



**2017 Tennessee Department of Transportation
Civil Rights Division
Metropolitan Planning Organization
Title VI Compliance Assessment**



TDOT, Civil Rights Division; Suite 1800, James K. Polk Building; 505 Deaderick Street, Nashville, Tennessee 37243
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I. Agency Contact Information

Joe Fivas City Manager

Grant Recipient: City of Cleveland (on behalf of Cleveland Urbanized Aea MPO)

Address: P.O. Box 1519

City/State: Cleveland, TN Zip Code/County: 37364-1519, Bradley Co.

Name and Title of Title VI Coordinator:

Jeffery G. Davis Human Resources Director

Address: P.O. Box 1519

City/State: Cleveland, TN Zip Code/County: 37364-1519, Bradley Co.

Phone/Fax: 423-559-3313 Email: jdavis@clevelandtn.gov

*** Please notify the Civil Rights Division if the Title VI Coordinator changes.**

II. Title VI Training Information

1. Has the Title VI Coordinator attended TDOT’s Title VI Program training within the past 3 years?

Yes No

If yes, provide date of last training completed. August 7, 2017

If no, please visit the TDOT Title VI Program’s website to take the online training or attend a Regional training: <https://www.tn.gov/tdot/article/title6-training>

III. 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.

1. 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 (2010 Census for Bradley Co.TN)	42,387 M 45,319 F	2537 M 2127 F	2083 M 2057 F	394 M 446 F	22 M 24 F
MPO Staff	1 M				
TCC	10M/4F				
Exec. Bd.	3M/ 2F		1 M		

*Use addendum sheet to add additional committees.

Please note that the agency representation at the MPO Technical Coordinating Committee (TCC) and Executive Board meetings sometimes varies depending upon attendance by designees and proxies for local, state, and federal agencies.

2. How are members of the board(s)/ or commission(s) selected? (attach by-laws)

Please see Attachment A from the by-laws for the MPO's Technical Coordinating Committee (TCC) and Executive Board.

3. How often do members of the board(s), commission(s), and/ or advisory bodies meet? Are there regularly scheduled meetings?

The TCC and Executive Board have regularly scheduled bimonthly meetings. Special meetings are occasionally called.

4. Provide a narrative or description of efforts made to encourage the participation of minorities on such committees or decision-making boards.

Because the Executive Board membership consists of elected officials, its composition is based on voter selection and is not an issue that the MPO can influence. Similarly, the TCC

membership consists of specific local agency positions which are responsible for managing transportation-related programs.

5. Provide a demographic profile of MPO's metropolitan area that includes identification of minority and/or low income populations in the aggregate. (Use addendum sheets)

Please see Attachment B, the profile/analysis from the MPO's current Regional Transportation Plan.

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

The MPO's Regional Transportation Plan includes an analysis of transportation accessibility to areas with a higher than average percentage of minority and low-income residents, as well as persons with disabilities and seniors. Transit services received particular attention. An estimated 56 percent of minority persons in the MPO region have access to fixed-route transit and within the City of Cleveland the estimate is nearly 80 percent. However, safe access to and from bus stops is also a significant concern, so the plan includes recommendations to improve sidewalk connections between neighborhoods and bus routes. Please see Attachment C for details of the analysis.

7. 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 see Attachment D for a copy of the adopted Public Participation Plan (PPP). As part of the PPP, the MPO maintains a list of interested parties that includes representatives from neighborhood organizations and minority organizations such as 100 Black Men. The MPO directly notifies persons on this list of opportunities for input in long range transportation planning and selection of transportation projects and programs for near-term funding. The PPP does not directly address 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. There are no known minority or LEP media outlets in the MPO area.

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

The MPO has "I Speak" cards available. Spanish is the non-English language most likely to be encountered by the MPO. Bi-lingual staff are available through the Cleveland Police Department if Spanish translation is needed, or through Lee University located near the MPO offices. If local translators are unavailable, a list has been compiled from the American Translators Association website of professional translators located in the greater region. The ATA resources would also be used if the MPO encounters a non-English language other than Spanish.

9. Provide a copy of MPO's complaint procedures and instructions to the public regarding how to file a Title VI discrimination complaint.

Please see Attachment E.

10. Provide copies of MPO's Title VI Poster, informing the public of the protections provided to them in Title VI. Include locations where notices are posted, e.g., website, building entrance, etc.

The Title VI notice is displayed in public areas of City Hall and in the building housing the MPO offices. Also, a TDOT-published Title VI notice is displayed in the MPO office lobby in English and Spanish. For copies of both, please see Attachment F.

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

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

Yes No if yes, what type?

Not in the past three years.

2. 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 Board's 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.

Below is an example of the log used to record complaints, and the complaint form.

CITY OF CLEVELAND

TITLE VI DIVISION

CONFIDENTIAL LOG OF COMPLAINT CASES: MONTH: _____

Case#	Investigator	Company Name	Type of Complaint	Date Open	Prem. Sent	Final Report	S/SN

City of Cleveland Title VI Confidential Complaint Form

Name of Complainant:

Signature of Complainant:

Address of Complainant:

Phone Number of Complainant:

Today's Date:

Date of Incident:

Name of Person Against Whom the Title VI Complaint Is Made:

Description of Discriminatory Acts in Complaint:

SUBMIT COMPLETED COMPLAINT FORM TO:

Jeffrey G. Davis, Title VI Program Coordinator

P.O. Box 1519

Cleveland, TN 37364-1519

Phone 423-559-3313, Fax: 423-472-3670, email jdavis@clevelandtn.gov

3. 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 subrecipient containing the date of filing; summary of allegation(s); and status.

NO ACTIVE TRANSPORTATION-RELATED TITLE VI COMPLAINTS

4. 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 receives federal funds to conduct planning activities through the FHWA Section 112 and FTA Section 5303 programs. Local and state funds are used to match these federal funds. Planning activities are selected on an annual basis through the development of the MPO's Unified Planning Work Program, which includes a format public input process. The MPO also receives federal funds for transportation projects (highway, transit, and bicycle/pedestrian). Programs include NHPP, STBG, HSIP, CMAQ, TA, FTA 5307 and FTA 5310. Local and state funds are used to match these federal funds. All of these funds are shown in the Transportation Improvement Program (TIP).

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.

5. List funding sources and any applications approved for federal projects.

All funds for federal projects are listed in the FY 2017-2020 TIP, available here:
<http://www.clevelandtn.gov/DocumentCenter/View/1070>

6. Provide a summary of all FHWA/FTA Title VI reviews conducted on your agency in the past three years; name of agency or organization performing review; any findings and recommendations; and status of and/or disposition of findings and recommendations.

NO FHWA/FTA TITLE VI REVIEWS IN PAST THREE YEARS

7. Provide a written description of the planning process, 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 2040 RTP, is foundational to the MPO process. It considers transportation system accessibility to areas with higher percentages of low-income, minority, and LEP persons. These also tend to be areas where people have greater dependency on non-automobile modes. The plan goals include greater emphasis on transit, sidewalks and bicycling facilities. Many of the neighborhoods where a large percentage of minority, low income, and LEP persons reside are in need of 3R type projects which would include resurfacing the road, adding or rehabilitating sidewalks, and improving drainage to better preserve this infrastructure. Major new or widened roads are less likely and perhaps less desirable in many of these areas because they tend to be located near the urban core, where right of way is very limited and adverse property impacts would be much more significant. The current TIP reflects the goals of improving transportation in such areas without causing unwanted impacts, including investments in 3R and pedestrian facilities in or near downtown. The UPWP includes continued work in pedestrian planning, including an inventory of sidewalk conditions that will help local agencies prioritize future spending. The current UPWP also includes an assessment of the MPO's Public Participation Plan, which will include exploring more effective means of outreach.

9. Provide an analysis assessing any effects on Environmental Justice (EJ) traditionally under-served communities that include transportation 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 has been awarded CMAQ funds to create a new park & ride lot in downtown Cleveland, but has not yet reached the point in project development where community impact would be assessed. At a high level, it appears that the project would be very beneficial to underserved communities. It will provide a location where interested persons can meet to share a ride to common destinations such as job sites or shopping centers. As part of the proposed renovation of the Old Woolen Mill building, it is also anticipated to spark further reinvestment in downtown Cleveland.

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

1. 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.

Regular MPO meetings are intentionally held at locations and times that are accessible by public transit service. 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. MPO staff is housed with the City of Cleveland’s Community Development Department, which provides opportunities to introduce transportation topics at meetings that are already being held in a community, as opposed to waiting for citizens to come to the MPO. Staff also works regularly with Impact Cleveland, a branch of the local United Way which works to empower neighborhoods.

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

Unfortunately we have not been able to identify any local media that specifically target underserved populations in the MPO area.

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

As mentioned, regular MPO meetings are intentionally held at locations and times that are accessible by public transit service. Copies of documents for public review are also posted at locations that are readily accessible to citizens, such as libraries. The MPO continues to partner with other organizations to participate in neighborhood level meetings 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.

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

4. 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 issued any contracts for such work in the past 12 months. It has one existing on-call contract with WSP, Inc., which is not a certified DBE firm.

Include documentation for the following information:

- 1 The number and nature of consultant contracts used by the MPO.
- 0 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.

The MPO includes language in its Requests for Qualifications that specifically encourages certified small, minority, and/or woman-owned businesses to submit, and encourages larger firms to include DBEs on their proposed teams. Larger firms asking about potential DBE partners are advised of the list maintained by TDOT’s Civil Rights Division.

Program Specific Requirements

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

VII. Community Impact Assessment – 23 USC 109(h) lists the types of adverse social and economic impacts that must be investigated and documented

1. Describe how community value, social, neighborhood issues; environmental justice and any discrimination issues are normally addressed by the MPO.

Not applicable, since the MPO planning area is less than 200,000 in population.

VIII. 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:

1. 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.

The MPO regularly works with Impact Cleveland, a United Way agency whose mission is to empower neighborhoods for physical and social revitalization, community safety, and

economic development. This partnership led to the development of a successful TDOT Multimodal Access grant which is building/repairing sidewalks in the Blythe community. The MPO also helps to facilitate communication between local transit providers and non-profit organizations that assist citizens in finding permanent housing and employment, since reliable transportation is often an issue for these citizens.

2. What specific criteria are used to determine which projects will be included in the TIP?

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?		
TIP Selection Criteria		
Economic Development		
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?		
Land Use Suitability		
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?		
Environmental Sustainability & Environmental Justice		
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?		
Alternative Modes of Transportation		
Does the project...		
1 Improve transit service?		
2 Provide a new or enhanced bikeway?		
3 Provide a new or enhanced pedestrian path?		

- How is the distribution of impacts to socioeconomic and/or ethnic minorities identified and measured?

The environmental justice analysis performed for the 2040 RTP used Geographic Information Systems to map each proposed project in relation to the “communities of concern” identified through census data. Projects that have the potential to impact these communities were then specifically indicated. The impacts were evaluated at a qualitative level and considered both positive and negative potential effects. For example, adding sidewalks to a road could potentially result in some property loss as part of right-of-way acquisition, but would also have a positive effect on accessibility and safety.

4. How does the MPO collect and utilize transit data?

Most transit data is actually collected by SETHRA and/or CUATS, and the MPO provides support in analyzing the data. Ridership is monitored and reported to the MPO’s TCC and Executive Board at each regular meeting. Operational studies are performed periodically which typically include on-board surveys of riders to determine demographic information, origin/destination information, and customer satisfaction. The information is then used, in conjunction with service data (on-time performance, etc.) to determine whether service changes are needed to better serve riders.

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

1. 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.
2. Provide passenger surveys.
3. Provide a copy of the MPOs Set System-Wide Service Standard, i.e., non-discrimination policies, etc.
4. Submit any evaluations conducted on Service fare changes.
5. Submit any analysis/monitoring of ridership data, minority routes, etc.

N/A – the MPO does not provide transit service.

IX. Title VI Assurance

As required by the contractual agreement, 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.

City of Cleveland assures that no person shall on the grounds of race, color, or national origin as provided by **Title VI of the Civil Rights Act of 1964** and as amended, and the Civil Rights Restoration Act of 1987 (P.I. 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).

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 financial assistance to a consultant, contractor or subcontractor and other participants, City of Cleveland will include Title VI nondiscrimination language in all written agreements and will monitor the consultant, contractor or subcontractor 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, 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).

X. Declaration of Respondent

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

Title VI Coordinator **Date**

XI. 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**