



Connect. Plan. Thrive.

2018-2021

Civil Rights Policy

Title VI Guidelines and Complaint Procedure

Americans With Disability Act

Limited English Proficiency Guidelines

Environmental Justice Guidelines and Area Analysis

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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 U.S. 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 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 MAPA program, the guidance in Chapter 3 provides specific recourse to those individuals.

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

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



MAPA Civil Rights Policy & Procedure

designates an MPO in every urbanized area with a population 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 the Americans With Disabilities Act(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 three 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.

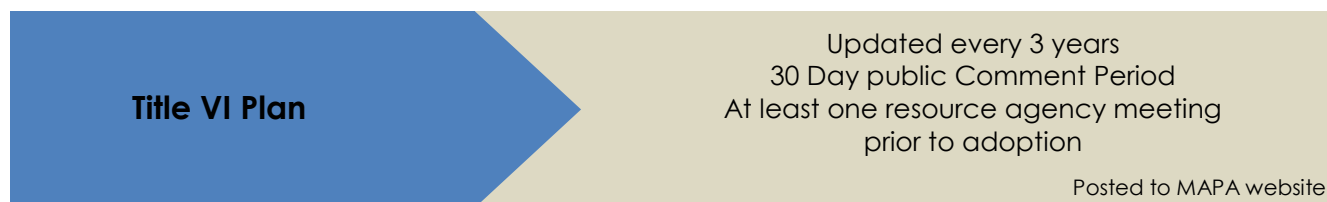


Figure 1.1 – Overview of Public Participation Plan Requirements for Title VI Planning

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 to public comment. After the resource meeting agency meeting is held, the Transportation Technical Advisory Committee (TTAC) makes recommendations.

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.

MAPA staff incorporate any recommendations made by resource agencies or MAPA sub-committees before the MAPA Board of Directors releases the document to the public for comment. The new plan is posted online and at MAPA's 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.

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 participate fully 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, eastern Pottawattamie County, and part of Cass County. The TMA is the region in which MAPA is responsible for

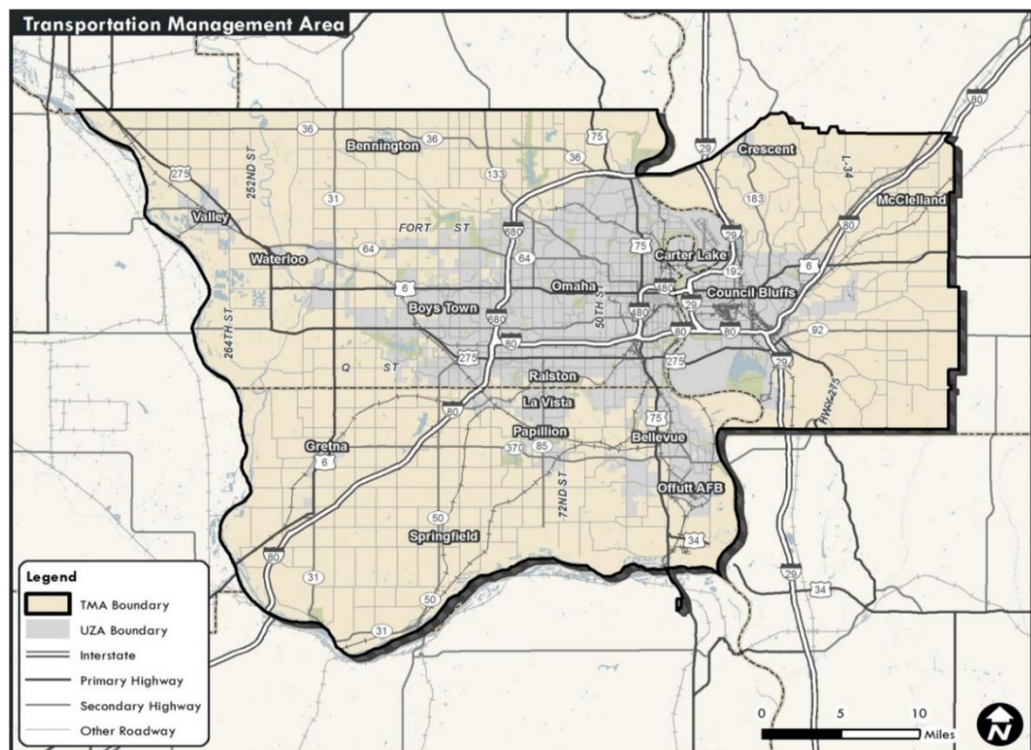


Figure 2.1 – MAPA Region

short- and long-range transportation planning and for allocating Federal Funding to transportation projects. The boundaries of the MAPA TMA is illustrated in Figure 2.1.

The sidebar 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.

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).

Important Transportation Planning Documents

Long Range Transportation Plan

Transportation Improvement Program

Unified Planning Work Program

Traffic Reports

Public Participation Plan

Title VI Plan

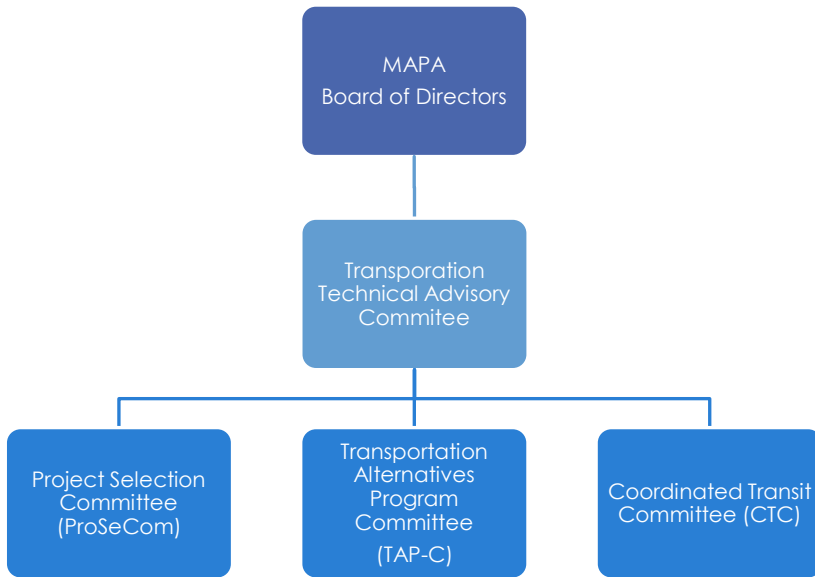
Stakeholder Groups

Transportation Technical Advisory Committee (TTAC)

Project Selection Committee (ProSeCom)

Transportation Alternatives Committee (TAP-C)

Coordinated Transit Committee (CTC)



The TTAC is comprised of public works officials 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.

MAPA 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 (TAP-C) (involves engineers, bike/pedestrian advocates, and planners) and they make recommendations to the TTAC.

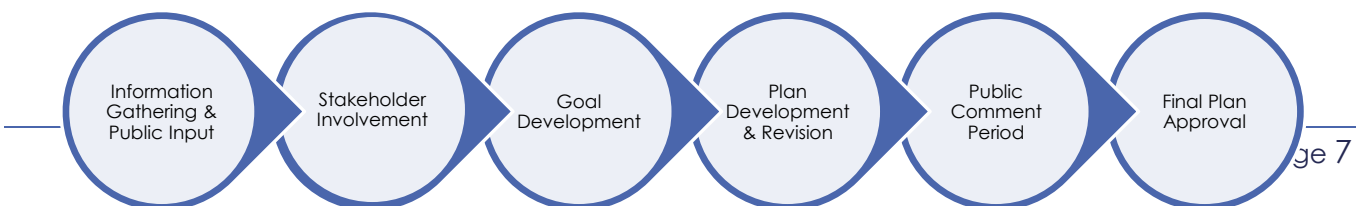
Figure 2.2 – MAPA Committee Structure

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 affected 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.



Demographic Profile

Figure 2-3 : Overview of the MAPA Planning Process

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 is 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)
- Race and Ethnicity

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 restrictions 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.

Metro Transit provides limited fixed route transit service and demand response service to many of the Omaha neighborhoods. Several areas which have large pockets of people over 65 have limited or no transit service available. Council Bluffs, Ralston, La Vista, Papillion, and Bellevue all have locally operated transit services for elderly and disabled populations as well. 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.

Total TMA Population	Over 65	Percent
808,911	94,933	11.7%

Table 2.1 – TMA Population Over 65 Years of Age

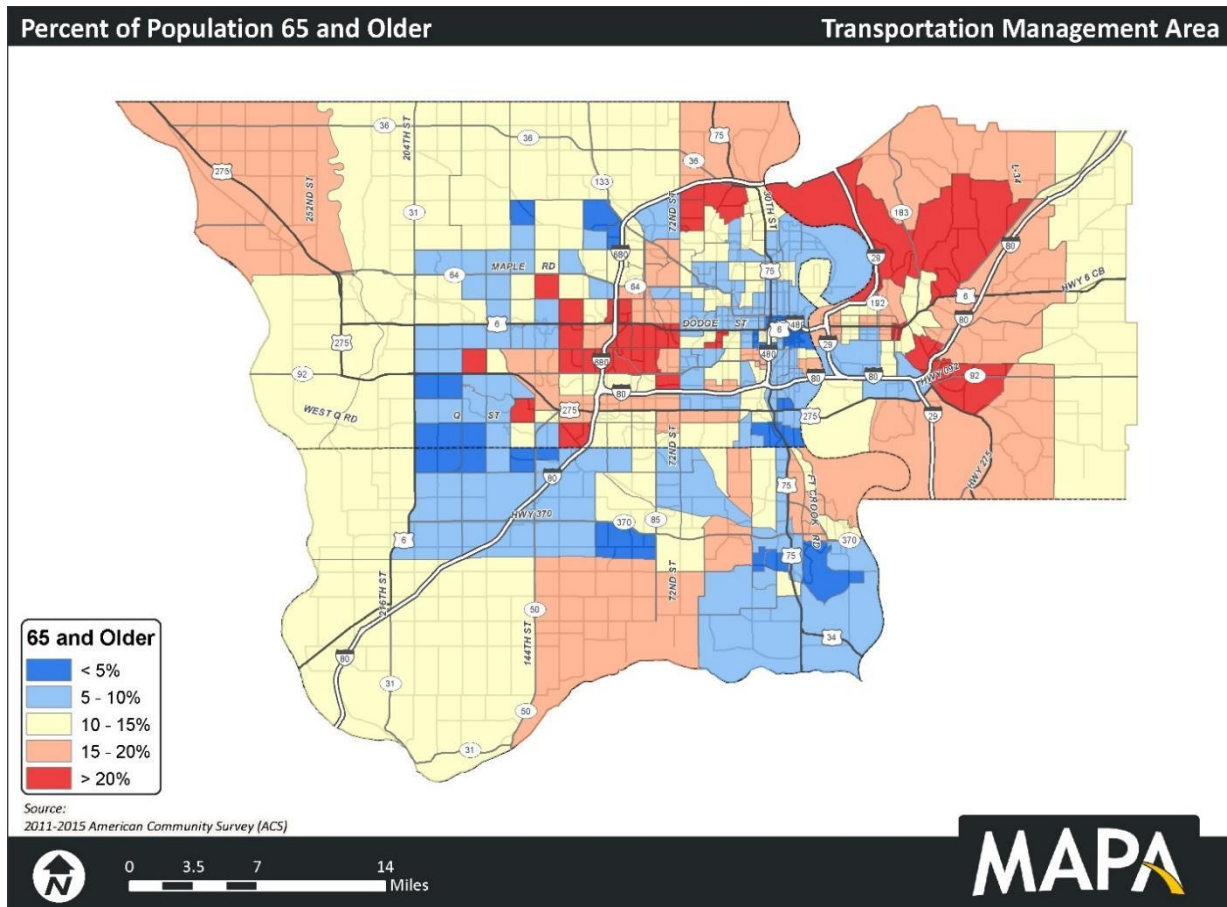


Figure 2.4 – TMA Population Over 65 Years of Age

Disabled Population Demographics

Table 2.2 provides a summary of the disabled population in the Omaha-Council Bluffs Metro Area. Based on American Community Survey data, there are approximately 86,000 people who are considered 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 older than 65 years of age.

Total TMA Population	Disabled	Percent
808,911	86,000	9%

Table 2.2 – TMA Population with a Disability

Northeastern Omaha is well served by Metro Transit's fixed route service presently and is within the ¾ mile buffer of fixed route service 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 paratransit services.

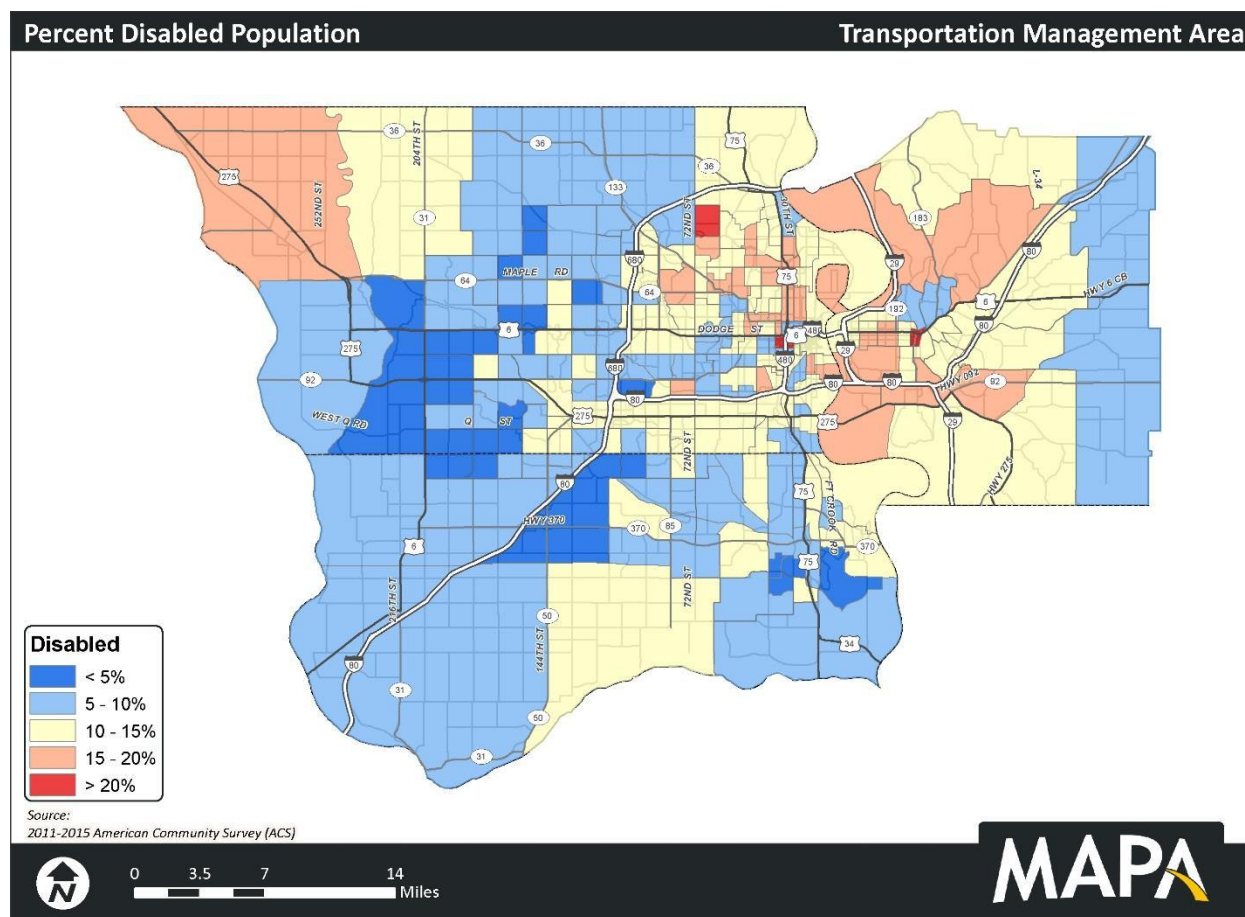


Figure 2.6 – TMA Population with a Disability

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.

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.

Total Population	Population in Poverty	Percent
808,911	93,520	10.3%

Table 2.3 – TMA Population in Poverty

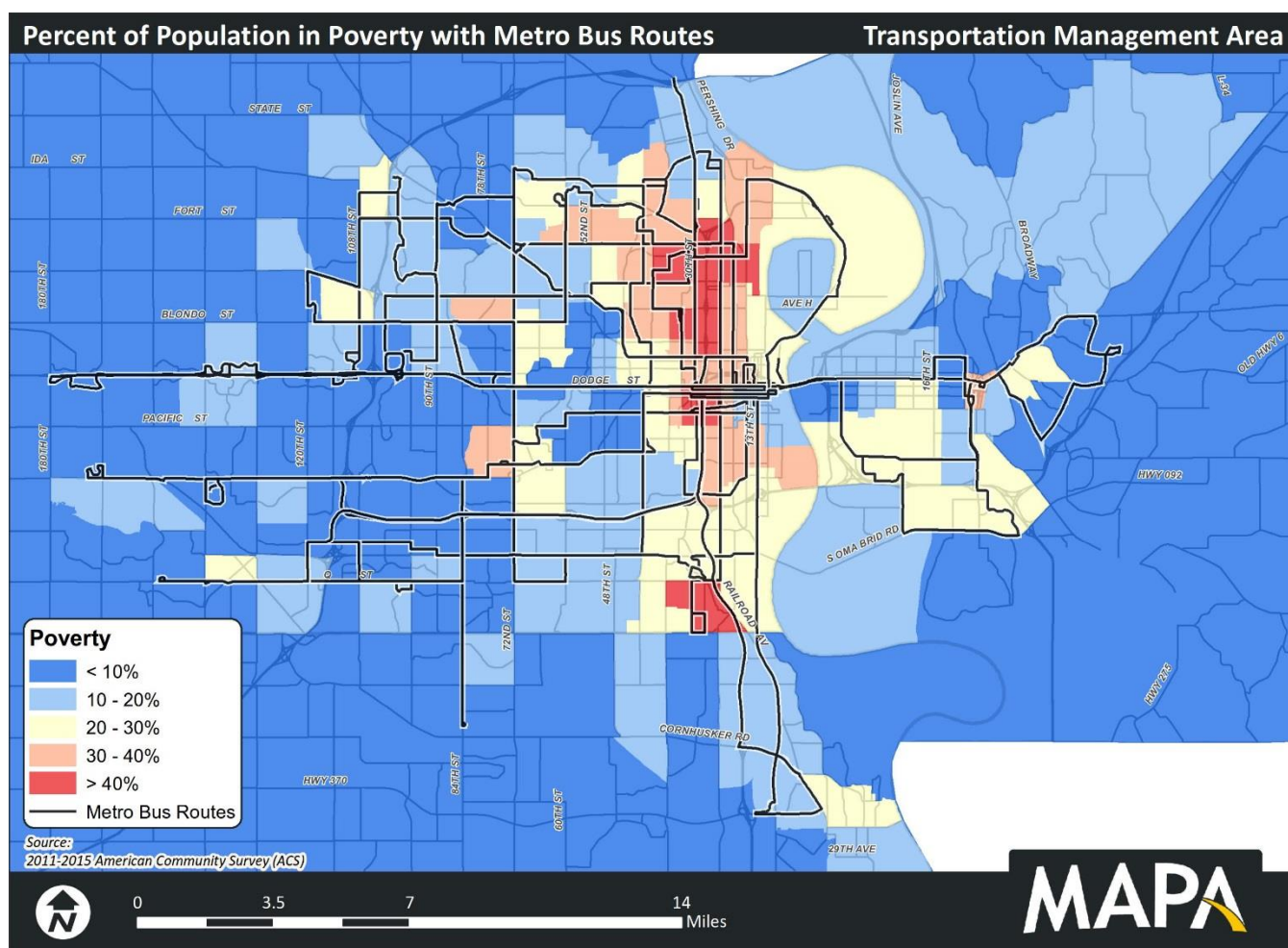


Figure 2.6 – TMA Population in Poverty

Zero Vehicle Households

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

Total Households	Zero vehicle households	Percent
808,911	21,813	6.3%

Table 2.4 – MAPA TMA Zero Vehicle Households

poverty statistics discussed previously, 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 a personal vehicle 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 2.7a shows the Metro Transit system.

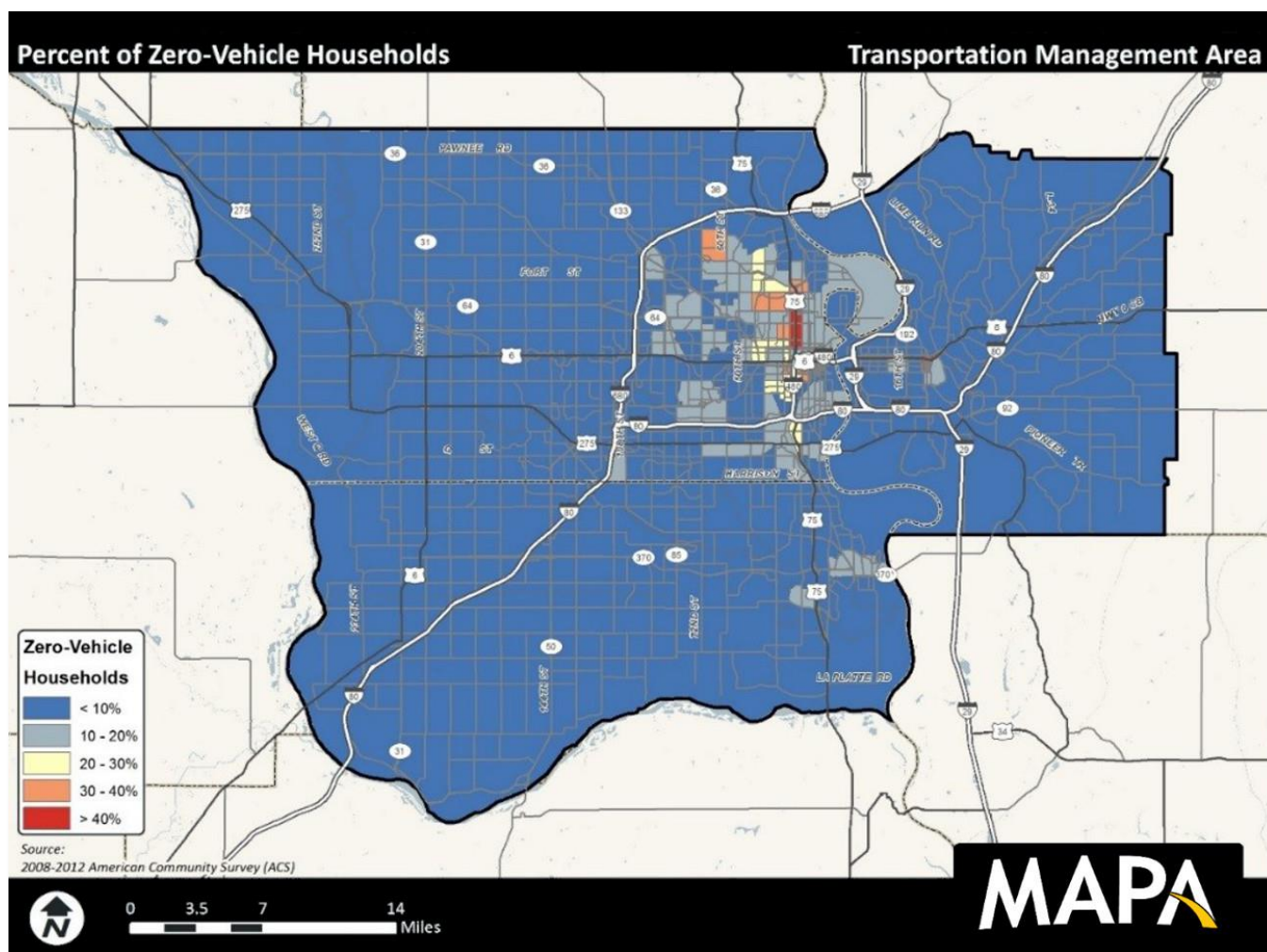


Figure 2.7 – MAPA TMA Zero Vehicle Households

Race and Ethnicity

Table 2.5 shows the number of people of colour in the in the Omaha area by geographic concentration. The highest concentrations of minority populations are found in the urban core of the City of Omaha. In general, the Black population in the region is concentrated north of Dodge Street and east of 72nd Street, while the Hispanic/Latino populations are concentrated south of Dodge and east of 42nd Street.

Total Population	Total Non-White	Percent
808,911	200,679	24.8%

Race	Total	Percent
White	608,232	75.2%
Black	67,639	8.4%
Hispanic/Latino	86,456	10.7%
Other	46,584	5.8%

Table 2.5 – Race and Ethnicity in the Omaha-Council Bluffs Metro

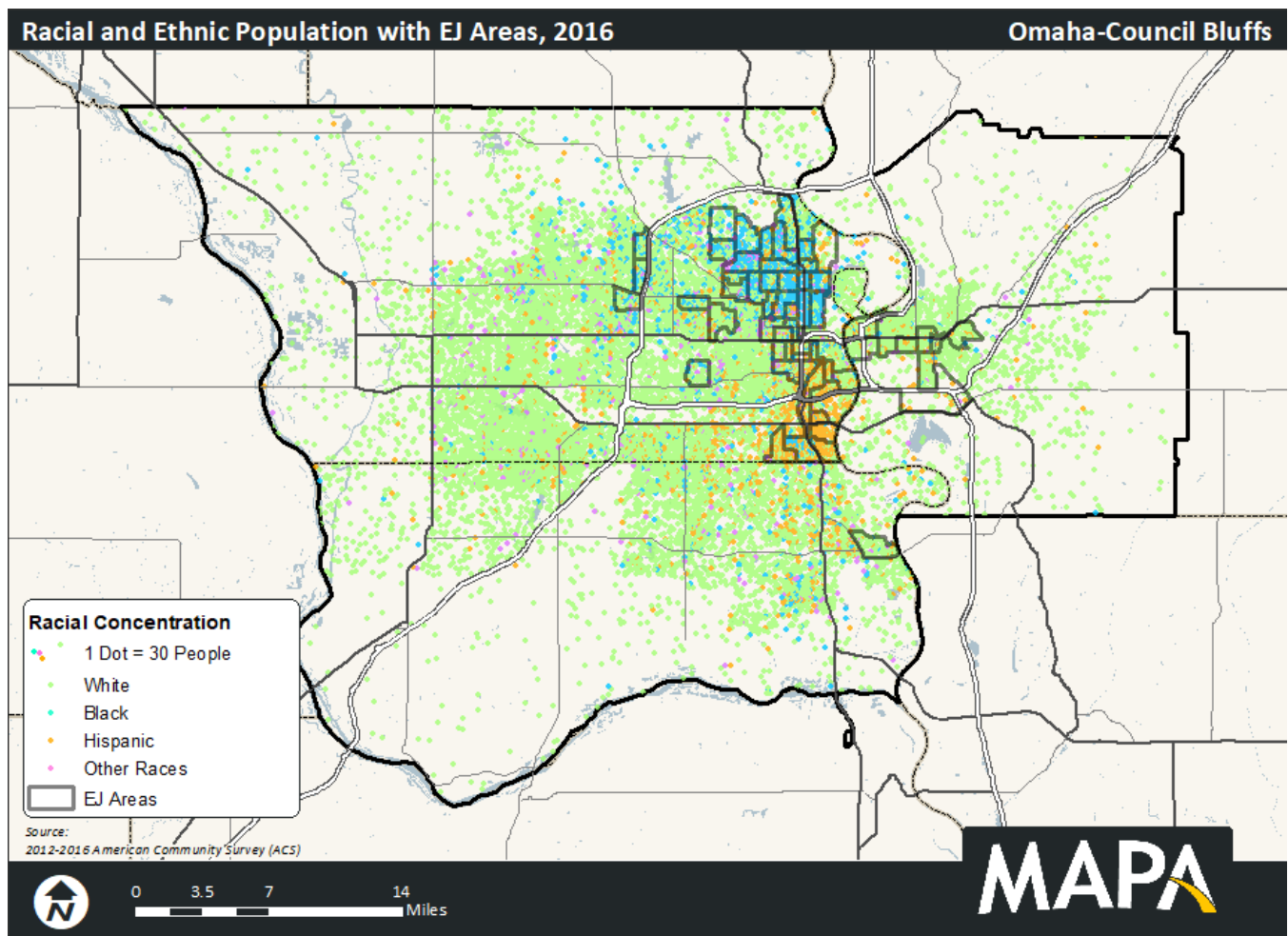


Figure 2.8 – MAPA Race and Ethnicity in the MAPA region

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 disproportionally 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 fall partially within an EJ area are counted based on the proportion of the project that impacts the EJ area directly. 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	The MAPA travel demand model estimates access to jobs by automobile and transit travel time where available. This information can be used to identify performance thresholds such as percentage of jobs within a given travel time distance.	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 Block Grant Program (STBG)
- 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 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 Director of Finance and Operations 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 Director of Finance and Operations 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 Nebraska Department of Transportation (NDOT) and Iowa Department of Transportation (IDOT).

- 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 for 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, NDOT 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.

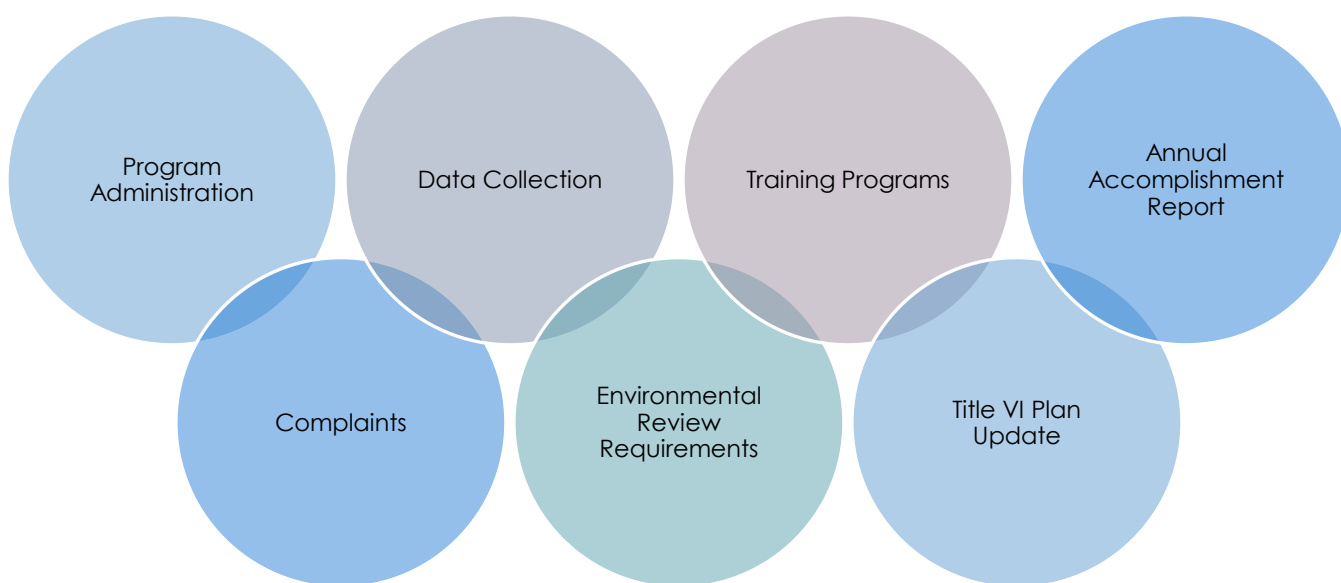


Figure 3.1 – Overview of Title VI Coordinator Responsibilities

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 Limited English Proficiency (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 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.

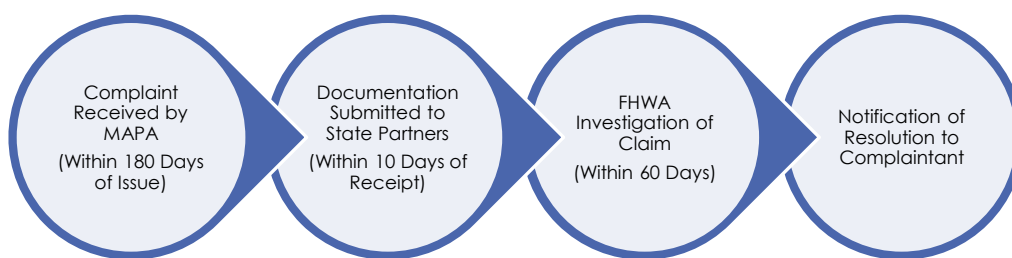


Figure 3.2 – Overview of MAPA Title VI Complaint Procedure

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 503 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. 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
civilrights@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 NDOT, IDOT, and FHWA Division Offices.
5. MAPA will advise NDOT 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. 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 NDOT, 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 be forwarded immediately to IDOT or NDOT 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 Transportation
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 NDOT 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.

Sub-Recipient Monitoring and Pass through Procedures

MAPA allocates significant amounts of federal-aid to sub-

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, gender, 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/about/what-is-mapa/civil-rights/> or call (402) 444-6866

Abbreviated Notification

MAPA complies fully 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

recipients for various transportation planning activities. Each of these “pass-through” agreements are subject to the federal and state Civil Rights requirements described in this plan– including the sub-allocation of Federal Transit Administration (FTA) funding.

There are multiple classes of federal funding that MAPA passes-through to sub-recipients. The first are annual allocations of Metropolitan Planning funding from FHWA and FTA. These funds are distributed by the processes identified in the Unified Planning Work Program (UPWP) and are governed by agreements which require compliance with the civil rights requirements identified 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 and Federal Transit Administration Funds.* The Coordinator will assist State DOTs to conduct Title VI compliance reviews periodically. MAPA staff will review select recipients of Federal-aid highway or other Federal funds, to ensure adherence to Title VI requirements. MAPA will confirm periodically 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 voluntary 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 correct deficiencies voluntarily. When a sub-recipient fails or refuses to comply voluntarily 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 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.

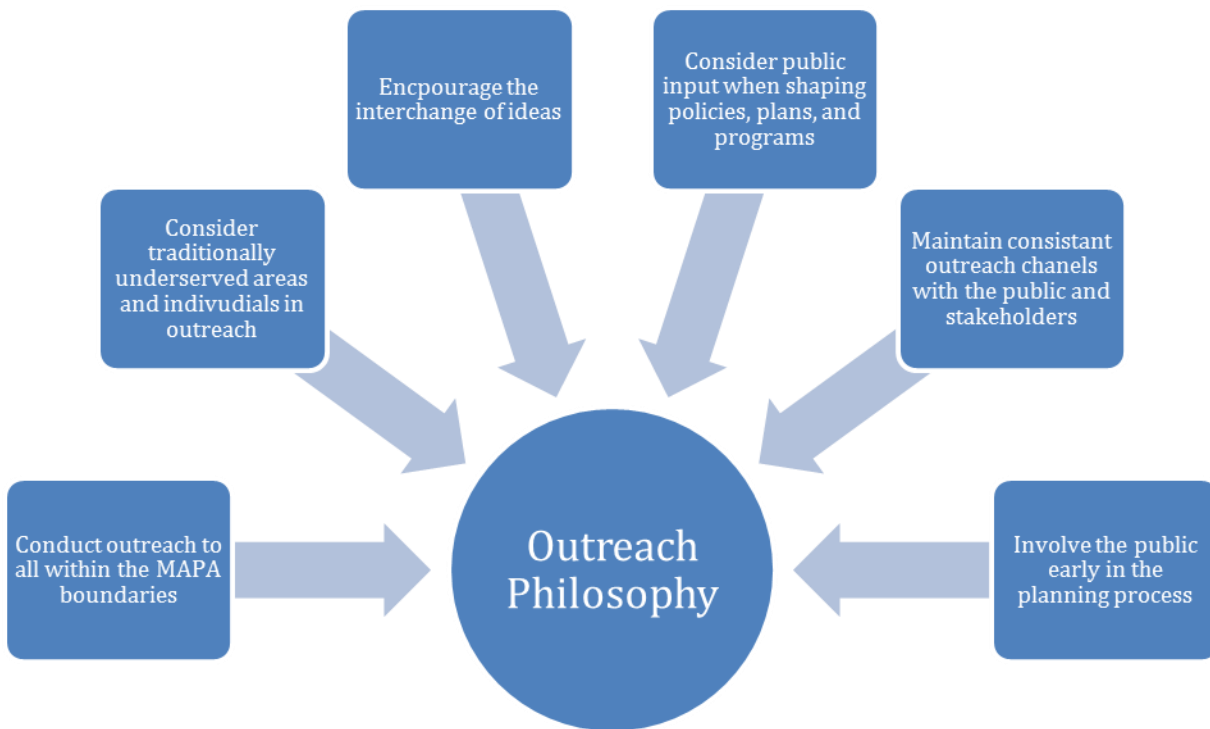


Figure 3.3 – Overview of MAPA's Public Participation Outreach Philosophy

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.

Since 2014 MAPA has worked to expand its outreach efforts and make the planning process more open and accessible for all. Since the last update to this plan, MAPA has conducted the following specific outreach to historically disadvantaged populations:

- Heartland 2050 Equity & Engagement Committee: MAPA has continued to facilitate the Equity and Engagement Committee developed as part of the Heartland 2050 Regional Visioning process. The committee meets bi-monthly and includes representatives from advocacy organizations, economic development corporations, social service organizations, and public agencies.
- Affirmatively Furthering Fair Housing (AFFH): MAPA led public outreach efforts for the three entitlement communities in the Omaha-Council Bluffs region as part of the HUD AFFH regulations. The outreach focused on populations with housing and transportation needs, and identified strategies to improve opportunities for residents in these areas.
- Regional Equitable Growth Profile: MAPA recently completed an update to the Regional Equitable Growth Profile. This document highlights disparities present in the Omaha-Council Bluffs region in areas of income, educational attainment, and social mobility and has specific recommendations for policies and programs to address these needs.
- Goal-Setting for the 2050 Long-Range Transportation Plan (LRTP): MAPA targeted public meetings in North and South Omaha, with an emphasis on reaching the Black and Hispanic/Latino populations of our region. Additionally, stakeholder meetings were held with organizations representing individuals with disabilities, social service organizations, and public agencies which provide housing and transportation services to members of the community. These efforts were intended to broaden participation among these groups in the regional transportation planning process.
- Sarpy County Transit Study: Through this plan outreach was conducted to employers and advocacy organizations related to the transportation needs of workers in Sarpy County. Specifically, connections between major employers in Sarpy County and areas of high-unemployment (such as North and South Omaha) were investigated and several coordination meetings were held to develop strategies to address those needs—including the development of transit service between these areas.
- Coordinated Transit Plan: MAPA's Coordinated Transit Committee has expanded to include additional representatives from advocacy organizations and public housing representatives. The latest plan update resulted in additional strategies about raising awareness in the community about the mobility needs of individuals with disabilities, low-income populations and the elderly. This work has led to new partnerships and increased interest in pursuing new projects.
- Heartland Connections Bicycle & Pedestrian Plan: During the development of the pedestrian element of the plan, representatives of the Omaha Association of the Blind and the Mayor's Commission for Citizen's with Disabilities (MCCD) regarding barriers and needs related to pedestrian infrastructure in the Omaha-Council Bluffs metropolitan area.
- Transportation Improvement Programs: Continued to evaluate the Environmental Justice analysis and communicate the benefits and burdens of the transportation system in the Omaha metro.

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 posts, 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.

MAPA Boards and Committees

MAPA technical and advisory committees are appointed by the cities and counties who are members of MAPA.

These technical bodies have subcommittees which are made up of members from the larger committees and are appointed by the board chair. MAPA also facilitates a number of roundtables and working groups that are open to any interested parties.

MAPA Committee Members	Number
Total	92
Male	77
Female	15
White	89
Black	2
American Indian/Alaskan Native	0
Asian	0
Native Hawaiian or other Pacific Islander	1

The table to the right includes members from the MAPA Board, the Transportation Technical Advisory Committee (TTAC), its subcommittees the Project Selection Committee (ProSeCom), Transportation Alternatives Program Committee (TAP-C), and the Coordinated transit Committee (CTC), as well as the Region 18 Planning Affiliation Technical and Policy committees. Many members sit on multiple committees and several of the committees, CTC and TAP-C, have active nonmember community participation.

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 and programs to ensure that people

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 and 503 of the Rehabilitation Act of 1973 (29 USC 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.

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."

Grievance Procedure

This Grievance Procedure is established to meet the requirements of the American's 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 calendar 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
civilrights@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 resolve the issue satisfactorily, 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 conduct an initial self-evaluation routinely 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. MAPA has not built any new facilities in the past three years.

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 concentrated largely in the core of the region, with areas in Douglas, Sarpy and Pottawattamie Counties.

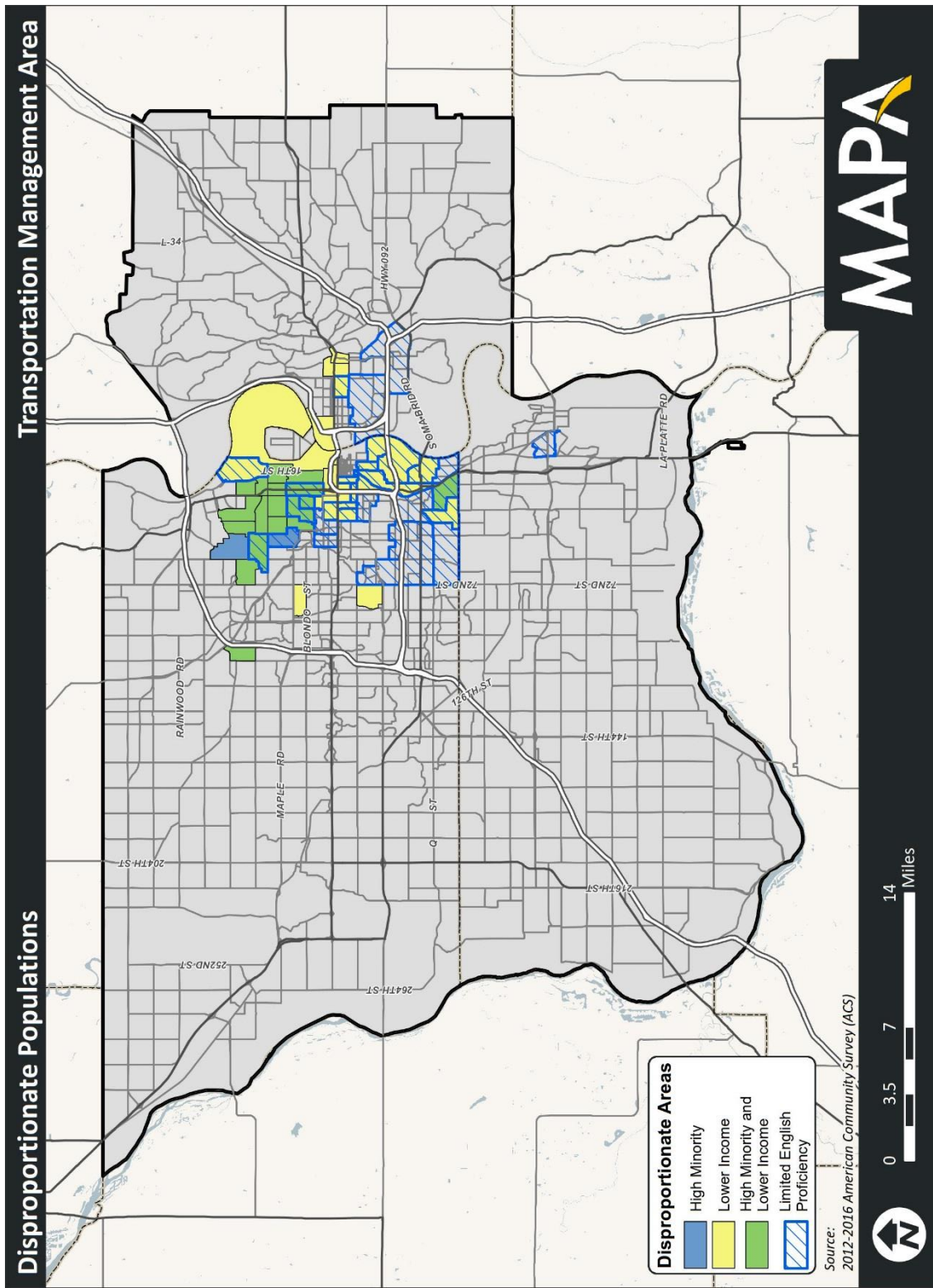
An analysis conducted by PolicyLink as a part of MAPA's Heartland 2050 regional planning effort noted that communities of color have been and will continue to drive population growth within the MAPA region. As such it is critical that these communities have are able to participate fully in the planning 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.

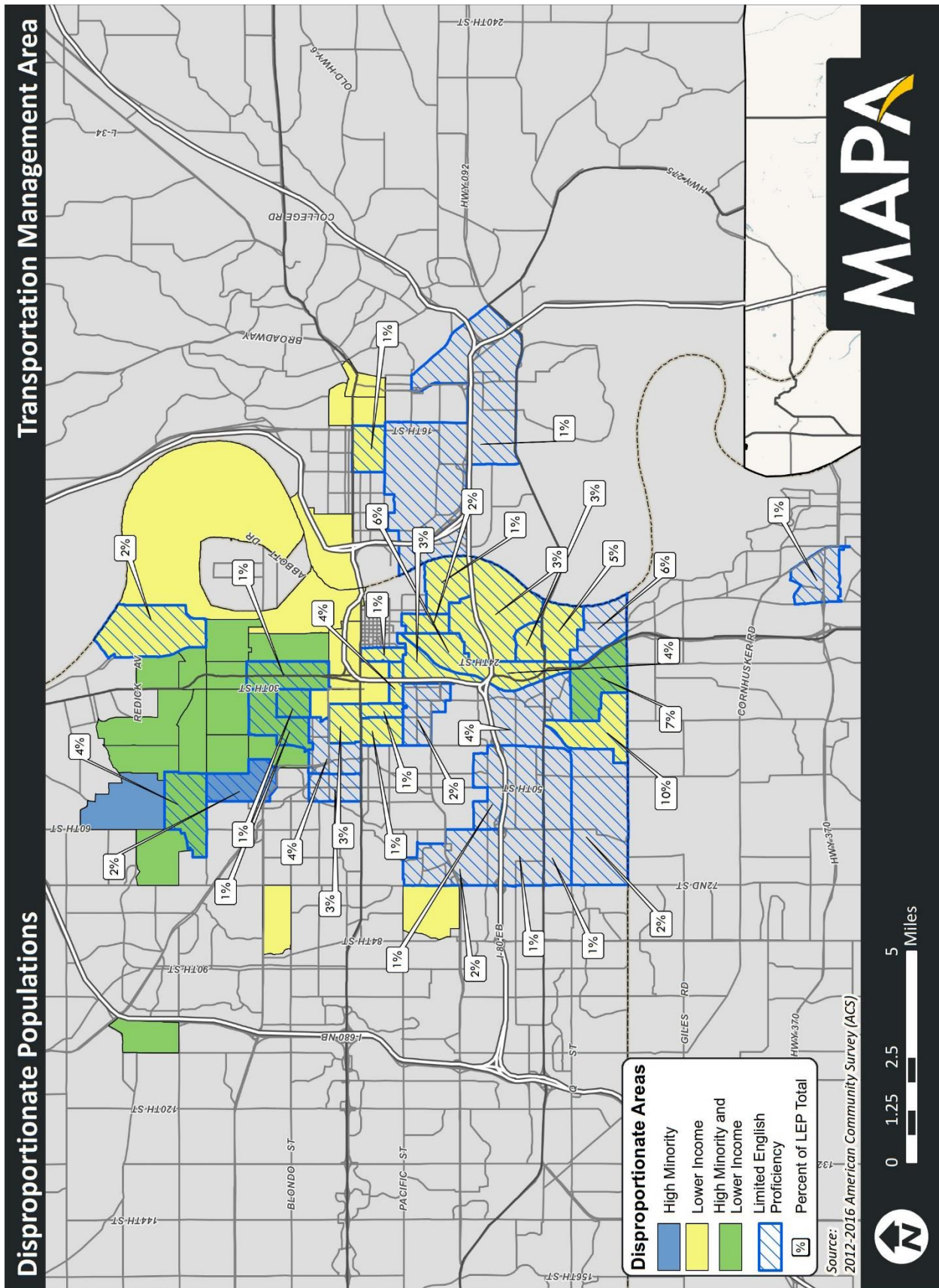
Limited English Proficiency

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 have 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 described briefly 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 and 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 and 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)	872,662	–
Spoke only English at Home	774,742	88.8%
Language Other than English Spoken at Home	97,920	11.2%
Persons who Speak English Less than "Very Well"	97,920	3.6%

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 (88.8%). However, of the households that speak a language other than English at home, nearly a third 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 across 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 Transportation Management Area aged 5 years or above (872,662).

As a part of this analysis, MAPA noted that Spanish language speakers comprise around 69% of persons who speak English less than “very well.” The next three highest single language categories, when combined, comprise around 11% of the total population of persons who “speak a language other than English at home” 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	59,140	28,161	48
Other Asian Languages	4,777	1,958	41
African Languages	3,255	1,314	40
French	3,411	824	24
Vietnamese	2,494	1,491	60
German	2,073	344	17
Chinese	2,053	1,262	61
Other Indic Languages	1,842	1,104	60
Arabic	2,002	904	45
Italian	726	196	27
Hindi	985	192	19
Tagalog	1,019	346	34
Japanese	655	145	22
Korean	822	353	43
Other Indo-European Languages	520	105	20
Other and Unspecified Languages	602	504	84
Russian	635	215	34
Polish	395	87	22
Persian	519	345	66
Thai	476	210	44
Other Native North American Languages	508	78	15
Portuguese	519	159	31
Other Slavic Languages	588	138	23
Urdu	221	43	19
Other Pacific Island Languages	272	46	17
Serbo-Croatian	267	84	31
Scandinavian Languages	170	16	9
Gujarati	358	101	28
Greek	204	62	30
Other West Germanic Languages	92	26	28
Yiddish	51	15	29
Hebrew	58	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	105	0	0
Hmong	172	53	31
Mon-Khmer, Cambodian	86	37	43
Laotian	74	43	58
Hungarian	2	0	0
Armenian	0	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.

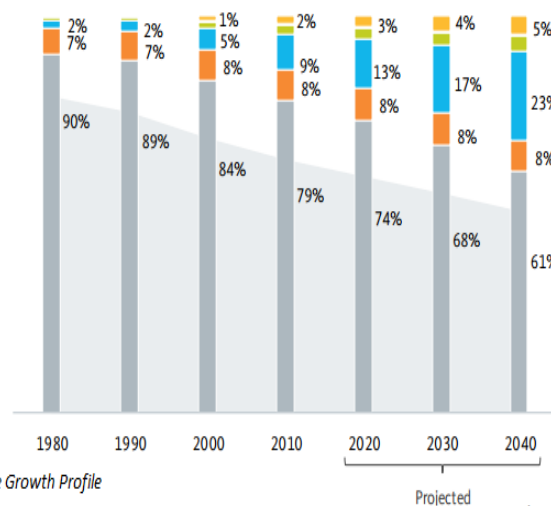
Through Heartland 2050's Equity and Engagement Committee, MAPA engaged with many organizations and individuals from traditionally-underrepresented communities. The Equity and Engagement Committee focused on identifying key strategies that would ensure that all residents of the Omaha-Council Bluffs region 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 to 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 interacted historically 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:

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:

☐ Race/Color _____

☐ Religion

☐ National Origin _____

☐ Age

☐ Gender _____

☐ 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

If you select members, did you provide a table with a racial breakdown of the membership of	Response or Clarification
If you select members, did you provide a table with a racial breakdown of the membership of those boards, councils, or committees? No	A chart of the committee membership by race and gender has been included on page 25.
Did you describe how they encourage minorities to participate on these boards, councils, and committees? No	In this way the composition of MAPA's board and of our committees is driven by the diversity reflected in our membership or the decisions made by those agencies in selecting representatives to MAPA.
Did you identify a site or location for a new facility (excluding bus shelters) or construct a facility during the period covered by your program? No	MAPA has not constructed any new facilities in the past 3 years.
<p>Did you include the procedures you use to pass through FTA financial assistance to sub-recipients in a non-discriminatory manner? No</p> <p>Is there a description of the procedures the MPO uses to provide assistance to potential sub-recipients applying for funding? No</p> <p>Did you include its efforts to assist and support potential sub-recipients, including efforts to assist those that would serve predominantly minority populations? No</p>	Language to clarify these procedures on FTA funding and sub-recipient pass through has been added to page 22.
The public participation plan outlined on page 22 does not include a summary of the efforts conducted in the last three years.	A list of planning MAPA's plans and reports over the past three years has been added to pages 24 and 25.
Page 8 Demographic Profile – the profile does not identify “minority population” as	The data on geographic concentration of race has been disaggregated in the Environmental

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a consideration. Low income is threshold for EJ – not just those below poverty line and the Title VI elements of race, color, national origin are not included. Age, such as in the elderly population is not a consideration necessarily under Title VI. It is, along with sex and disability a consideration under FHWA policy though. My concern is that in the MAPA document, they do not reference all bases.	Justice maps to reflect this on pages 9 and 10. The additional recommendations are demographic factors that we have evaluated as part of our Long Range Transportation Plan and Regional Equitable Growth profile or will consider in our next updates of those documents.
On page 24, the insert under Assurances references that Section 504 is “including discrimination in employment”. Employment is covered under Section 503, rather than Section 504.	This has been corrected.
On page 25, the Coordinators should be referred to as “ADA Coordinators” rather than Title VI Coordinators although I realize later in the document they indicate that the Title VI Coordinators serve as the ADA Coordinators.	This has been corrected.
Lastly, on pages 34 and 35 they may wish to re-check their percentages as they reference “nearly half speak English less than very well”; however, the chart shows it is 3.6% of 11.2% who speak languages other than English.	This has been corrected.

Question or Comment	Response or Clarification
What is the ultimate purpose of detailing these rights policies and procedures? Who are the intended audiences of this policy? What are the	The Civil Rights Policy & Procedure is meant to inform citizens of their rights and responsibilities concerning Title VI of the Civil Rights Act of 1968, the Americans With Disabilities Act (ADA), and Limited English Proficiency (LEP) regulations in federal transportation programs. The plan is also

desired outcomes associated with MAPA's civil rights policy?	used by MAPA staff to determine the areas that should be considered for additional attention when developing outreach strategies and evaluating projects for funding. A detailed policy and complaint procedure for Title VI and ADA is required by the regulations. MAPA has used this update as an opportunity to reflect on our agency's activities to help ensure that open, equitable, and inclusive planning and funding programs are developed.
Why isn't race considered an important demographic to be profiled alongside age, disability poverty, and zero vehicle households (Chapter 2; note that race was a demographic factor considered in the past by MAPA is designing the Environmental Justice area described on p. 12)? It would be illuminating to transparently demonstrate the absence or existence of any racial disparities in transportation access, a critical civil rights issue. Additionally, it would be helpful for MAPA to provide statistical breakdowns of Omaha's public transportation users by race, class, age, gender, disability, limited English proficiency, alongside national averages for comparison.	In reviewing the current and previous plans we agree that additional focus on race, and the geographic distribution of racial groups within the region would benefit the conversation on equity and provide additional information for MAPA staff in their work. We have disaggregated the data in the Environmental Justice maps to reflect this on pages 9 and 10. The additional recommendations are demographic factors that we have evaluated as part of our Long Range Transportation Plan and Regional Equitable Growth profile or will consider in our next updates of those documents.
What strategies does MAPA use to achieve "inclusive", "ongoing", (p.2) "open and full participation" (p.8) for all residents in planning? How is the desired outcome measured?	Those goals for public participation are identified in our Public Participation Plan, a document which also summarizes many of our strategies for achieving those goals. In short, MAPA works with partner organizations such as those on the Equity and Engagement Committee to promote our engagement efforts.
How does MAPA define the degree to which a population is "well served by transit" (pp. 10-11)?	MAPA looks at the frequency of bus routes at meeting locations and looks for areas where bus service is at least 30 minutes. This is above average for the Omaha metro, and we feel is a good indicator of being reasonably convenient to access via the bus.
In terms of reflecting the diversity of our community, how is the principal equity exemplified by the MAPA board and	MAPA is organized under an interlocal agreement between the counties of Washington, Douglas, Sarpy, Pottawattamie, and Mills Counties. Elected representatives of the sixty-three (63) member

<p>committee membership? By administration management and staff make-up? (Specifically, who is on the board, and how are they selected? Who is on the MAPA committees – in particular the influential Transportation Technical Advisory Committee – and how were they selected? Who exactly are the two people who will be working together to perform the duties of Title VI Coordinator, and how were they chosen.</p>	<p>governments for our agency's Council of Officials, who are responsible for maintaining the interlocal agreement and MAPA's overall policy body. The MAPA Board is also comprised of elected officials, meets monthly, and serves as an Executive Committee to the Council of Officials. The standing members of the MAPA Board (Douglas County, Sarpy County, Pottawattamie County, the City of Omaha, City of Council Bluffs, and Bellevue) nominate representatives each year. The small communities representatives for Nebraska and Iowa are nominated and selected on an annual basis. The Transportation Technical Advisory Committee (TTAC) has by-laws regarding membership, and the member list from each local jurisdiction, state partner and federal agency is approved by the Board each year. In this way the composition of MAPA's board and of our committees is driven by the diversity reflected in our membership or the decisions made by those agencies in selecting representatives to MAPA.</p> <p>The diversity represented by MAPA's staff fluctuates, but this is an area where MAPA's leadership sees an opportunity to become more reflective of the communities we serve.</p> <p>Jeff Spiehs (Community Development, Heartland 2050) and Megan Walker (Transportation) currently serve as the two Title VI Coordinators for the agency. They were selected based on their responsibilities related to public participation, public engagement, and the facilitation of stakeholder groups such as the Coordinated Transit Committee (CTC) and Equity and Engagement Committee (CTC).</p>
<p>Why are the responsibilities of Title VI Coordinator divided into two positions? How are those responsibilities split? And, what effect will that split have on achieving equity, accountability, and transparency? Will these individuals work in the same physical space? If not why not?</p>	<p>The Title VI Coordinator has been divided into two positions to more effectively represent the activities of the various departments in MAPA. These positions are split between the Transportation and Data department and Heartland 2050/Community & Economic Development staff members. Staff from the two departments interact with different stakeholders, community members, and have different roles within the agency; as such, incorporating Civil Rights responsibilities into positions within each department provides a more holistic perspective our MAPA's activities and our opportunities to make progress on our goals in these areas.</p>

<p>Does the fact that the Project Selection Committee is composed entirely of members of the influential Transportation Technical Advisory Committee, pose any issues to fulfilling the core values of equity, transparency, and/or accountability? If so how?</p>	<p>The Project Selection Committee (ProSeCom) was our first TTAC sub-committee made responsible for project selection. As such the initial and current membership was drawn from our TTAC. Since that time, our Coordinated Transit Committee (CTC) and Transportation Alternatives Program Committee (TAP-C) have been created and reflect much broader community participation. As we reconsider the project selection criteria for ProSeCom as part of our Long Range Transportation Plan update, we will revisit the membership of that committee.</p>
<p>How will MAPA's civil rights policy be monitored, and who will ensure these policies and procedures are carried out (e.g. will MAPA designate an individual as "watchdog", empowered to hold the agency accountable for civil rights)?</p>	<p>MAPA views our broad and ongoing stakeholder involvement as the best means of ensuring we're accountable to these issues and making progress towards our goals.</p>
<p>How will the relative success of MAPA's civil rights policy be evaluated? What kind of enforcement procedures are in place?</p>	<p>MAPA reviews its policies and programs yearly for compliance and produces public reports.</p> <p>In the Transportation and Data department the annual Transportation Improvement Program includes an Environmental Justice (EJ) Chapter which looks at the Federal transportation program funding spent in EJ areas compared with spending in non-EJ areas. The Public Participation Plan Annual Report reviews and evaluates the previous year's transportation outreach efforts and identifies areas for improvements and action steps for MAPA staff to take in the next year. Both of these are public documents available on MAPA's website, or hard copy by request.</p> <p>Heartland 2050 produces a regular Equity and Engagement Report which reviews the disparities in the community, the steps taken to reduce inequity, and future actions. The Equity and Engagement Committee meets regularly to review Heartland 2050 policies and programs.</p>
<p>Who will be held accountable if any of these policies and procedures is flouted? What are the expected consequences to public officials for failure to enforce these policies?</p>	<p>MAPA reviews and certifies that its programs and plans are in compliance with Federal, state, and local requirements.</p> <p>MAPA staff and Board members would be held accountable by Federal, state, and local partners</p>

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	<p>who review Title VI, ADA, and LEP complaints as well as MAPA plans, policies, and programs.</p> <p>If MAPA is found to be in violation of civil rights requirements there are remediation procedures that would be implemented with potential funding consequences if corrective measures are not taken.</p>
<p>What specific steps is MAPA taking to ensure the complete transparency in both its civil rights practices, and in its systems of accountability?</p>	<p>MAPA is working to improve transparency of its own policies and procedure by increasing stakeholder and public involvement early in the process.</p> <p>To ensure that the federal funding process is open and transparent MAPA sends all of its plans and public participation opportunities to stakeholders and partner agencies for review and comment.</p> <p>MAPA's yearly transportation program includes an analysis of the funding spent in the region broken out by the amounts spent in EJ areas, and amounts spent in non-EJ areas. The transportation department releases a yearly audit of their outreach programs in the Public Participation Annual Report. The decisions and programs developed by Heartland 2050 are overseen by the Engagement and Equity Committee which works to ensure that civil rights and equity are a focus of Heartland 2050 efforts.</p>