017.	
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Program Reviews

(*This includes special emphasis program areas and directives)

In furtherance of developing and implementing tools to ensure ODOT's beneficiaries have access to and receive services in an equitable manner, assessments will be conducted of key functional areas.

Completed Activities/Accomplishments

Description	Completion Date
Established monthly meetings between Executive Leadership and the Title VI team to address any issues that may arise in the delivery of ODOT's programs and services to its beneficiaries	January 2016
Proposed engaging Title VI/industry experts scoped with the following: <ul style="list-style-type: none"> • Conduct assessments of the key functional areas, including reviews of all written materials for Title VI compliance; • Provide a written report of recommendations to ODOT's Title VI Program Manager on any potential compliance issues, opportunities for improvement and suggested solutions; and, • Develop an internal monitoring plan and assist ODOT in implementing 	January 2016
Published Request for Proposals (RFP) for Title VI consultant	March 2, 2016
RFP awarded to Keen Independent Research, LLC	April 25, 2016
Began the process of working with Keen, including: providing program documentation; identifying program areas for review and interdisciplinary team members; and, evaluating process for sub-recipient monitoring	May 2016
Continued working with Keen, including: process mapping to identify where there are key decision points in ODOT-let and local-let project planning and delivery that have Title VI implications; exploring implementing a disparate impact policy; and, preparing for the kick-off meeting with Keen and ODOT that will include training and interviews for/with ODOT staff	June 2016
Hosted kick-off meeting with Keen which included interviews and training with Executive Leadership, Environmental Services, Real Estate, Local Programs, Transit, Statewide Planning and Research, Program Management and Small and Disadvantaged Business Enterprise	July 18-19, 2016
Continued working with Keen, including: finalizing interdisciplinary team members; developing a policy team; finalizing program areas to be reviewed; identifying special emphasis areas; developing questions for program area reviews; identifying documents that need to be reviewed; planning for next round of interviews scheduled for October 2016	August 2016

Continued working with Keen, including: designating a policy team and interdisciplinary team and beginning program area reviews – which include interviews, document reviews, assurance language survey, data collection survey and evaluation of sub-recipient monitoring	September 2016
Conducted Program Area Review of the Office of Real Estate	September 27, 2016

Planned Activities/Goals

Description	Target Timeframe
Continue working with Keen to: <ul style="list-style-type: none"> • Develop program area review procedures • Conduct program area reviews/assessments of key functional areas • Conduct a review of all written materials to determine whether there are Title VI implications • Determine which documents would be considered vital documents that should be translated into other languages in accordance with LEP requirements • Identify any program areas that should be designated as special emphasis program areas • Identify data collected in each key functional area that can be used to identify trends or patterns of discrimination • Conduct an analysis of data in the special emphasis program areas to identify trends or patterns of discrimination that is repeatable, sustainable and efficient and recommend an action plan to address any trends or patterns of discrimination in the special emphasis program areas that are identified • Identify any and all sub-recipients in each key functional area (e.g. – local public agencies, metropolitan planning organizations, universities, etc.); how the list of sub-recipients is kept current; whether any reviews of the sub-recipients are conducted; if so, how often the reviews occur, when the reviews occur, what subject matter the review covers, whether a Title VI assessment could be added to the review • Develop an internal monitoring plan to include compliance questions, associated regulations, documents to review and review results and recommendations with risks identified and implementation schedule/review calendar 	October 1, 2016 – April 30, 2017
Conduct Program Area Review of the Office of Statewide Planning and Research and the Office of Program Management	October 6, 2016
Conduct Program Area Review of the Office of Local Programs and the Local Technical Assistance Program	October 24, 2016
Conduct Program Area Review of the Office of Transit	October 27, 2016
Conduct Program Area Review of the Office of Environmental Services	October 31, 2016
Conduct Program Area Review of the Office of Small & Disadvantaged Business Enterprise and the Office of Contract Sales	October 31, 2016

Conduct Program Area Review of the Division of Opportunity, Diversity & Inclusion	October 31, 2016
Complete program area review analysis and prepare report on findings with recommendations for each area	November 30, 2016
In future submissions of its Annual Goals and Accomplishments Report, ODOT plans to include a summary providing the number of reviews conducted, common deficiencies/results found, and planned follow-up with target timeframes.	October 1, 2017

Sub-Recipient Reviews

ODOT expects its sub-recipients to comply with nondiscrimination requirements as an integral part of doing business with ODOT. Thus, ODOT will conduct reviews of sub-recipients to ensure such compliance.

Completed Activities/Accomplishments

Description	Completion Date
361 individuals took the online training course on Title VI and Environmental Justice that was developed in partnership with the Local Technical Assistance Program (LTAP) for sub-recipients and anyone else interested in taking the course *The LPA Training Program consists of 12 modules including one module on Title VI, entitled "Title VI for LPAs." The number of individuals completing the course is tracked by LTAP and will be reported to the Title VI Program annually for inclusion in this Report.	2015
Presented on the ODOT Title VI Program to MPOs and RTPOs at the Environmental Justice Training Program held at the Mid-Ohio Regional Planning Commission	December 2015
Participated in the certification review for the Toledo Metropolitan Area Council of Governments	January 2016
Proposed engaging Title VI/industry experts scoped with the following: <ul style="list-style-type: none"> • Conduct assessments of the key functional areas, including reviews of all written materials for Title VI compliance; • Provide a written report of recommendations to ODOT's Title VI Program Manager on any potential compliance issues, opportunities for improvement and suggested solutions; and, • Develop an internal monitoring plan and assist ODOT in implementing 	January 2016
Surveyed Local Public Agencies (LPAs) on their knowledge of, training on and compliance with Title VI	February 24, 2016 – March 31, 2016
Published Request for Proposals (RFP) for Title VI consultant	March 2, 2016
RFP awarded to Keen Independent Research, LLC	April 25, 2016

<p>Draft report on the LPA Survey Results was made available. 87 agencies responded (<i>220 is the average annual number of Ohio's LPAs who choose to participate in the local-let program</i>). The results of the survey were as follows:</p> <ul style="list-style-type: none"> • 63 or 72% have completed the Title VI online training module for LPAs • 27 or 31% would be interested in receiving additional information or training on Title VI • 58 or 67% indicated that their agency understands Title VI • 57 or 66% indicated that their agency has a process in place to ensure Title VI compliance <p>These results will be used to assist in developing training and technical assistance tools, as well as the external monitoring plan for sub-recipients.</p>	<p>April 25, 2016</p>
<p>Began the process of working with Keen, including evaluating process for sub-recipient monitoring</p>	<p>May 2016</p>
<p>Division of Opportunity, Diversity and Inclusion (ODI) staff presented "DBE Goals and MPOs" at the Ohio Association of Regional Councils (OARC) meeting</p>	<p>July 22, 2016</p>
<p>ODI staff presented "Title VI: What's an MPO to Do?" at the Ohio Planning Conference</p>	<p>July 27, 2016</p>
<p>Completed Annual Report on Ohio Metropolitan Planning Organizations (MPOs) Title VI Baseline Assessment Tool Summary – the results of the annual assessment were as follows:</p> <ul style="list-style-type: none"> • The MPOs have written complaint processes of which it makes the public is aware. • The MPOs have a designated employee who is knowledgeable about Title VI. • The MPOs are not providing training in Title VI. • The MPOs have not received requests for translation services for LEP persons. • The MPOs use demographic data to develop socio-demographic profiles. • The MPOs assess the impact of the transportation planning process on minority and non-minority populations. • The MPOs are following ODOT's requirements with regard to contract language and DBE goal setting. However, the MPOs need to gain a better understanding of required contract language for Title VI and DBE as well as the process for DBE goal setting and monitoring. <p>ODOT plans to address identified issues as follows:</p> <ul style="list-style-type: none"> • Host a Title VI training seminar to provide an overview of Title VI and its related nondiscrimination laws; provide clarification on required contract language for Title VI and DBE; and, provide 	<p>August 17, 2016</p>

<p>clarification on the process for coordinating with ODOT on DBE goal setting, monitoring and reporting.</p> <ul style="list-style-type: none"> Update the MPO Title VI Baseline Assessment Tool survey to include DBE goal setting and results 	
ODI staff participated in multiple LPA Days events, including presenting on “LPA Title VI/Nondiscrimination Program Responsibilities”	September 2016
Continued working with Keen, including beginning program area reviews – which include evaluation of sub-recipient monitoring	September 2016
During FFY 2016, 122 individuals completed the “Title VI for LPAs” online training course on Title VI and Environmental Justice	September 30, 2016

Planned Activities/Goals

Description	Target Timeframe
<p>Continue working with Keen to:</p> <ul style="list-style-type: none"> Identify any and all sub-recipients in each key functional area (e.g. – local public agencies, metropolitan planning organizations, universities, etc.); how the list of sub-recipients is kept current; whether any reviews of the sub-recipients are conducted; if so, how often the reviews occur, when the reviews occur, what subject matter the review covers, whether a Title VI assessment could be added to the review Develop an external monitoring plan 	October 1, 2016 – April 30, 2017
Present at Title VI Workshop for MPOs and RTPOs	December 7, 2016
Conduct reviews of sub-recipients	March 31, 2017
Partner with the Office of Local Programs to ensure Title VI is part of the local-let qualification process for LPAs	March 31, 2017
In future submissions of its Annual Goals and Accomplishments Report, ODOT plans to include a summary providing the number of reviews conducted, common deficiencies/results found, and planned follow-up with target timeframes.	October 1, 2017

Data Collection/Reporting/Analysis

ODOT will conduct data collection and analysis activities to identify trends and demonstrate that it is providing its programs and services in a nondiscriminatory manner.

Completed Activities/Accomplishments

Description	Completion Date
<p>Proposed engaging Title VI/industry experts scoped with the following:</p> <ul style="list-style-type: none"> Develop a system ODOT can utilize going forward to collect and analyze data from key functional areas 	January 2016
Published Request for Proposals (RFP) for Title VI consultant	March 2, 2016

RFP awarded to Keen Independent Research, LLC	April 25, 2016
Worked with Keen, including beginning program area reviews – which include interviews, document reviews, assurance language survey, data collection survey and evaluation of sub-recipient monitoring	September 2016

Planned Activities/Goals

Description	Target Timeframe
Continue working with Keen to: <ul style="list-style-type: none"> • Identify data collected in each key functional area that can be used to identify trends or patterns of discrimination • Develop a system ODOT can utilize going forward to collect and analyze data from key functional areas • Conduct an analysis of data in the special emphasis program areas to identify trends or patterns of discrimination that is repeatable, sustainable and efficient and recommend an action plan to address any trends or patterns of discrimination in the special emphasis program areas that are identified 	October 1, 2016 – April 30, 2017

Training

In furtherance of its goal to have Title VI considerations engrained in how ODOT conducts business and how it provides its services, ODOT has taken steps to ensure its employees and sub-recipients receive Title VI training.

Completed Activities/Accomplishments

Description	Completion Date
361 individuals took the online training course on Title VI and Environmental Justice that was developed in partnership with the Local Technical Assistance Program (LTAP) for sub-recipients and anyone else interested in taking the course *The LPA Training Program consists of 12 modules including one module on Title VI, entitled “Title VI for LPAs.” The number of individuals completing the course is tracked by LTAP and will be reported to the Title VI Program annually for inclusion in this Report.	2015
Presented on the ODOT Title VI Program to MPOs and RTPOs at the Environmental Justice Training Program held at the Mid-Ohio Regional Planning Commission	December 2015
Proposed engaging Title VI/industry experts scoped with the following: <ul style="list-style-type: none"> • Develop Title VI training for key functional areas that is repeatable, sustainable and efficient for those employees tasked with these responsibilities or daily tasks 	January 2016
Presented on Title VI and the commitment needed from every district and division to ensure ODOT’s programs and services are delivered in a nondiscriminatory manner at the Senior Leadership meeting	January 21, 2016

Developed live Title VI Overview training course for all employees	February 2016
Created a short Title VI overview video that was distributed to all ODOT employees and posted to the ODOT Title VI internet page. The video included a message from the Director emphasizing ODOT's commitment to delivering its programs and services in a nondiscriminatory manner as well as messages from the Title VI Coordinator and Training Program Manager.	February 4, 2016
Conducted Title VI Overview Training for ODOT Executive Leadership, Central Office Division Deputy Directors and Office Administrators	February 11 & 12, 2016
Published Request for Proposals (RFP) for Title VI consultant	March 2, 2016
Designated a dedicated Training Program Manager for civil rights program areas who will ensure Title VI training is provided to all ODOT employees and sub-recipients	April 4, 2016
Began providing Title VI Overview Training to all District employees *Small group training sessions will be scheduled in each county until all employees have been trained, then refresher training will begin	April 14, 2016
RFP awarded to Keen Independent Research, LLC	April 25, 2016
Training Program Manager provided Title VI Overview training to 84 District employees	As of April 25, 2016
Training Program Manager provided training to an additional 41 District employees	As of May 18, 2016
Hosted kick-off meeting with Keen which included interviews and training with Executive Leadership, Environmental Services, Real Estate, Local Programs, Transit, Statewide Planning and Research, Program Management and Small and Disadvantaged Business Enterprise	July 18-19, 2016
ODI staff presented "DBE Goals and MPOs" at the Ohio Association of Regional Councils (OARC) meeting	July 22, 2016
ODI staff presented "Title VI: What's an MPO to Do?" at the Ohio Planning Conference	July 27, 2016
Training Program Manager provided training to an additional 107 District employees	As of August 24, 2016
Training Program Manager provided training to an additional 354 District employees	As of September 12, 2016
ODI staff participated in multiple LPA Days events, including presenting on "LPA Title VI/Nondiscrimination Program Responsibilities"	September 2016
During FFY 2016, 122 individuals completed the "Title VI for LPAs" online training course on Title VI and Environmental Justice	September 30, 2016

Planned Activities/Goals

Description	Target Timeframe
Continue Title VI Overview Training for all ODOT employees	Ongoing

Work with Keen to: <ul style="list-style-type: none"> Develop Title VI training for key functional areas that is repeatable, sustainable and efficient for those employees tasked with these responsibilities or daily tasks 	October 1, 2016 – April 30, 2017
Present at Title VI Workshop for MPOs and RTPOs	December 7, 2016
Develop a brochure or card on Title VI that will be available to all employees	December 31, 2016
Develop a web-based training course for all employees	December 31, 2016
Develop Title VI and Environmental Justice for NEPA online training course	June 30, 2017

Complaints

ODOT has an established complaint procedure that describes a prompt process for investigations and disposition of Title VI complaints.

No formal Title VI complaints were filed during the time period encompassing this Report. However, the following ADA/504 complaints and Title VI matter were raised during the time period in question.

Robert and Cynthia Madej v. Athens County Engineer’s Office

- On October 28, 2015, Robert and Cynthia Madej filed a complaint with ODOT alleging that Ms. Madej’s rights were violated based on her disability when the Athens County Engineer’s Office completed a chip and seal paving project on portions of the road on which her home is located without providing proper notice to her prior to beginning work on the project. The Madej’s also have an ongoing court case regarding same. ODOT has been in contact with the County Engineer and the County Prosecutor regarding this matter. ODOT undertook an investigation into the above-referenced allegations. ODOT has completed its investigation and submitted its report and recommendations to FHWA.

Mark Dabney v. Greater Cleveland Regional Transit Authority (GCRTA)

- On March 18, 2016, Mark Dabney filed a complaint with ODOT alleging that, due to his disability, he had been subjected to sexual assaults at GCRTA facilities. ODOT determined it lacked jurisdiction to investigate the allegations for the following reasons: 1) ODOT has no jurisdiction to investigate criminal acts such as the sexual assault allegations contained in the correspondence and outlined in one of the police reports provided; and, 2) GCRTA is a direct recipient of federal funding through the Federal Transit Administration (FTA). As such, ODOT forwarded the matter to local law enforcement. On March 22, 2016, such was communicated to Mr. Dabney in writing along with complaint filing information for GCRTA and FTA and the matter was closed.

William Hollon v. Central Ohio Transit Authority (COTA)

- On April 11, 2016, William Hollon contacted ODOT to file a complaint against COTA alleging disability discrimination. Mr. Hollon stated that he believed the paratransit

services provided by COTA were unreliable because requested service was either not provided or arrived late. ODOT determined that it lacked the jurisdiction to investigate the allegations because COTA is a direct recipient of federal funding through FTA. Mr. Hollon was advised of his rights to file a complaint with FTA and/or the Ohio Civil Rights Commission.

Kaethe and Phyllis Boehme v. Cuyahoga County Department of Public Works

- On August 24, 2016, Phyllis Boehme contacted the State of Ohio alleging age discrimination and denial of service in relation to a Cuyahoga County resurfacing project. Specifically, Ms. Boehme was concerned that her mother's [Kaethe Boehme] driveway had not been repaired after Cuyahoga County resurfaced Barton Road, a county road, and alleged she believed it may have been due to her mother's age [93 years of age]. The resurfacing project required the removal of concrete from private driveways along the resurfacing route. The County was supposed to replace the concrete it removed from the private driveways after the resurfacing project was complete. Ms. Boehme indicated that the concrete removed from her mother's driveway had not been replaced with concrete, but rather with gravel. The project engineer confirmed that the section of driveway removed from Ms. Boehme's property was supposed to be replaced with concrete. The project engineer contacted Ms. Boehme to inform her that he had directed the contractor to replace the section with concrete. He also provided that the section of the driveway that was gravel prior to the resurfacing project would have new asphalt installed and that her damaged landscaping would be repaired.

Completed Activities/Accomplishments

Description	Completion Date
Proposed engaging Title VI/industry experts scoped with the following: <ul style="list-style-type: none"> Conduct assessments of the key functional areas, including reviews of all written materials for Title VI compliance; Provide a written report of recommendations to ODOT's Title VI Program Manager on any potential compliance issues, opportunities for improvement and suggested solutions; and, Develop an internal monitoring plan and assist ODOT in implementing 	January 2016
Published Request for Proposals (RFP) for Title VI consultant	March 2, 2016
RFP awarded to Keen Independent Research, LLC	April 25, 2016

Planned Activities/Goals

Description	Target Timeframe
Establish a process that will enable beneficiaries to submit a Title VI complaint online via the ODOT internet site for external users as well as the ODOT intranet site for internal users	December 31, 2016
Perform outreach and provide education to ensure ODOT beneficiaries are aware of ODOT's Title VI complaint process	December 31, 2016

*ODOT plans to provide information internally through program reviews and training and externally through web-based content and outreach events to ensure ODOT beneficiaries are aware of, and have access to, ODOT's complaint process.	
Receive final recommendations from Keen on potential compliance issues, opportunities for improvement and suggested solutions, including on the complaint process	April 30, 2017

Dissemination of Title VI Information

ODOT currently makes Title VI information available through its internet site.

Completed Activities/Accomplishments

Description	Completion Date
Updated the Notice to Beneficiaries and published it on the ODOT internet site	February 10, 2016

Planned Activities/Goals

Description	Target Timeframe
Continue to develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English	As needed

Limited English Proficiency

ODOT will take reasonable steps to make its programs, services, and activities accessible to persons with LEP.

Completed Activities/Accomplishments

Description	Completion Date
Proposed engaging Title VI/industry experts scoped with the following: <ul style="list-style-type: none"> • Conduct assessments of the key functional areas, including reviews of all written materials for Title VI compliance; • Provide a written report of recommendations to ODOT's Title VI Program Manager on any potential compliance issues, opportunities for improvement and suggested solutions, including determining which documents would be considered vital documents that should be translated into other languages in accordance with LEP requirements 	January 2016
Published Request for Proposals (RFP) for Title VI consultant	March 2, 2016
After benchmarking with the Ohio Turnpike Commission, ODOT began the process of developing a Foreign Language Aid for Incident Responders to be used by ODOT's State Farm Safety Patrol.	March 2016
Provided technical assistance to the Office of Environmental Services and District 8 as it related to a project impacting a predominantly Spanish	March 2016

speaking community in which public involvement documents were being translated into Spanish to ensure the impacted community had meaningful access to participate in the planning process for the project	
RFP awarded to Keen Independent Research, LLC	April 25, 2016
Worked with Keen to begin the process of updating the factor one analysis of ODOT's LEP Plan and identify vital documents that should be translated into other languages in accordance with LEP requirements	May 2016 – September 2016

Planned Activities/Goals

Description	Target Timeframe
Continue working with Keen to: <ul style="list-style-type: none"> • Update the factor one analysis of ODOT's LEP Plan • Determine which documents would be considered vital documents that should be translated into other languages in accordance with LEP requirements 	October 1, 2016 – April 30, 2017
Develop Title VI and LEP guidelines for the environmental review process	October 31, 2016
Develop a Foreign Language Aid for Incident Responders to be used by ODOT's State Farm Safety Patrol	June 30, 2017

Environmental Justice

ODOT is tasked to ensure 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.

Completed Activities/Accomplishments

Description	Completion Date
As part of the disproportionate EJ impacts on the Opportunity Corridor project in Cleveland, Ohio, ODOT provided \$750,000 toward mitigating measures for those impacted individuals. The \$750,000 is being used to assist residents in the impacted communities by providing training for jobs in high demand industries.	2015
Proposed engaging Title VI/industry experts scoped with the following: <ul style="list-style-type: none"> • Conduct assessments of the key functional areas, including reviews of all written materials for Title VI compliance; • Provide a written report of recommendations to ODOT's Title VI Program Manager on any potential compliance issues, opportunities for improvement and suggested solutions; and, • Develop an internal monitoring plan and assist ODOT in implementing 	January 2016
Published Request for Proposals (RFP) for Title VI consultant	March 2, 2016

Provided technical assistance to the Office of Environmental Services and District 8 as it related to a project impacting a predominantly Spanish speaking community in which public involvement documents were being translated into Spanish to ensure the impacted community had meaningful access to participate in the planning process for the project	March 2016
RFP awarded to Keen Independent Research, LLC	April 25, 2016
Reviewed and provided comments on the final draft of the Office of Environmental Services Environmental Justice Guidance	April 29, 2016
Hosted kick-off meeting with Keen which included interviews and training with Executive Leadership, Environmental Services, Real Estate, Local Programs, Transit, Statewide Planning and Research, Program Management and Small and Disadvantaged Business Enterprise	July 18-19, 2016
Worked with Keen, including beginning program area reviews – which include an evaluation of ODOT’s EJ compliance activities	September 2016

Planned Activities/Goals

Description	Target Timeframe
Develop Title VI and LEP guidelines for the environmental review process	October 31, 2016
Develop Title VI and Environmental Justice pre-qualification requirement for consultants	December 31, 2016
Continue working with Keen and in partnership with ODOT districts and divisions to ensure ODOT is: <ul style="list-style-type: none"> • Assessing the benefits and adverse effects of transportation activities among different population groups and developing procedures, goals, and performance measures appropriately • Ensuring its activities satisfy the letter and intent of Title VI requirements and EJ principles • Enhancing public involvement activities to ensure the meaningful participation of minority and low-income populations • Working with federal, State, local, and transit planning partners to create and enhance intermodal systems, and support projects that can improve the natural and human environments for low-income and minority communities 	October 1, 2016 – April 30, 2017
Develop Title VI and Environmental Justice for NEPA online training course	June 30, 2017

Compliance and Enforcement Procedures

ODOT is committed to implementing compliance and enforcement procedures to eliminate and address discrimination and resolve deficiencies when noncompliance occurs.

Completed Activities/Accomplishments

Description	Completion Date
<p>Proposed engaging Title VI/industry experts scoped with the following:</p> <ul style="list-style-type: none"> • Conduct assessments of the key functional areas, including reviews of all written materials for Title VI compliance; • Provide a written report of recommendations to ODOT’s Title VI Program Manager on any potential compliance issues, opportunities for improvement and suggested solutions; and, • Develop an internal monitoring plan and assist ODOT in implementing 	January 2016
Published Request for Proposals (RFP) for Title VI consultant	March 2, 2016
RFP awarded to Keen Independent Research, LLC	April 25, 2016
Began the process of working with Keen, including: providing program documentation; identifying program areas for review and interdisciplinary team members; and, evaluating process for sub-recipient monitoring	May 2016
Continued working with Keen, including: process mapping to identify where there are key decision points in ODOT-let and local-let project planning and delivery that have Title VI implications; exploring implementing a disparate impact policy; and, preparing for the kick-off meeting with Keen and ODOT that will include training and interviews for/with ODOT staff	June 2016
Hosted kick-off meeting with Keen which included interviews and training with Executive Leadership, Environmental Services, Real Estate, Local Programs, Transit, Statewide Planning and Research, Program Management and Small and Disadvantaged Business Enterprise	July 18-19, 2016
Continued working with Keen, including: finalizing interdisciplinary team members; developing a policy team; finalizing program areas to be reviewed; identifying special emphasis areas; developing questions for program area reviews; identifying documents that need to be reviewed; planning for next round of interviews scheduled for October 2016	August 2016
Continued working with Keen, including: designating a policy team and interdisciplinary team and beginning program area reviews – which include interviews, document reviews, assurance language survey, data collection survey and evaluation of sub-recipient monitoring	September 2016

Planned Activities/Goals

Description	Target Timeframe
<p>Continue working with Keen to:</p> <ul style="list-style-type: none"> • Identify potential compliance issues, opportunities for improvement and suggested solutions • Develop and implement procedures to address/eliminate discrimination • Develop and implement procedures to resolve program deficiencies 	October 1, 2016 – April 30, 2017

Disadvantaged Business Enterprise

ODOT is committed to ensuring nondiscrimination in the award and administration of DOT-assisted contracts; helping to remove barriers to the participation of DBEs in DOT-assisted contracts; and, assisting in the development of firms that can compete successfully in the marketplace outside of the DBE program.

Completed Activities/Accomplishments

Description	Completion Date
Revised project goal setting process to incorporate the review of a list of pre-qualified DBE firms by work type; list of certified DBE firms; list of DBE subcontractors' previous work type; and, associative knowledge of non-pre-qualified DBE firms	2015
Established a process whereby Intent to Subcontract (C-92) requests and subcontractor agreements are reviewed and compared to the DBE Commitment documents. C-92 Requests to Sublet must be submitted prior to the DBE beginning work. The prime contractor must submit a copy of the subcontract agreement identifying the specific items of work which the DBE is to be performing. This information is then compared to the DBE Commitment and Utilization forms submitted at the time of bid. If there are any inconsistencies, they are addressed prior to approval of the C-92. A review of the C-92 and subcontract is performed to ensure that the DBE firm maintains the proper NAICS codes to perform the specific items of work listed on the C-92. If adjustments need to be made to goal credit, those will be made at that time and the contractor is instructed on whether it needs to revise its DBE Utilization plan.	2015
Revised DBE Affirmation form to include a list of qualifying questions with regard to trucking with an identified method for tracking trucking participation to ensure accurate counting of trucking	December 23, 2015
Revised PN 13 to require prime contractors to submit their DBE commitments at bid time as a matter of responsiveness. The Apparent Low Bidder must submit affirmation forms from all DBE firms identified on its commitment within 5 days of bid opening as a matter of responsibility. The DBE Affirmation form requires that the specific type of work be identified (if trucking, the firm must state the commodity and where the trucking is occurring), the type of DBE (subcontractor, supplier (manufacturer, regular dealer or broker) consultant, service or other) and a list of qualifying questions for suppliers to determine commercially useful function (CUF) for suppliers.	December 31, 2015
Created a GFE Committee that includes members from the Office of Small and Disadvantaged Business Enterprise, the Office of Contracts, the Construction Claims Coordinator, Construction Partnering and Local Programs Engineer as well as two alternate members representing a construction specialty and consultant/engineering services that will attend	January 31, 2016

meetings on a case by case basis as requested by the Chairperson. A GFE Committee Charter was drafted which outlines the purpose, frequency, members, format and findings of the GFE Committee. The Committee will meet anytime there is a DBE goal shortfall in excess of 20% of the assigned DBE goal. An internal GFE Evaluation Form has been created which will be utilized anytime a GFE evaluation is required in order to document the GFE review process and ensure consistency. This form will be utilized anytime there is a goal shortfall, and not just when the GFE Committee meets. An external form has been drafted which will be posted on-line and available for contractor/consultant utilization.	
Developed a comprehensive CUF Procedure Manual which was approved by FHWA-Ohio Division	March 17, 2016
To ensure FHWA Form 1273 is physically incorporated into all ODOT-let contracts, regardless of tier, ODOT created an affirmation within the Civil Rights and Labor (CRL) System where the subcontractor is required to affirm receipt of FHWA Form 1273 in conjunction with the prompt payment affirmation. ODOT drafted and adopted a PN to contractually require the contractor and subcontractors to utilize CRL to affirm prompt payment and receipt of FHWA Form 1273. ODOT provided notice to the contracting industry of this requirement as well as web-based training.	March 24, 2016
Revised PN 13 to incorporate procedures regarding joint checks	March 31, 2016
Revised contract goal setting procedures in DBE Program Plan to include discussion on various considerations and their relevance in determining contract goals	June 30, 2016
ODI surveyed the Offices of Aviation, Transit and Consultant Services to determine whether 49 CFR 26.13(b) language was being incorporated into all DOT-assisted contracts in which Form 1273 is not required. ODI provided each office with the applicable clause for inclusion in its standard terms and conditions for all of its DOT-assisted contracts. ODI has worked with each office to update its standard terms and conditions to ensure the clause is included in all future DOT-assisted contracts. Each of the offices has updated its standard terms and conditions to include 49 CFR 26.13(b) language.	July 5, 2016

Planned Activities/Goals

Description	Target Timeframe
Develop a process to provide certification of project DBE compliance	December 31, 2016
Design and implement a system to track payments and goals in real time; ensure DBE compliance materials are available for review and inspection; and, ensure complete and accurate reporting on the Uniform Report of Awards, Commitments and Payments	December 31, 2016
Complete audit of DBE certification files to ensure certified DBEs meet certification standards and that North American Industry Classification System (NAICS) codes are properly assigned	December 31, 2016

<p>Develop a Quality Assurance Review (QAR) to ensure compliance with all contractor compliance program requirements and adherence with to be developed procedures (e.g., CUF procedures); train Contractor Compliance Officers (CCOs) on the QAR process and requirements; revise ODOT Manual of Procedures (housed in the Division of Construction Management) to reflect the QAR process and requirements</p>	<p>March 31, 2017</p>
<p>Create standard operating procedures for all aspects of the certification process, including: initial certification; review of annual declarations; regular file audits; decertification procedures; and, the review and retention of documentation</p>	<p>June 30, 2017</p>