5.0 Underserved Populations

"Be inclusive...when you bring more heads together, you get more answers."
Cindy Kent, Sun Sentinel

Communities can be comprised of minority, low-income, older adults, individuals with disabilities, non-English speaking residents, and various ethnic groups. These traditionally underserved populations oftentimes find it difficult to participate in customary public involvement (PI) activities. This is commonly attributed to lack of adequate transportation options, inaccessible meeting locations, lack of access to print and social media, or simply being excluded and not informed from the beginning. Obtaining input from every segment of the population, to the extent practical, is critical to successful transportation planning, development, and decision-making. Developing unique and innovative methods to reach out to underserved populations that go beyond customary PI approaches and techniques (e.g. press releases) can stimulate involvement.

The Ohio Department of Transportation's (ODOT) PI process requires the identification of and engagement with underserved populations. Depending on a project’s type and complexity, specific activities may be needed during each phase of the Project Development Process (PDP) to ensure underserved populations are involved. The appropriate message and delivery technique will be developed by District Environmental Staff, the Project Manager (PM), or the Project Management Team with assistance from vital stakeholders, as needed, to ensure meaningful communication and dialogue is established and that effective distribution of information takes place.

5.1 Environmental Justice

Executive Order (EO) 12898 directs federal agencies to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of programs, policies, and activities upon minority and low-income populations. Per the Federal Highway Administration (FHWA) Order 6640.23A, a disproportionately high and adverse effect on a minority or low-income population means the adverse effect is predominately borne by such population or is appreciably more severe or greater in magnitude on the minority or low-income population than the adverse effect suffered by the non-minority and/or low-income population.

An Executive Order is a directive issued by the President of the United States that has the power of federal law. The issuance of an EO is to direct and assist in the management of Federal Government operations. While all EOs have the power of law, a lawsuit cannot be brought under an EO. For litigation purposes, lawsuits related to Environmental Justice (EJ) are brought under Title VI (see 5.2).
Minorities are defined as:

**Black** - A person having origins in any of the black racial groups of Africa

**Hispanic** - A person of Mexican, Puerto Rican, Cuban, Central or South American origins, or the Spanish culture or origin, regardless of race

**Asian American** - A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific

**American Indian and Alaskan Native** - A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition

Low-income is defined as: A median household income that is at or below the Department of Health and Human Services Poverty Guidelines

Based on EO 12898 and FHWA Order 6640.23A, ODOT ensures that transportation projects incorporate avoidance, minimization, or mitigation of disproportionately high or adverse effects to EJ populations (including social and economic impacts). This is accomplished by affording opportunities for full and fair participation in the decision-making process to prevent the denial of, reduction in, or significant delay in the receipt of benefits. The identification of EJ populations and analysis of impacts are defined in ODOT's EJ Guidance that must be followed for all CE Levels 1-4, EA and EIS projects.

In accordance with existing regulations and ODOT’s EJ Guidance, EJ populations must be:

- Identified early in the Project Development Process (PDP)
- Informed and proactively engaged during every phase of the PDP
- Assured that efforts will be made to avoid, minimize or mitigate disproportionately high and adverse effects (if known or anticipated)

### 5.2 Title VI

Under *Title VI of the Civil Rights Act of 1964* and related statutes, 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. In conjunction with Title VI, there are other nondiscrimination statutes that afford legal protection and are applicable to Federal programs and those programs receiving federal financial assistance:

- Age Discrimination Act of 1975
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- Executive Order 13166
The **Age Discrimination Act of 1975** requires that no person shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

**Section 504 of the Rehabilitation Act of 1973** requires that no individual with a disability shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Amendments to this section can be found in the **Rehabilitation, Comprehensive Services, and Development Disabilities Act of 1978**.

The **Americans with Disabilities Act** (ADA) requires that individuals with disabilities be provided equal opportunity to participate in or benefit from public services, programs, and activities. The ADA prohibits discrimination and ensures equal opportunity for persons with disabilities. By encouraging the involvement of individuals with disabilities, ODOT is able to obtain valuable perspectives on the attitudes and needs of the disabled community.

Executive Order **13166** requires federal agencies to evaluate services provided and ensure the needs of Limited English Proficiency (LEP) persons seeking access to federal programs and activities are meaningfully addressed.

## 5.3 Engaging Diverse Populations

Compliance with laws and implementing regulations and directives assures every effort is made to prevent discrimination during PI activities and programs. In addition, all reasonable steps to provide meaningful access to services for persons that are of LEP are taken. It is imperative that all necessary steps be taken to ensure opportunity for meaningful participation is provided and that regulatory statutes are met.

Public involvement activities are intended to inform and educate underserved populations of critical transportation issues surrounding a project. Once they are made aware of why a project is needed and how daily travel and quality of life may be impacted, establishing effective two-way communication will increase the understanding of existing and future concerns. This is important during all phases of the PDP.

Defining project impacts and anticipated benefits will help decision-makers comprehend what is important to the community and avoid disruption to the social and economic fabric. It is imperative that underserved populations be integrated into the decision-making process in order for unique and alternate opinions, perspectives, and ideas to be heard. This effort will assist in establishing consensus and that the transportation decisions made satisfy community needs.

Recognizing and understanding why customary PI activities may not be adequate in encouraging proactive involvement amongst underserved populations is important to the success of PI activities. Activities that target certain segments of the population are not only discriminatory, but neglect to obtain diverse viewpoints and understand the needs of a specific neighborhood or community.
Customary participants are often middle to upper class residents, mainstream community and business leaders, proficient in English, well-educated, dual income families, and homeowners. Public involvement activities, methods and techniques that often accommodate customary participants include:

- Conducting public meetings on weeknights between 6:00 p.m. and 8:00 p.m.
- Conducting public meetings at non-transit served locations
- Mainstream media notifications
- Utilizing e-mail, fliers, direct mailings, a dedicated project website, or social media as primary means of communication

Several reasons exist as to why the approaches, methods, and techniques outlined above may be ineffective in encouraging underserved populations to participate:

- Reliance on schedule-oriented transit or other modes of transportation
- Language barriers
- Lack of reading or writing proficiency
- Lack of internet access
- Unable to subscribe to print media (e.g. newspapers)
- May feel vulnerable at night and prefer meetings held during the morning or afternoon
- Work late night shifts
- Unable to leave children alone or find a babysitter in order to attend a public meeting

### 5.4 Strategic Engagement

There are a number of factors that need to be considered and accounted for when engaging underserved populations. It is imperative that due diligence be taken to identify underserved populations in order to effectively convey issues and solicit input, link cultural, social, and economic needs, utilize techniques that increase participation and interaction, and develop community partnerships.

Effective outreach with underserved populations will not only provide opportunities to participate, but will increase understanding of differing perspectives related to community-specific issues and concerns not previously known, identify potential controversies and issues, and develop viable solutions to mitigate adverse impacts and to address existing transportation problems.

These efforts not only help in the distribution of pertinent information, but also increase the potential of obtaining consensus for decision-making purposes. The greater the consensus among community members, the greater the potential becomes for a successful project outcome. A PI Plan, depending on a project’s type and complexity, will include ways to reach out to and solicit input from underserved populations.
There are a number of strategies, methods, approaches, and techniques that can be used to reach members of the community. Tailored efforts may include:

**Utilizing Existing Stakeholder Networks**

Influential or essential stakeholders that have knowledge about, are connected with, or represent underserved populations, include:

- Local Government and Civic Leaders
- Social Service agencies, Groups and Organizations
  - *Family Services*
  - *Meals on Wheels*
  - *Food Banks*
  - *Goodwill Industries*
  - *YMCA*
- Churches and Religious Organizations
- Senior Centers and Assisted Living Communities
- Transportation Carriers
  - *Transit Operators*
  - *Taxi Companies*

Incorporating this strategy can expand the sharing of information and ideas, the level of input received, and the identification of issues; develop community relationships; and establish credibility and trust.

**Specialized Meetings**

- Stakeholder Advisory Committee or Advisory Group *(see Chapter 7.2.1)*
- Community Meetings
- Workshops or Focus Groups *(see Chapter 7.2.1)*

These types of meetings can enhance the sharing of information and ideas, the level of input received, and the identification of issues; expanding networking opportunities; build consensus; incorporate alternative perspectives; and establish credibility and trust.

**Outreach for Path 1, Path 2, and Non-Complex Path 3 projects**

- Contact local stakeholders that represent underserved populations
- Property Owner Notification Letters (PONLs), if impacted or as appropriate
- Post project notifications and information at local community venues
  - *Libraries*
  - *Parks*
  - *Community Centers (e.g. YMCA)*
  - *Social Service providers*
  - *Churches*
  - *Schools*
  - *Grocery Stores*
• Utilize community newspapers or special publications
• Neighborhood canvassing and one-on-one conversations
  ○ Community leaders present

**Outreach for Complex Path 3 and Path 4 and Path 5 projects**

- Work with local stakeholders and social services representatives
- Translate information into non-English languages
- Place notices and advertisements in neighborhood and non-English publications
- Conduct public meetings and public hearings at accessible locations
- Provide interpreters at public meetings and public hearings
- Create Project Advisory Groups

Outreach efforts help to enhance the sharing of information and ideas, the level of input received, and the identification of issues; expanding networking opportunities; build consensus; incorporate alternative perspectives; and establish credibility and trust.

In order to solicit meaningful input, PI activities must be designed specifically to accommodate the affected community. The challenge may be in determining what segments of the population need to be reached and how to reach them. Minorities are not always in the low-income populations, and low-incomes individuals are not always minorities. Receiving input from every segment of the population, to the extent practical, is critical to successful transportation decision-making.

**5.5 Summary**

Properly implemented, PI activities that engage and encourage participation from underserved populations will enhance the decision-making process by:

- Understanding and meeting essential community needs
- Designing projects to enhance community cohesion
- Establishing community-based partnerships
- Avoiding disproportionately high and adverse impacts
- Minimizing impacts through early identification in the Planning Phase

All projects need to incorporate the following standards to ensure proper outreach with underserved populations takes place (integrate accordingly into a PI Plan, if one is needed):

- Communicate in a easy to understand manner
- Avoid technical jargon and terms
- Provide complete and accurate information in a timely fashion
- Proactively gather input and encourage participation
- Provide adequate notice of PI activities
- Give full consideration to questions, comments, and suggestions received
- Give complete responses to comments received
- Meet all legal requirements

*The Ohio Department of Transportation Public Involvement Manual*

*Chapter 5 – Underserved Populations*
Incorporate best practices that go beyond traditional methods and techniques:

- Obtain permission from a School Superintendent to allow students to take home project information, newsletters, or surveys
- Give a presentation during regularly scheduled community meetings
  - Parent Teacher Associations/Organizations, School Board, City Council
- Conduct public meetings in non-threatening environments
  - Community centers, senior centers, churches, locally-owned businesses
- Distribute information at community events, fairs, festivals, farmer market, and parades
- Have a member of the Project Management Team or community representative document attendance at meetings for those unable to read and/or write
- Provide certified interpreters and sign language specialists at public meetings or public hearings
- Print materials in easy to read font size
- Develop materials at an elementary school reading level to accommodate literacy deficiencies
- Conduct a public meeting or public hearing along a transit corridor
- Schedule events at ADA compliant venues and address known LEP needs
- Schedule a public meeting or public hearing at a time the majority of people can attend