



Connect. Plan. Thrive.

2015-2018

Title VI and ADA Plan and Procedure

Title VI Guidelines and Complaint Procedure

Americans With Disability Act

Limited English Proficiency Guidelines

Environmental Justice Guidelines and Area Analysis

OMAHA-COUNCIL BLUFFS METROPOLITAN AREA PLANNING AGENCY

RESOLUTION NUMBER 2015 – 09

WHEREAS, the members of the Omaha-Council Bluffs Metropolitan Area Planning Agency (MAPA) have been formally designated by their respective legislative bodies to act as the official representative in planning matters of mutual concern; and

WHEREAS, MAPA is the designated Metropolitan Planning Organization (MPO) for the Omaha-Council Bluffs Transportation Management Area (TMA); and

WHEREAS, it is the responsibility of the MPO, in conjunction with the States, to certify that the transportation planning process complies with all applicable federal laws and regulations; and

WHEREAS, MAPA assures that no person shall on the grounds of race, color, national origin, age, disability/handicap or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance; and

WHEREAS, further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not; and

WHEREAS, the Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not (Public Law 100259 [S.557] March 22, 1988); and

WHEREAS, pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), MAPA hereby gives assurance that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this Federal financial assistance; and

WHEREAS, in the event MAPA distributes federal aid funds to a sub-recipient, MAPA will include Title VI language in all written agreements and will monitor for compliance; and

WHEREAS, the Executive Director, Greg Youell is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulation(CFR) 200 and 49 Code of Federal Regulation 21; and therefore be it

RESOLVED, that MAPA approves and adopts the attached Title VI & ADA Plan and Procedure and recommends it be forwarded to the appropriate state and federal agencies.

PASSED this 27 day of March 2015



Ron Kohn
Chairman, MAPA Board of Directors

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Chapter 1 – Introduction

Agency Overview

The Metropolitan Area Planning Agency (MAPA) is the designated metropolitan planning organization (MPO) for transportation planning in the Omaha-Council Bluffs area. MAPA receives federal funding from the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Environmental Protection Agency (EPA), the US Department of Housing and Urban Development (HUD) and other state and federal agencies related to metropolitan planning.

MAPA's transportation planning process implements the three C's of transportation planning – Continuing, Cooperative, and Comprehensive planning – to involve residents in the planning process in an ongoing and inclusive manner. Federal regulations that apply to the MAPA planning processes and are incorporated into all MAPA planning activities are listed in the sidebar. Specific accommodation policies stating how regulations are implemented are discussed in the throughout the plan and MAPA's Title VI Policy Statement is also detailed in the sidebar to the right.

Additionally, MAPA has outlined the complaint process for both Title VI and ADA in this document. If a person feels he/she has been discriminated against by MAPA or as a part of a MAPA program, the guidance in Chapter 3 provides specific recourse to those individuals.

MAPA's Civil Rights Policy

MAPA assures that no person shall on the grounds of race, color, national origin, age, disability/handicap or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. MAPA further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event that MAPA distributes Federal aid funds to another entity, MAPA will include Title VI language in all written agreements and will monitor for compliance.

MAPA's Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulation (CFR) 200 and 49 Code of Federal Regulation 21.



Executive Director
March 27, 2015

MAPA Title VI Policy & Procedure

What is an MPO?

Metropolitan Planning Organizations (MPOs) are organizations designated by the federal government to be responsible for transportation planning and project selection in a particular region. MPOs provide a forum for cooperative decision making for the metropolitan planning area. The governor designates an MPO in every urbanized area with a population of more than 50,000. MAPA has been designated as the MPO for the Omaha-Council Bluffs region by the governors of both Nebraska and Iowa.

Title VI and ADA, how they affect you

All agencies that receive federal funds, including MAPA, must adhere to the standards set by these legislations. A list of the applicable acts and orders are as follows:

- Title VI
- Americans with Disabilities Act (ADA)
- The Rehabilitation Act
- The Federal-Aid Highway Act
- The Age Discrimination Act
- The Civil Rights Restoration Act
- Executive Order 12250
- Executive Order 12898
- Executive Order 13166

Updates & Amendments to MAPA's Title VI

Title VI plans are updated every 3 years by MPOs to stay current with all relevant Federal, State, and local legislation.

All of MAPA's documents follow a specific procedure for stakeholder and public participation; the requirements for MAPA's Title VI plan are outlined in Figure 1.1 below.

TITLE VI

"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."

ADA

Under the ADA all reasonable accommodations must be made for persons with disabilities to participate in all public activities and the planning process.

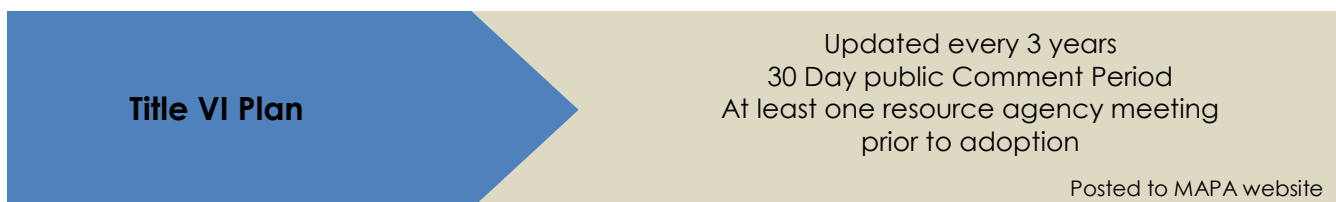


Figure 1.1 – Overview of Public Participation Plan Requirements for Title VI Planning

The document approval process includes at least one resource agency meeting where relevant agencies and organizations in the community can meet with staff and review the new Title VI plan and make suggestions before it goes a public comment. After the resource meeting agency meeting is held, MAPA's two transportation sub-committees– the Transportation Technical Advisory Committee (TTAC) and Citizens' Advisory Council (CAC) makes recommendations.

MAPA staff incorporate any recommendations made by resource agencies or MAPA sub-committees before the MAPA Board releases the document to the public for comment. The new plan is posted online and in public libraries as well as at the MAPA office for public review and comment for 30 days, these comments will then be included in the appendices of the plan and staff will work to implement suggestions. After the public comment period the plan will again go to the Technical Transportation Committee (TTAC), and the MAPA Board for final approval and adoption.

A summary of the comments received about the development of this plan are included in Appendix B.

Outline of MAPA's Title VI Plan

MAPA's Title VI Plan contains the following four chapters, they are as follows:

- Chapter 1
 - *What is an MPO?*
 - *Title VI legislation and MAPA policy*
 - *ADA legislation and MAPA policy*
- Chapter 2
 - *Overview of MAPA's planning process*
 - *Demographic Profile of the MAPA Region*
- Chapter 3
 - *Title VI & ADA Complaint Procedure*
 - *Responsibilities of MAPA's Title VI Coordinators*
 - *Sub-Recipient Monitoring*
 - *Public Participation Strategies*
- Chapter 4
 - *Notice to Public and Procedures*
 - *ADA Coordinator Responsibilities & Grievance Procedure*
 - *ADA Self-Assessment*
- Chapter 5
 - *Overview of Limited English Proficiency*
 - *Four-Factor Analysis*

Chapter 2 - Transportation Planning Process

Introduction

MAPA undertakes many regional planning initiatives related to land use, economic development, transportation, and other public facilities such as recreation, sanitary sewer, and water supply each year. Planning for complex needs like transportation systems, beneficial recreations, and high-quality natural environment simply cannot be done well without working together. This emphasis on regionalism is critical to the success of MAPA, its member entities, and to ensuring that all residents have the opportunity to fully participate in the planning process.

As a Metropolitan Planning Organization (MPO), MAPA works with federal, state, and local agencies and citizens to coordinate transportation planning at the regional level for the Omaha Metropolitan Area. MAPA receives federal funds to develop regional transportation plans and programs and to coordinate technical and policy studies on transportation and other programs.

The MAPA Transportation Management Area (TMA), which is the same as the MPO boundary, is comprised of Douglas, Sarpy, and eastern Pottawattamie County. The TMA is the region in which MAPA is responsible for short- and long-range transportation planning and for allocating Federal Funding to transportation projects. The boundaries MAPA TMA is illustrated in Figure 2.1 (next page).

The sidebar above includes a summary of important planning products and stakeholder groups through which MAPA develops plans and studies. A more detailed discussion of MAPA's committee structure is included in the next section of this chapter.

Important Transportation Planning Documents

Long Range Transportation Plan

Transportation Improvement Program

Unified Planning Work Program

Traffic Reports

Public Participation Plan

Title VI Plan

Stakeholder Groups

Transportation Technical Advisory Committee (TTAC)

Project Selection Committee (ProSeCom)

Citizen's Advisory Council (CAC)

Coordinated Transit Committee (CTC)

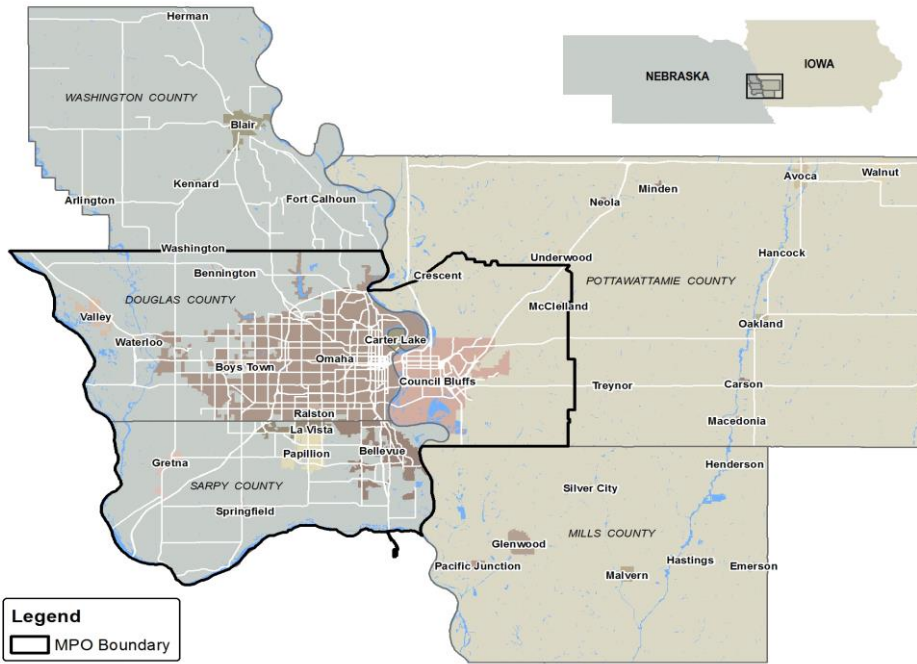


Figure 2.1 – MAPA Transportation Management Area (MPO/TMA Boundary)

MAPA's Committee Structure

MAPA's Transportation Planning Process is guided by a committee structure of local elected officials, local governmental staff, non-profits, advocacy groups, and community members. An organizational chart of MAPA's MPO committee structure is included in Figure 2.2 to the right.

The MAPA Board of Directors serves as the Policy Board for the MAPA MPO, and constitutes final approval of all plans, policies, and regular business of the agency. Decisions by the MAPA Board are informed by recommendations from the Transportation Technical Advisory Committee (TTAC) and Citizens' Advisory Committee (CAC).

The TTAC is comprised of transportation engineers and planners from member communities, state DOT representatives, and local transit officials. This group provides key input into the development of MAPA's plans, project selection, and the development of transportation-related policies for the Omaha-Council Bluffs region.

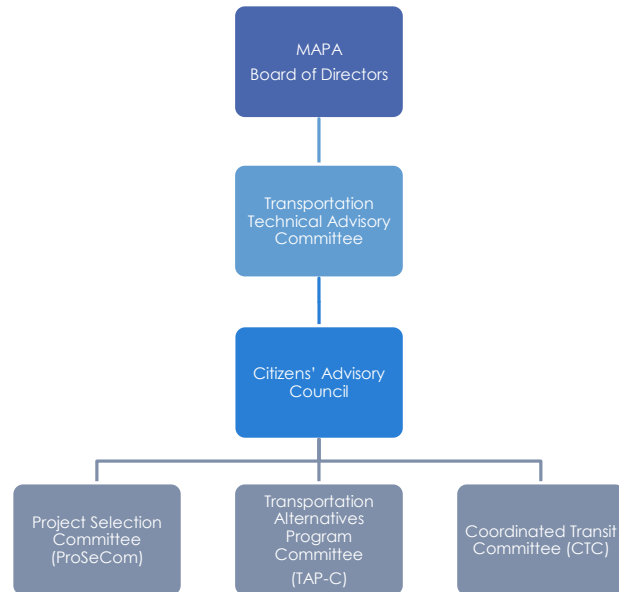


Figure 2.2 – MAPA Committee Structure

MAPA Title VI Policy & Procedure

The Citizens' Advisory Council (CAC) is a committee of representatives from community organizations and members of the public who advise the TTAC on transportation planning decisions. This ongoing communication between community members and MAPA facilitates public participation early in the planning process.

MAPA also has three standing project selection committees to make recommendations to TTAC about the region's federal funding. The project selection sub-committees include the Project Selection Committee (composed of TTAC members), the Coordinated Transit Committee (includes human service and para-transit agencies, and the Transportation Alternatives Program Committee (involves engineers, bike/pedestrian advocates, and planners) make recommendations to the TTAC.

MAPA's Planning Process

MAPA strives to ensure that all its activities reflect the ideal *Comprehensive, Cooperative, and Continuing* planning process. These "Three C's" provide a framework for understanding the importance of early and continuous engagement of the public throughout the planning process. Each of these characteristics is defined in the list below:

- *Comprehensive* – Consideration of all possible factors and relevant information.
- *Cooperative* – Involving input from as many aspects of the communities effected as possible.
- *Continuing* – To sustain an ongoing development and review decisions to ensure continued relevance.

The MAPA Public Participation Plan identifies specific strategies and processes for each major planning document that MAPA develops. However, the general process for plan development is quite similar and is described in Figure 2.3 below. This approach emphasizes the need for early and continuous engagement from stakeholders and the public. Providing ample time for feedback in the planning process ensures open and full participation is possible for all residents of the MAPA region.

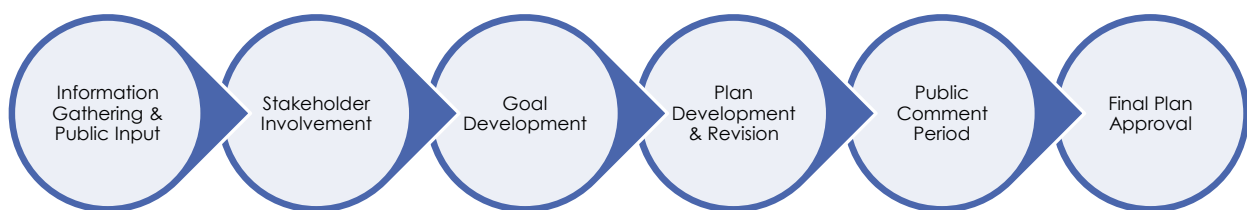


Figure 2.3 – Overview of the MAPA Planning Process

Demographic Profile

There are many different segments of the population that are important to consider as a part of the transportation planning process. A summary of each of the groups listed below are detailed in the demographic profile that follows:

- Elderly Population (Population 65 and Older)
- Disabled Population
- Population Living in Poverty
- Zero-Vehicle Households (no access to a vehicle)

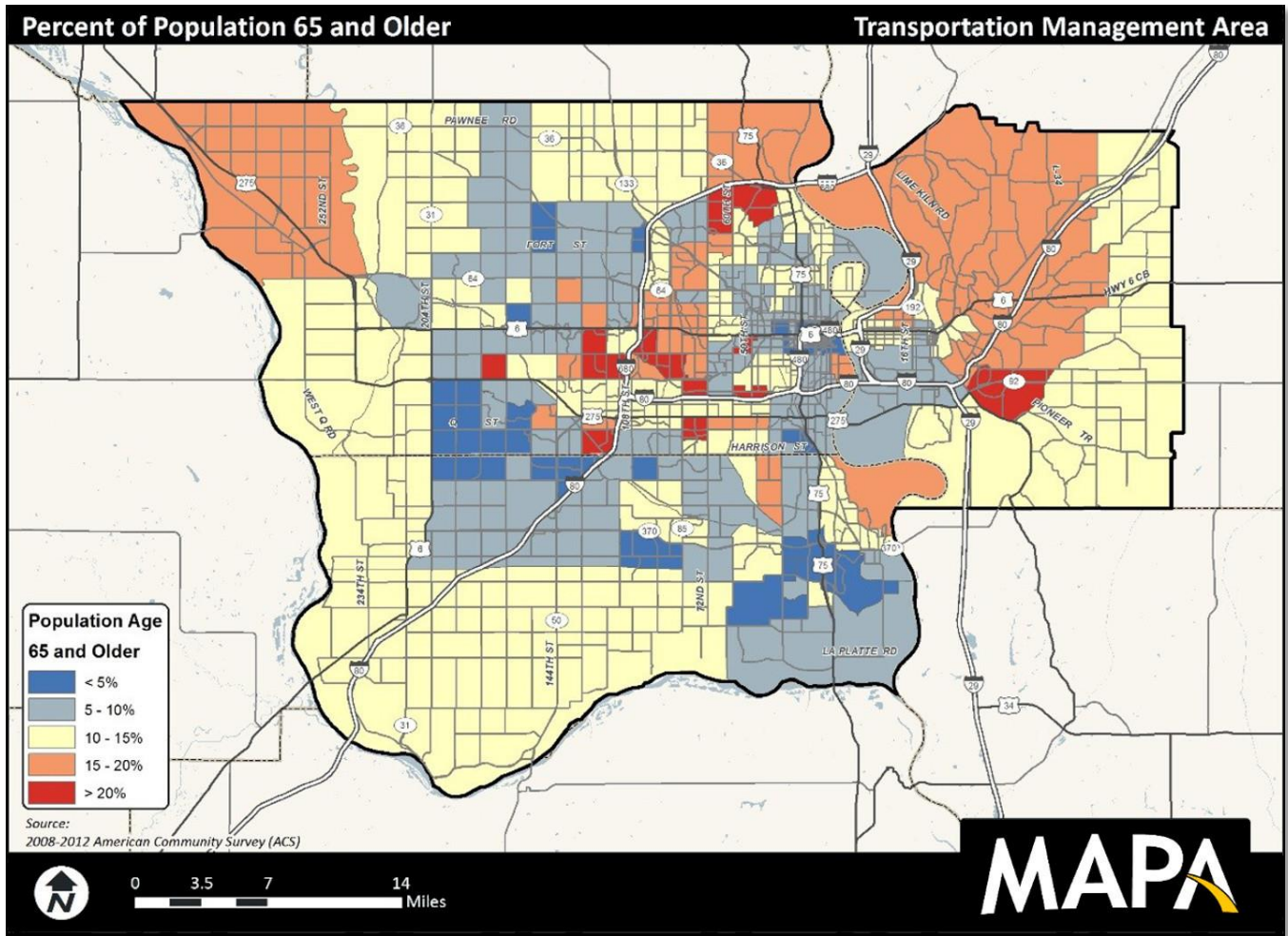
MAPA Title VI Policy & Procedure

Population 65 Years of Age and Older
 Table 2.1 provides a summary of the population 65 years of age and older in the Omaha-Council Bluffs Metro area. Of the 97,000 people over the age of 65 in the MAPA region, many are concentrated outside of the urban core. This distribution poses a unique challenge to the transportation network for the area since many of the elderly are no longer able to drive or have restriction on their driving, such as being unable or unwilling to drive at night. Figure 2.4 (below) shows the geographic distribution of the population over 65 years of age.

Total TMA Population	Over 65	Percent
863,713	97,153	11.25%

Table 2.1 – TMA Population Over 65 Years of Age

Metro Transit provides both fixed route transit service and demand response service to the smaller outlying communities which have large pockets of those over 65 have limited or no transit service available. MAPA's Coordinated Transit Committee works with local stakeholders and non-profit transit providers to expand the mobility of elderly and disabled populations with limited mobility.



Population Living in Poverty
 Table 2.3 to the right shows the population living in poverty in the MAPA region. There are approximately 100,000 people living at or below the poverty line. The highest concentrations of these low-income individuals are found within Northeastern Omaha. The geographic distribution of residents in poverty within the MAPA region is illustrated in Figure 2.6 below.

Total Population	Population in Poverty	Percent
846,016	100,681	11.90%

Table 2.3 – TMA Population in Poverty

For populations in poverty in Omaha, access to job centers is a critical need. The area of Northeast Omaha that has the highest concentration of poverty is very well served by transit at present. Additionally, smaller pockets of concentrated poverty in South Omaha are also well-served by the existing transit service provided by Metro.

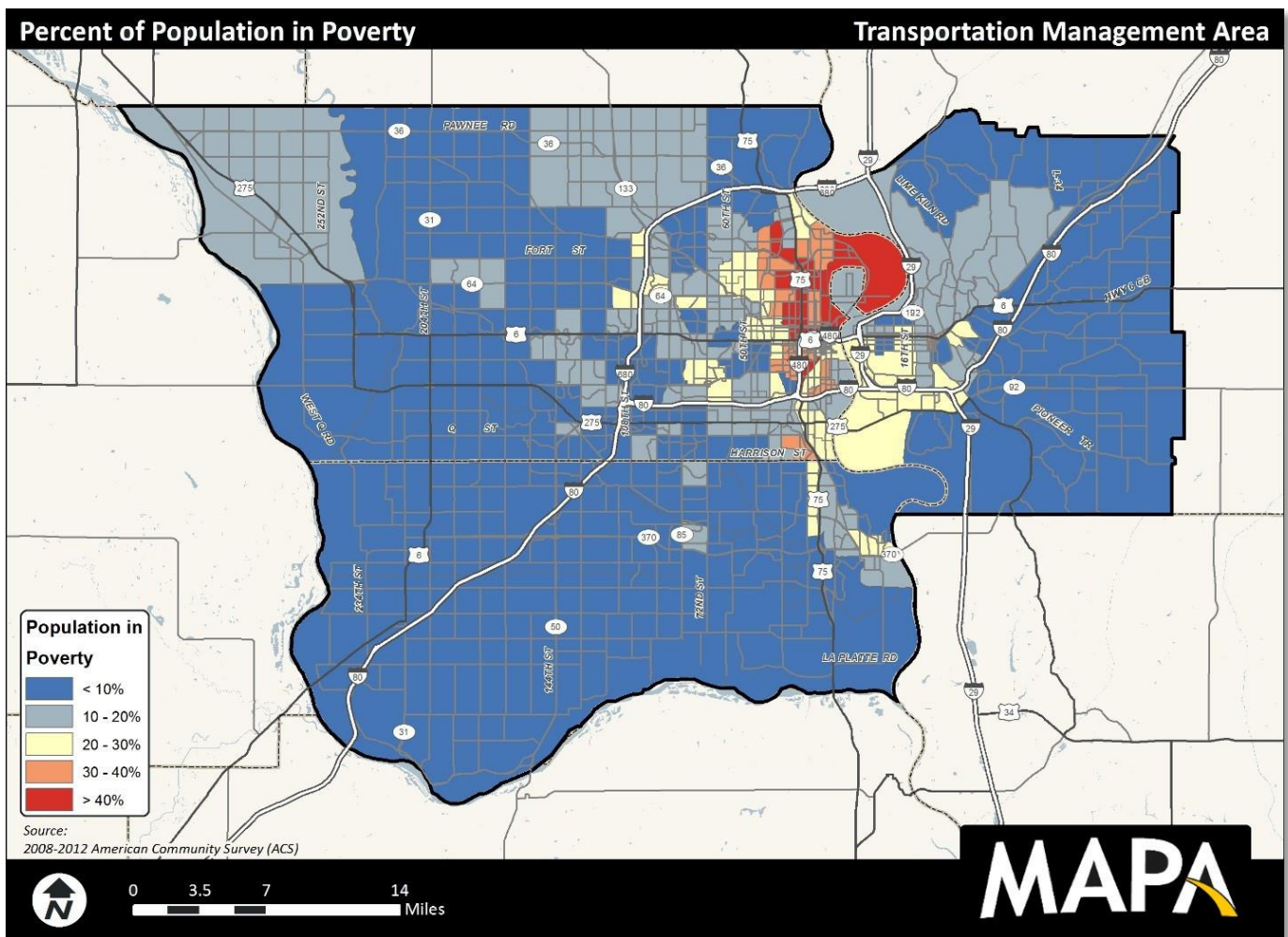


Figure 2.6 – TMA Population in Poverty

MAPA Title VI Policy & Procedure

Zero Vehicle Households
 Table 2.4 shows the number of households in the Omaha area that do not own a vehicle, approximately 22,200.

Total Households	Zero vehicle households	Percent
334,429	22,224	6.65%

Table 2.4 – MAPA TMA Zero Vehicle Households

Much like the poverty statistics previously discussed, the highest concentrations of Zero Vehicle Households are found in eastern Omaha within the city's urban core. The absence of an automobile in a household can create serious limitations on the mobility of residents. Fortunately, within the MAPA region, high concentrations of those without access to are within areas of the metro that are well-served by transit– providing access to the transportation network. Figure 2.7 illustrates the distribution of zero-vehicle households throughout the MAPA region.

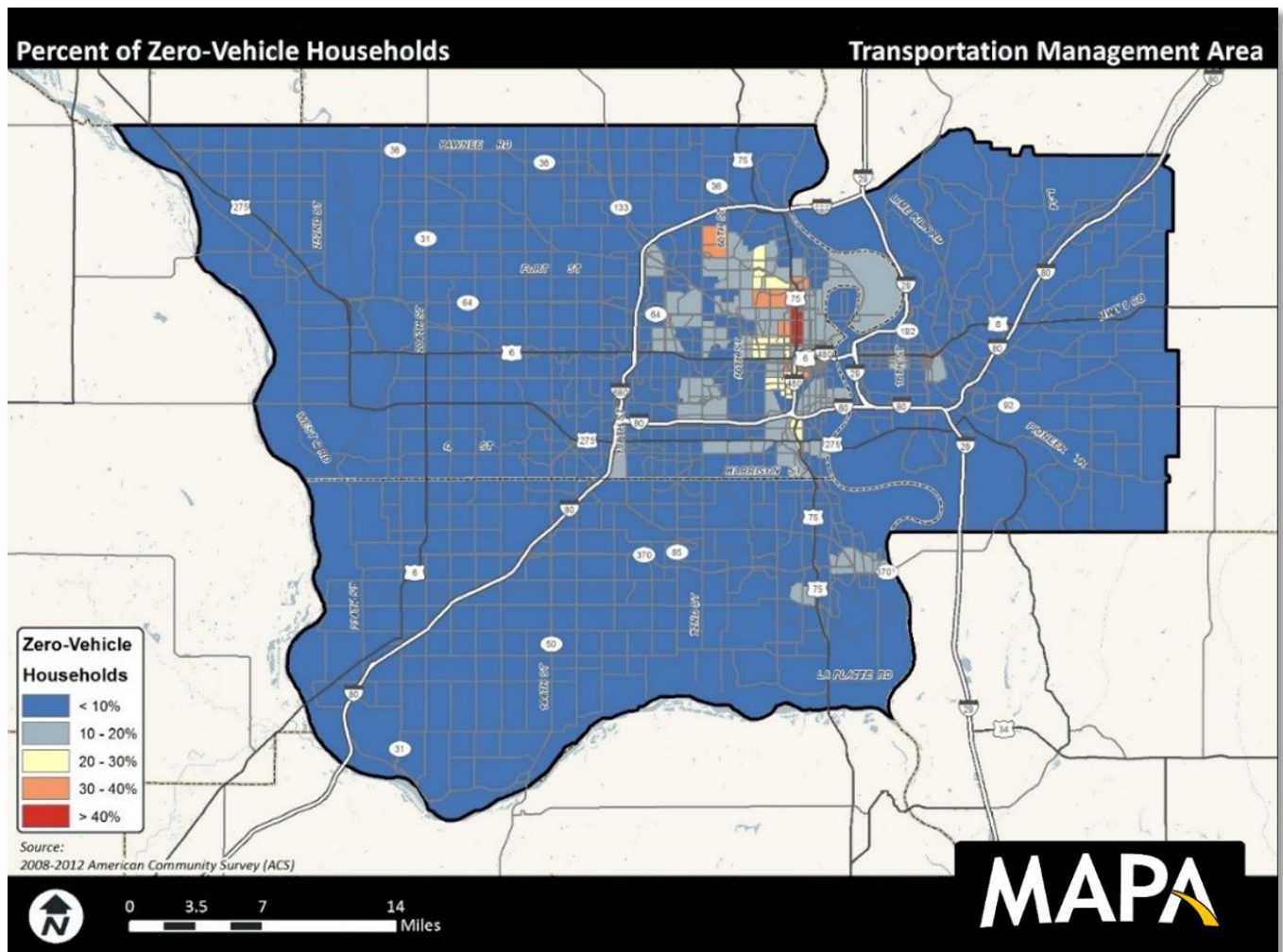


Figure 2.7 – MAPA TMA Zero Vehicle Households

Environmental Justice Analysis

Evaluation of Programmed Projects

Currently MAPA performs Environmental Justice (EJ) analysis on all projects in its Transportation Improvement Program and Long Range Transportation Plan. This analysis looks at several factors including how much money has been spent in EJ areas, the potential negative impacts of projects located in and around EJ areas, as well as the potential benefits to these communities from projects in and around them.

To identify environmental justice areas MAPA uses census data to determine where there are disproportionately large populations of minority, low-income, and zero vehicle households. These areas are deemed environmentally sensitive and form the basis for additional analyses of burdens and benefits.

In past years, MAPA has attempted to identify the amount of funding that was programmed in the TIP which makes a direct impact to EJ areas. This analysis was conducted by mapping the location of TIP projects and then measuring their proximity to EJ areas. For projects that fall completely within an EJ area, all of the funding would be noted as benefiting EJ populations. Projects that partially fall within an EJ are counted based on the proportion of the project that directly impacts the EJ area. This process has worked well in measuring and ensuring that funding is distributed equitably throughout the region.

At present, MAPA is working to develop measures of mobility and accessibility for EJ populations as well. Ultimately, these measures will be used to analyze and measure the distribution of travel time and regional mobility for EJ and non-EJ populations. Because EJ populations benefit greatly from the existing transit network, measurements of transit mobility may provide a clearer picture of the TIP program’s impact on EJ populations. A summary of these proposed measures is included in Table 2.5 below.

Measures	Method	Data Source
Mobility of EJ and Non-EJ Populations	Geographic analysis of travel time and transit travel time	MAPA Travel Demand Model; Metro Comprehensive Operations Analysis
Accessibility of EJ and Non-EJ Populations	Identification of census tracts with statistically-significantly higher proportions of non-vehicle households; expand designated EJ areas to include entire transit-shed and Census tracts with high proportions of non-vehicle households	2010 United States Census, Transportation Improvement Programs, Metro Transit Operational data

Table 2.5 – Proposed Measures of Transportation Equity

Project Selection Criteria

In addition to analyzing the Environmental Justice impacts of projects within the TIP, the impacts of projects on EJ populations are also considered at the time of selection. MAPA has developed project selection criteria for each of the three federal funding programs which it administers. These programs are listed below:

- Surface Transportation Program (STP)
- Transportation Alternatives Program (TAP)
- Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities (5310)

Each of these programs takes the project's impacts on Environmental Justice into account, and provides additional points for projects demonstrating a benefit to EJ populations. As such, projects with clear benefits to EJ populations would score higher than similar projects without such benefits.

The Demographic Profile in this Chapter illustrates that Environmental Justice populations are generally those who face other mobility issues as well— including lack of access to a vehicle. In this way, MAPA's project selection criteria help demonstrate the agency's commitment to understanding the needs of the EJ population and ensuring that those needs are considered when funding is allocated to projects.

Chapter 3 – Title VI General Requirements

Overview

The MAPA Executive Director is responsible for the overall implementation of the agency's Title VI program. The Title VI Coordinator is responsible for initiating and monitoring Title VI and ADA activities, collecting information and documentation from staff regarding Title VI compliance, preparing reports and other responsibilities as required.

MAPA has designated the two members of the MAPA staff– one in the Community & Economic Development Department and one in the Transportation Department– to fulfill the duties of the Title VI Coordinator. As a part of these responsibilities, both staff members will work closely with the Executive Director and Program Director to ensure all are aware of the Title VI requirements and that the requirements are incorporated into the planning efforts, as described more fully in this plan.

Both Title VI Coordinators will coordinate closely with the Executive Director and Administrative Services Director in the response to complaints, development of reports and any subsequent updates to MAPA's Title VI Plans and Policies.

Responsibilities of the Title VI Coordinator

The responsibilities of the Title VI Coordinators constitute the overarching framework of MAPA's Title VI Program. These responsibilities apply both to the day-to-day management of administrative affairs related to Title VI and the implementation of programs specific to outreach and training programs. These responsibilities are illustrated in Figure 3.1 (next page) as well.

- A. *Program Administration*. Administer the Title VI program and coordinate implementation of the plan between MAPA departments. Ensure compliance with the assurances, policy, and program objectives. This includes performing Title VI program reviews to assess administrative procedures, staffing, and resources and provide recommendations as required to the Executive Director.
- B. *Complaints*. Review written Title VI complaints that may be received by MAPA following the adopted procedural guidelines. Ensure every effort is made to resolve complaints informally at the local or regional level.
- C. *Data Collection*. Review the statistical data gathering process performed by Transportation Department staff periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration.
- D. *Environmental Review Requirements*. Ensure that available census data are included as a part of all NEPA Documentation for projects receiving Federal Highway Administration or other Federal assistance.
- E. *Training Programs*. Conduct or facilitate training programs on Title VI issues and regulations for MAPA employees and facilitate Title VI training for appropriate staff, contractors and sub-recipients. A summary of training conducted will be reported in the annual update.

- F. *Title VI Plan Update.* Review and update the MAPA Title VI Plan as needed or required. Present updated plan to the Executive Director for approval and to submit the amended Plan to NDOR.
- G. *Annual Accomplishment Report.* Prepare an annual report of Title VI accomplishments and changes to the program in the preceding Federal fiscal year and identify goals and objectives for the upcoming year as required by July 31 of each year.
- H. *Public Dissemination.* Work with MAPA departmental staff to develop and disseminate Title VI program information to MAPA employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, and annual publication of MAPA's Title VI Policy Statement in newspaper(s) having a general circulation, and informational brochures. Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community. Ensure the full utilization of available minority publications or media and, where appropriate, provide written or verbal information in languages other than English.
- I. *Elimination of Discrimination.* Recommend procedures to identify and eliminate discrimination that may be discovered in any MAPA processes.
- J. *Maintain Legislative and Procedural Information.* Federal laws, rules and regulations, NDOR and IDOT guidelines, the current MAPA Title VI Plan, Annual Accomplishment Reports, and other resource information pertaining to the implementation and administration of the MAPA's Title VI program will be maintained and updated by the Coordinators. Information will be made available to other Local Public Agencies or the public as requested or required.

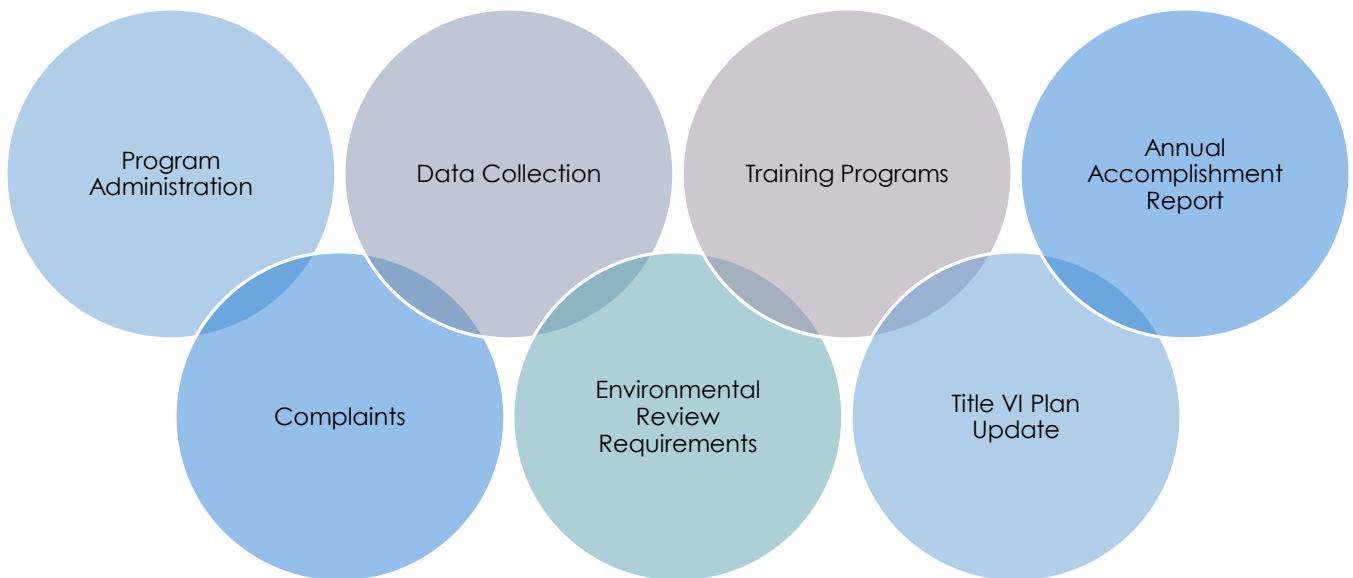


Figure 3.1 – Overview of Title VI Coordinator Responsibilities

Title VI Complaint Procedure

MAPA has instituted a complaint procedure for any person who believes that he or she, on the basis of race, color, national origin, gender, or disability has been excluded from or denied the benefits of, or subjected to discrimination by MAPA or its sub recipients, consultants, and/or contractors. This complaint procedure applies to matters related to Title VI, ADA, or LEP.

These procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant. MAPA is committed to finding a satisfactory resolution for all complaints that it receives. The option of informal internal mediation meeting(s) between the affected parties and the Title VI coordinator may be used for resolution, at any stage of the process.

The Title VI Coordinators will make every effort to pursue a timely resolution to the complaint. Initial interviews with the complainant and the respondent, if applicable, will request information regarding specifically requested relief and settlement opportunities. A brief description of MAPA's Title VI complaint procedure is illustrated in Figure 3.2 and copy of MAPA's Title VI complaint form is provided as Appendix A.

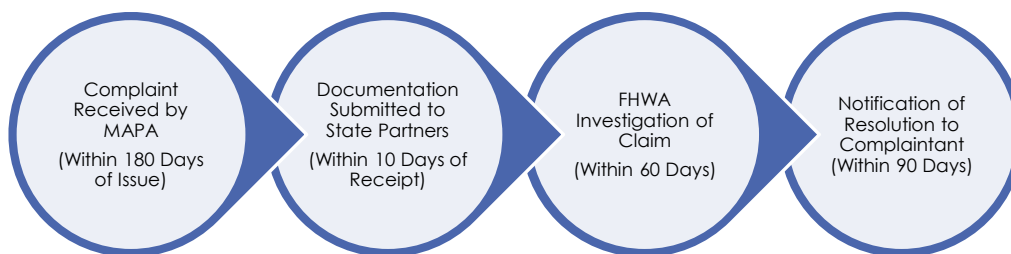


Figure 3.2 – Overview of MAPA Title VI Complaint Procedure

MAPA's Title VI Complaint Steps, Contact Information for Partners, and Milestones:

1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with MAPA. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the MAPA's Title VI Coordinator for review and action.

MAPA Title VI Policy & Procedure

Contact Information for MAPA's Title VI Coordinator are included below:

Metropolitan Area Planning Agency
Title VI Coordinator
2222 Cumming Street
Omaha, NE 68102
(402) 444-6866 x216
titlevi@mapacog.org

2. In order to have the complaint consideration under this procedure, the complainant must file the complaint no later than **180 days** after:
 - a. The date of alleged act of discrimination; or
 - b. Where there has been a continuing course of conduct, the date on which that conduct was discontinued.In either case, the MAPA may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.
3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of MAPA, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to MAPA's investigative procedures.
4. Within **10 days**, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of procedures to be followed, and advise the complainant of other avenues of redress available, such as NDOR, IDOT, and FHWA Division Offices.
5. MAPA will advise NDOR and/or IDOT within **10 days** of receipt of the allegations. Generally, the following information will be included in every notification to State DOT:
 - a) Name, address, and phone number of the complainant.
 - b) Name(s) and address(es) of alleged discriminating official(s).
 - c) Basis of complaint (i.e., race, color, national origin or sex)
 - d) Date of alleged discriminatory act(s).
 - e) Date of complaint received by MAPA.
 - f) A statement of the complaint.
 - g) Other agencies (state, local or Federal) where the complaint has been filed.
 - h) An explanation of the actions MAPA has taken or proposed to resolve the issue raised in the complaint.
6. The State DOT will forward the complaint to FHWA. The FHWA Office of Civil Rights will determine the appropriate individual and/or organization to conduct the investigation.
7. Within **60 days**, the FHWA Office of Civil Rights (or its designee) will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the Executive Director of MAPA. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.
8. Within **90 days** of receipt of the complaint, the FHWA Office of Civil Rights (or its designee) will notify the complainant in writing of the final decision reached, including

the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with NDOR, IDOT, and/or USDOT, if they are dissatisfied with the final decision. The Title VI Coordinator will also provide the State DOT with a copy of this decision and summary of findings upon completion of the investigation.

9. Any complaints received against MAPA should immediately be forwarded to IDOT or NDOR for investigation. MAPA will not investigate any complaint in which it has been named in the complaint.
10. Title VI comments for each state and FHWA Division Office are as follows:

Nebraska Department of Roads
Human Resources, Title VI Program
1500 Highway 2, P.O. Box 94759
Lincoln, NE 68509-4759
(402) 479-4870

Iowa Department of Transportation
Office of Employee Services
Civil Rights Coordinator
800 Lincoln Way
Ames, Iowa 50010
(515)-239-1921

Federal Highway Administration
Nebraska Division Office
100 Centennial Mall North
Lincoln, NE 68508
(402) 437-5765

Federal Highway Administration
Iowa Division Office
105 6th Street
Ames, IA 50010
(515) 233-7300

Title VI Notification for Sub-Recipients

In order for the goals of Title VI of the Civil Rights Act to be fully realized, the general public and MAPA's partners must be fully aware of protections afforded by the law. MAPA and sub recipients provide information to the public regarding Title VI obligations through the following actions:

1. Posting the agency's policy statement regarding Title VI on the website along with the compliant procedure and Title VI and LEP brochures to the MAPA website.
2. MAPA utilizes Title VI brochures developed by NDOR and IDOT to communicate the specific protections and obligations of MAPA.
3. MAPA inserts the preferred, or abbreviated, "Notice to the Public" in all significant publications that are distributed to the public. The preferred notice is also posted in MAPA's office lobby. Both notifications are included in the box to the right.

Preferred Notification

The Omaha-Council Bluffs Metropolitan Area Planning Agency (MAPA) hereby gives public notice that it is the policy of the agency to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities.

Title VI requires that no person in the United States of America shall, on the grounds of race, color, sex, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which MAPA receives federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with MAPA. Any such complaint must be in writing and filed with MAPA's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.

For more information, or to obtain a Title VI Discrimination Complaint Form, please see our web site at <http://mapacog.org/equity> or call (402) 444-6866

Abbreviated Notification

MAPA fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. MAPA operates its programs without regard to race, color and national origin.

For more information, or to obtain a Title VI Complaint Form, see <http://mapacog.org/equity> or call (402) 444-6866

Sub-Recipient Monitoring and Pass through Procedures

MAPA allocates significant amounts of federal-aid to sub-recipients for various transportation planning activities. Each of these “pass-through” agreements is subject to the federal and state Civil Rights requirements described in this plan.

In order to ensure that all applicable requirements are met, MAPA has developed the following procedure to monitor sub-recipient compliance and issue remedial actions to non-complaint sub-recipients:

- A. *Title VI Review of Sub-recipients of Federal-Aid Highway Funds.* The Coordinator will assist State DOTs to periodically conduct Title VI compliance reviews. MAPA staff will review select recipients of Federal-aid highway or other Federal funds, to ensure adherence to Title VI requirements. MAPA will periodically confirm that operational guidelines provided to consultants, contractors, and sub-recipients (including Title VI language, provisions, and related requirements) are effective and appropriate. Additionally, Title VI assurances and provisional language will be included in all federally-funded consultant contracts.
- B. *Post-Grant Reviews.* MAPA, in cooperation with state and federal partners, will conduct Post-Grant reviews of select projects to ensure compliance with the requirements noted above.
- C. *Remedial Action.* When irregularities occur in the administration of Federal-aid highway programs at MAPA or a sub-recipient, corrective action will be taken to resolve identified Title VI issues. MAPA will seek the cooperation of the consultant, contractor or sub-recipient in correcting deficiencies found during the periodic reviews described. MAPA will provide technical assistance and guidance, upon request, to support voluntarily compliance by the sub-recipient. When conducting Title VI compliance reviews, MAPA will document any recommended remedial action agreed upon by MAPA and the sub-recipient, and provide a copy of the letter to state and federal partners within a period not to exceed **45 days**.
 - Sub-recipients found to be in non-compliance will be given a reasonable time up to **90 days** after receipt of the remedial action letter to voluntarily correct deficiencies. When a sub-recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, MAPA will submit copies of the case file and a recommendation that the sub-recipient be found in noncompliance to State DOTs and FHWA.
 - A follow-up review will be conducted within **180 days** of the initial review will be conducted to ascertain if the sub-recipient has corrected deficiencies by earlier reviews. If the sub-recipient refuses to comply, MAPA and State DOTs may initiate sanctions as per 49 CFR 21 with FHWA's concurrence.

Program Report

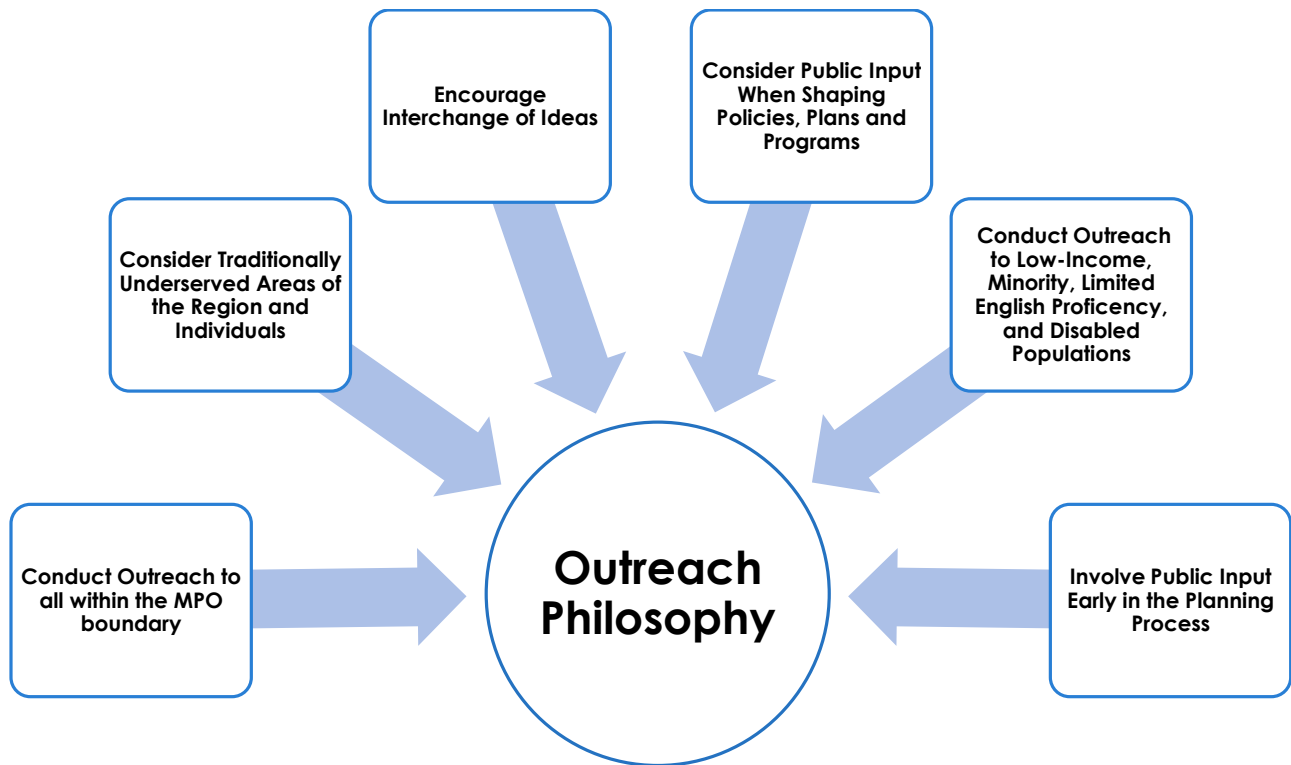
To date, MAPA has not received any complaints through its Title VI Complaint Process. Any future complaints and their resolution will be noted in this section as a part of future updates to this Title VI plan– including any applicable legal actions taken against MAPA.

Public Participation Outreach for Historically Disadvantaged Populations

Public participation is an important part of government decisions affecting many aspects of our lives. MAPA believes that having people participate in its work can help to accomplish positive improvements within the community and give people input in the planning process.

In general, MAPA's outreach philosophy seeks to maximize opportunities for the public to be involved in its planning initiatives. The specific elements of the agency's outreach philosophy are displayed in Figure 3.3 (next page) and described in more detail in the list that follows.

Figure 3.3 – Overview of MAPA's Public Participation Outreach Philosophy



Many of these elements of MAPA's Outreach Philosophy are designed to encourage and increase inclusion of historically-disadvantaged populations within the MAPA region. Specific strategies from MAPA's Public Participation Plan to improve outreach efforts and increase the

engagement of these communities are summarized below. The main goals of MAPA's planning process concerning historically disadvantaged populations are:

- Ensure full and fair participation by all communities affected potentially in the transportation decision-making process.
- Avoid, minimize or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, of programs, policies and activities on minority populations and low-income populations
- Prevent the denial of, reduction of, or significant delay in the receipt of transportation benefits by minority and low-income populations.
- MAPA targets low-income and limited-English proficient populations with specific outreach in community centers, schools, faith-based institutions and businesses that are located in census tracts that have a high concentration of minority and/or low-income populations.
- As a supplement to general public announcements in newspapers and online, MAPA contacts persons/agencies representing low-income and minority populations via telephone and/or email.
- MAPA asks these contacts to post the materials in common areas or include in newsletters in order to target these populations specifically.

Chapter 4 – Americans with Disabilities Act General Requirements

Overview & Notice

MAPA, in accordance with the requirements of Title II of the American with Disabilities Act of 1990 (ADA) will not discriminate against qualified individuals with disabilities on the basis of disability in admission of its programs, services, or activities, in access to them, in treatment of individuals with disabilities, or in any aspect of their operations.

Employment: MAPA does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA and Section 504 of the Rehabilitation Act of 1973.

Effective Communication: MAPA will, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in MAPA's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communication accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: MAPA will make all reasonable modifications to policies

Reasonable Accommodation Procedures

Title I of the Americans with Disabilities Act of 1990 (the "ADA") requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would cause undue hardship. In general, an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities.

MAPA will make reasonable accommodations for the impairments of qualified individuals with disabilities, consistent with the qualifications required for the essential functions of a particular job, unless the accommodation would cause undue hardship to MAPA.

Assurances

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29USC 794), MAPA desires to avail itself of federal financial assistance from the US Department of Transportation, hereby gives assurance that no qualified disabled person shall, solely by reason of their disability, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this federal financial assistance.

MAPA further assures that its programs will be conducted, and its facilities operated, in compliance with all requirements imposed by or pursuant to 49 CFR Part 27, 28 CFR Part 35 and 42 USC 12101-12213.

and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of MAPA should contact the office of the Title VI Coordinators, as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require MAPA to take any action that would fundamentally alter the nature of its program or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of MAPA is not accessible to persons with disabilities should be directed to the Title VI Coordinators.

MAPA will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Authorities

The federal authorities under which the provisions of this plan have been created are listed below:

Section 504 of the Rehabilitation Act of 1973, as amended, provides that "No otherwise qualified disabled individual in the United States, as defined in section 7(6), shall, solely by reason of his disability, be excluded for the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

29 USC 794 (October 29, 1992 to the Rehabilitation Act of 1973) substitutes "a disability" for "handicaps" and "disability" for "handicap".

49 CFR Part 27.13 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance) states, "This part applies to each recipient of Federal financial assistance from the Department of Transportation and to each program or activity that receives or benefits from such assistance".

49 CFR Part 28.102 (Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Department of Transportation) states, "This part applies to all programs or activities conducted by the Department of Transportation except for programs and activities conducted outside the United States that do not involve individuals with disabilities in the United States."

28 CFR Part 35 (Judicial Administration) states that: "The purpose of this part is to effectuate Subtitle A of Title II of the ADA which prohibits discrimination on the basis of disabilities by public entities.

49 CFR part 27 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance) states, "The purpose of this part is to carry out the intent of Section 504 of the Rehabilitation Act of 1973 (29 USC 794) as amended, to the end that no otherwise qualified disabled individual in the United States 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."

49 CFR Part 28-140 (Employment) states that, "(a) No qualified individual with disabilities shall, on the basis of disability, be subjected to discrimination in employment under any program or activity conducted by the Department," and "(b) The definitions, requirements, and procedures of Section 504 of the Rehabilitation Act of 1973 (29 USC 791), as established by the Equal Employment Opportunity Commission in 29 CFR part 1613, shall apply to employment in federally conducted programs or activities.

29 CFR Part 1613 (Equal Employment Opportunity in the Federal Government) states that: "It is the policy of the Government of the United States. . . to provide equal opportunity in employment for all persons to prohibit discrimination in employment because of race, color, religion, sex, or national origin and to promote the full realization of equal employment opportunity through a continuing affirmative program in each agency."

42 USC Part 12101-12213 (The Americans with Disabilities Act of 1990) states that: "No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment."

Disabled Population Demographics

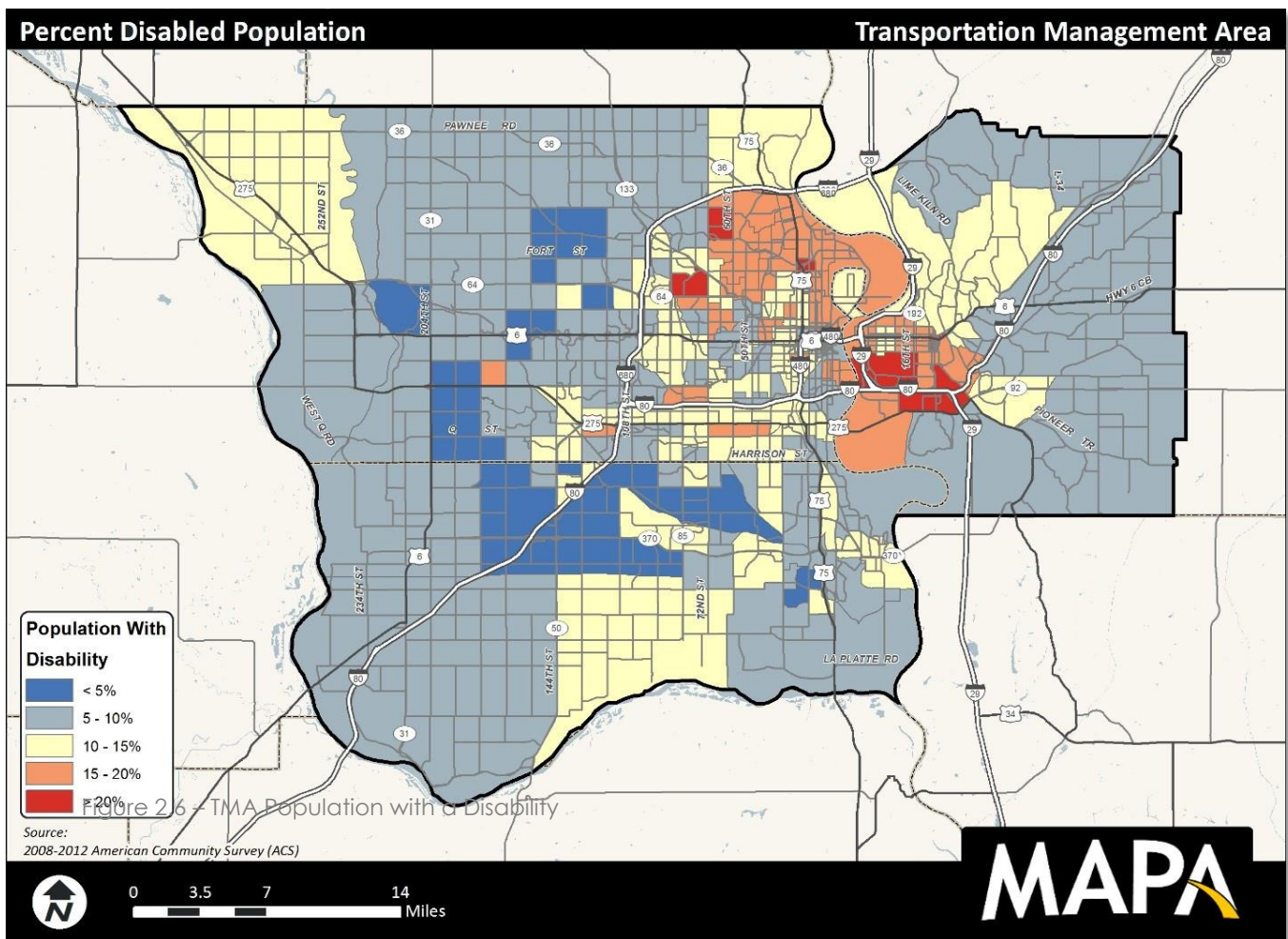
Table 2.2 provides a summary of the disabled population in In the Omaha-Council Bluffs Metro Area. Based on American Community Survey data, there are approximately 86,000 people who are considered

Total TMA Population	Disabled	Percent
863,713	86,355	9.99%

Table 2.2 – TMA Population with a Disability

disabled, most of these people are concentrated in the North Eastern section of Omaha city and the urban portion of Pottawattamie County. Figure 2.6 below shows the geographic distribution of the population over 65 years of age.

Northeastern Omaha is well served by Metro Transit's fixed route service presently and is within the ¼ mile buffer of fixed route server in which Metro's MOBY demand response paratransit service operates. Additionally, MAPA's Coordinated Transit Committee continues to work with local stakeholders and non-profit transit providers to expand the mobility of elderly and disabled populations with limited mobility.



Grievance Procedure

This Grievance Procedure is established to meet the requirements of the American with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by MAPA. MAPA's Personnel Policies and Procedures govern employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendars days after the alleged violation to:

MAPA ADA Coordinator
c/o: MAPA Title VI Coordinators
2222 Cuming Street
Omaha, NE 68102
(402) 444-6866 x216
titlevi@mapacog.org

Within 15 working days after receipt of the complaint, the ADA Coordinator and the Executive Director or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 working days of the meeting, the ADA Coordinator will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of MAPA and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator and the Executive Director or his designee does not satisfactorily resolve the issue, the complainant or his/her designee may appeal the decision within 15 working days after receipt of the response to the MAPA Board of Directors.

Within 15 working days after receipt of the appeal, the MAPA Board of Directors will meet with the complainant to discuss the complaint and possible resolutions. Within 15 working days after the meeting, the MAPA Board of Directors will respond in writing, and where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator, the MAPA Executive Director or his designee, appeals to the MAPA Board of Directors, and responses from these individuals and the Board offices will be retained by MAPA for at least three (3) years.

ADA Coordinator Responsibilities

MAPA's Title VI Coordinators are designated as ADA Coordinator and reports to the MAPA Executive Director.

1. Serve as the principal coordinator for MAPA's ADA programs, policies, and procedures relating to compliance;
2. Publicize the name and contact information of the designated ADA Coordinator responsible to oversee compliance;
3. Draft and ensure dissemination of policies to employees regarding the provision of equal opportunity for persons with disabilities;
4. Establish a complaint grievance procedure to respond to complaints of noncompliance from employees as well as the general public;
5. Maintain current knowledge and information regarding state and federal laws and regulations concerning the rights of individuals with disabilities and ways of providing reasonable accommodation as well as relating to employment policies and practices of employees with disabilities.
6. Provide ADA program and facility interpretation and advice on compliance to all sectors of MAPA;
7. Serve as a point of contact for all matters related to ADA (including facility accessibility), and serve as the conduit for information for compliance reporting for other MAPA staff;
8. Coordinate with and assist Program Managers on complaints alleging discrimination and non-compliance under the ADA and other applicable federal and state laws regarding discrimination on the basis of disability;
9. Ensure prompt and equitable resolution of complaints and inquiries from MAPA employees as well as the general public regarding discrimination on the basis of disability; and
10. Maintain a record of all disability and accommodation issues and the resolution of each.

Americans with Disabilities Act (ADA) Self-Assessment

MAPA will routinely conduct an initial self-evaluation and if areas of non-compliance are identified, a Transition Plan will be created, and all needed modifications will be addressed.

As a part of the development of this Title VI Plan, MAPA conducted a self-assessment of its facilities and activities to ensure compliance with the Americans with Disabilities Act. The results of that self-assessment are included in this section and have been organized into the two following categories:

- **Facilities** – A review of the accessibility of MAPA's administrative offices
- **Programming** – An review of MAPA's public participation activities, grant funding, and other activities

MAPA has renewed and approved its policy statement for ADA activities as a part of the development of this plan.

Facilities

MAPA's administrative offices are located in Metro Transit's main office and bus garage. Metro Transit is the transit authority for the City of Omaha and is also a designated recipient of Federal Transportation funding. As a part of its Triennial Review with the Federal Transit Administration, Metro Transit certified the ADA compliance of all of Metro's facilities– including the office building where MAPA is located.

MAPA holds many of its public and stakeholder meetings at its offices– including the meetings for the MAPA Board of Directors, Citizens Advisory Council and Transportation Technical Advisory Committee. Additionally, public access to MAPA staff and records would be accessible to residents with disabilities and mobility issues at this location as well. If MAPA or Metro undertakes renovation, it will complete modifications within the requirements of the regulations.

Programming

There are many activities in which MAPA is involved that have are impacted by the ADA and its goals. These activities are categorized in the sections below. Generally, MAPA's Coordinated Transit planning activities and its Public Participation policies have the greatest direct impact on interaction with persons with disabilities, but the needs of disabled populations are considered in all planning processes.

Coordinated Transit Activities

The Omaha-Council Bluffs Metropolitan Area Planning Agency (MAPA) became the Designated Recipient of FTA Section 5310 program funds in 2013. The activities of this program are guided by the Coordinated Transit Plan that was updated in 2014.

The Coordinated Transit Plan was derived from the efforts of local stakeholders and the public. It is meant to provide information to the general public, local jurisdictions, and

agencies to develop eligible transportation projects to meet the transportation needs of the elderly, those with disabilities, and economically disadvantaged.

The Program Management Plan (PMP) provides the formal guidance on the eligibility requirements for Section 5310 projects and the process by which funds are awarded. Section 5310 funding may be used for “Traditional” capital projects and “Other/New Freedom” projects. Activities that directly impact the mobility of the elderly and people with disabilities are explicitly eligible in both categories of funding.

Additionally, MAPA will seek written certification of compliance pertaining to ADA directives from approved applicants during the FTA Certification and Assurances process. MAPA, in turn, will make all documents related to ADA reporting part of the permanent file of the project. This documentation will include information regarding the ADA accessibility of vehicles purchased through the 5310 program and executed, contracted assurances for sub-recipients.

ADA requirements pertaining to MAPA’s Section 5310 program activities are monitored using a Program Checklist that is included as a part of the PMP.

Public Participation

Public participation is a critical component of the transportation planning process. MAPA’s Public Participation Plan (PPP) provides the overarching framework for the agency’s outreach efforts and compliance with relevant federal guidance. In general, MAPA’s outreach philosophy seeks to maximize opportunities for the public to be involved in its planning initiatives.

An extensive checklist was developed to document the accessibility of all locations used for public meetings and MAPA events. This check-list includes physical characteristics of the meeting facilities (walkways, ramps, sidewalks, etc.) in addition to transportation services available to members of the public with disabilities or limited mobility (e.g. the availability of transit service).

Additionally, all meeting announcements will include a sentence informing the general public that auxiliary aids and services (sign language interpreters, oral interpreting services, audio listening device system, etc.) are available when requested in advance.

These measures are described in more detail in MAPA’s PPP and ensure that MAPA’s public meetings are open and accessible to all residents of the region– including those with disabilities.

Chapter 5 – Limited English Proficiency Overview

While most individuals in the United States read, write, speak and understand English, there are many individuals whose primary language is not English. Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English are considered by federal law to be limited English proficient, or “LEP.” This language barrier may prevent individuals from accessing services and benefits and they may be entitled to language assistance with respect to a particular type or service, benefit, or encounter.

Within the MAPA region, much of the LEP population is concentrated in low-income and high-minority areas of the region. Figure 5.1 below illustrates areas in which a disproportionately high number of LEP speakers are concentrated in a particular census tract. These population centers are largely concentrated in the core of the region, with areas in Douglas, Sarpy and Pottawattamie Counties.

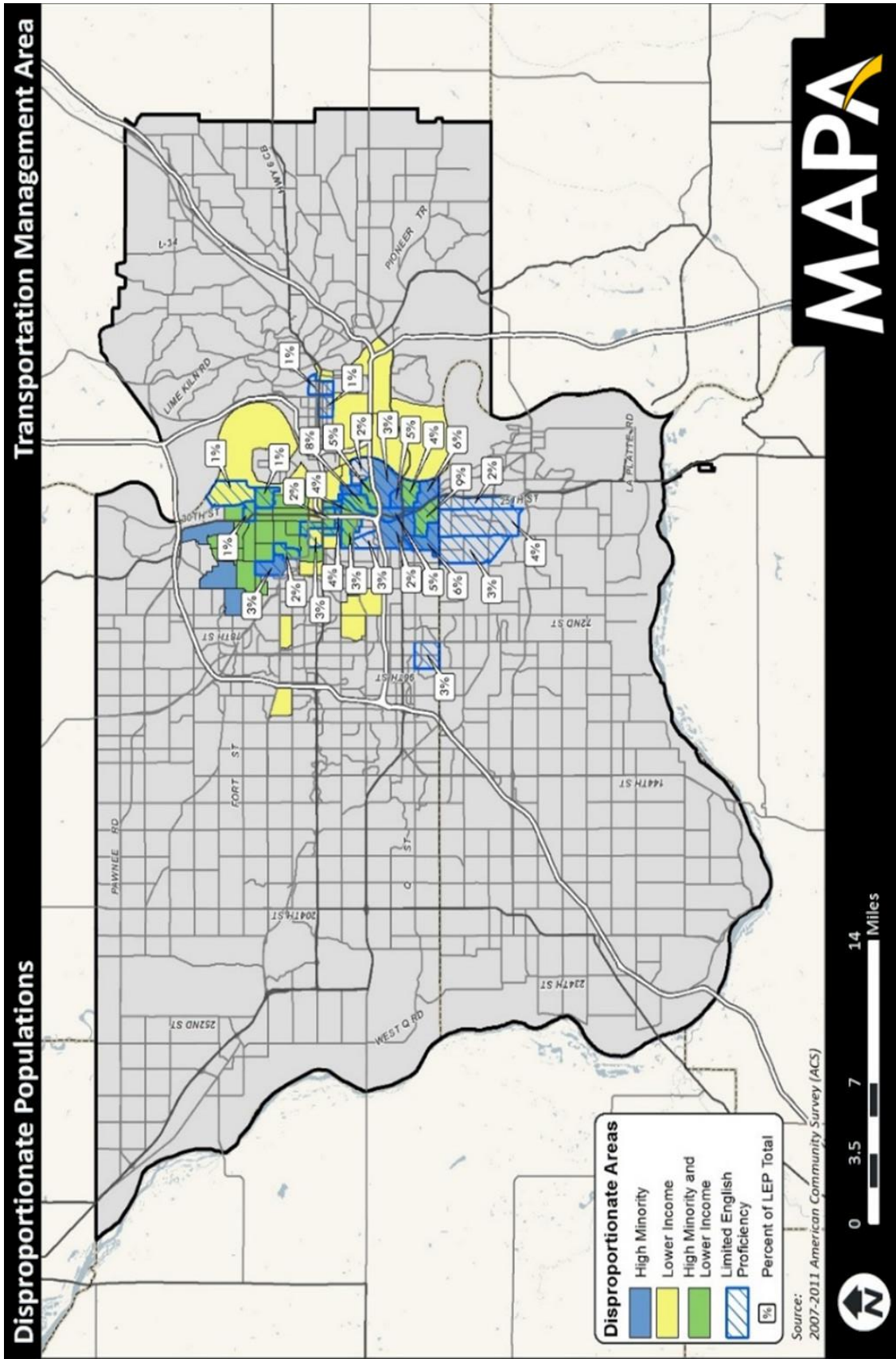
An analysis conducted by PolicyLink as a part of MAPA's Heartland 2050 regional planning effort noted that communities of color have been and will continue to drive population growth within the MAPA region. As such it is critical that these communities have are able to fully participate in the planning and decision-making about transportation investments within the MAPA region. The analysis and accommodation strategies detailed in this chapter reflect MAPA's commitment to ensuring that these communities have full access to the transportation planning process and services.

Limited English Proficiency

LEP Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency. The LEP Executive Order (Executive Order 13166) ensures that, consistent with Title VI, persons with Limited English Proficiency (“LEP”) have meaningful access to federally conducted and federally funded programs and activities.

The Order requires all agencies that provide Federal financial assistance to issue guidance on how Title VI applies to recipients of that assistance in their contact with persons who are LEP. The Order also requires that Federal agencies create plans for ensuring that their own activities also provide meaningful access for persons who are LEP.

Figure 5.1 – Overview of Disproportionately High Concentrations of LEP Populations



Four – Factor Analysis

In accordance with Executive Order 13166, MAPA conducted the four-factor analysis recommended by the U.S. Department of Transportation to determine the level and extent of language assistance measures. The steps within this analysis are briefly described in the list below.

- *Number or Proportion of LEP Persons “Served or Encountered” in the MAPA Region.* In this section, MAPA analyzes regional demographic data to determine which language groups have significant populations of LEP speakers within the MAPA region. This analysis provides key information about the language groups for which MAPA’s strategies should be oriented.
- *Frequency of Contact with MAPA’s Programs & Services.* MAPA describes the historical contact it has had with different language groups, including any requests for translation in this section.
- *Nature and Importance of MAPA’s Activities or Programs.* As MAPA is responsible for decisions about transportation investments, it’s critical that LEP populations have access to important planning processes. This section details MAPA’s approach to LEP accommodation for various transportation planning products and outreach activities.
- *Availability of Resources & Accommodation Costs.* In this section, MAPA provides an estimate of costs associated with LEP accommodation activities.

These steps provide a detailed description of the relationship between the LEP populations in the Omaha-Council Bluffs Region and MAPA’s activities. The data and information included as a part of this analysis provides MAPA with a good framework for increasing access to the transportation planning process and accommodating the needs of LEP persons within the MAPA region.

Factor 1 – Number and Proportion of LEP Persons in the MAPA Region

To quantify the needs of LEP persons within the Omaha-Council Bluffs region, MAPA staff conducted a demographic analysis of American Community Survey (ACS) data to assess the number and proportion of LEP residents. A summary of this analysis is included in Table 5.1 (below).

	Total	Percentage
TMA Population (5 Years and Older)	711,436	–
Spoke only English at Home	626,786	88.1%
Language Other than English Spoken at Home	84,650	11.9%
Persons who Speak English Less than “Very Well”	39,471	5.5%

Table 5.1 – Overview of Limited English Proficiency in the MAPA TMA

Generally, the vast majority of residents in the MAPA region live in English-only households (88.1%). However, of the households that speak a language other than English at home, nearly half speak English less than “very well”. Thus, while most people

who are likely to be impacted by MAPA's planning activities or services speak English, those who speak a different language at home are much more likely to have difficulty understanding oral or written information provided by MAPA in English. As such, this need is an important consideration of accommodation strategies discussed later in this chapter.

While the LEP needs of the region as a whole are substantial, the great variation of language groups within the MAPA region makes accommodation more difficult since resources must be spread out over numerous language groups. Table 4.2 on the next page details the total number of speakers by language group and the number of speakers within that group that have identified as LEP. The calculated percentage in this table is the proportion LEP persons in a language group based on the total population of the TMA aged 5 years or above (711,436).

As a part of this analysis, MAPA noted that Spanish language speakers comprise over 69% of persons who speak English less than "very well". The next three highest single language categories, when combined, comprise less than 9% of the total population of persons who speak English less than "very well" in the MAPA region. Based on this analysis, MAPA determined that the Spanish language speakers comprise the most significant portion of LEP persons within the MAPA region and that this group would require special attention as a part of the agency's accommodation efforts.

Language Group	Total Language Speakers	Speak English Less Than "Very Well"	Less than "Very Well" Percentage
Spanish or Spanish Creole	54,648	27,330	3.8%
Other Asian Languages	3,640	1,958	0.3%
African Languages	3,589	1,549	0.2%
French	3,329	1,018	0.1%
Vietnamese	2,233	1,466	0.2%
German	1,885	297	0.0%
Chinese	1,712	1,029	0.1%
Other Indic Languages	1,679	878	0.1%
Arabic	1,405	665	0.1%
Italian	1,167	281	0.0%
Hindi	911	183	0.0%
Tagalog	797	161	0.0%
Japanese	696	214	0.0%
Korean	673	343	0.0%
Other Indo-European Languages	580	81	0.0%
Other and Unspecified Languages	520	417	0.1%
Russian	509	191	0.0%
Polish	504	73	0.0%
Persian	464	315	0.0%
Thai	464	196	0.0%
Other Native North American Languages	456	105	0.0%
Portuguese	436	96	0.0%
Other Slavic Languages	420	120	0.0%
Urdu	340	111	0.0%
Other Pacific Island Languages	327	49	0.0%
Serbo-Croatian	232	66	0.0%
Scandinavian Languages	205	40	0.0%
Gujarati	194	66	0.0%
Greek	173	82	0.0%
Other West Germanic Languages	135	14	0.0%
Yiddish	102	39	0.0%
Hebrew	79	-	0.0%

Table 5. 2 – Summary of English Proficiency in the MAPA TMA, by Language Group

Language Group	Total Language Speakers	Speak English Less Than "Very Well"	Less than "Very Well" Percentage
French Creole	69	-	0.0%
Hmong	37	12	0.0%
Mon-Khmer, Cambodian	22	13	0.0%
Laotian	13	13	0.0%
Armenian	5	-	0.0%

Table 5. 2 – Summary of English Proficiency in the MAPA TMA, by Language Group (continued)

Factor 2 – Frequency of Contact with MAPA’s Programs and Services

To date, MAPA has not received a request for translation nor had any LEP person attend any MAPA public meeting. However, MAPA’s Public Participation Plan notes continued efforts to improve outreach and develop contacts in LEP areas.

Through Heartland 2050’s Equity & Engagement Committee, MAPA engaged with many organizations and individuals from traditionally-underrepresented communities. The Equity and Engagement Committee focused on identifying key strategies that would ensure that all residents of the Omaha-Council Bluffs region have “full and equal access to access opportunities that enable them to achieve their full potential. Through efforts such as these and with targeted outreach during the transportation planning process, MAPA’s contact with LEP populations is likely to grow.

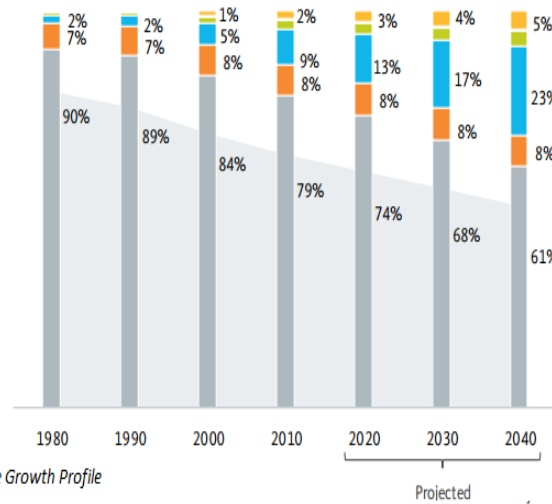
Additionally, demographic shifts within the Omaha-Council Bluffs region are going to increase the frequency with which MAPA makes contact with minority communities.

Figure 5.2 (left) illustrates a projection of the MAPA region’s racial and ethnic composition by the Year 2040. These shifts reflect continued growth in the population

of minority communities—particularly in the case of the largely Hispanic Latino population. As such, it is critical that members of these racial and ethnic communities are involved in the planning processes about the future in which they will comprise a much greater portion of the population.

Racial/Ethnic Composition, 1980 to 2040

- U.S. % White
- Other
- Native American
- Asian/Pacific Islander
- Latino
- Black
- White



Source: PolicyLink, Heartland 2050 Equitable Growth Profile

Figure 5.2 – Projected Racial & Ethnic Composition of MAPA MSA

Factor 3 – Nature and Importance of MAPA's Activities or Programs

MAPA's main function is to support cooperative and comprehensive transportation planning, as outlined in the federal transportation legislation. In this capacity, MAPA develops three main documents:

- Long Range Transportation Plan (LRTP)
- Transportation Improvement Program (TIP)
- Unified Planning Work Program (UPWP)

As the agency responsible for coordinating the regional transportation planning process, MAPA must ensure that all segments of the population, including LEP persons, have the opportunity to be involved in the planning process.

The primary purpose of the transportation network of the region is to facilitate the movement of people and products. The health and vitality of the region depends on how well the transportation network functions. All people, including the LEP population, in the region rely on the network to get to work, hospitals, school, and other essential daily trips. It is important that all constituents have meaningful access the planning process and an opportunity to express their needs. Without such an opportunity the system could fail to meet their needs and hinder their quality of life.

The Long Range Transportation Plan (LRTP) sets forth a regional policy and planning framework to guide decision-making regarding the growth and development of the MAPA TMA. The TIP is a program or schedule of short-range transportation improvements and activities intended to be implemented through a combination of state, federal and local funding. The UPWP outlines tasks to be performed in the upcoming year and includes planning activities that range from transportation, community development, and land use planning initiatives.

MAPA is committed to ensuring that the agency's planning projects and activities are accessible to all citizens within the MAPA TMA; therefore, throughout planning processes, staff takes all appropriate and reasonable measures to reach the LEP community.

Factor 4 – Availability of Resources and Accommodation Costs

In the past, MAPA has budgeted between \$5,000 and \$10,000 thousand dollars annually for report and document production. MAPA has identified Spanish language translation as an important consideration for accommodating the predominantly Spanish-speaking LEP population in the Omaha-Council Bluffs metro area. Document translation cost estimates in the Table 5.3 below are based on recent translation services secured through MAPA's Heartland 2050 effort.

	Number of Words	Cost (\$0.30/word)
Transportation Improvement Program	21,423	\$6,427
Long Range Transportation Plan (2035)	80,475	\$24,143
Unified Planning Work Program (UPWP)	10,586	\$3,176
Public Participation Plan	18,333	\$5,500
	130,817	\$39,245

Table 5.3 – Estimated Costs Associated with Spanish Language Translation of MAPA Documents

Based on this analysis, full Spanish language document translation services would require a significant increase in financial resources currently committed to these activities. The cost of translation services precludes MAPA from full translation services for hard copies of all key documents, though there are digital translation services provided on the MAPA website. Additionally, accommodating additional language groups would be cost prohibitive based on the limited frequency with which MAPA has historically interacted with different communities.

Appendices

Appendix A: Title VI Complaint Form

Title VI Non-Discrimination Complaint Form

This form may be used to file a complaint with the Omaha-Council Bluffs Metropolitan Area Planning Agency (MAPA) pursuant to discrimination laws, rules and regulations, including, but not limited to, Title VI of the Civil Rights Act of 1964, Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" and the Americans with Disabilities Act of 1990.

If you need assistance completing this form, please contact us by phone at 402-444-6866, or fax 402-342-0949 and ask for a Title VI Coordinator.

Feel free to add additional pages if necessary. You are not required to use this form; a signed letter that provides the same information is sufficient to file your complaint.

Complaints of discrimination must be filed within 180 days of the alleged discrimination.

This form **MUST** be completed by the complainant or the complainant's designated representative.

Complainant's Personal Information:

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: (home/work) _____ (cell) _____

Name of the person completing this form, if different from above:

Your relationship to the complainant indicated above:

Alleged Discrimination – Details of Complaint

I. Identify the agency, department or program that discriminated:

Agency and/or department name:

Name of any individual, if known:

City: _____ State: _____ Zip: _____

Phone: (Work) _____ (Fax) _____

Date(s) of the alleged act:

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Date alleged discrimination began:

Last or most recent date of alleged discrimination:

II. What is the basis for this complaint?

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you or others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

Example: If you believe that you are discriminated against because you are African American, you would mark the box labeled "Race/Color" and write "African American" in the space provided.

Example: If you believe the discrimination occurred because you are female, you would mark the box labeled "Gender" and write "female" in the space provided.

Check all that apply:

- | | |
|--|-------------------------------------|
| <input type="checkbox"/> Race/Color _____ | <input type="checkbox"/> Religion |
| <input type="checkbox"/> National Origin _____ | <input type="checkbox"/> Age |
| <input type="checkbox"/> Gender _____ | <input type="checkbox"/> Disability |

III. Explain what happened:

Please explain as clearly as possible what happened. Provide the name(s) of witnesses, fellow employees, supervisors, and others involved in the alleged discrimination. Please include all information that you feel is relevant to the investigation. (Attach additional sheets if necessary and provide a copy of any written materials pertaining to your complaint.)

IV. How can this/these issue(s) be resolved to your satisfaction?

V. What is the most convenient time and place for use to contact you about this complaint?

VI. If we are not able to reach you directly, please give us the name and phone number of a person who can reach you and/or provide information about your complaint:

Name: _____

Telephone Number: () _____

VII. If you have an attorney representing you concerning the matter raised in this complaint, please provide the following:

Name of Attorney: _____

Address: _____

Telephone Number: () _____

Your Signature

Date

Note: The laws enforced by this agency prohibit retaliation or intimidation against anyone because the individual has either taken action or participated in action to secure rights protected by these laws. If you

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experience retaliation or intimidation separate from the discrimination alleged in this complaint or if you have questions regarding the completion of this form, please contact:

Title VI Coordinator
Omaha-Council Bluffs Metropolitan Area Planning Agency
2222 Cuming Street
Omaha, NE 68102
Phone: (402) 444-6866 Ext. 216; Fax: (402) 342-0949

Appendix B: Summary of Comments

Question or Comment	Response or Clarification
Need to clarify state and federal roles in the Title VI complaint procedure	Role of the FHWA Office of Civil Rights in investigating Title VI complaints was clarified in the complaint procedure included in Chapter 3
Contact information for Title VI Coordinator(s)	Individual employees are not identified in the text of this plan. Contact information for MAPA Title VI Coordinator(s) will be posted in print at the MAPA office and will be maintained online on MAPA's website to ensure it is always up to date. An email address, titlevi@mapacog.org , will be maintained to ensure electronic comments are forwarded to the correct staff member(s).
Clarification or who receives ADA complaints	Complaints on the basis of disability discrimination may be submitted through the Title VI complaint procedure identified in Chapter 3. A separate grievance procedure is outlined in Chapter 4 that relates to accommodations as part of MAPA's plans and programs.
What strategies are identified for outreach groups identified in this plan?	<p>The MAPA Public Participation Plan includes a detailed set of outreach strategies to maximize the participation of traditionally underrepresented populations. These strategies vary based on the plan or program that is being implemented.</p> <p>Organizations identified as providing services to underrepresented populations were also invited to participate in the Resource Agency & Interested Party workshop held in January 2015, as a part of the development of this plan.</p>
How is MAPA addressing language barriers in the community?	MAPA currently has a notice on meeting announcements regarding the availability of translation services. Detailed strategies regarding outreach and accommodation for LEP populations are included in Chapter 5 of this plan and also in the Public Participation Plan.