

## Cleveland MPO 2014 Title VI Report

March 24, 2014

**1. Organization - 42 USC 2000et seq.; 49CFR Part 21; 28CFR Part 42, subpart F, Executive Order 12898 on Environmental Justice and Title VI; FTA C4702.1B; FTA C4703.1.**

- a. Planning Commission(s), Board(s), and/or Advisory Body(ies) should reflect the racial/ethnic composition of the community affected by their programs.

Provide a breakdown for all MPO staff, transportation - related appointed board(s), advisory body(ies) or commission(s) by race and gender.

Body	Caucasian	Latino	African American	Asian American	Native American
Population					
Committee 1					
Committee 2					
Committee 3					

### Population

Currently the Cleveland MPO serves the City of Cleveland and urbanized portions of Bradley County, Tennessee. The Bradley County and City of Cleveland population data relevant to Title VI are as follows:

Population, 2012 estimate: Bradley County 101,134 ; Cleveland 42,386

Population, 2010 (April 1) estimate base: Bradley County 98,963; Cleveland 41,285

Population, percent change, April 1, 2010 to July 1, 2012: Bradley County 1.7%; Cleveland 2.7%

Population, 2010: Bradley County 98,963; Cleveland 41,285

Female persons, percent, 2010: Bradley County 51.3%; Cleveland 52.4%

White alone, percent, 2010 (a): Bradley County 92.2% ; Cleveland 83.9%

Black or African American alone, percent, 2010 (a): Bradley County 4.6%; Cleveland 7.4%

American Indian and Alaska Native alone, percent, 2010

(a): Bradley County 0.6%; Cleveland 0.4%

Asian alone, percent, 2010 (a): Bradley County 1.0%; Cleveland 1.5%

Native Hawaiian and Other Pacific Islander alone, percent,

2010 (a): Bradley County 0.1%; Cleveland 0.1%

Two or More Races, percent, 2010: Bradley County 1.6%; Cleveland 2.4%

Hispanic or Latino, percent, 2010 (b): Bradley County 5.1%; Cleveland 7.5%

White alone, not Hispanic or Latino, percent, 2010: Bradley County 87.9%; Cleveland 81.4%

Source: U.S. Census State & County QuickFacts

(a) Includes persons reporting only one race.

(b) Hispanics may be of any race, so also are included in applicable race categories.

### MPO Staff

MPO staff consists of the MPO Coordinator who is a Caucasian male.

### MPO Executive Board

The MPO Executive Board comprises five members who are appointed by position: Cleveland Mayor; Bradley County Mayor; Cleveland Vice-Mayor; Southeast Tennessee Human Resources Agency (SETHRA) Executive Director; and Governor of Tennessee representative. Currently, the MPO Executive Board members include one male African American and four male Caucasians.

### MPO Technical Coordinating Committee

The agency representation on the Cleveland Urban Area MPO Technical Coordinating Committee (TCC) is shown below. Local agency representation includes two Caucasian females, but Caucasian females sometimes comprise four or five of those present and voting depending upon designees and proxy's for local, state, and federal agencies. The remainder of the TCC are Caucasian males.

Public Works Director	City of Cleveland
Executive Director	Southeast TN. Human Resources Agency
Traffic Engineer	City of Cleveland (function now with Cleveland Utilities)
Finance Director	City of Cleveland

Community Development Director	City of Cleveland (now Development and Engineering Services Director)
County Engineer	Bradley County
City Engineer	City of Cleveland
City Manager	City of Cleveland
County Executive Designee	Bradley County
County Planner	Bradley County
Road Superintendent	Bradley County
Executive Director	Southeast TN Development District
Assistant Chief Engineer	Planning Division Tennessee Department of Transportation
Assistant Chief Engineer	Public Transportation, Waterways, and Rail Division Tennessee Department of Transportation
Commission Member	Aeronautics Division Tennessee Department of Transportation
Vice President/EDC	Chamber of Commerce
Assistant Chief Engineer	Design Division Tennessee Department of Transportation
*Division Administrator	Federal Highway Administration
* Director, Region IV	Federal Transit Administration
* Nonvoting Members	

b. How are members of the board(s)/ or commission(s) selected? ([attach by-laws](#))

The information provided above on the MPO Executive Board and the Technical Coordinating Committee is from the by-laws. The relevant sections are reproduced below.

**Appendix B By-Laws of the Cleveland Urban Area MPO Executive Board**

- Article I – Name/Study Area
  - Article II – Composition
  - Article III – Responsibilities

- Article IV – Organization
- Article V – Duties of Chair
- Article VI – Meetings
- Article VII – Rules Of Order
- Article VIII – Amendment To Bylaws

### **Article I – Name/Study Area**

The name of the organization shall be the Cleveland Urban Area Metropolitan Planning Organization (MPO) Executive Board. The study area (planning area) of the MPO includes the Urbanized Area of Cleveland, Tennessee, as defined in the most recent US Decennial Census and those areas likely to be urbanized in the future, as defined and depicted in the MPO’s Prospectus for Transportation Planning.

### **Article II – Composition**

The Executive Board shall be composed of the following elected officials:

- Governor, State of Tennessee
- Mayor, City of Cleveland
- Vice Mayor, City of Cleveland
- County Executive, Bradley County
- Executive Director, South East Tennessee Human Resources Agency (SETHRA Transit Provider)

## Appendix C Technical Coordinating Committee Membership

<u>Member</u>	<u>Representing</u>
Director of Public Works	City of Cleveland
Executive Director	Southeast TN. Human Resources Agency
Traffic Engineer	City of Cleveland
Finance Director	City of Cleveland
Director of Community Development	City of Cleveland
Senior Planner	City of Cleveland
County Engineer	Bradley County
City Engineer	City of Cleveland
City Manager	City of Cleveland
County Executive Designee	Bradley County
County Planner	Bradley County
Road Superintendent	Bradley County
Executive Director	Southeast TN Development District
Chief of Environment and Planning	Bureau of Planning and Environment Tennessee Department of Transportation
Chief Engineer	Bureau of Engineering Tennessee Department of Transportation
Vice President/EDC	Chamber of Commerce
*Division Administrator	Federal Highway Administration
* Director, Region IV	Federal Transit Administration
* Nonvoting Members	

- c. Provide a demographic profile of MPO's metropolitan area that includes identification of minority populations in the aggregate. (Use addendum sheets.)

Cleveland and Bradley County have historically had a predominantly non-Hispanic Caucasian population. This remains true but it is less pronounced. In viewing the table below, bear in mind that Bradley County, including Cleveland, contains about 85% of the MSA population.

**Table 1. RACIAL AND ETHNIC COMPOSITION:  
Cleveland TN and Cleveland MSA (Bradley County and Polk County)**

	Total Population		Non-Hispanic White		Non-Hispanic Black		Hispanic		Asian		Other Races	
	Cleveland	MSA	Cleveland	MSA	Cleveland	MSA	Cleveland	MSA	Cleveland	MSA	Cleveland	MSA
1980	26,415	NA	24,196 91.60%	NA NA	1,819 6.90%	NA NA	274 1.00%	NA NA	52 0.20%	NA NA	74 0.30%	NA NA
1990	30,354	87,355	27,548 90.80%	83,244 95.30%	2,148 7.10%	2,871 3.30%	436 1.40%	748 0.90%	138 0.40%	264 0.30%	84 0.30%	228 0.30%
2000	37,192	104,015	32,611 87.70%	96,606 92.90%	2,751 7.40%	3,764 3.60%	1,066 2.90%	1,939 1.90%	428 1.20%	665 0.60%	336 0.90%	1,041 1.00%
2005-09 ACS	39,253	110,919	33,031 84.20%	100,799 90.90%	3,102 7.90%	4,168 3.80%	1,754 4.50%	3,480 3.10%	577 1.50%	711 0.60%	789 2.00%	1,761 1.60%
2010	41,285	115,788	33,612 81.40%	103,851 89.70%	3,415 8.30%	4,858 4.20%	3,106 7.50%	4,897 4.20%	749 1.80%	1,109 1.00%	403 1.00%	1,073 0.90%

source: [www.s4.brown.edu/us2010/segregation2010](http://www.s4.brown.edu/us2010/segregation2010)

- d. Provide a description of the procedures used to determine and consider the mobility needs of the minority population. (Use addendum sheets.)

The 2008 Bicycle Pedestrian Plan included a Sidewalk Priority Index (SPI) developed by the consultants. When mapped, the high scoring SPI areas show a strong overlap with areas of highest low-income, minority population, and LEP concentrations:

<b>Cleveland Area MPO Sidewalk Priority Index (SPI)</b>	
<b>Criteria</b>	<b>SPI Points</b>
<b>Urbanized Area</b>	
• Within MPO Urbanized Area	12
• Within 1 mile radius of MPO Urbanized Area	8
• Within 2 mile radius of MPO Urbanized Area	2
<b>Urban Core</b>	
• Within CDBG Areas (which includes downtown)	8
• Within ¼ mile of CDBG Areas	4
<b>Generators</b>	
• Within ¼ mile of Public Schools/Private School	8
• Within ¼ mile of College/University	8
• Within ¼ mile of other Generators (e.g. Library, Community Centers, Bike Shops, Fitness & Country Clubs, Career Centers, Hospitals, Assisted Living Facilities, Public Housing, Mall, Movies, Camping)	6
• Within ¼ mile of Transit Routes	8
• Within ¼ mile of Parks and Greenway	8
• Within ¼ mile of Largest Employers	4
• Within ¼ mile of Commercial Lands	2
<b>Type of Roadway</b>	
• Arterial Road	6
• Collector Road	4
<b>Population Density</b>	
• 8 or Greater Persons Per Acre (2000 Census Block Level)	8
• 4 + Persons Per Acre (2000 Census Block Level)	4
<b>Max Points</b>	<b>78</b>



The SPI map areas shown in red and orange, the highest scoring categories, correspond pretty closely to those areas of Cleveland with relatively higher minority, or lower-income, or LEP populations. This information is used in developing the sidewalk program for both construction and maintenance.

- e. Provide a copy of the MPO's Public Participation Plan that includes an outreach plan to engage the minority and limited English proficient (LEP) population. Please include narrative on planned actions to eliminate language, mobility, temporal, and other obstacles to allow the minority and LEP populations full participation in Federally funded activities and programs.

Nothing in the adopted Public Participation Plan directly addresses outreach to the LEP population. Some persons in the Spanish-speaking community, the largest LEP population, have noted that members of this community are reticent about involvement with government organizations, sometimes owing to undocumented status, and this makes public participation among the largest segment of the LEP population especially challenging. Known minority organizations within Cleveland and Bradley County consist of the NAACP and 100 Black Men. At least one member of the Cleveland MPO Executive Board has been active in 100 Black Men. There are no known minority media outlets in Cleveland and Bradley County. A Chattanooga publication, *Noticias Libres*, is a free weekly Spanish language news publication available in some Cleveland businesses with higher concentrations of Latino customers, so it is a possibility for improved outreach to that portion of the LEP population.

- f. Provide a copy of the MPO's plan for providing language assistance to LEP persons.

From the 2008 Title VI Report:

**Mr. Davis has ordered "I Speak" cards and will distribute these to the CUAMPO office. Spanish is the non-English language most likely to be encountered by CUAMPO. Two bi-lingual officers are available through the Cleveland Police Department if Spanish language interpretation is necessary. Assistance with Spanish language interpretation and/or translation can also be obtained through Lee University resources. Lastly, a list of nearby (100 miles or less) professional Spanish language interpreters and translators with their contact information has been compiled from the American Translators Association (ATA) website. If local resources are unavailable, the ATA interpreters can be contacted. If an LEP person speaking a language other than Spanish is encountered, an appropriate interpreter can be identified through ATA or other sources.**

The "I Speak" cards are available and a translator can be accessed if necessary.

- g. Provide copies of MPO's instructions to the public regarding how to file a Title VI discrimination complaint.

See instructions in "Equal Opportunity Title IV Policy Statement" as shown below:

**How can I file a discrimination  
complaint?**

You may file a signed, written  
complaint within 30 days to the date of  
the alleged discrimination.  
The complaint should include:

- Your name, address, and  
telephone number
- The name and address of the  
agency, institution, or department  
you believe discriminated against  
you.
- How, why, and when you believe  
you were discriminated against.  
Include as much specific, detailed  
information as possible about the  
alleged acts of discrimination, and  
any other relevant information.
- The names of any persons, if  
known, who the City of  
Cleveland Title VI division could  
contact for clarity of your  
allegations.
- Your complaint must be signed.

Please submit complaint to the address  
stipulated below and to the attention of  
Jeffery G. Davis.

**City of Cleveland  
Human Resources Department  
Title VI Program  
Jeffery G. Davis, Coordinator  
190 Church Street, NE  
Cleveland, TN 37311**

**Tel. (423)559-3313  
Fax (423)472-3670**

Resources: U.S. Dept. of Justice  
Civil Rights Handbook  
Tennessee Human Rights  
Commission Fact Sheet

**City  
Of  
Cleveland**

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**Your Guide  
To**



**Title VI**

**Civil Rights Act of  
1964**

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**City of Cleveland  
Human Resources  
Department**

**Jeffery G. Davis,  
HR Director/Title VI Coordinator**

## City of Cleveland

CLEVELAND, TENNESSEE  
HUMAN RESOURCES

Jeffery G. Davis  
Human Resources Director  
jdavis@cityofclevelandtn.com



Cleveland Municipal Building  
190 Church Street, N.E.  
P.O. Box 1519  
Cleveland, Tennessee 37364-1519  
(423) 559-3313  
Fax: (423) 472-3670

# Equal Opportunity Title VI Policy Statement

**The City of Cleveland does not discriminate based on race, color, sex or national origin in federal or state sponsored programs, pursuant to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d).**

It is the general policy of the City of Cleveland to investigate all written administrative complaints that have apparent Title VI discrimination merit and are complete and properly pleaded. A complete and properly pleaded complaint is:

- In writing to the Title VI Office (Human Resources)
- Includes address, phone number and signature of the drafter
- Describes discriminatory acts that violate Title VI
- Filed within 180 calendar days of alleged discrimination
- Includes name of recipient that the allegation is made against

Any person who believes he or she has been discriminated against should contact: Jeffery G. Davis, Title VI Coordinator, Human Resources Office, Municipal Building, 423-559-3313.

- h. Provide copies of MPO's notices to the public demonstrating compliance with Title VI and informing the public of the protections provided to them in Title VI. Include locations where notices are posted, e.g., website, building entrance, etc.

Title VI notices are displayed in public areas of City Hall and in the building housing the MPO offices. The notice is the Title VI policy state shown below. Also, a TDOT-published Title VI notice is displayed in the MPO office lobby in English and Spanish.

# City of Cleveland

CLEVELAND, TENNESSEE  
HUMAN RESOURCES

Jeffery G. Davis  
Human Resources Director  
jdavis@cityofclevelandtn.com



Cleveland Municipal Building  
190 Church Street, N.E.  
P.O. Box 1519  
Cleveland, Tennessee 37364-1519  
(423) 559-3313  
Fax: (423) 472-3670

## Equal Opportunity Title VI Policy Statement

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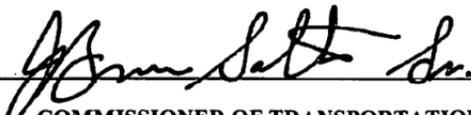
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**EQUAL OPPORTUNITY  
TITLE VI POLICY STATEMENT**

IT IS THE POLICY OF THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO ENSURE COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964; 49 CFR, PART 21; RELATED STATUTES AND REGULATIONS TO THE END THAT NO PERSON SHALL BE EXCLUDED FROM PARTICIPATION IN OR BE DENIED THE BENEFITS OF, OR BE SUBJECTED TO DISCRIMINATION UNDER ANY PROGRAM OR ACTIVITY RECEIVING FEDERAL FINANCIAL ASSISTANCE FROM THE U.S. DEPARTMENT OF TRANSPORTATION ON THE GROUNDS OF RACE, COLOR, SEX, OR NATIONAL ORIGIN.

  
\_\_\_\_\_  
COMMISSIONER OF TRANSPORTATION

ANY PERSON  
WHO BELIEVES HE OR SHE HAS  
BEEN DISCRIMINATED AGAINST  
SHOULD CONTACT

TENNESSEE DEPARTMENT OF TRANSPORTATION  
TITLE VI DIRECTOR  
SUITE 1800, JAMES K. POLK BUILDING  
NASHVILLE, TN 37243-0347  
TELEPHONE (615) 741-3681

04/18/2002 Date

**IGUAL OPORTUNIDAD  
TITULO VI**

Es la política del Departamento de Transportacion Del Estado De Tennessee Asegurar Que Se Cumpla Con el Titulo VI del acto de derechos civiles de 1964; 49 CFR, Parte 26, que se relaciona con los estatutos y normas para asegurar que ninguna persona sea excluida o discriminada o que se le nieguen los beneficios de cualquier programa o actividad que reciba ayuda financiera Federal Del Departamento de Transportacion de Los Estados Unidos sin importar su raza, color, sexo, edad, origen, o con algun impedimento fisico.



**Comisionado De Transportacion**

**Cualquier persona que crea  
Que ha sido discriminada  
Debera Comunicarse al:**

**Departamento de Transporte de Tennessee  
Civil Rights Office  
Title VI Director  
505 Deaderick Street, Suite 1800  
Nashville, TN 37243-0347  
Telefono (615) 741-3681**

1/24/03 Date

- i. Provide a description of efforts used to ensure MPO subrecipients are complying with Title VI, including a schedule of subrecipients Title VI program submissions.

The MPO's resources have been expended on City of Cleveland projects and the City of Cleveland has a Title VI Compliance Officer in Jeff Davis who has instructed City purchasing personnel regarding required contract language and data collection for Title VI purposes. The Southeast Tennessee Human Resources Agency (SETHRA) operates Cleveland Urban Area Transit System (CUATS) which utilizes the MPO's transit funds, and as a recipient of other federal funds they are also responsible for Title VI compliance.



## ***Certificate of Completion***

### ***Tennessee Department of Transportation***

Civil Rights Office Title VI Program

*This certifies that*

**Jeffery G Davis**

*has completed*

***The Online Title VI Program Training***

*on*

Thursday, February 20, 2014

A handwritten signature in black ink, appearing to read 'Cammie Burdette', written over a horizontal line.

Executive Director

A handwritten signature in black ink, appearing to read 'Cynthia Howard', written over a horizontal line.

Title VI Program Director

**2. Documentation - 23 USC 109(h); Executive Order 12898; 49 CFR Part 21; Title VI; FTA C4702.1B; FTA C4703.1.**

a. Name/Title of Title VI Coordinator?

The Title VI Coordinator for the City of Cleveland is Jeff Davis, Human Resources Director.

b. Have there been any special studies of traditionally under-served or low income communities conducted in the past five years? What type studies? Purpose?

Yes          No          If yes, what type?

Yes, an Analysis of Impediments to Affirmatively Furthering Fair Housing is presently being conducted. This study will document changes in race and ethnicity within Census Tracts over time within the MPO area. In addition, the United Way, working in cooperation with Habitat for Humanity and others including the City of Cleveland, have begun a neighborhood revitalization effort under the banner Impact Cleveland. Impact Cleveland is working with neighborhood leaders to determine needs, to build capacity within the neighborhood for civic engagement to address needs, and to secure needed improvements to services and infrastructure including transportation resources. The blueprint for Impact Cleveland is identify and analyze neighborhoods and their characteristics, including demographic information, physical characteristics of the built and natural environments, and citizen involvement, and to build success in one target neighborhood before moving to the next.

c. Does the MPO have Title VI Assurances? [\(provide copy\)](#)      Yes      No  
[\(If no, see attached Title VI Sample\)](#)

Yes, see below:

# City of Cleveland

CLEVELAND, TENNESSEE

## HUMAN RESOURCES

Jeffery G. Davis, Director  
[jdavis@clevelandtn.gov](mailto:jdavis@clevelandtn.gov)  
Phone (423) 559-3313  
Cell (423) 593-1274  
Fax (423) 472-3670



Municipal Building Annex  
160 2<sup>nd</sup> Street N.E., 37311  
P.O. Box 1519, 37364-1519  
Cleveland, Tennessee

## CITY OF CLEVELAND

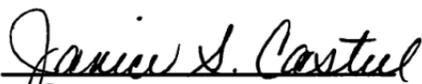
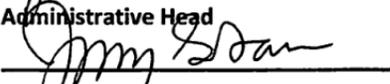
### Title VI Assurance

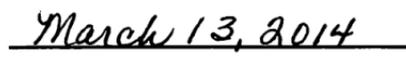
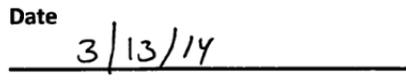
The City of Cleveland assures that no person shall on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and as amended, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Tennessee Department of Transportation (TDOT).

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

In the event City of Cleveland distributes Federal Assistance to a consultant, contractor or subcontractor and other participants, the City of Cleveland will include Title VI language in all written agreements and will monitor the consultant, contractor or sub-contractor and other participants for compliance. The City of Cleveland Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports and other responsibilities as required by 23 CFR 200 and 49 CFR 21.

As required by the contractual agreement, the City of Cleveland will comply with the applicable laws and regulations relative to nondiscrimination in federally or state assisted programs of the Tennessee Department of Transportation (TDOT).

  
\_\_\_\_\_  
Administrative Head  
  
\_\_\_\_\_  
Title VI Coordinator

  
\_\_\_\_\_  
Date  
  
\_\_\_\_\_  
Date

- d. Provide a narrative of the MPO's complaint procedures, and provide a copy of complaint form and log.

The Human Resources Director has been designated as the Title VI Coordinator for the City of Cleveland. It is the general policy of the City of Cleveland to promptly investigate all complaints

of alleged discrimination that have apparent merit as to violations of Title VI and are complete and properly pleaded. The City will encourage the informal resolution of all complaints with the participation of all affected parties. The City will attempt to resolve such complaints, either informally or through the formal process, and will take corrective action within thirty (30) days of a finding of a substantiated complaint. A complete and properly pleaded complaint is:

- In writing to the Title VI Office (Human Resources Department)
- Includes address, phone number and signature of the drafter
- Describes discriminatory acts that violate Title VI
- Filed within 180 calendar days of alleged discrimination
- Includes name of recipient that the allegation is made against.
- Allegations against contractors, sub-contractors, etc. of the City of Cleveland will be logged and forwarded to the Tennessee Department of Transportation and will be investigated pursuant to the complaint process by the City of Cleveland Title VI Coordinator.

The City of Cleveland will make a determination to accept, reject, or refer to the appropriate federal agency a complaint within seven (7) calendar days of acknowledgement of its receipt.

## **COMPLAINT PROCESS**

### **Step 1 :**

- Upon receipt of a Title VI complaint, the Title VI Office will determine whether the complaint states a valid claim. If the complaint states a valid claim, it will be accepted for processing immediately and both complainant and recipient will be notified of the receipt and acceptance of the claim. The recipient will be the City of Cleveland City Manager and the Department Head within the City which is directly responsible for the implementation of the project or program that received the federal funding.

### **Step 2:**

- The City of Cleveland will maintain a log of all complaints and appeals. The complaint will be noted in the log by case number based on year, month, and sequence in which the complaint was received.
- Once jurisdiction is established, the City of Cleveland will forward an initial report to the Tennessee Department of Transportation within seven (7) working days. A copy of the complaint will also be forwarded to both the recipient and complainant which will include the name and telephone number of the Title VI Coordinator assigned to investigate the complaint.
- The investigating office will initiate the investigation by first contacting the complainant by telephone within three (3) working days.

- The complainant will be informed that they have a right to have a witness or representative present during the investigation and may submit any relevant documentation.
- The Title VI Coordinator will determine which witnesses will be contacted and questioned.
- The alleged discriminatory service or program will be given the opportunity to respond to all allegations.
- Prior to a final report, the complainant will be given the opportunity to rebut any previously made statements.
- The investigation will be completed and a final report sent to the above referenced agencies as well as the complainant and recipient within sixty (60) days of receipt of the complaint. The final report will include the following:
  - (a) the written complaint containing the allegation, basis, and date of filing
  - (b) summarized statements taken from witnesses
  - (c) findings of facts
  - (d) opinion, based on all evidence in the record, that the incident is substantiated or unsubstantiated
  - (e) remedial action(s) for substantiated cases

**Step 3:**

- Upon recommendation of corrective action, the alleged discriminatory agency will be given thirty (30) calendar days to inform the Title VI Coordinator what actions have been taken to reach compliance.
- Corrective action can be in the form of actions to be taken at a future date after the initial (30) days with projected time period(s) in which action will be completed.
- If the recommended corrective action(s) have not been taken within the thirty (30) day time period allowed, the recipient will be found to be in noncompliance with Title VI and further action will be taken through the Tennessee Department of Transportation.
- **Finding of Noncompliance** - Should the recipient fail to rebut the Title VI office's finding of discrimination and can neither mitigate nor justify the finding, the Title VI office will, within sixty (60) days from the start of the complaint investigation, send the recipient a written notice of finding of noncompliance with a copy to the Legal Office for enforcement action. The Title VI office's notice may include recommendations for the recipient to achieve voluntary compliance and, where appropriate, the recipient's right to engage in voluntary compliance negotiations.
- **Voluntary Compliance** - The recipient will have thirty (30) calendar days from receipt of the formal determination of noncompliance within which to come into voluntary compliance. If the recipient fails to meet this deadline, the Title VI office will start procedures to deny, annul, suspend or terminate financial assistance.
- **Alternative Courses of Action**  
**Available alternatives:**

1. Court enforcement compliance with the nondiscrimination mandate of Title VI.
2. Administrative action – effective alternative courses not involving litigation.

### **Ultimate Sanctions:**

The ultimate sanctions under Title VI are the refusal to grant an application for assistance and the termination of assistance being rendered. Before these sanctions may be invoked, the Act requires completion of procedures called for.

### **INFORMAL RESOLUTION**

Title VI regulations call for the City of Cleveland to pursue informal resolution of administrative complaints wherever practicable. Therefore, the City of Cleveland will discuss, at any point, the process outlined above, and offers by recipients to reach informal resolution, and will, to the extent appropriate, endeavor to facilitate the informal resolution process and involvement of stakeholders. Additionally, in notifying a recipient of acceptance of a complaint for investigation, the City of Cleveland will encourage the recipient to engage the complainants in informal resolution in an effort to negotiate a settlement.

### **APPEALS PROCEDURE**

- The complainant has the right to appeal all written reports to the Tennessee Department of Transportation Title VI Advisory Board.
- This appeal must be made in writing to the Title VI Coordinator within fourteen (14) days of receipt of the Department's final report.
- The appeal must specifically cite the portion(s) of the finding with which the complainant disagrees and his/her reason(s) for disagreement.
- The Title VI Coordinator will forward this appeal to the Tennessee Department of Transportation Title VI Advisory Board for review.
- The Boards review of the finding will be based on the entire record.
- The Board must complete the appeal review within thirty (30) calendar days after receipt of the appeal.
- The Board will forward their written findings to the complainant and the City of Cleveland.



- e. **List all active transportation-related Title VI complaints, investigations or lawsuits filed on the basis of race, color, and/or national origin (including, but not limited to, actions brought pursuant to Title VI against sub - recipient containing the date of filing; summary of allegation(s); and status.**

There have been none.

- f. **List all funding sources to the MPO and provide a description of the procedures the MPO uses to pass through Federal financial assistance to subrecipients in a nondiscriminatory manner.**

The MPO is funded through various program funds of the FHWA and FTA, and through state funds from TDOT and local funds. The only subrecipient user of MPO funds would be the Southeast Tennessee Human Resources Agency, SETHRA, which operates the Cleveland Urban Area Transit Service (CUATS). These are public agencies well versed in the use of federal funds and with operating procedures in place to ensure compliance with Title IV.

- g. **List funding sources and any applications approved for enhancement projects.**

The source of funds in the Transportation Enhancement program has been from the Surface Transportation Program (STP). Cleveland has used STP funds to develop its greenway system and to renovate the historic railroad depot for use as a transit center for CUATS.

- h. **Provide a summary of all Title VI activities for the last year that includes the purpose of any reviews; name of agency or organization performing review; any findings and recommendations; and status of and/or disposition of findings and recommendations.**

There have not been any.

- i. **Provide a written description of the planning process in terms of it's responsiveness to the requirements of Title VI discussing how project selection and/or criteria for the Unified Planning Work Program (UPWP), Long Range Transportation Plan (LRTP) and Transportation Improvement Program (TIP) will be accomplished in a nondiscriminatory manner.**

The long range transportation plan, the 2035 RTP, is foundational to the MPO process. It contains an analysis of the plan's projects in terms of low-income, minority, and LEP areas of concentration within Cleveland (further described below). The 2008 Bicycle Pedestrian Plan, which is incorporated into the 2035 RTP, contains priority indices for these facilities that are based upon a variety of factors including the relative needs of the adjacent neighborhoods. Not surprisingly, the areas of lower income, minority, and LEP concentration which tend to overlap

also have greater dependency on non-automobile modes. Updates to the Transit Plan, another document supporting the 2035 RTP, consider transit dependency and ridership demand along corridors serving significant trip generators and attractors for the transit system. These are substantially within the areas of lower-income, minority, and LEP concentration, also the location of the transit facility that is the central hub for the bus system that is located in the old rail depot. New roads and reconstruction of existing facilities would be atypical for our lower-income, minority, and LEP concentration areas; what is more likely are 3R type projects with resurfacing, sidewalks, and drainage together with upgrades to the transit system, and this is because these areas tend to be located near the urban core where major road construction projects are difficult due to concentrations of people and buildings. This is also reflected in the TIP where there has been a greater concentration of resources in 3R and pedestrian facilities improvements, mostly in or near downtown. Within the UPWP, there are five work-task areas that include administration, long range planning, the TIP, transit planning, and transportation data, and the UPWP specifically call for reviewing and updating MPO planning documents in light of Title VI and EJ requirements; in short, these are woven through the planning process.

j. Provide an analysis assessing any effects on Environmental Justice (EJ) traditionally under-served communities that include transportation enhancement, congestion and air quality projects.

- The potential impact on traditionally under-served communities and businesses during and after project;
- The potential environmental impact;
- Detailed list of traditionally under-served owned businesses and households to be effected;
- Any significant changes or impacts on traditionally under-served communities; and
- Description of how this/these project(s) will mitigate any identified adverse, social, economic, or environmental effects.

**Note:** If report(s) on the above-described projects have been conducted or are in the possession of TDOT personnel, provide the name, date and project termination date of each such project.

The MPO is not in a TMA or in an air-quality non-attainment area so it has not undertaken congestion management and air quality projects. As elsewhere described, transportation enhancement funds have been used to develop the Greenway and the transit center. The Greenway system is mostly outside areas of low-income, minority, and LEP concentration though the sidewalk system will provide linkage between these areas and the Greenway. The CUATS transit center in the old railroad depot is within the downtown core and surrounded by the aforementioned population concentrations, as is the transit route systems, especially the red and blue routes. Through route connections, CUATS provides the areas of low-income,

minority, and LEP population with access to employment, schools, shopping, and services located throughout the City. There are no project-specific reports on this subject.

**3. Public Involvement – 42 USC 2000d et seq.; 49 CFR Part 21; 28 CFR Part 42, Subpart F, Executive Order 12898**

- a. Describe the effectiveness of your public involvement process as well as any strategies to ensure traditionally under-served populations have an opportunity for full participation in your planning process.

In terms of public involvement, the “traditionally under-served” populations, those who would be the subject of EJ concerns, do not seem to be any more or less involved than others in routine meetings of the MPO. Public attendance in these meetings has typically been minimal. Public interest tends to be greater where there are project-specific meetings or meetings that address a variety of concerns in a specific area. A comprehensive plan meeting in conjunction with a Safe Routes to School Bicycle Rodeo at the Blythe Bower Elementary School in the core EJ area did garner input from the surrounding low- and moderate-income community regarding the need for a sidewalk connection to a major nearby shopping and employment center (the population here has limited access to personal automobiles). This led eventually to a Multi-modal Access Grant proposal that was recently funded by TDOT for sidewalks and bus shelters in this area. This grant proposal was reviewed and endorsed by the neighborhood association.

- b. Describe how traditionally under-served media sources are appropriately included in all notification processes for public meetings or public review of agency documents.

The lack of media sources that specifically target traditionally under-served populations remains a problem for outreach. Perhaps this is simply because the minority population in Cleveland and its environs has historically been proportionally small. There is, for example, no African American newspaper covering and reporting the affairs of government as these impact that community. A Spanish-language free weekly, *Noticias Libras*, published by the *Chattanooga Times-Free Press*, does exist and it is distributed in Cleveland. Outreach to the Spanish-speaking population could possibly be improved by working through *Noticias Libras*. The MPO will be in contact with *Noticias Libras* to make this improvement.

- c. Describe how meeting locations and formats encourage or facilitate participation by traditionally under-served populations.

As mentioned above, neighborhood level meetings and project specific meetings seem to be the most effective forms of outreach. This is especially true where the format can be less formal and provide opportunities for one-on-one conversations. Public input, especially by persons

who are not accustomed to speaking before an audience of government officials or who may feel uncomfortable in such a setting, is likely to be greater than in a regular meeting at city hall.

**4. Contracting Opportunities – 42 USC 2000d et seq.; 49 CFR Part 21.5(b) (2) & (3); 28 CFR Part 42, Subpart F**

- a. List primary or subcontracting opportunities for planning studies, corridor studies, or other work which have been provided to minorities and women owned firms in the last twelve months.

The MPO has not entered a contract for such work within the past 12 months. The City maintains an on-call planning services contract with PB Americas, Inc. which is not a DBE firm. The MPO has initiated procurement through small-purchase procedures for a feasibility study but has not begun negotiations; however, one of the firms that submitted qualifications and which appears to be favored in the firm rankings is a DBE firm. Qualifications have been solicited for engineering design on the next phase of the Cleveland Greenway project, funded in part through the MPO, and a DBE firm has submitted qualifications on that job. The next anticipated PL-funded MPO planning project for which qualifications will be solicited is the next long range transportation plan. That process will begin in the spring of 2014 and could include DBE participation.

Include documentation for the following information:

- \_\_\_\_\_ The number and nature of consultant contracts used by the MPO.
- \_\_\_\_\_ The number of certified Disadvantaged Business Enterprises and other small, minority and women – owned businesses (by race) used by the MPO, including the nature of the work, type and description of projects, and locations.
- \_\_\_\_\_ Outreach methods used by the MPO to attract certified Disadvantaged Business Enterprises and other small, minority and women – owned businesses.

**Program Specific Requirements**

**The following applies to planning areas with a population of 200,000 or greater**

- 5. Community Impact Assessment – 23 USC 109(h) lists the types of adverse social and economic impacts that must be investigated and documented.**
  - a. Describe how community value, social, neighborhood issues; environmental justice and any discrimination issues are normally addressed by the MPO.

N/A, the Cleveland MPO planning area is less than 200,000 in population.

- 6. Service Equity – Executive Order 12898 Cumulative Impacts; 42 USC 2000d et seq.; 49 CFR Part 21; 28 CFR Part 42, Subpart F.** In the context of land use planning, cumulative impacts of the benefits and burdens (regional plan level), please address the following:
  - a. Describe to what extent the MPO coordinates with citizens and community-based agencies, groups and/or organizations in defining communities within the MPO's geographic area of responsibility in assessing potential benefits and impacts of transportation system investments, particularly related to traditionally under-served populations and other traditionally under utilized populations.

Coordination with traditionally under-served populations is occurring jointly with local area planning efforts in the Central City Area Plan. The Blythe Avenue Neighborhood Association, a neighborhood church, and various neighborhood service provider organizations along with Cleveland Urban Area Transit System have cooperated in the recently awarded TDOT Multi-modal Access Grant application through the MPO. Impact Cleveland, a United Way agency, has established a presence in the Central City Area and is now engaging with residents in the Blythe Avenue neighborhood through direct door-to-door contact and other means. The MPO Coordinator works closely with Impact Cleveland providing technical support and serves on the Impact Cleveland Advisory Committee. The Impact Cleveland mission is to work in the Central City Area neighborhoods one at a time addressing needs and helping to build organizational capacity within the neighborhoods. These are the neighborhoods with concentrations of traditionally under-served populations (see EJ mapping in the following section).

**b. Are specific criteria used to determine which projects will be included in the TIP?**

Yes, the TIP project evaluation criteria are presented below. Some of these criteria specifically address Environmental Justice.

**Table C-1. Project Evaluation Sheet**

TIP Screening Questions	Yes/ No	Comments
1 Is project in current Long Range Transportation Plan?		
2 Are local matching funds available?		
<b>TIP Selection Criteria</b>		
<b>Economic Development</b>		
Does the project...		
1 Connect to current or future employment area?		
2 Enhance job creation?		
3 Support freight movement?		
4 Have local support from the business community?		
5 Reflect consistency with economic development goals/plans?		
6 Improve intermodal connections?		
7 Include private funding?		
<b>Land Use Suitability</b>		
Is the project...		
1 Consistent with locally adopted land use plans?		
2 In the Urbanized Area?		
3 Enhance infill/redevelopment opportunity?		
4 Improve access between destinations?		
<b>Environmental Sustainability &amp; Environmental Justice</b>		
Does the project...		
1 Does project reduce vehicle-miles traveled (VMT)?		
2 Does not impact known archaeological resources, floodplains, historic resources, natural habitats, parks or wetlands?		
3 Does project include sustainable design practices?		
4 Is project non-emission producing?		
5 Does project improve access to low-income areas?		
6 Does project improve access to minority areas?		
<b>Alternative Modes of Transportation</b>		
Does the project...		
1 Improve transit service?		
2 Provide a new or enhanced bikeway?		
3 Provide a new or enhanced pedestrian path?		

TIP Selection Criteria (continued from previous page)	Yes/ No	Comments
<b>Reduce Need for Single-Occupancy Vehicle Trips</b>		
Does the project...		
1 Provide HOV or HOT lanes?		
2 Provide new transit service?		
3 Provide new bikeway?		
4 Provide new pedestrian path?		
<b>Congestion Management</b>		
Does the project...		
1 Improve roadway volume/capacity ratio (v/c)?		
2 Reduce congestion on a parallel roadway?		
3 Improve signal timing?		
4 Improve intersection movement?		
5 Involve Intelligent Transportation Systems (ITS) technology?		
<b>Operations &amp; Maintenance</b>		
Does the project involve...		
1 Reconstruction of a substandard roadway?		
2 Maintain an existing roadway (e.g. paving?)		
<b>Safety &amp; Security</b>		
Does the project...		
1 Alleviate current roadway deficiencies such as inadequate width, low bridge height/weight limits, horizontal or vertical deficiencies, etc.?		
2 Improve a high crash location?		
3 Improve the security of the transportation system?		
4 Provide consistency with the Strategic Highway Safety Plan?		
5 Provide consistency with the SETHRA/CUATS security plan?		
<b>Enhancements</b>		
Does the project include enhancements such as:		
1 Streetscaping (trees, lighting, etc.)		
2 Landscaped medians?		
3 Gateways?		
4 Decorative sidewalk/street pavers?		

**c. How is the distribution of impacts to socioeconomic and ethnic minorities identified and measured?**

Projects are evaluated in terms of whether they improve access to areas of low-income and minority population concentration. As already explained, these areas also encompass the largest concentrations of LEP population.

**d. How does the MPO collect and utilize transit data?**

CUATS collects transit data, including rider surveys, from time to time. The data is used in route planning.

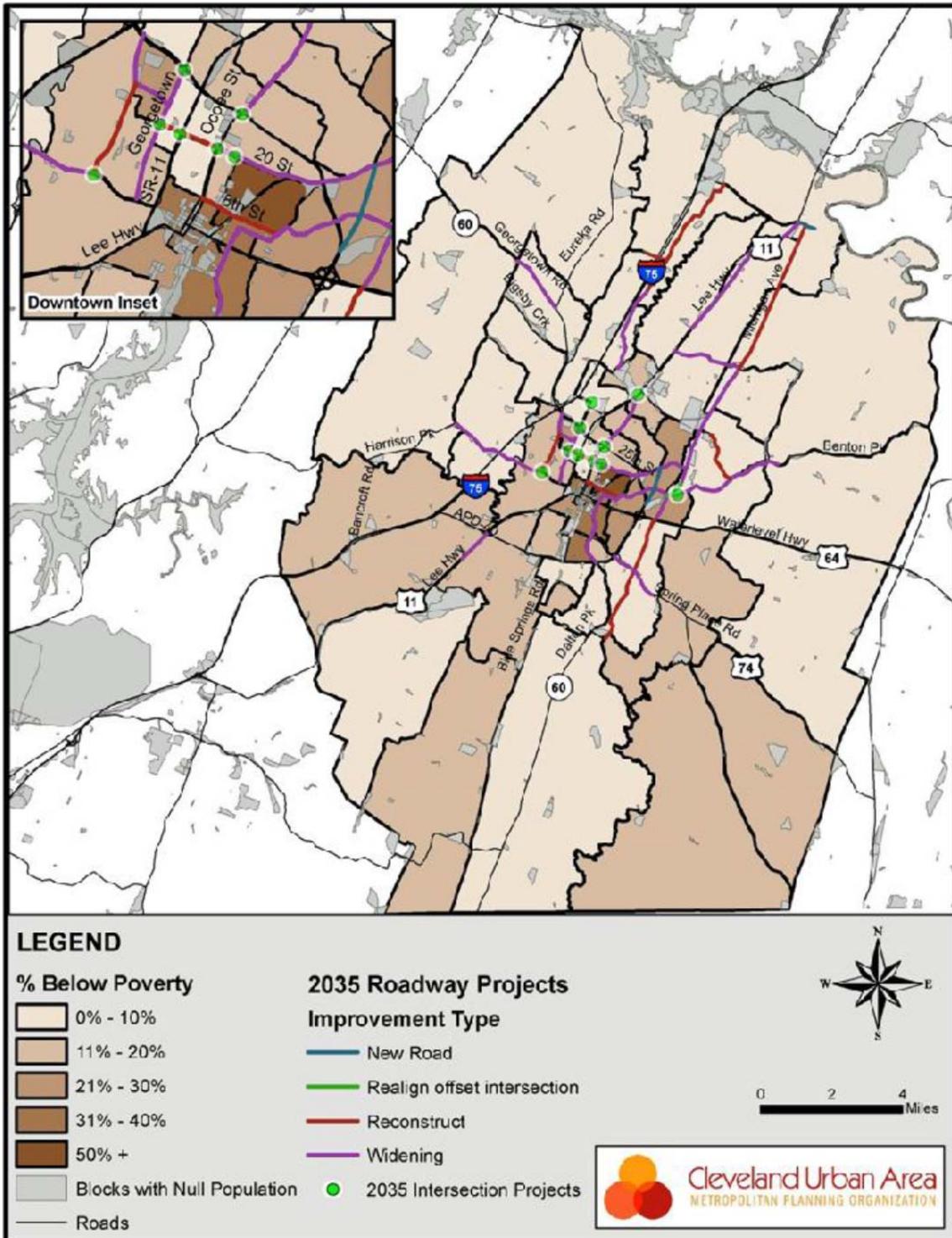
- e. List examples of planning related tools/methodology or programs sensitive to Title VI, EJ, and/or ADA adherence (a special, or unique effort and/or involvement where a protected class receives benefits)
  - Handicap ridership/transit needs
  - Impacts of reverse commute on protected groups
  - Welfare to work initiatives
  - Inter-city vs. suburban development impacts

Environmental justice principles embodied in the 2035 Long Range Transportation Plan include the following:

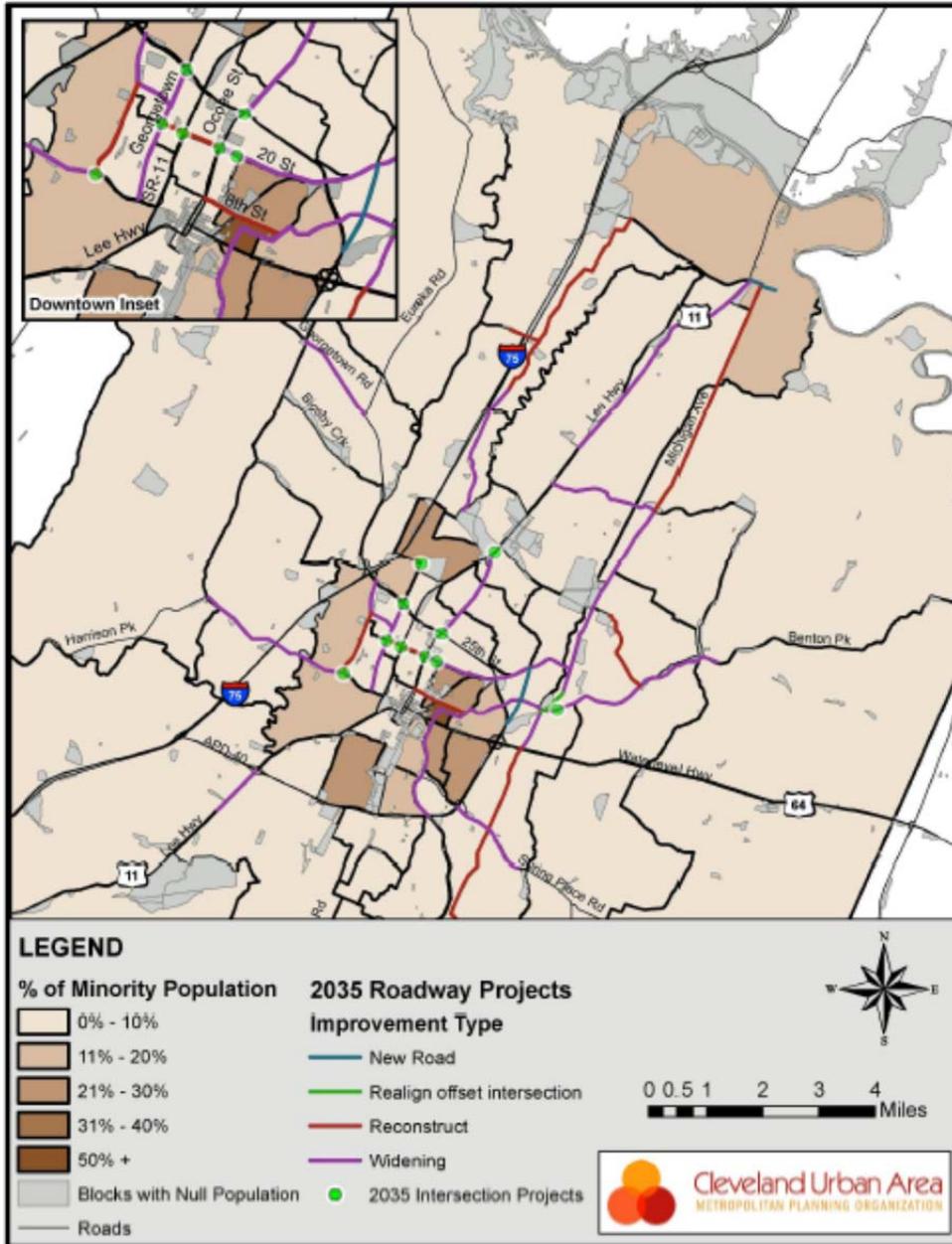
- To avoid, minimize, or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income persons.

The following map from the 2035 Long Range Transportation Plan shows planned transportation projects in the areas with relatively higher concentrations of poverty within the

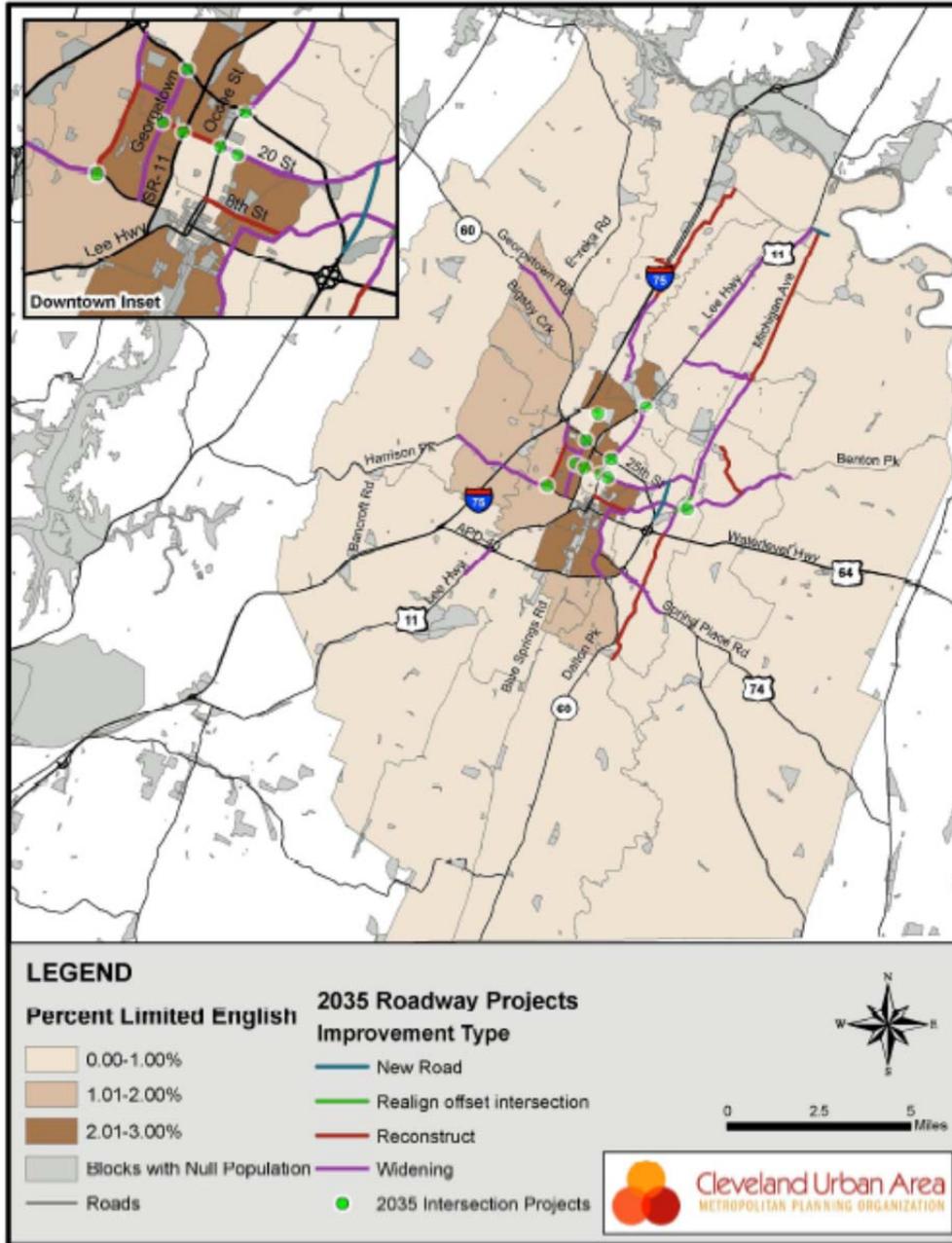
MPO:



The following map from the 2035 Long Range Transportation Plan shows planned transportation projects in the areas with relatively higher concentrations of minority population within the MPO:



The following map from the 2035 Long Range Transportation Plan shows planned transportation projects in the areas with relatively higher concentrations of Limited English Proficiency (LEP) population within the MPO:



The City of Cleveland and the Cleveland MPO participated in the Safe Routes to School (SRTS) program. Extensive sidewalk construction occurred under this program, connecting with Blythe-Bower Elementary School which is within the City’s CDBG target area and which has a large concentration of minority and free-lunch students. Sidewalks were built to ADA standards.

The City of Cleveland and the Cleveland MPO have submitted an application for funding under the TDOT Multi-Modal Access Grant program (this application has been funded). This proposed work will build additional sidewalk connecting with that begun under SRTS, expanding sidewalk

connections to Blythe-Bower Elementary School and connecting with the Blythe Avenue social services center which provides access to a variety of social services for the surrounding lower income community under one roof. This project was also planned in cooperation with the Cleveland Urban Area Transit System and incorporates bus shelters at strategic points along the sidewalk and bus routes serving these neighborhoods.

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**For MPOs that are providers of fixed route public transportation service (50 + peak vehicles):**

- f. If there have been any major service changes, provide the Title VI equity analysis that was conducted during the planning stage for the particular change, i.e., fare changes, facility constructions (in regard to location), etc. with regard to facility location.
- g. Provide passenger surveys.
- h. Provide a copy of the MPOs Set System-Wide Service Standard, i.e., non-discrimination policies, etc.
- i. Submit any evaluations conducted on Service fare changes.
- j. Submit any analysis/monitoring of ridership data, minority routes, etc.

N/A, items 6.f, g, h, i, and j are not applicable to the Cleveland MPO.

**7. DECLARATION OF RESPONDENT**

I declare that I have completed this Title VI Assessment to the best of my knowledge and believe it to be true and correct.

\_\_\_\_\_  
Title VI Coordinator

\_\_\_\_\_  
Date

**8. DECLARATION OF ADMINISTRATIVE HEAD**

I declare that I have reviewed and approved the information provided in this assessment and to the best of my knowledge and believe it is true, correct and complete.

\_\_\_\_\_  
Administrative Head

\_\_\_\_\_  
Date

**7. DECLARATION OF RESPONDENT**

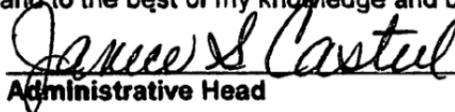
I declare that I have completed this Title VI Assessment to the best of my knowledge and believe it to be true and correct.

  
\_\_\_\_\_  
Title IV Coordinator

4/1/14  
\_\_\_\_\_  
Date

**8. DECLARATION OF ADMINISTRATIVE HEAD**

I declare that I have reviewed and approved the information provided in this assessment and to the best of my knowledge and believe it is true, correct and complete.

  
\_\_\_\_\_  
Administrative Head

4/1/14  
\_\_\_\_\_  
Date