



January 7, 2011

To: MPO Citizen Advisory Committee  
From: Stacy Clauson  
Subject: Item 4. Title VI Audit Results

**Action Recommended: None. Information only.**

**Issue**

In July, the Oregon Department of Transportation Office of Civil Rights Title VI Program (OCR) performed a Title VI review of the MPO. The OCR review team consisted of ODOT's Office of Civil Rights Title VI Program Manager, Greg Azure, as well as Jerrica Pierson Seeger from JPSeeger Consultants. The review team collected and analyzed numerous documents, materials, and project files, website materials and performed an on-site review. This is one of the first of two reviews conducted statewide by OCR. In November, staff received the results of this review. The purpose of this agenda item is to review the findings and recommendations, as well as action that staff is taking to respond to the recommendations.

**Background**

The Central Lane Metropolitan Planning Organization (MPO) has prepared a nondiscrimination policy and procedures, also referred to as the Title VI Plan, which addresses how the MPO is integrating nondiscriminatory practices in its transportation planning, public participation, and decision making.

Title VI is a short way to refer to requirements of the federal Civil Rights Act of 1964 and other legislation that direct the fair treatment and meaningful involvement of all people—regardless of race, color, national origin, disability, age, gender, or income status—in programs and activities receiving federal funding, including for transportation issues.

The MPOs [Title VI Plan](#) was adopted in April, 2009, after review by the CAC. In May, 2010, the CAC reviewed and commented on the [Annual Report](#) for the Title VI Plan.

**OCR Findings and Recommendations**

Overall, the final report was very complimentary of the MPOs Title VI program. The MPO earned a finding of 'No Deficiency' and, in several instances our program was found to be exceeding OCR expectations.

Overall there were two areas noted as needing improvement, and several lesser suggestions and recommendations. The two key areas needing improvement addressed the accessibility of complaint forms and processes on the MPO website and need to develop a basic procedure for conducting periodic reviews of MPO subrecipients (e.g. the cities of Eugene, Springfield and Coburg, as well as Lane County and LTD) for Title VI compliance.

For the purposes of their review, OCR organized the MPO operations into four basic elements: 1) organization and staffing; 2) program plans 3) program implementation (policies and procedures); and 4) data collection and analysis. Public participation was addressed under elements #3 and 4, which are summarized as follows.

#### *Program Implementation*

OCR found that the MPO has policies and procedures that adequately address prompt public involvement strategies, environmental justice considerations, ADA accommodations, and complaint mechanisms. OCR also recognized the MPOs efforts to improve public participation strategies and tools in order to increase participation by minorities and other traditionally underrepresented groups.

One of the major noted areas for improvement concerned the need to improve the accessibility of the Title VI complaint form and process. OCR recommended that the MPO redesign the website so that a search could easily locate the complaint form and process. In addition, OCR recommended that the MPO add a separate ADA complaint form and process and provide an independent link on the website.

As a minor recommendation, OCR also recommended that the MPO continue to work with its committees and boards to improve community involvement in policy development.

Finally, OCR had some suggestions to improve our response to individuals with limited English proficiency, including the development on a guide on how to assist limited English proficient individuals in person or on a telephone call. The guidelines would be made available to all employees who have public contact. OCR noted the use of call triage services that direct the caller to the option of leaving a message of accessing information via a Spanish language selection, as well as the use of "I speak cards" to be placed near the public office counter to allow persons with limited English proficiency to identify the language needed for interpreting.

#### *Data Collection and Analysis*

OCR found that the MPO has an effective means to collect and analyze data on public involvement strategies and tools, ADA accommodations, LEP requests and resulting actions, internal Equal Employment Opportunity statistics and board and committee compositions.

There were not major areas noted for improvement under this element. As a minor recommendation, OCR recommended that the MPO continue its effort to collect data

and ensure the accuracy of the data. As an example, OCR suggest that a staff member is assigned to greet people as they enter public outreach activities and stress the importance and purpose of the comment/feedback form, that it is voluntary, and strongly encourage the attendees to fill out the form.

OCR also recommended that the MPO continue to develop mechanisms to monitor and analyze data collected to determine the benefits and burdens on local communities impacted by transportation projects. OCR provided links to some suggested tools for the MPO to investigate in order to assist our ongoing efforts to evaluate our plans for environmental justice considerations. These tools included an impact review tool designed for King County (<http://www.kingcounty.gov/exec/%7e/media/exec/equity/documents/KingCountyEIRTool2010.ashx> ) as well as a health impact assessment tool (<http://who.int/hia/about/why/en/index.html> ).

### **Staff Action to Implement Recommendations**

Staff is working to implement the changes contained in the report. In response to the recommendation addressing complaint forms, the new website redesign of the MPO has addressed this issue by providing new web pages for reporting discrimination or accessibility concerns. Staff has also devised a new ADA complaint process and form modeled after templates prepared by the Department of Justice.

With respect to the other key recommendation, to develop a basic procedure for conducting periodic reviews of MPO subrecipients for Title VI compliance, the MPO is still considering how best to move forward with this recommendation and will be coordinating with our partner agencies and ODOT on this issue in the future.

The MPO is also moving forward with the other suggestions contained in the review, including avenues to improve our response to individuals with limited English proficiency. In many ways, the recommendations of OCR are similar to questions that have been brought forward by the CAC regarding our use of interpretation services. We are still investigating these issues at this time and look forward to any suggestions that the CAC may have to improve our response to individuals with limited English proficiency.