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Assessing the Effectiveness of Title VI Requirements on Tennessee's Local Transportation Planning: A Comparison Among Metropolitan Planning Organizations (MPOs)

A Thesis
Presented for the
Master of Science in Planning Degree
University of Tennessee, Knoxville

Pérsides Zambrano
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DEDICATION

This thesis is dedicated to my loving parents, Gladys Mercedes and Juan Antonio, who taught me the value of education in life, and to my adorable children Mercedes Elena and Angel Ignacio, who are my daily source of inspiration, and also to my thoughtful and supportive husband, the love of my life, Angel Eduardo Zambrano.

Thank you all for always being there

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ABSTRACT

Title VI of the Civil Rights Act of 1964 enforced non-discrimination on programs receiving federal financial assistance. Metropolitan Planning Organizations (MPOs) as federally-funded agencies are subject to observe Title VI In this research, the way in which Title VI provisions are being addressed within the local transportation planning process are analyzed, focusing in particular on Tennessee's MPOs A comparison at the different strategies used to address Title VI was offered based on an analysis of the information from the 1999 MPOs Title VI Assessment Reports, the Tennessee Department of Transportation (TDOT) letters of response to MPOs concerning the reports, and the opinion from MPOs staffs. From this analysis, it was concluded that Title VI provisions have not been completely integrated into the local transportation planning process. In addition, the existing reporting requirements adopted by TDOT are inconsistent with the MPOs operational structure A revision of the requirements employing a collaborative approach between TDOT and MPO staffs is suggested for improvement. Allocation of economic and human resources geared at enhancing the outreach efforts to promote public participation, is also recommended Likewise, more training is suggested with the goal of educating MPOs' staffs and the general public about this important non-discrimination law.

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Introduction

Fair treatment and active involvement of the people within the transportation planning and implementation process is mandatory according to federal regulations The purpose of the Title VI of the Civil Rights Act of 1964 is to end discrimination promoted by the government. It states that all federal agencies have the responsibility to ensure that no one is excluded from participation, denied benefits, or subjected to discrimination on the basis of color, race, or national origin This rule applies to any program or activity receiving federal economic assistance. Title VI has been defined as the piece of legislation that puts forth the most effort to end discrimination than any other initiative to date Therefore the fact that it has not been enforced for many decades is inexplicably

Tennessee is the first state to address in a comprehensively way Title VI with the passing of Chapter 502. As a result, other states such as Texas, Alabama, Georgia, and Florida are discussing the passing of a similar law [1]

In parallel, the transportation planning and implementation process has evolved in such a way that now more than ever there is room for citizen participation. Citizen's participation within the decision-making process enhances the output of such process The Metropolitan Planning Organizations are required to provide comprehensive transportation planning to urbanized areas with a population of 50,000 or more As federally funded agencies, MPOs are entitled to Title VI provisions The new challenge for local Metropolitan Planning Organizations is not only to work in compliance with

[1] Joy Milano Title VI a Broad and Far Reaching Law Afro-American Gazette Pag 16 November 1996

non-discrimination regulations such as Title VI, but also to lead an effective planning and implementation process, while at the same time finding ways to communicate with mostly non-traditional stakeholders such as minorities and low income communities

CHAPTER ONE

Identifying the Problem

1.1 Purpose of the study

The purpose of the present study is to examine how Title VI provisions are being addressed within the local transportation planning process The research will focus on Tennessee's Metropolitan Planning Organizations (MPOs), comparing the different strategies used to address Title VI It will also suggest recommendations for improvement, hoping that the final product will serve as a guide for local transportation agencies to deal with this particular non-discrimination regulation.

1.2 Problem Statement

There had been several well-intentioned attempts to end discrimination before enacting Title VI of the Civil Rights Act of 1964 In 1963, President John Kennedy said, "Simple justice requires that public funds to which all taxpayers of all races contribute, (are) not to be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination"[1] Members of Congress repeatedly proposed legislations to prohibit racial discrimination in educational and housing programs with federal assistance With the enactment of the Title VI of the Civil Rights Act of 1964, non-discrimination on federally funded programs became mandatory

[1] 109 Cong Rec 11161 (June 19, 1963) in L McDonald The Rights of Racial Minorities Southern Illinois University Press 1993

Title VI is a broad piece of legislation, targeted at all levels of government. Some critics argue that non-discrimination is simply doing the right thing. However, recognizing this fact is easier than putting it into practice Developing specific proposals at the local level has proven to be a difficult task

Title VI has been forgotten or has not been fully understood either by agencies or the general public. During the Clinton administration, non-discrimination issues have been revisited In May 1993, Tennessee gave importance to Title VI with the passing of Public Chapter 502. According to Kim Bandy, Title VI Program Director for the Tennessee Human Rights Commission, Tennessee is the first state to address Title VI in a comprehensive way.[2]

On February 11, 1994, President Clinton signed the Executive Order 12898· "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations " This order requires that "all Federal agencies shall, to the greatest extent allowed by the law, administer and implement its programs, policies, and activities that affect human health or the environment so as to identify and avoid disproportionately high and adverse effects on minority and low-income communities " The Federal Highway Administration (FHWA) contends that the Environmental Justice Order amplifies Title VI provisions[3] One of the main differences between the two is that Environmental Justice is susceptible to reversal or readjustment at any time with another Executive Order issued by the President, while Title VI is a federal law and is therefore less susceptible to change

[2] Joy Milano Title VI a Broad and Far Reaching Law Afro-American Gazette Pag 16 November 1996
[3] Federal Highway Administration U S Department of Transportation Brochure on Environmental Justice

In June 1996, the U.S Commission on Civil Rights published the report *Federal Title VI Enforcement to Ensure Nondiscrimination in Federally Assisted Programs*. This report summarizes the findings and recommendations of the comprehensive evaluation and analysis of the Title VI enforcement efforts in 10 federal agencies, including the Department of Transportation. The report concludes that as a general rule in federal agencies, Title VI enforcement has been neglected.

Since then, the Federal Highway Administration (FHWA) has voiced a strong commitment to enforce the application of the Title VI regulations within the entire transportation planning and implementation process. Even though the legislation has been in place for years, its execution was slow until 1994, when federal and state agencies promised to improve implementation and enforcement, giving special emphasis to the local level. The Tennessee Department of Transportation (TDOT) is the first agency nation-wide that staffed the first full time Title VI positions.

In an effort to address Title VI compliance, the Federal Transit Administration (FTA) developed a set of guidelines for the Metropolitan Planning Organizations' Title VI Programs According to FTA Circular 4702 1 a report is to be submitted every three years TDOT has adopted these guidelines and requires MPOs to submit reports on Title VI Assessment on a yearly basis. TDOT evaluates the MPOs' compliance with Title VI based on the information given in these reports

This process is fairly new and still evolving The law is broad and the legal implications are complex and not well understood Title VI provisions are non-funded, so every

agency has to be creative in its compliance It is also interesting to observe different approaches offer different solutions to the same issue. Therefore, by examining the effectiveness of these requirements and taking the best of each approach, this thesis will contribute to the improvement of the overall process.

1.3 Research Questions

1.3.1 Primary Research Question

How are Title VI provisions being addressed within the local transportation planning process?

1.3.2 Secondary Research Questions

1 Are the concepts about the content and provisions of the Title VI clear?

2. Are the reporting requirements adopted by TDOT representing the spirit of the Title VI?

3 Are the reporting requirements adopted by TDOT adequate?

4 Are personnel charged with compliance adequately trained?

5. When violations occur, what are the methods for enforcement?

6 What are the incentives for compliance, if any?

7 Is there any training offered to MPOs' staffs that face the public?

8. What outreach efforts for education of the general public on Title VI have been done?

1.4 Scope of the Research

The research will focus on the analysis of the reports that Tennessee MPOs submitted to TDOT, in terms of the data and information provided As well, the way the reporting requirements are perceived by the MPOs' staff will also be addressed Other local agencies such as local transit authorities, other Title VI requirements, and Environmental Justice issues will not be part of the analysis

1.5 Methodology

Figure No 1 shows the methodology used during the research. The problem is identified beginning with the definition of the conceptual and legal framework around two main topics Title VI of the Civil Rights Act of 1964 and the transportation planning and implementation process. Data will be collected from the following sources

- 1999 Title VI Annual Assessment Reports submitted by Tennessee's MPOs to TDOT
- Letters of response from TDOT to MPOs regarding 1999 Title VI Annual Assessment Reports
- Interviews with Tennessee Title VI Director, TDOT Title VI Coordinator, and MPOs' Directors and Planning Staffs

Data collected will be organized in a matrix format to compare how each MPO under scrutiny approaches each of the Title VI reporting requirements

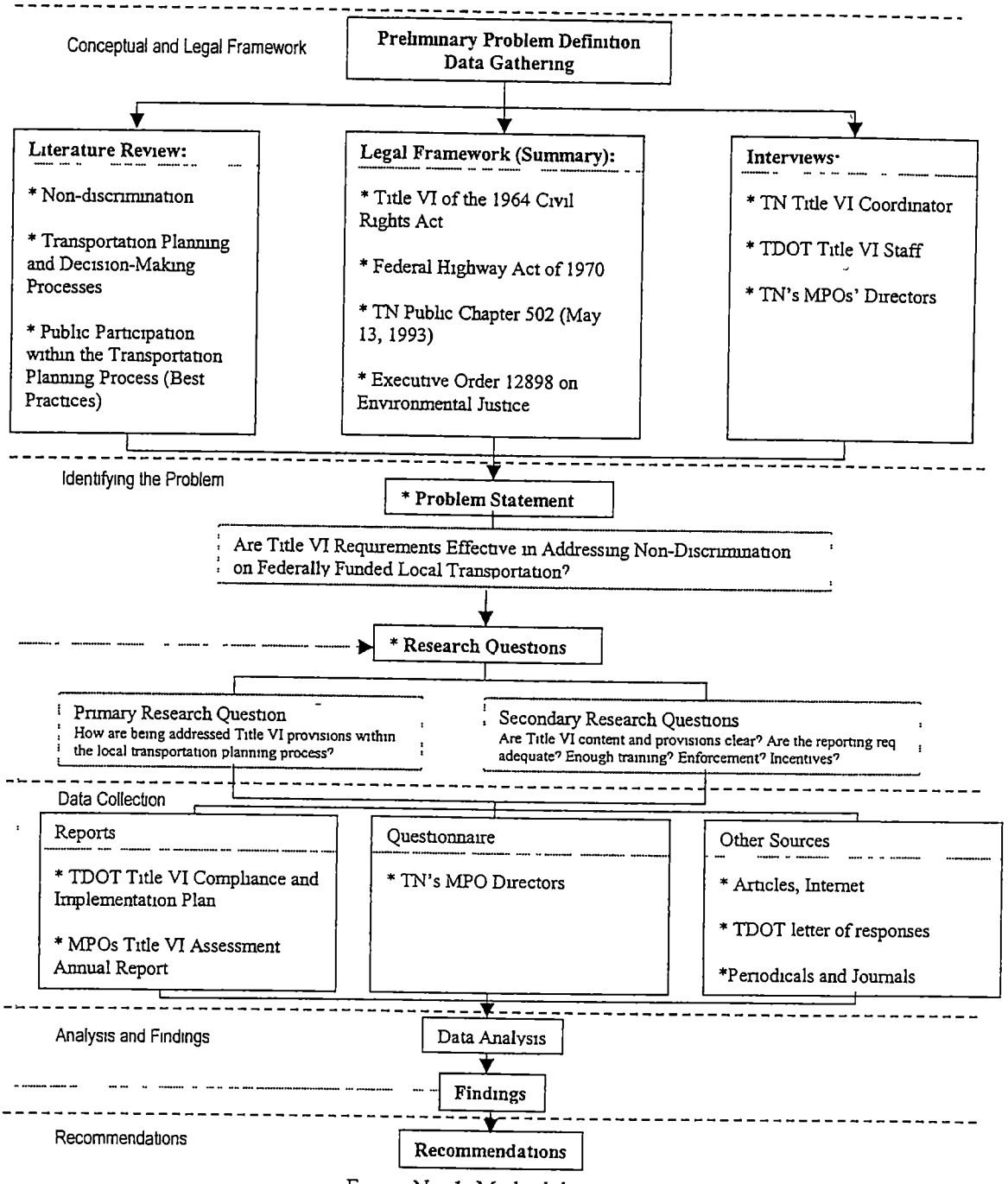


Figure No 1 Methodology

After data collection and analysis are completed, the research questions will be discussed. Finally, recommendations introduced by the research will be presented.

1.6 Organization of the Thesis

This thesis is divided into five chapters. Chapter One introduces the topic under research. Chapter Two presents a general background on nondiscrimination in the transportation field. The role of public participation in the context of transportation is also analyzed Chapter Three introduces the legal framework that serves as a foundation of Title VI within the transportation planning process The specific provisions of Title VI of the Civil Rights Act of 1964 are explained, providing examples in order to facilitate the understanding of such a broad law. This chapter concludes with a discussion on the evolution of Tennessee's efforts to address Title VI Chapter Four presents the role of TDOT and the responsibilities of MPOs regarding Title VI compliance. It also displays a comparison among Tennessee's MPOs Title VI 2000 Assessment reports, the input given by the MPOs staffs, and offers an analysis of findings. Lastly, Chapter Five summarizes the conclusions and suggests recommendations to enhance the way in which Title VI is addressed by Tennessee's MPOs.

CHAPTER TWO

The Transportation Planning Process

2.1 Background

It is the Federal Highway Administration's (FHWA) policy to practice nondiscrimination under Title VI of the 1964 Civil Rights Act in federally-funded activities. As stated in Title VI, all federal agencies have the responsibility to ensure that no one is excluded from participation, denied benefits, or subjected to discrimination on the basis of color, race, or national origin This rule applies to all programs or activities receiving federal economic assistance.

The transportation planning process has evolved in such a way that now there is more room for citizen participation The Department of Transportation (DOT) is committed to aggressively promoting public participation within all phases of its planning and implementation process at federal, state and local levels. As some authors argue [1], it has become a common sense requirement for most transportation proposals. Public participation has evolved to the point where it is not relegated to the role of merely reviewing decisions already made Public involvement is required from the outset of the transportation planning process, and it continues throughout the implementation phase.

Federal and state transportation laws mandate public participation. The challenge for local Metropolitan Planning Organizations is not only to work in compliance with non-discrimination regulations such as Title VI, but also to lead an effective planning and

[1] G Reed Chapter 20 Regulatory and Legal Issues in Transportation Planning Handbook ITE 1999

implementation process, finding ways to communicate with non-traditional stakeholders such as minorities and low-income communities.

It is clear that public involvement mechanisms and strategies for low-income populations and minorities are key in assessing Title VI at any level. In addition, the effective public involvement process improves both image and credibility of transportation agencies. The tendency to consider Title VI in a reactive way is changing, and the Department of Transportation is now oriented toward proactive enforcement

Today public involvement must be seen by transportation agencies as a way to improve the decision-making process and as a tool to ease the acceptance of controversial projects, thus leading to a more informed to decision-making process.

2.2 Legal Foundations of The Urban Transportation Planning Process

The passing of laws and regulations over the past decades has influenced the urban transportation planning process in the United States Some have argued that the necessity to support the spending of federal money on a rational planning and implementation practice was the main concern that has driven this process [2] The landmarks in the legislation and their influence in the transportation planning process have been identified as follows

- Federal Aid Highway Act of 1962· Established what is known as the "3-C" planning process It required, for urbanized areas over 50,000 inhabitants, the

[2] Institute of Transportation Engineers Transportation Planning Handbook John Edwards, Jr P E Editor. 1999 Chapter 12, p 394, 397

development of a transportation plan in a comprehensive, cooperative, and continuing approach among state and local governments. It highlighted the importance of planning within the transportation decision-making process. The "comprehensive" factor called for the consideration of ten factors economic development, population, land use, transportation facilities, travel patterns, terminals and transfer facilities, traffic control features, zoning, financial resources, and social and community issues. The "continuous" factor required that the plan be updated periodically. The "cooperative" factor stressed that state and local levels of government must work together in developing transportation plans [3]

- Federal Aid Act of 1973: Created the Metropolitan Planning Organizations (MPOs) to develop the "3-C" process.
- Clean Air Act Amendments of 1990: Required monitoring and remedies in order to control pollution levels Transportation plans must be in conformity with approved State Implementation Plans (SIP)
- Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) Empowered MPOs and gave them new responsibilities. MPOs in areas with population over 200,000 were designated "Transportation Management Areas" (TMAs), Listed 15 factors that MPOs are required to address on their plans (see Table 1); Insisted that long-range plans be developed under feasible and realistic perspectives considering resources constraints The ISTEA gave some flexibility on the expenditure of funds Under certain requirements, Federal Highway

[3] Vukan Vuchic Transportation for Livable Cities New Jersey 1999, p 101

Table No. 1 ISTEA Planning Factors.

1 Preservation of existing transportation facilities and using existing transportation facilities more efficiently
2 The consistency of transportation planning with energy conservation programs, goals, and objectives.
3. The need to relieve congestion and prevent congestion from occurring where it does not yet occur
4. The likely effect of transportation policy decisions on land use and development plans.
5. The programming of expenditure on transportation enhancement activities.
6. The effects of all transportation projects to be undertaken within the metropolitan area, without regard to whether such projects are publicly funded.
7. International border crossings and access to ports, airports, intermodal transportation facilities, major freight distribution routes, national parks, recreation areas, monuments, historic sites, and military installations.
8. The need for connectivity of roads within and outside the metropolitan area.
9 The needs identified through use of management systems.
10 Preservation of rights-of-way for construction of future transportation projects and corridors
11. Methods to enhance the efficient movement of freight.
12 The use of life-cycle costs in design and engineering
13. The overall social, economic, energy, and environmental effects of transportation decisions.
14. Methods to expand and enhance transit services.
15 Capital investments in increased security in transit systems.

Source Transportation Equity Act of the 21st Century, Public Law 105-178, § 1203(f), in Institute of Transportation Engineers Transportation Planning Handbook John Edwards, Jr P E Editor 1999 Chapter 12, p 397

Administration (FHWA) funds were allowed to be spent on transit and Federal Transit (FTA) funds were allowed to be used on roadway projects The ISTEA opened the decision-making process bringing new people to the procedure It required participation from citizens, public or private organizations, or other interested parties in the development of the plan.

- National Highway System Designation Act of 1995 Added a sixteenth planning factor consideration of tourism and recreational travel.
- Transportation Equity Act for the 21st Century (TEA-21): Required that MPOs consider the seven issues presented in Table 2; Suggested bicycle and pedestrian projects be part of the Transportation Improvement Program (TIP), Reaffirmed the importance of public input; Maintained flexibility on funding among FHWA and FTA programs and projects.

Vucan Vuchic in his book *Transportation for Livable Cities*[4] argues that ISTEA provisions are important because the intermodal nature of travel and the need to enhance the efficiency of each mode were recognized for the first time. He also outlines the fact that the ISTEA spirit changed the way transportation planning was perceived Transportation planning was no longer based on the dominance of highway planning at the detriment of others modes, nor was it done as an extrapolation of existing conditions.[5]

Among the TEA-21 requirements, the MPOs major concern is the development of the long-range plan, which must be updated every three years MPOs also are in charge of

[4] Ibid, p 107
[5] Ibid, p 107, 108

Table No 2 Transportation Equity Act for the 21st Century Planning Factors

A. Support the economic vitality of the metropolitan area by enabling global competitiveness, productivity, and efficiency.
B Increase the safety and security of the transportation system for motorized and nonmotorized users
C Increase the accessibility and mobility options available to people and for freight.
D Protect and enhance the environment, promote energy conservation, and improve quality of life.
E Enhance the integration and connectivity of the transportation system across and between modes and for people and freight
F. Promote efficient system management and operation
G Emphasize the preservation of the existing transportation system.

Source Transportation Equity Act of the 21st Century, Public Law 105-178, § 1203(f), in Institute of Transportation Engineers Transportation Planning Handbook John Edwards, Jr P E Editor 1999 Chapter 12, p 397

elaborating the Transportation Improvement Program (TIP), a three- to five-year schedule of all federally-funded and regionally-significant transportation projects to be implemented in the urban area (updated at least every two years); In addition, MPOs develop the Unified Planning Work Program (UPWP), which essentially is a one- to two-year schedule of all urban transportation planning activities In the UPWP, the work to be performed with federal planning funds is described and documented, this program is updated annually. The seven planning factors described in the TEA-21 must be considered as part of all MPOs planning efforts [6]

In general, it can be concluded that the ISTEA and the TEA-21 support the comprehensive planning process and promote the balancing and integration of different modes, stressing environmental concerns Their spirit is oriented to promote a better quality of life.[7]

Besides the FHWA and the FTA, other federal agencies have promulgated transportation-related regulations such as the U.S Environmental Protection Agency, charged with development and enforcement of national air quality emission standards and support of antipollution activities, at state and local level The federal Americans with Disabilities (ADA) Act provides protection to persons with disabilities in the areas of employment, public accommodation, State and local government services, transportation, and telecommunications. According to the ADA act, as of January 26, 1993, "all newly constructed facilities and alterations of existing facilities must be accessible to

[6] Institute of Transportation Engineers Transportation Planning Handbook John Edwards, Jr P E Editor 1999 Chapter 12, p 397, 401
[7] Vukan Vuchic Transportation for Livable Cities New Jersey 1999, p 321, 322

individuals with disabilities regardless of whether Federal funds are involved When Federal funds are involved, accessibility guidelines are governed by Secion 504 of the Rehabilitation Act of 1973, whereas, any program provided at the facility (i.e guided tours of a rail museum at a renovated train depot) should meet program accessibility compliance guidelines "[8]

2.3 Evolution of the Transportation Planning Process. Lessons Learned.

The period between 1956 and 1962 has been characterized as the highway construction era. In 1956, during the Eisenhower administration, 41,000 miles of roadways were to be constructed under the "National System of Interstate and Defense Highway" known as the Interstate Highway System.[9] Its purpose was to connect at least 90 percent of all urban areas with populations over 50,000 Furthermore, in the 1950s, auto ownership increased, pushing for the construction of more roads and promoting suburbanization. Americans were focused solely on one mode of transportation – the automobile - As a result, transportation planning also became centered on the automobile The planning process employed was based on the extrapolation of trends This narrow approach began changing upon realizing the physical, economic, and social negative impacts caused by relying solely on the automobile as the principle means of transportation.[10]

With the passing of the Federal Highway Act in 1962, a broader approach to transportation planning was required This approach introduced a metropolitan or regional scope to planning instead of a city or county scale The introduction of the "3-

[8] http //www fhwa dot gov///////environment//teas/9 htm
[9] Vukan Vuchic Transportation for Livable Cities New Jersey 1999, p 93 to 97
[10] Ibid

C" process altered traditional planning, but as some specialists say, the practice of a "freeway-dominated" approach was still in practice. [11]

The Civil Rights Movement and a changing attitude toward environmental concerns influenced the transportation-planning arena in a profound way "Freeway-dominated" plans did not pass public scrutiny[12] An environmental impact statement was essential for any major investment, action or project. During the 1970s, environmental concerns gave rise to other modes of transportation and considered public input.

In the 1980s, a pro-highway approach returned at the expense of public transportation. By this time, the mitigation of environmental impact increased costs considerably [13] Federal funds were tied to highway projects. Public discontent with current transportation planning and decision-making processes reoriented federal attitudes, and a new focus on MPOs' role started to take place at the end of the decade

With the passing of the ISTEA in 1991 and the TEA-21, federal guidance was given as to what the goals of the urban transportation should be, rather than how the process should work The flexibility given to the funds was a step toward better transportation practices Today public input is mandated, and promotion of intermodal transportation is obligatory in the planning process.

[11] Ibid p 103
[12] Ibid
[13] Ibid p 106

The present transportation planning process is the result of the lessons learned by the failures and successes of previous efforts As noted by S. Gayle, given the current planning responsibilities, transportation planners must be aware of the following issues.[14]

- No prediction is 100% accurate, even with the use of the cutting-edge technology. Planners' role is to be as honest and as realistic as possible in dealing with uncertainties and assumptions.
- There are some limitations in the technical foundation of the long-range plan. Mathematical models to predict behavior are based on assumptions. Perhaps there are social factors that cannot be fully translated into a mathematical equation to predict travel patterns.
- Politics affect the decision-making process. Technical solutions can sometimes be overlooked due to political interest.
- Plan must be seen as a dynamic process to orient the decision-making process
- Planners have learned that plans created in a vacuum, regardless of their technical proficiency, rarely succeed. Public involvement is mandated in the transportation field, and it must be incorporated into the setting of goals and objectives of the long-range plan
- Considering public participation is crucial in assessing a successful plan MPOs are entitled to do the necessary outreach to the different stakeholders in order to engage them within the process This effort is perceived as time-consuming in developing a plan However in the long run, plans based on solid public

[14] Institute of Transportation Engineers Transportation Planning Handbook John Edwards, Jr P E Editor 1999 Chapter 12, p 397, 401

participation are less susceptible to future opposition or litigation. The participants of such plans are their first defenders

Improvements in accessibility accelerate economic growth by opening new markets. In the case of the United States, inaccessibility is no longer an issue [15] The issue in America's cities is the need to increase the capacity of existing transportation networks to accommodate the demand of a growing population. Planners must keep in mind that past experiences have shown that neglect of the communities' needs and values has often resulted in weak plans. Transportation facilities in urban areas should be considered under a broader perspective. Likewise the planning and implementation of transportation facilities should also address other community issues such as how the new facility will have an impact on concerns related to unemployment, substandard housing, discrimination, and/or crime [16]

Over the years, urban transportation planning has become more technically sophisticated, complex and expensive in order to be responsive and perceptive to the new issues, values and concerns of the community it serves [17]

2.4 Public Involvement within the Transportation Planning Process

In general terms, citizen participation is inherent to any democracy Stuart Langton, in his book *Citizen Participation in America,* recognizes two citizen-participation

[15] John Falcocchio and Edmund Cantilli Transportation and the Disadvantaged Massachusetts 1974 p 19
[16] Ibid p 20, 21
[17] Edward Welner Urban Transportation Planning since the Federal Highway Act of 1962 p 4–10, 4-11 In University of Tennessee CE 558 Urban Transportation Planning Class Notes 1977

movements·[18]

- Citizen-initiated movement· born as a response to the importance of control and monitoring of government decisions and actions.
- Government-initiated movement: recognition of the importance of citizen support for government's actions, projects, and programs

The evolution of citizen participation has been unstoppable, and has gained more influence in the decision-making processes as all levels of government have recognized its importance During the 1960s and 1970s, many stakeholders organized and voiced their demands in order to make government more open to the public, accountable, and responsive to their constituency The Civil Rights Movement is the landmark in this period, giving citizens a voice to proclaim their concerns for issues that affect their daily lives. It is here where the government acknowledged the necessity to incorporate citizen input in the planning and decision-making process.[19]

In developing a plausible urban transportation plan, an effective public participation input is crucial [20] Failure to get citizens' input at the beginning of the planning process may require those involved to go back and revisit the alternatives, delaying the implementation. This promotes controversy and opposition to the plan and wastes time and money [21] In 1994, the Secretary of Transportation promoted public involvement

[18] Stuart Langton Citizen Participation in America 1978 p 1, 3
[19] Ibid p 1, 14
[20] Ibid p 402
[21] Debbie Hale Creating a Successful Public Involvement Program for Major Investment Studies Paper presented at the Transportation research Board's Fifth Annual Small and Medium Size Communities Conference 199?

within all levels and stages of the transportation planning and implementation process State departments of transportation, metropolitan planning organizations, and transportation providers were ordered to develop their own plan to address public involvement according to their characteristics and conditions.

In general, the public involvement goals are [22]

- Promote early public involvement
- Obtain a diverse public involvement A wide range of citizenry should be included, not just those who attend public meetings or who aggressively oppose the plan or project.
- Provide information to the public to get comments. The public should receive adequate technical information to be able to make informed comments.
- Consider public input in the selection among alternatives.

Since 1994, it has been the policy of the Secretary of Transportation to promote public involvement from the early stages throughout all the different phases, including post-implementation. The general public shall have access to information and technical staff to clarify ideas, and concerns and to submit recommendations or suggestions. Also, transportation agencies shall coordinate public meetings with a dynamic that encourages general discussion of transportation related issues, ensuring the presence of different stakeholders with interest in the subject. The general purpose behind this policy is to

[22] Ibid

guarantee that citizens are actively a part of the decision-making process, ensuring that their opinions, ideas and concerns are taken into consideration

2.4.1 Mandatory Public Involvement

The first federally-mandated public involvement process was established in the Administrative Procedures Act in 1946.[23] Today major federal programs require citizen input.

Public involvement in transportation decision-making is a key component addressing the ISTEA provisions. The ISTEA requires a metropolitan planning process that promotes *"a proactive public involvement process that provides complete information, timely public notice, full public access to key decisions, and supports early and continuing involvement of the public in developing plans "*[24]

The federal government has recognized the benefits of public involvement. Positive outcomes of mandated public participation in transportation decision-making include the following:[25]

- Public ownership of policies/sustainable and supportable decisions. Citizens are more willing to tolerate negative effects of transportation projects They agree about the need for the policy or project, participate in development and selection

[23] Ibid p 3
[24] 23 CFR 450 212 (a) and 450 316 (b) (1)
[25] R O'Connor, M Schwartz, J Schaad, D Boyd State of the Practice White Paper on Public Involvement 1997 A1D04 Committee on Public Involvement in Transportation

of the alternatives, with a general understanding of the technical and regulatory constraints.

- Decisions are reflective of community values and needs
- The risks of litigation and the revisiting of decisions are avoided, saving time and money.
- Agency credibility is improved, encouraging agency decision makers to interact with their constituents As a result, transportation stakeholders develop a better understanding of the institutional framework, and the agency staffs have a better understanding of public needs and values. This two-way education process improves the agency's relationship with the community.

Mandatory public participation at the local level demands an outreach effort from the agencies so that the different stakeholders within their communities are identified. Local agencies must also educate and inform the communities about their rights to be part of the planning and decision-making process However, as it has been said, it is a two-way interaction, and the community must also to be proactive and invest time and effort to engage the process.

Key Elements for Effective Public Involvement

The FHWA and the FTA consider public involvement as a continuing open practice. In their joint publication "Questions and Answers on Public Involvement in Transportation

Decision-making", [26] there are six essential elements for successful public involvement within the transportation planning and decision-making process:

1 Clear understanding of the benefits of considering citizens' involvement from the very beginning of the process
2 Identification of the key stakeholders affected by the program, action or project under consideration
3 Design of custom-tailored techniques oriented to promote the participation of the key stakeholders
4 Public notice of the open participatory process, targeting those key community groups.
5 Use of a variety of techniques to ensure the full understanding by all the participants of the transportation problem, opportunities, restrictions, and possible solutions.
6 Monitoring by public agencies to ensure that decision makers have seriously considered public input

An effective public involvement process sets the foundation for a general understanding of the transportation problem, offers possible solutions, sets forth restrictions, and discusses adverse effects on the community and the way to mitigate adverse effects of the

[26] FHWA/FTA Questions and Answers on Public Involvement in Transportation Decision-making http //www fhwa dot gov////////environment/pub_inv/q1 htm

solution [27] Most important the community feels that their voice, input, and presence are taken seriously.

Addressing the needs of the traditionally underserved groups represents a challenge for transportation agencies, and engaging representatives of these groups within the transportation planning and decision-making process poses a even greater challenge

Ineffective Public Involvement

The FHWA and the FTA have defined as ineffective public involvement processes those which.

- Include two or three meetings right before the decision-making
- Allow the meetings take place to show to the public the final draft or developed plans allowing only a small chance for proactive input.

Even though it has been acknowledged that effective and meaningful public involvement is one of the most important components in any fair and successful transportation process, it has been dormant and even today is one of the weakest parts of the procedure.[28] It is well known that many agencies have made their decisions before the public has had a fair chance for participation Even worse, the way information is displayed or presented and the format of the discussion does not allow an effective exchange of ideas.

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[27] FHWA/FTA Ibid
http://www fhwa dot gov/////////environment/pub_inv/q3 htm
http //www fhwa dot gov/////////environment/pub_inv/q4 htm
[25] Clifford Bragdon, New York Times Oct 18, 1998 Late Edition

In an effort to reverse the apathy of the public to get involved in community issues, the Department of Housing and Urban Development (HUD) has developed the program Community Connections HUD believes that by providing informational tools, the people will be encouraged to participate This program uses the software, Consolidated Planning System, which allows the people to know in advance where the federal money will be spent. This software provides information about what is going on at the community level using demographic census data and geographic data from MapInfo; it also aids in developing application submissions for HUD grants.[29] This approach complements the present technological era HUD affirms that Community Connections stimulates the proposal of solutions from the bottom-to-top by requiring input from citizens, while informing them about details of HUD programs. HUD organized the Departmental Best Practices and Technical Assistance Symposium to recognize best practices[30] The Symposium showed how local governments successfully used HUD assistance for innovative programs, revitalizing communities. The exchange of ideas and experiences helped communities to learn from each other. HUD's ultimate purpose was to demonstrate its commitment to restoring the citizens' trust by working in partnership with local governments and communities The Symposium was so successful that it has now become an annual event.[31] HUD experience shows how to be creative in addressing mandatory public participation by providing technical assistance and promoting a best practices program. Nevertheless, such shortcomings as a lack of access to technology for

[29] HUD Community Connections Putting the People First Consolidated Planning Software (Manual) Introduction (199?)
[30] HUD Building a Better Tomorrow Issue 2 January 2000 www hud gov bestpractices html
[31] Ibid

the poor and apathy from underserved groups, represents immediate challenges for HUD to overcome

In order to assure success, the vision for the next decade requires the participation of both MPOs and citizens MPOs must see public involvement programs as a key part of the development of all transportation policy, and should assign budgets for conducting innovative public involvement programs Likewise, citizens should accept their responsibilities, dedicating time and energy to become involved in the process This is the new paradigm for transportation decision-making. a two-way, respectful, fair, and open process [32]

2.4.2 Mandatory Public Involvement Key in Addressing Title VI

In accordance with Title VI, underserved persons or communities shall be engaged in the public involvement process. The report written by W R. Snodgrass, Comptroller of the Treasury Office of Local Government (January 1994), in compliance with Title VI provisions, pre-award and post-award reviews shall be done with the participation of the protected beneficiaries The report also declares that ex-ante and ex-post reviews are reliable ways to check that the federal funds are been used according to Title VI regulations Continuous feedback between targeted stakeholders and transportation staff is of primary importance in gaining a better understanding of these populations' present and future needs

[32] Ibid p 12

There has been a history of inadequate federal enforcement of Title VI. One of the recurrent findings is the insufficiency of staff and the fact that those responsible for Title VI enforcement do not work exclusively on Title VI issues.[33] As a way to improve Title VI enforcement in Tennessee, TDOT has appointed the first-full time Title VI Program Director in the United States. The primary goal of the Title VI Program is to ensure that all management staff, contractors, and service beneficiaries are aware of the provisions and responsibilities regarding Title VI of the Civil Rights Act of 1964 [34]

Among the techniques to engage targeted minorities within the public participation process, the FHWA and the FTA have suggested the use of radio stations and newspapers oriented to non-English speaking populations, and distribution of fliers and public notices in senior citizens' centers, urban housing projects, and residential areas with minority and low-income populations.[35]

Regarding mandatory public participation, every year each MPO with populations over 200,000, must submit to TDOT the following information:[36]

1 Methods used to inform minority communities of planning efforts relating to transit service and improvements.
2 Statements describing how minority groups or persons are afforded an opportunity to participate in local decision-making processes.

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[33] U S Commission on Civil Rights Federal Title VI Enforcement to Ensure Nondiscrimination in Federally Assisted Programs Washington June 1996 p 10, 14, 517, 518
[34] TDOT Your Guide to Title VI Civil Rights Act of 1964 Brochure
[35] FHWA/FTA Questions and Answers on Public Involvement in Transportation Decision-making http //www fhwa dot gov////////environment/pub_inv/q8 htm
[36] MPO Title VI Program Requirements as contained in FTA 4702 1 (formerly UMTA 4702 1)

3. Racial breakdowns for transit related non-elected boards, advisory councils or committees, and a description of efforts made to encourage the participation of minorities on such boards or committees.

It is obvious that a crucial matter addressing Title VI in Tennessee is the outreach effort to educate the public about Title VI provisions, promoting citizens' participation in local and regional transportation issues The commitment toward proactive reinforcement of Title VI in Tennessee is a reality. TDOT is monitoring MPOs' performance addressing Title VI.

In the next chapter, the legal framework that sustains Title VI and its particular provisions will be explained. The issue that MPOs are federally-funded agencies will also be discussed

CHAPTER THREE

Legal Framework

3.1 Title VI Application. Background

According to the report, *Federal Title VI Enforcement to Ensure Nondiscrimination in Federally Assisted Programs* Title VI applies to 27 federal agencies administering more than 1,000 programs To have an idea on the dimension of the resources involved, in1995 an estimated budget of $900 billion was managed in federal financial assistance[1].

During the 1990s, federal agencies such as the Department of Housing and Urban Development (HUD) and the Environmental Protection Agency (EPA) re-emphasized Title VI. HUD addressed Title VI in order to reverse racial harassment and the hostile environment around public housing developments in Texas. Due to the disproportional share of environmentally-related health risks, EPA actively sought the issue of the Executive Order 12,898 entitled "Federal Actions to Address Environmental Justice to Minority Population and Low-income Populations "[2]

Deficiencies have been discovered in Title VI enforcement. Some of them can be attributed to inconsistencies in the way agencies interpret the scope and content of the law Others include insufficient staff and staff training, low organizational status of Title VI officers, and ineffective mechanisms for monitoring and securing compliance. In addition to the aforementioned, the increasing trend to use block grants makes it difficult

[1] U S Commission on Civil Rights Federal Title VI Enforcement to Ensure Nondiscrimination in Federally Assisted Programs Washington June 1996 p 10, 14, 517, 518
[2] Ibid p 12, 13

to discover and correct discriminatory practices before funds are released, creating another weakness in Title VI enforcement [3]

3.2. Legal Framework

The most important legal tools are presented in chronological order to better understand the legal framework that sustains today's Title VI provisions within the transportation planning process

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of color, race or national origin in all federally-assisted programs or activities even if only a portion of the program or activity includes federal money.[4] In the next section of this chapter, coverage and provisions of Title VI will be discussed in detail

In 1969, the National Environmental Policy Act (NEPA) addressed the significance of giving "to all Americans safe, healthful, productive, and aesthetically pleasing surroundings," requiring a "systematic, interdisciplinary approach" to enhance environmental and community factors within the decision-making process [5]

In the Federal Highway Act of 1970, the NEPA approach was reinforced by establishing the basis for equitable treatment of communities affected by transportation projects This rule requires the consideration of further impacts of proposed transportation projects upon residential areas, businesses, agricultural land, accessibility of public facilities, tax

[3] Ibid p 3
[4] 42 U S C 2000d et seq
[5] 42 U S C 4321, National Environmental Policy Act

base and other community resources The Department of Transportation Order 1000.12 of 1977 established minimum responsibilities for Title VI implementation and enforcement of the program.

In November 1980, President Carter issued Executive Order 12250, giving the Department of Justice the responsibility of overseeing the Federal Agencies Title VI enforcement programs, ensuring that they were "effectively and consistently enforcing the statute "

In 1987, the Civil Rights Restoration Act established that Title VI provisions apply to the entire institution if any part of it receives federal financial assistance

On February 11, 1994, President Clinton signed Executive Order 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations " This order requires that "all Federal agencies shall, to the greatest extent allowed by the law, administer and implement its programs, policies, and activities that affect human health or the environment so as to identify and avoid disproportionately high and adverse effects on minority and low-income communities "

In 1997, the U.S. Department of Transportation distributed its "DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations" in conformity with the requirements of Executive Order 12898 on Environmental Justice

The FHWA provides technical assistance to state DOTs and local governmental units on how to fulfill the law, avoiding potential discriminatory effects and disproportionately adverse health and environmental effects on minority and low-income communities.

On the state level, the most relevant event was the approval of the Public Chapter 502 on May 1993, establishing that all state agencies must develop a Title VI Implementation Plan. On the local level, however, one may find city regulations regarding the intention of compliance with Title VI issued more than two decades ago, such as in the case of the City of Chattanooga

Figure No. 2 summarizes the milestone legal events regarding Title VI and the Transportation Planning Process, and shows that laws and regulations have been in place for a long time at the three levels of government federal, state and local

3.3 Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964, as codified in 42 U.S C 200d, states that.

" 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 subject to discrimination under any program or activity receiving federal financial assistance "

According to the Executive Order 12250, the head of the U.S. Department of Justice, the U S Attorney General, is responsible for its coordination and implementation nationwide

Federal Level

Title VI of the Civil Rights Act of 1964
- Non-Discrimination on federally funded projects, actions, and programs

National Environmental Policy Act (NEPA) 1969
- Systematic, interdisciplinary approach, considering environmental and community factors within the decision-making process Significance of giving "to all Americans safe, healthful, productive, and esthetically pleasing surroundings"

Federal Highway Act of 1970
- Equitable treatment of communities affected by transportation projects

DOT Order 1000 12, Implementation of the Department of Transportation Title VI Program January 1977
- Establishes minimum responsibilities for Title VI implementation and enforcing program.

Executive Order 12250 November 1980
- Department of Justice is responsible to oversee the Federal Agencies Title VI enforcement Programs ensuring that they are "effectively and consistently enforcing the statute"

Civil Rights Restoration Act of 1987
- Title VI provisions apply throughout entire institutions or agencies if any part receives federal finance assistance

Executive Order 12898 on Environmental Justice. February 1994
- Federal agencies shall identify and avoid disproportionately high and adverse effects on minority and low-income communities

DOT Order 5610 2 April 1997
- Environmental Justice provision applies to all transportation agencies

State Level

Tennessee State Attorney General's Opinion # 92.47 May 1992
- Agencies receiving federal assistance are subject to restrictions of Title VI

Public Chapter 502 May 1993
- All state agencies must develop a Title VI Implementation Plan and required the Comptroller of Treasury to conduct a review of state agencies' compliance

Local Level

City Resolution # 10410. Chattanooga January 1975
- Board of Commissioner of the City set and affirmed that it is the policy of the city to assure non-discrimination and desire to comply with Title VI regulations

Figure No 2 Legal Framework

The Department of Justice ruled that each federal agency subject to Title VI should develop their own implementation plan, providing guidelines for collecting data, procedures for complaints, and how to monitor and evaluate programs or actions

Title VI is a broad law that enforces the rights of racial minorities by prohibiting not only intentional discrimination, but unintentional discrimination as well. Experts declare Title VI as the most important piece of legislation to end discrimination by authorizing the cutoff of federal assistance to those recipients who have been found to be discriminatory.[6]

Who shall not be discriminated?

Title VI provisions are not limited to citizens The Supreme Court has held that illegal aliens are considered "persons" under the equal protection and due process clauses of the Fifth and Fourteenth Amendments [7]

What is Federal Assistance?

Federal Assistance includes·

1 Grants and loans of federal funds

2 The grant or donation of federal property and interest in that property

3 Training of employees

4 Loan of personnel

5 Technical assistance

6 Tax incentives and tax-exempt status

[6] L McDonald The Rights of Racial Minorities Southern Illinois University Press 1993
[7] U S Department of Justice Civil Rights Division "TITLE VI LEGAL MANUAL" September, 1998

7 The sale and lease of property, and the permission to use federal property or any interest in such property

8 Any federal agreement, arrangement, or other contract that has as one of its purposes the provision of assistance

This is not an exhaustive list, agencies should continually update it to include programs not covered. To better understand the coverage of federal assistance, some examples taken from the Title VI Legal Manual developed by the Civil Rights Division of the Department of Justice in 1998, are offered below

- A State health department receives $372,000 in federal funds from the Department of Health and Human Services to be distributed to private hospitals for emergency room services The funds constitute federal financial assistance to the State health department as well as the private hospitals that are funded, and thus Title VI would apply to all of these entities. *See* 42 U.S.C. §§ 2000d-4a(1)(a), 4a(3)(A)(ii).
- United States military veterans are enrolled at Holy University, a private, religious institution The veterans receive payments from the federal government for educational pursuits and the veterans to pay a portion of their respective tuition payments at Holy University use such monies. Although federal payments are direct to the veterans and indirect to Holy University, the university is receiving federal financial assistance
- A police department has a branch office located in a housing project built, subsidized, and operated with Housing and Urban Development (HUD) funds

The police department is not charged rent Thus, the police department is receiving federal financial assistance and is subject to Title VI.

- Two research scientists from the National Institute of Health (NIH) are assigned to a research organization for two years to help discover treatments for cancer NIH pays for three-fourths of the salary of the two employees, while the organization pays the remaining portion The research organization is considered to be receiving federal financial assistance since the federal government is paying a substantial amount of the salary of the assigned federal employees The research organization is thus now subject to Title VI

- A city police department sends several police officers to training at the FBI Academy at Quantico without cost to the city The police department is considered to have received federal financial assistance.

However, not all federal money constitutes Federal financial assistance For instance, programs owned and operated by federal agencies such as the air traffic control system, the Social Security and the Veterans' Administration are not considered as federal assisted Contract of guarantee and insurance are also not Federal Assistance Purchasing contracts at fair market price are not federal financial assistance, but purchasing contracts at subsidized prices constitute federal financial assistance In the last case the difference is made when the government intention is to provide a subsidy to the contractor

Who are the recipients of Federal assistance?

Direct Recipient: The state or local entity (public or private) that directly receives a Federal grant, loan, or contract other than a contract of insurance or guaranty.

Indirect Recipient The state or local entity (public or private) that indirectly receives federal assistance. For example, universities are indirect recipients of federal financial assistance when they accept students who pay, in whole or in part, with Federal financial aid

Which Programs or Activities are Subject to Title VI Regulation?

The following examples illustrate the fact that Title VI provisions apply in all federally-assisted programs or activities, even if only a portion of the program or activity includes federal money.

- If federal transportation assistance is extended to a part of a state transportation department, the entire transportation department would be covered in all of its operations However, the entire state government is not considered a recipient simply because the transportation department receives federal financial assistance
- If the office of a mayor receives federal financial assistance and distributes it to departments or agencies, all of the operations of the mayor's office are covered along with the departments or agencies that actually receive the aid from the Mayor's office

- If a private hospital corporation receives federal funds to operate its emergency room, all of the operations of the hospital (*e g* , the operating rooms, pediatrics, discharge and admissions offices, etc) are subject to Title VI.

What does Title VI prohibit?

According to Title VI, recipients of federal funds shall not:[8]

1. Deny a person the opportunity to participate as a member of a planning or advisory board that is part of the program
2. Provide a service of inferior quality than one provided to others in the program
3 Provide a different service than the one provided to others.
4 Segregate an individual under any circumstance.
5. Provide separate service to an individual
6. Deny to any person the receipt of any advantage or privilege.
7 Require different standards or conditions for accepting an individual into the program
8 Deny an individual any service or benefit provided under the program.
9. Use any method or criteria that results in discrimination or jeopardizes the objectives and goals of the program or activity
10. Allow discriminatory practices in a facility built with federal funds
11. Deny the use of languages other than English when communicating with beneficiaries who lack English-speaking skills

[8] W R Snodgrass, Comptroller of the Treasury, from the Office of Local Government, published the report " Tennessee State Agencies and Title VI of the Civil Rights Act of 1964" January 1994

12. Fail to notify the beneficiaries of the program or service of its existence.
13. Subject an individual to discriminatory employment practice in those programs whose objective is to provide employment
14. Locate a facility in a way that would limit or deny access to a federally-funded service or benefit.

What are Intentional Discrimination/Disparate Treatment and Disparate Impact/Effect?

Intentional discrimination, (also called disparate treatment) occurs when the provider purposely denies a service or benefit because of race, color or national origin. Disparate impact/effect, on the other hand, occurs when the providers' actions result in discriminatory practices, not his/her intent

The Courts have found disparate impact when the beneficiary of the federally-assisted program receives services or benefits that are inferior in quality and/or quantity If the provider proves that his/her action was done under a substantial legitimate justification, he/she must demonstrate that it was the less discriminatory option.

3.4 Title VI in the State of Tennessee

On May 31,1993, the Tennessee General Assembly passed Public Chapter 502 It requires all state agencies to develop a Title VI implementation plan, and suggests that every state entity submit an annual report and implementation plan updates to the Department of Auditing beginning on June 30, 1994, and continuing to do so each June

30 thereafter A cumulative annual report with findings and recommendations shall be distributed to the Governor, General Assembly, and to the reserve of states reports and documents.

The bill also stated that the Comptroller of the Treasury study the specific actions necessary to implement it in full extent with the provisions of Title VI. In January 1994, the Comptroller of the Treasury, from the Office of Local Government, published the report " Tennessee State Agencies and Title VI of the Civil Rights Act of 1964." The report concluded that state agencies' compliance with Title VI was inefficient, and found that the state agencies had reinforced other civil rights laws, such as the Americans with Disabilities Act (ADA), thereby counteracting the significance of Title VI compliance There was a general lack of information among state officials regarding Title VI provisions, as well as lack of procedures for developing and implementing Title VI.

The report suggested four recommendations for improving Title VI enforcement and compliance:

1 Create a central Title VI enforcement Agency

2 Use the State Planning Office to monitor Title VI compliance.

3. Add Title VI responsibilities to the Tennessee Human Rights Commission.

4. Create a Title VI task force, with representatives from each state agency

As a result, on July 1, 1995, the Tennessee Human Rights Commission was designated as the Title VI compliance agency The Title VI Program Director for the Tennessee Human Rights Commission is responsible for providing the following [9]

- Technical assistance to public and private agencies as well as the general public
- Training and education.
- Complaint investigation and resolution.
- Information resources
- Guidance and review of Title VI implementation plans
- Monitoring of agency compliance and enforcement of Title VI.
- Advocacy for all citizens

In conjunction with the Human Rights Commission, a Tennessee Legislative Black Caucus Title VI Review Subcommittee was also created to examine the Title VI implementations plans submitted every year by all departments and agencies that receive federal assistance The agencies submit a summary of their report to the Committee, and later are invited to present their findings at public hearings.

At the request of the Human Rights' Title VI Program Director, each agency appointed a Title VI Coordinator to be the contact person accountable for the enforcement of Title VI responsibilities in his/her agency.

[9] Tennessee Black Caucus Title VI Implementation Plan Subcommittee and Tennessee Human Rights Commission Title VI of the 1964 Civil Rights Act Implementation Plan Review Report Plans submitted June 30, 1998 June 1999

When violations to Title VI provisions are identified, 30 days are granted to solve the situation. If the beneficiary of federal funds neglects to resolve the deficiency nor correct the violation, federal and state funds are withheld, until a proper solution is reached

3.5 Metropolitan Planning Organizations (MPOs) in the State of Tennessee as Federally-Funded Agencies.

As mandated by the Federal Aid Act of 1973, Metropolitan Planning Organizations (MPOs) are established in urban areas with a population of 50,000 or more. There are nine Metropolitan Planning Organizations in the state of Tennessee. Four of them - Chattanooga, Knoxville, Memphis, and Nashville- have been designated as Transportation Management Areas (TMAs)- having a population of 200,000 or more The rest - Bristol, Clarksville, Jackson, Johnson City, and Kingsport - have been designated as Non-Transportation Management Areas , having a population between 50,000 and 200,000.

MPOs are in charge of developing the following plans and programs. the Long-Range Transportation Plan, the Transportation Improvement Program (TIP), and the Unified Planning Work Program (UPWP) The TIP, updated at least every other year, contains a detailed schedule of all federally funded and regionally-significant transportation projects upcoming for the urban area during the next three to five years According to the U S

Department of Transportation regulations, no planning activities can be funded by federal sources until they have been included in the Unified Planning Work Program.[10]

Among other tasks, the Federal Highway Administration and the Federal Transit Administration provide funds for: Long-Range Planning, Management System Planning, Regional Transportation Planning, Intermodal Planning, Data Collection and Monitoring, and Public Involvement and Project Coordination

This chapter has highlighted and discussed the legal framework of Title VI provisions for Tennessee's MPOs as well as the coverage and application of Title VI regulations. MPOs as federally-funded metropolitan agencies are subject to the provisions of Title VI of the Civil Rights Act of 1964.

The next chapter will present and analyze MPOs' responsibilities regarding Title VI and will also review reports submitted by the nine Tennessee's MPOs during 1999 The effectiveness of the actual reporting requirements in addressing the spirit of Title VI provisions will be determine. Additionally, MPO employees will be consulted in order to determine whether the reporting requirements are clearly expressed and to suggest ideas for improvements

[10] U S Department of Transportation, Section 450 314 of the Metropolitan Planning Regulations in Knoxville Urban Area Unified Work Program August 2000

CHAPTER FOUR

Analysis and Findings

4.1 Tennessee's MPOs Title VI Reports.

In an effort to reinforce Title VI at the local transportation field, the FTA has issued guidelines specifying what information should be part of MPOs' Title VI Assessment Report, to be submitted every three years. These reporting requirements have been adopted by TDOT as the content of the MPOs' annual Title VI Report. Tennessee's nine MPOs submitted their 1999 Title VI Assessment Reports to TDOT during the months of April and May 2000 The TDOT Title VI Office revised and commented on the reports by July 2000.

The TDOT enforcement and monitoring of Title VI over MPOs performance is under revision In order to improve the overall performance regarding Title VI, the TDOT is looking at the reporting requirements, as well as identifying the areas where training is needed, in order improve the overall output of the process.

The TDOT reviewed the reports in detail providing specific recommendations for improvement In most cases, the comments were directed at those requirements with content that was considered unresponsive, not well addressed, or not addressed at all. In all TDOT letters of responses was outlined that TDOT did not perform a compliance or non-compliance finding regarding Title VI. Besides, in the letters of responses sent to

TMAs - Nashville, Memphis, Knoxville, and Chattanooga- it was emphasized that improved and more responsive reports are expected by the year 2001

In this chapter the nine Title VI reports will be analyzed comparing the different approaches that each MPO did on every requirement. The purpose of this research is not to judge the quality or validity of the information submitted in the reports, but rather to take the best of each approach in order to help the improvement process in the coming years.

4.2 Title VI Responsibilities for Metropolitan Planning Organizations (MPOs)

Federal Transit Administration (FTA) issued the following responsibilities in compliance with Title VI· (FTA C 4702.1 formerly UMTA 4702.1). These guidelines were adopted by TDOT as the reporting requirements for the annual Title VI Assessment Report. The requirements are grouped into three categories. general reporting requirements, program specific requirement, and information required for monitoring Table No 3 summarizes the requirements indicating which information each MPO is entitled to provide. In general, all MPOs are required to submit information regarding the general reporting requirements and information necessary for monitoring. The program specific requirements are to be considered only by those MPOs located in areas with populations over 200,000, which are Chattanooga, Knoxville, Memphis, and Nashville

Below are the requirements as adopted by the TDOT.

Table No.3. Requirements to be Submmitted by MPO.

General Reporting Requirements.	Bristol	Chattanooga	Clarksville	Jackson	Johnson City	Kingsport	Knoxville	Memphis	Nashville
1 - List of lawsuits and complaints	X	X	X	X	X	X	X	X	X
2 - Description of pending applications for federal assistance	X	X	X	X	X	X	X	X	X
and assistance currently provided from other fed Agencies	X	X	X	X	X	X	X	X	X
3 - Summary of all civil rights activities for the last year	X	X	X	X	X	X	X	X	X
4 - Signed FTA Civil Rights Assurance	X	X	X	X	X	X	X	X	X
5 - Signed Standard DOT Title VI Assurance	X	X	X	X	X	X	X	X	X
6 - For construction projects, a fixed-facility impact analysis assessing the effect of minority communities, including a) Potential impact on minority communities and businesses during and after construction b) Potential environmental negative impact c)Detailed list of businesses and households to be effected d) Any significant change or impact on minority communities e) Description of measures adopted to mitigate any identified adverse social, economic, or environmental effect	X	X	X	X	X	X	X	X	X
Program Specific Requirements (MPOs pop Over 200,000)									
1 Assessment of Planning Efforts on a nondiscriminatory basis		X					X	X	X
2 Provide documentation describing efforts to a) Identify minorities to be affected b) Provide technical assistance or guidance to local transportation providers in updating and developing Title VI information		X					X	X	X
3 Provide a description of methods used to inform minority communities of planning efforts relating to transit service and improvements		X					X	X	X
4 Minority participation in the decision-making process		X					X	X	X
5 Minority representation on decision-making bodies		X					X	X	X
Information necessary to Monitor Title VI Program Requirement									
Level or Quality of Service Methodology	X	X	X	X	X	X	X	X	X

General Reporting Requirements (For all MPOs)

1 *List of all active lawsuits and/or complaints including date of filing, allegation (s) and status*

2 *Description of pending applications for federal assistance and assistance currently being provided from other federal agencies.*

3 *Summary of all civil rights activities for the last year, that include the purpose for the review, name of agency or organization performing review; findings and recommendations, and status and/or disposition of findings and recommendations.*

4 *Signed FTA Civil Rights Assurance*

5 *Signed standard DOT Title VI Assurance.*

6 *For construction projects, a fixed facility impact analysis assessing effect of minority communities that includes analysis of·*

- *The potential impact on minority communities and businesses during and after construction,*
- *The potential negative environmental impact,*
- *Detailed list of minority owned businesses and households to be affected,*
- *Any significant changes or impacts on minority communities, and*
- Description of measures adopted to mitigate any adverse social, economic or environmental effects

Program Specific Requirements: For MPOs with populations over 200,000 - Transportation Management Areas (TMAs) Chattanooga, Knoxville, Memphis, and Nashville, to be updated and submitted annually.

1 *Written description of planning efforts responsive to the requirements of Title VI discussing how activities or projects programmed in the UPWP and TIP will be implemented under a nondiscriminatory basis*
2 *Provide documentation describing efforts to:*
   - *Identify minority communities that will be affected; and*
   - *Provide technical assistance or guidance to local transportation providers in updating and developing Title VI information*
3 *Provide a description of the methods used to inform minority communities of planning efforts relating to transit service and improvements.*
4 *Provide a written statement describing how minority groups or persons are afforded an opportunity to participate in local decision-making processes*
5 *Provide a racial breakdown for transit related non- elected boards, advisory councils or committees, and a description of efforts made to encourage the participation of minorities on such boards or committees*

Information Needed for Monitoring Title VI Program Requirements.

1 *Level of Service Methodology*

Identify location and characteristics of minority communities by census tracts or traffic analysis zones Level of service will be measured on the basis of standards adopted by the recipient, such as vehicle load, vehicle assignment, headways, transit amenities, transit access, etc by following method

- *Select an appropriate sample size At least the sample must include each unit (census tract or traffic analysis zone) with the presence of minority population in a proportion equal or above the total percentage of all minorities within the service area*
- *Inventory the transit service provided in the selected sample area(s)*
- *Assess the performance of each route operation within the selected areas for each grantee's service standards and policies*
- *Compare the transit service provided to minorities areas to the recipient's service policies and standards, and review and take action in all cases in which the service to minority areas do not meet the standards*
- *Compare the average performance for each route in the transit system to the grantee's service policies and standards, and take action on the observed differences*

2 *Quality of Service Methodology to access equity in the quality of services provided among different groups,*

- *Identify an appropriate number of minority census tracts or traffic analysis zones and a corresponding number of comparable no minority census tracts*

or traffic analysis zones The number of census tracts or traffic analysis zones selected should be based on the population within the service area For service areas with a population of over 200,000 the recipient must select 10 or census tracts or traffic analysis zones

- *Conduct a survey of transit riders in the identified areas to determine travel patterns (work trip destination) and opinions on the transit service provided Census data may also be used to model transit travel patterns in an urbanized area*
- *Summarize the travel patterns of transit users in the selected census tracts or traffic analysis zones, and summarizes comments or opinions about the transit service.*
- *Using transit travel time and fare matrices, and/or other appropriate indices information must be monitored for the top three most-traveled destinations. All values below emanate from centroid of selected census tracts or traffic analysis zones to the centroid of destination*
    - *i Average peak hour travel time to destination,*
    - *ii Number of transfer/bus stops before reaching destination,*
    - *iii Total cots trip to destination; and*
    - *iv Cost per mile of trip to destination.*
- *In using this methodology, the grantees must compare the quality of service of minority census tracts or traffic analysis zones with no minority census tracts or traffic analysis zones, and take action on the disparities*

Upon the examination of the above-mentioned requirements, it is clear that transportation issues not related to transit are not explicitly required. They are transit oriented because the FTA developed them.

Title VI provisions are broad, and narrowing them to the local level within the transportation field is a hard task to accomplish The present study attempts this task by examining how Title VI provisions are addressed within the local transportation planning process In order to achieve this, the aforementioned reporting requirements will be analyzed from different perspectives, such as. the relevance of the requirements in assessing that Title VI provisions have been considered, how related is the information requested with transportation planning issues, and the level of data support to comply with the requirement After reviewing the specific characteristics associated with each requirement, the analysis will be focused specifically on the reports to explore the way the information was arranged, the style adopted, and the content of the attached supplementary material. Finally, input from MPOs' staffs will be considered in terms of how clear the requirements are perceived by them, and their suggestions for improvements will be also taken into account

4.3 Analysis of the Reporting Requirements

Before starting the analysis of the reporting requirements, it is important to recall the following information First, the main purpose of Title VI is non-discrimination on the basis of race, color, or national origin on federally-funded programs. Second, MPOs as federally-funded local agencies, are subject to Title VI. Third, the TDOT enforces and

monitors MPOs' Title VI compliance. And finally, the TDOT adopted the FTA and FHWA reporting requirements for MPOs

In this section, the reporting requirements will be evaluated according to the author's judgment in terms of relevance, relation to the transportation field, and data support to get a broad perspective of the overall performance of these requirements assessing the spirit of Title VI. Table 4 summarizes the results of this evaluation. Below the way the requirements were rated is explained.

Relevance

Each requirement was evaluated in terms of its relevance assessing Title VI provisions Those requirements considered to be more important in addressing Title VI provisions were rated as high. If a requirement was considered as only somewhat relevant, it was rated as moderate. A requirement considered irrelevant in assessing Title VI provisions was rated low.

Relation with Transportation Planning Issues

Relation with Transportation Planning Issues addresses how related to the transportation field is the information requested by the requirement. High level was assigned, if the requirement demanded information pertinent to transportation planning activities. Moderate level was assigned if the requested information is somewhat related to transportation planning. Low level was assigned if the requested information is not part of activities performed under the transportation-planning field

Table No. 4. Relevance, Transportation Planning-Related,and Data Support by Requirement.

General Reporting Requirements:	Relevance	Transp.Related	Data Support
1 - List of lawsuits and complaints	+	0	-
2 - Description of pending applications for federal assistance and assistance currently provided from other fed Agencies	0	0	-
3 - Summary of all civil rights activities for the last year	+	0	-
4 - Signed FTA Civil Rights Assurance	+	+	-
5 - Signed Standard DOT Title VI Assurance	+	+	-
6 - For construction projects, a fixed-facility impact analysis assessing the effect of minority communities, including a) Potential impact on minority communities and businesses during and after construction b) Potential environmental negative impact c)Detailed list of businesses and households to be affected d) Any significant change or impact on minority communities e) Description of measures adopted to mitigate any identified adverse social, economic, or environmental effect	+	+	+

Legend	
+	High level
0	Moderate
-	Low level

Program Specific Requirements (MPOs pop Over 200,000)

1 Assessment of Planning Efforts on a nondiscriminatory basis	+	+	+
2 Provide documentation describing efforts to a) Identify minorities to be affected b) Provide technical asistance or guidance to local transportation providers in updating and developing Title VI information	+	+	0
3 Provide a description of methods used to inform minority communities of planning efforts relating to transit service and improvements	+	+	0
4 Minority participation in the decision-making process	+	+	+
5 Minority representation on decision-making bodies	+	+	+

Information necessary to Monitor Title VI Program Requirement

Level or Quality of Service Methodology	+	+	+

Data Support

Data support involves evaluating the requirements in terms of the characteristics of the data requested. A high level of data support was given to those requirements that had to provide detailed data, manipulation of numbers, and/or use of statistics. A moderate level of data support was assigned to those requirements related to some kind of numeric information, without getting into details A low level of data support was assigned to those requesting information associated with low or non-numeric data at all.

4.3.1 Analysis of the Reporting Requirements. Findings

As Table No 4 illustrates, all requirements are relevant in assessing Title VI provisions Most of the requirements are highly related to transportation planning issues, with the exception of those requirements associated to administrative actions. Excluding the first five requirements, the supporting data is considered moderate to high in providing detailed data, manipulation of numbers, and/or use of statistics.

The findings suggest four categories (See Table No. 5) The first category can be labeled as the best rated requirements characterized by high level of relevance assessing Title VI, a high level of transportation planning-related information, and a high level of data support -- the information displayed is supported with the aid of detail numbers-- According to the findings the most successful requirements are: the fixed-facility impact analysis for construction projects, the assessment of planning efforts on a non-discriminatory basis, the description of minority participation in the decision-making process, and the description of minority participation on decision-making bodies

Table No. 5. Categories According to Relevance, Transportation Planning-Related, and Data Support by Requirement.

	Categories			
	Best Rated (+++)	Outreach Efforts (++0)	Administrative Actions (+0-)	Suplementary Financial Information (00-)
General Reporting Requirements.				
1 - List of lawsuits and complaints			X	
2 - Description of pending applications for federal assistance and assistance currently provided from other fed Agencies				X
3 - Summary of all civil rights activities for the last year			X	
4 - Signed FTA Civil Rights Assurance			X	
5 - Signed Standard DOT Title VI Assurance			X	
6 - For construction projects, a fixed-facility impact analysis assessing the effect of minority communities, including a) Potential impact on minority communities and businesses during and after construction b) Potential environmental negative impact c)Detailed list of businesses and households to be affected d) Any significant change or impact on minority communities e) Description of measures adopted to mitigate any identified adverse social, economic, or environmental effect	X			
Program Specific Requirements (MPOs pop Over 200,000)				
1 Assessment of Planning Efforts on a nondiscriminatory basis	X			
2 Provide documentation describing efforts to a) Identify minorities to be affected b) Provide technical asistance or guidance to local transportation providers in updating and developing Title VI information		X		
3 Provide a description of methods used to inform minority communities of planning efforts relating to transit service and improvements		X		
4 Minority participation in the decision-making process	X			
5 Minority representation on decision-making bodies	X			
Information necessary to Monitor Title VI Program Requirement				
Level or Quality of Service Methodology	X			
OBSERVATIONS	The best because are associated w/ high relevance,high transp plan related, high data support	Need improvement in data associated with outreach efforts, to enhance data support	Related to formal administrative actions High relevance, low transp, related, low data	Suplements financial information Somewhat irrelevant

The second category is defined by two requirements with high relevance in addressing Title VI, a high relation to transportation planning issues, and moderate data support. This category includes the required statements describing efforts to identify minorities affected by projects, provide technical assistance or guidance to local transportation providers, and inform the communities of planning efforts related to transit service. These requirements are mostly related with outreach efforts. To enhance the information associated with them, MPOs should keep statistics data on the community affected by and community informed of MPOs planning activities, and providers that were assisted

The third category includes those requirements with high relevance assessing Title VI, moderate relation to transportation planning issues, and low level of data support. This category encompasses requirements related to formal administrative actions addressing Title VI within the MPOs such as. list of lawsuits and complaints, signed FTA civil rights assurance, and standard DOT Title VI assurance.

Finally, a fourth category is identified with the requirement considered as moderately relevant, with a moderate relation to transportation planning issues and low data support. This category comprises the requirement that ask for information regarding sources of funds and pending applications for federal funding. It supplements the rest of the administrative information, and therefore meeting this requirement is not relevant for the overall purpose of assessing Title VI.

In summary the analysis of the characteristics of the requested information, it has been defined four categories the best requirements, those related to outreach efforts for which

supporting data can be improved, those related to administrative actions that address Title VI, and the requirement that supplement administrative information. (See Table No 5)

The next section will analyze the requirements based on the way they were addressed by the different Tennessee's MPOS.

4.4 Analysis of Tennessee's MPOs Title VI Assessment Reports

The analysis of the reports has been organized in the following manner. First, the formal aspects such as format, style and supplementary material are compared Next, the substantive aspects related to each report are presented In order to enhance the analysis, input from the MPO staff was also considered Below the analysis and findings are discussed.

4.4.1 Formal Aspects

Format

A careful observation of the reports revealed their differences in format. For example, Bristol, Clarksville, Jackson, Johnson City, Kingsport, and Knoxville followed the listed reporting requirements that apply to their jurisdiction Jackson divided its report into the Federal Highway section and the Jackson Transit Authority section. Memphis, Chattanooga, and Nashville took a different approach in the way the information was delivered Memphis developed and organized its report with a set of headlines that incorporate some of the requirements Chattanooga and Nashville, on the other hand, developed their reports without explicitly addressing the requirement list. In Nashville's

case the report's table of contents includes overview of Nashville MPO, demographic profile, polices and procedures, unified planning work program, long range plan and program projects, litigation, and conclusion and recommendations Memphis' report contains information regarding goals and objectives, minority consultant selection, and long-term Title VI.

Style

Small MPOs such as Bristol, Clarksville, Jackson, and Kingsport delivered their information under letter format with enclosures. The rest of the MPOs: Chattanooga, Johnson City, Knoxville, Memphis and Nashville, structured their information under a report format. With the exception of Memphis, all included appendices. Johnson City and Knoxville were the only ones that included data within the main body of their reports whereas Nashville included maps in the material attached to the report In the case of Johnson City, the report included tables regarding the socio-demographic profile of the population. Knoxville included within the main body of its report data arranged in the form of tables, figures and maps regarding: MPO coverage area, minority Census tract, projects on minority Census tract, investment per Census tract, investment per person per Census tract, projects and investment per Census tract, correlation among minority Census tract and money invested, public involvement plan, and public transit service area

Appendices or Supplementary Material

In addition to the Appendices required regarding Signed FTA Civil Rights Assurance and the Signed Standard DOT Title VI Assurance, several MPOs incorporated additional attachments containing a wide range of information. For example, Knoxville included Population by Race by Census Tract, Chattanooga's report included the by-laws of the MPO, the proposed amendment to the Application Document for the Selection of Transportation Projects for the Chattanooga Urban Area Transportation Improvement Program, and the report "Development and Selection of Transportation Projects for the Chattanooga Urban Area Transportation Improvement Program (Tennessee Portion)", Nashville, included attachments within its report such as: Demographic profile maps, Transportation Improvement Program Project maps, the complete Title VI Program report submitted by the Metropolitan Transit Authority to the FTA, the special report, *Mass Transit Availability*, and the Title VI Compliance Report, Metro Nashville Davidson County. Johnson City included socio-demographic data, 2000 Fixed Route Passenger Survey Results, and the Environmental Analysis for a proposed above ground fuel storage tank

4.4.1.1 Formal Aspects. Findings

Table No. 6 summarizes the findings regarding format, style, and supplementary information provided in the reports. In general, it may be conclude that although there is not uniformity in their characteristics regarding style and format, most of the MPOs followed the numbered list supplied by TDOT The staff in charge of developing the

Table No 6 Formal Aspects by Report Format Style and Appendices

MPO	Format	Style	Appendices
Bristol	Numbered information in accordance with required list	2 pages letter w/appendices	FTA Civil Rights Assurance DOT Title VI Assurance
Chattanooga	Information with the following headlines Assessment of planning efforts * Monitor Title VI Information Dissemination Composition of Decision Making Bodies	Report w/appendices	Chattanooga/Hamilton County Title VI Assurance FTA letter of approval of Title VI Program DOT Title VI Assurance Chattanooga/Hamilton County Regional Planning Commission Executive Board information By Laws of theChattanooga MPO Executive Board Resolution of Chattanooga MPO to Ammend the Application Document for the Selection of TIP
Clarksville	Numbered information in accordance with required list	1 page letter w/appendices	FTA Civil Rights Assurance DOT Title VI Assurance
Jackson	Numbered information in accordance with required list	List of numbered information	FTA Civil Rights Assurance DOT Title VI Assurance
Johnson City	Numbered information in accordance with required list	Report w/appendices Tables included	Highway Project Assessment Fixed Route Survey Results Environmental Records Review Report
Kingsport	Numbered information in accordance with required list	2 pages letter w/appendices	FTA letter of approval of Title VI Program FTA letter of approval of DBE Program
Knoxville	Numbered information in accordance with required list	Report w/appendices Table of contents lists of figures tables and maps included	Title VI Compliance and Implementation Plan MPO Requirements FTA letter of approval of Title VI Program Knoxville/Knox County Title VI Assurance DOT Title VI Assurance Knoxville Urban Area MPC
Memphis	Information with the following headlines Introduction Basic Goals and Objectives Minority Consultant Selection Current Federal Assistance Current Litigation and Investigation * Policies and Assurances Analysis Assessing the Effect of Construction Projects on Minority Communities * Implementation of Planning Activities Following Title VI Requirements Communication Methods with Minority Communities Minority Participation in the Local Decision Making Process Racial Composition of the MPO Executive Board Executive Staff and Standing Committees Long Term Title VI Goals	Report w/appendices	None
Nashville	Information with the following headlines Purpose Overview of Nashville MPO Demographic Profile Policies and Procedures Unified Planning Work Plan Long Range Plan and Programs Projects Litigation Conclusion and Recomendation	Report	Demographic Profile Maps Transportation Improvement Program Project Maps Long Range Transportation Plan Project Maps Five County Map MTA Title VI Report Special report Mass Transit Availability July 1997 Title VI Compliance Report Metro Nashville Davidson County

reports was able to design their own interpretation on what general information to supply, how to arrange it, and what specific data were necessary to support the content of their reports. In addition, they decided what supplementary information should be added to the reports Guidance to the staff should be given in order to get more standardized reports.

4.4.2 Substantive Aspects. Information Provided Per Requirement. Findings

In order to compare the way each MPO documented each requirement Table No. 7 was developed. Below the findings are summarized by requirement.

General Reporting Requirements (For all MPOs)

1 *List of all active lawsuits and/or complaints including date of filing, allegation (s) and status*

This requirement serves as indicator of compliance with Title VI. Nevertheless, no complaints may be made without the community's unawareness of Title VI provisions. This requirement must be compared with the outreach efforts in order to get a better understanding of the way Title VI is addressed in the area

Table No 7 Substantive Aspects Content by Requirement

	Bristol	Clarksville	Jackson	Johnson City	Kingsport
General Reporting Requirements					
1 List of lawsuits and complaints	None	None	None	One complaint by an employee who was fired while pregnant	None
2 Description of pending applications for federal assistance and assistance currently provided from other fed Agencies	No pending application FHWA 112 FTA section 5303 (3)	Attached FY 2000 2004 Transp Improvement Prog TIP	Sources of funds FHWA Section 112 STP funds May apply TEA 21	No pending application TDOT has a pending application to FTA, including funds for the city	Sources of funds FTA Job Access 2001 FTA TEA 21
3 Summary of all civil rights activities for the last year	List of act related (4)	TDOT on site reviews	None (2)	None	None
4 Signed FTA Civil Rights Assurance	Attached	Attached	Attached	Attached	Attached
5 - Signed Standard DOT Title VI Assurance	Attached	Attached	Attached	Attached	Attached
6 For construction projects a fixed facility impact analysis assessing the effect of minority communities including a) Potential impact on minority communities and businesses during and after construction b) Potential environmental negative impact c)Detailed list of businesses and households to be effected d) Any significant change or impact on minority communities e) Description of measures adopted to mitigate any identified adverse social, economic or environmental effect	Listed projects * No environmental impact * No impact on mino nty community * TDOT will relocate affected business	Rely on TDOT to provide such documentation related to construction	No fixed facility impact analysis for roadways were performed Transfer Center and Day Care Facility * No impact	No major construction related to transit Proposal for a fuel station center *Environmental analysis attached No impact	Public Transit Tranfer Station * No impact Greenbelt Walking Path (1) *Statement of positive impact on surrounding community Closed Loop Signal System *Statement of positive impact to all the businesses
Information necessary to Monitor Title VI Program Requirement					
Level or Quality of Service Methodology	Not addressed	Not addressed	Addressed in general	Not addressed	Not addressed

Table No 7 Substantive Aspects Content by Requirement (cont)

General Reporting Requirements	Chattanooga	Knoxville	Nashville	Memphis
1 - List of lawsuits and complaints	None	None	None for MPO Transit Authonty 4 3 on the basis of race 1 on the basis of disability	None
2 - Descnption of pending applications for federal assistance and assistance currently provided from other fed Agencies	Not addressed	No pending applications	2 pending applications (For transit)	Sources of funding FHWA FTA state local
3 - Summary of all civil nghts activities for the last year	Not addressed	No civil nghts compliants	None	None None on-site inspection
4 - Signed FTA Civil Rights Assurance	Attached	Attached	Not addressed	Not addressed
5 - Signed Standard DOT Title VI Assurance	Attached	Attached	Not addressed	Not addressed
6 - For construction projects, a fixed-facility impact analysis assessing the effect of minonty communities, including a) Potential impact on minonty communities and businesses dunng and after construction b) Potential environmental negative impact c)Detailed list of businesses and households to be affected d) Any significant change or impact on minonty communities e) Descnption of measures adopted to mitigate any identified adverse social economic or environmental effect	Not addressed	No transit construction projects Roadway, reffered to info below (Prog Specif Req)	Not addressed	Sam Cooper Boulevard Project * Will affect minonty community Refers to Env Impact Study FONSI Finding of No Significant Impact
Program Specific Requirements (MPOs pop Over 200,000)				
1 Assessment of Planning Efforts on a nondiscriminatory basis	General information	Detailed information based on census data	Not addressed	No detailed information (Use of future tense)
2 Provide documentation describing efforts to a) Identify minonties to be affected	Not addressed	General information	Use of statistics and maps (Source not cited)	General information
b) Provide technical assistance or guidance to local transportation providers in updating and developing Title VI information	Will include survey	General information	Not addressed	Not addressed
3 Provide a descnption of methods used to inform minonty communities of planning efforts relating to transit service and improvements	General information	Detailed description UTIC (*)	General information Recommendations	General information
4 Minonty participation in the decision-making process	General information	Public meetings, forums, workshops	Based on 1994 Citizen Participation Plan (gen info)	Not addressed
5 Minonty representation on decision making bodies	General information	General Inf UTIC not been appointed	Included in transit report Not addressed for roadways	General information
Information necessary to Monitor Title VI Program Requirement				
Level or Quality of Service Methodology	Use of future tense Will work with transit authonty Will do a survey	Lack of information to apply methodology Will be improved by next report	Not addressed	Not addressed

(*) UTIC Urban Transportation Issues Committee

Clarification as to whether it should include all complaints, or only Title VI related complaints is needed, i.e Johnson City reported a complaint from an employee who was fired pregnant. As part of the attached Title VI Program report submitted by the Metropolitan Transit Authority to the FTA, Nashville included the complaints handled at the Transit Authority. It is not clear whether or not complaints handled by other transit related agencies should be part of the MPO's Title VI report.

2 *Description of pending applications for federal assistance and assistance currently being provided from other federal agencies*

This information assists the TDOT in regards to the federal financial assistance that the MPO is receiving or plans to receive. In the case of sanction, it helps to identify the funds to be upheld. Regarding this requirement, some agencies provided information related to the sources of funds as well as information about pending applications. Others provided only information concerned with pending applications or information related with the sources of funds Again, some MPOs considered it necessary to include information associated to the transit agency It is not clear as to what extend transit/related information regarding funds should be a part of this requirement. Chattanooga was the only agency that did not address this requirement

3 *Summary of all civil rights activities for the last year, that include the purpose for the review, name of agency or organization performing review, findings and recommendations, and status and/or disposition of findings and recommendations*

The information requested by this item helps to analyze past civil rights activities outlining the results of reviews performed by other parties

This requirement seems to give the impression of being related to procedures of review, but a closer look at the responses on the reports reveals that the MPOs of Jackson and Bristol have interpreted them under a broader perspective Both Jackson and Bristol included a wide variety of activities related to Title VI such as: Title VI and Disadvantaged Business Enterprise (DBE) events sponsored by the Jackson Transit Authority, and training and general informational meetings held at Bristol's MPO. Chattanooga did not address this requirement Clarification on this aspect is needed.

4 Signed FTA Civil Rights Assurance

This refers to a formatted form issued by the FTA.

With the exception of Johnson City, Memphis and Nashville, the MPOs attached copies of either the Civil Rights Assurance signed by FTA or the letter of approval of Title VI program signed by FTA Clarification as to which document is required by TDOT, or if both documents satisfy the requirement is needed.

5 Signed standard DOT Title VI Assurance

The TDOT requires that all MPOs attach this format to all contracts.
With the exception of Johnson City, Kingsport, Memphis and Nashville, the MPOs attached copies of the Standard DOT Title VI Assurance

6 *For construction projects, a fixed facility impact analysis assessing effect of minority communities that includes analysis of*

- *The potential impact on minority communities and businesses during and after construction,*
- *The potential negative environmental impact,*
- *Detailed list of minority owned businesses and households to be affected,*
- *Any significant changes or impacts on minority communities, and*
- *Description of measures adopted to mitigate any adverse social, economic or environmental effects*

The information here asks for a detailed analysis of the environmental and social impact of all the facilities to be constructed. The information aids in assessing whether construction projects have no negative impacts or whether policies adopted to mitigate the identified negative impacts have been enacted

Bristol, Clarksville, Jackson, Johnson City, Kingsport, Knoxville, and Memphis addressed this requirement. In some responses, the environmental impact and the impact on minority communities were acknowledged without providing documented analysis of data Clarksville relied on the TDOT for further documentation. In the case of Johnson City, the environmental impact report related to the construction of a transit related facility was attached. In the case of Memphis, the result of an environmental impact assessment performed on the Sam Cooper Boulevard Project was cited and summarized Chattanooga and Nashville did not address this requirement

Program Specific Requirements These requirements are for MPOs with populations over 200,000 Therefore in Tennessee, Nashville, Knoxville, Memphis, and Chattanooga must address them

1 *Written description of planning efforts responsive to the requirements of Title VI discussing how activities or projects programmed in the UPWP and TIP will be implemented under a nondiscriminatory basis*

This is one of the most important requirements in assessing Title VI The long range plan and the plan for transportation improvements must be developed under a non-discriminatory basis

Regarding this requirement, Chattanooga and Memphis expressed their intentions to fulfill requirement's expectations while Knoxville used a different approach. Knoxville's MPO provided data and maps using an interesting methodology in which they identified those Census tracts with a percentage of minority population equal to or higher than the percentage of minority population for the entire MPO area. Then, they calculated the ratio between the investment plan for the next years, and the population by Census tracts, comparing the amount of money they plan to spend in those defined as minority Census tracts, with the rest of the Census tracts The mathematical result obtained reveals that the amount of money planned to be spent in the next years is balanced among the different Census tracts The Nashville MPO did not address this requirement.

None of the responses specifically addressed specifically how Title VI fits within the UPWP and TIP plans

2 *Provide documentation describing efforts to*

- *Identify minority communities that will be affected*

Every MPO should have an understanding of the minority population within their area of coverage They should know their socio-economic characteristics, location, and any other important information such as their key leaders and community organization. If under reasonable circumstances, MPOs action disturbs a particular community, communication between MPO and the community are open to mitigate as possible the negative effects that on the community could occur

Knoxville and Memphis MPOs provided general information of their intention to comply with this issue. On the other hand, Nashville's report discussed the racial and ethic characteristics of their population. In addition, Nashville attached a set of maps with the demographic profile of their residents Chattanooga did not address this requirement

- *Provide technical assistance or guidance to local transportation providers in updating and developing Title VI information*

It is important that MPOs keep their providers informed of non-discrimination issues because they are entitled to Title VI.

Knoxville and Chattanooga's responses state their intention to provide assistance to local transportation providers Details as to the kind of assistance be given and to whom the assistance should be offered were not addressed Nashville and Memphis did not address this issue

3 *Provide a description of the methods used to inform minority communities of planning efforts relating to transit service and improvements*

As discussed before, public participation is key in assessing Title VI Almost all the responses provided a general description of the methods used to interact with the community as well as their good intention to enhance their outreach efforts in the future.

4 *Provide a written statement describing how minority groups or persons are afforded an opportunity to participate in local decision-making processes*

To encourage public participation, the minority groups should have a fair opportunity to voice their opinions, values and concerns within the decision-making process This is key in targeting Title VI.

Although most of the MPOs gave information describing how and when minority groups had the chance to provide input, exactly how their input was integrated into the decision-making process was not discussed

5 *Provide a racial breakdown for transit related non- elected boards, advisory councils or committees, and a description of efforts made to encourage the participation of minorities on such boards or committees*

The percentage of minority representation among non-elected boards is an indicator of giving equality involving all groups within the community

Upon examination of this requirement, there seems to be a tendency to address this issue under a general perspective rather than giving the specific information required by this item.

Information Needed for Monitoring Title VI Program Requirements:

The requirements under this section are transit-oriented. The FTA wanted to provide guidance on monitoring transit services' responsiveness to Title VI provisions. The requested information is directed at measuring the quality of the service offered as well as the quality The two methodologies were designed aid in evaluating the performance of transit services, making sure they have been operating on a non-discriminatory basis.

Jackson, Knoxville, and Chattanooga were the only MPOs that addressed this requirement. Jackson used the level of service methodology to show that an equitable transit service is provided in their city. Knoxville described the transit service, concluding that based on previous analysis the records have shown that minority communities have excellent transit service Knoxville made the point that they do not have the necessary information to apply the methodologies in roadways projects It is not clear why the other MPOs did not address this requirement. Chattanooga stated their good intention to work together with the transit authority in order to insure that minority communities are not negatively affected by changes in the transit service Chattanooga also expressed its intention to include a survey among all contractors and sub recipients to ensure their Title VI compliance

4.5 Summary of the Analysis Done by TDOT to the MPOs' 1999 Title VI Assessment Reports. Findings

The TDOT performed a detailed review of the nine MPOs 1999 Title VI Assessment Reports. The letters of response with observations and recommendations have been analyzed as part of this thesis, with the purpose of determining how the reports were perceived in general by the TDOT

Table No. 8 shows which requirements need improvements for the next year. These improvements are necessary because the requirements have been ignored, require detailed information and support data, or lack supplementary written material The results were aggregated in Table No. 8 in terms of the total MPOs mandated to take into consideration the requirements and the frequency in which the requirement was considered inadequately addressed. This table will help to establish which requirements received a higher number of observations for improvement As Table No 8 illustrates, from the general reporting requirements the required fixed-facility impact analysis achieved the highest number of observations Most of the observations were due to the lack of data analysis in assessing whether or not the construction of a new facility had a negative impact on the minority community or the environment.

The areas in the reports considered not properly addressed by the TMAs (Chattanooga, Knoxville, Nashville and Memphis) were the specific requirement and the information needed for monitoring the Title VI program Most of the observations reveal that the responses did not properly address the demands of the requirement

Table No 8 Responses that Need Improvements According to the TDOT Analysis.

General Reporting Requirements	Bristol	Chattanooga	Clarksville	Jackson	Johnson City	Kingsport	Knoxville	Memphis	Nashville
1 - List of lawsuits and complaints								X	X
2 - Description of pending applications for federal assistance and assistance currently provided from other fed Agencies									X
3 - Summary of all civil rights activities for the last year	X			X				X	
4 - Signed FTA Civil Rights Assurance								X	X
5 - Signed Standard DOT Title VI Assurance								X	X
6 - For construction projects, a fixed-facility impact analysis assessing the effect of minority communities, including a) Potential impact on minority communities and businesses during and after construction b) Potential environmental negative impact c)Detailed list of businesses and households to be affected d) Any significant change or impact on minority communities e) Description of measures adopted to mitigate any identified adverse social, economic, or environmental effect	X	X	X	X		X		X	
Program Specific Requirements (MPOs pop Over 200,000)									
1 Assessment of Planning Efforts on a nondiscriminatory basis		X					X	X	X
2 Provide documentation describing efforts to a) Identify minorities to be affected b) Provide technical asistance or guidance to local transportation providers in updating and developing Title VI information		X					X X	X X	X X
3 Provide a description of methods used to inform minority communities of planning efforts relating to transit service and improvements									X
4 Minority participation in the decision-making process		X					X	X	X
5 Minority representation on decision-making bodies		X					X	X	X
Information necessary to Monitor Title VI Program Requirement									
Level or Quality of Service Methodology		X					X	X	X

In the letters of response to the TMAs, the TDOT acknowledges they are reviewing the reporting requirements in order to get better responses next year. The purpose behind this is twofold: to obtain improved reports and to ensure that Title VI provisions are fully incorporated within the MPOs planning process

Based on the study of the reports and the reporting requirements, the next section will consider input from MPOs staff into the analysis.

4.6 Input from the MPOs Staffs About the Specific Reporting Requirements

In addition to the evaluation of the reporting requirements, the reports submitted by the MPOs, and the responses sent by the TDOT, a significant issue within this research is the opinion of the MPO staff in charge of developing the Title VI Assessment report. The letters of response issued by TDOT discussed in the above section acknowledge improvements are crucial within the specific reporting requirements and the data required for monitoring Table No 9 outlines the relative percentage of improvement by requirement, considering the total responses As noticed in the table, Program Specific Requirements were considered as the least responsive in the reports To study in depth these particular requirements, input from TMAs directors and technical staff responsible for developing the Title VI Assessment Reports will be added to the analysis. A questionnaire was designed for the purpose of discovering their ideas regarding the specific reporting requirements and the level of service and quality of service, as tools to monitor the Title VI program The questionnaire was submitted to the four TMAs in

Table No 9 Responses that Need Improvement According to the TDOT Analysis. Totals.

Requirements	Number of Reports that Need to Improved Responses	Total Number of Reports Mandated to Address the Requirement	% that Need Improvement
General Reporting Requirements			
1 - List of lawsuits and complaints	2	9	22
2 - Pending applic fed assist and assist provided from other fed Ag	1	9	11
3 - Civil rights activities for the last year	3	9	33
4 - Signed FTA Civil Rights Assurance	2	9	22
5 - Signed Standard DOT Title VI Assurance	2	9	22
6 - Fixed-facility impact analysis	6	9	67
Program Specific Requirements (MPOs pop Over 200,000)			
1 Assessment of Planning Efforts on a nondiscriminatory basis	4	4	100
2 Provide documentation describing efforts to			
a) Identify minorities to be affected	4	4	100
b) Provide technical assistance or guidance to local transportation providers	3	4	75
3 Description of methods used to inform minority comm of planning efforts	1	4	25
4 Minority participation in the decision-making process	4	4	100
5 Minority representation on decision-making bodies	4	4	100
Information necessary to Monitor Title VI Program Requirement			
Level or Quality of Service Methodology	4	4	100

Tennessee, and their responses remain anonymous. A copy of the questionnaire is attached in the Appendix.

The questionnaire procures input from four areas:

- Level of clarity of the statement of the specific program requirements as perceived by the MPOs staff and their suggestions for improvements.
- Usefulness of the methodologies to determine the level and the quality of the service
- Evaluation of the training received and recommendations about areas in which training is needed.
- Strengths and weaknesses of MPO's Title VI Program Requirement.

4.6.1 Input from the MPOs Staffs . Findings

Level of clarity perceived and suggestions for improvements

The results about the way in which the information required is perceived is summarized in the Table No 10. As noted, there is no requirement that is perceived as very clear by majority of the MPOs The requirements identified as number 2, 3, and 5 are the least clear of all Overall, all requirements need further clarification

Table No 10 Clarity of the Requirement

	Very Clear	Somewhat clear	Somewhat unclear	Very unclear
Requirement 1	1	3		
Requirement 2	1	2	1	
Requirement 3	1	2	1	
Requirement 4	2	2		
Requirement 5	2		2	

Requirement No. 1 Asks for an assessment of planning efforts on a non-discriminatory basis. It was considered unclear by the MPOs' staffs, because MPO implements projects in the UPWP, but not in the TIP, making it difficult to determine how TIP projects are implemented on a non-discriminatory basis. It is consider difficult to apply the requirement to a planning effort, it is considered project-oriented.

It was suggested that the requirement should be related to the activities in which MPO is the implementing authority

Requirement No. 2 Requests information regarding efforts to identify minority communities affected and efforts to provide technical assistance to local transportation providers This requirement was considered unclear because the requirement does not specifically detail the affect on the communities. The statement needs to be more specific, and guidance on what constitutes a minority community was suggested in the questionnaire's responses

Requirement No. 3 Asks for a description of methods to inform minority communities of planning efforts relating to transit service and improvements. It was considered unclear because MPO coordinates with the transit agency, but is not itself the implementer This requires that transit agencies submit this information annually to MPOs. In order to improve the way the requirement is addressed, it was suggested that this information be requested to the transit agency, or that the requirement be rephrased substituting the word transit for transportation.

Requirement No. 4 Solicits information regarding the minority participation in the decision-making process. Generally speaking it was considered very clear or somewhat clear

Requirement No. 5 Seeks for a description of the minority representation in the decision-making bodies It rendered unclear because the question is not directed to the MPO's, but rather agencies within the MPO. There is confusion about whether the requested information is for transit or for all transportation boards In addition, elected officials appoint most committees, and the MPO staff has limited influence as to who is appointed

It was suggested that this requirement be addressed only to MPO appointed committees.

Usefulness of the Methodologies to Determine the Level and the Quality of the Service

None of the MPOs employed the methodologies to determine the level and the quality of the services This is because they considered them to be irrelevant, too complex, or they do not have enough data – most of their decisions are at regional level, so do not have

that level of detail--, or it is not clear if the methodology applies to transit or to the MPO process Guidance on how to evaluate long-range planning was suggested.

General suggestions to improve the requirements are listed below

- Reporting requirements should be revised to reflect the work of the MPOs.
- Decisions on how to improve the requirements should be made in conjunction with MPO staff, so both the TDOT and the MPO understand them.
- Improvements should take into account the lessons learned from the failure of past experiences

Evaluation of training received

Training was considered effective in explaining Title VI and in clarifying concepts Questions were asked during a training session about the inconsistencies between requirements and the MPOs process, there were no answers offered More training was suggested in how to meet the reporting requirements and in public outreach techniques

Strengths and Weaknesses

The Strengths and Weaknesses of the Title VI Program Requirements can be summarized as follows:

Strengths

- Title VI evaluates how decisions about projects and services are made under a non-discriminatory basis.

- Title VI looks at how transportation improvements impact communities for many years offering a broader vision of the transportation field.
- The program opens dialog and promotes self-evaluation.

Weaknesses:

- Does not truly consider the MPO process There is not a clear understanding of the role of the MPO, therefore, questions unrelated to MPO are asked.
- Does not clarify MPOs responsibility in effectively administering Title VI.

The analysis over the reporting requirements adopted by TDOT, the reports submitted by the MPOs in 1999, the comments performed by the TDOT on the 1999 reports, and the input received from the MPO staffs discussed in this chapter are the conditions that inspired the work of this thesis. The concluding chapter will offer answers to the primary and secondary research questions as well as some recommendations to improve the way Title VI provisions are being addressed within the local transportation planning process.

CHAPTER FIVE

Conclusions and Recommendations

5.1 Conclusions

A careful examination of the different aspects related to Title VI and the local transportation planning process regarding how Title VI provisions are being addressed within the local transportation planning process in Tennessee reveals that the MPOs, as the local transportation planning agency, have shown some evidence of their efforts to comply with Title VI. They have been able to incorporate all the formal administrative requirements related to Title VI mandated by TDOT, but have been unable to prove that they have integrated non-discrimination practices within their planning process. However, exactly how Title VI should be addressed at this level is not clear, and there has been no guidance in this regard. The fact that the requirements adopted by TDOT are transit-oriented has not been able to provide a solution.

Approaching the secondary questions of this thesis, it was found that in general MPOs' staffs seem to recognize that Title VI promotes non-discrimination on federally funded programs, but there is evident confusion with the particularity of its provisions For example, Kingsport's report, identified a "Title VI area", when addressing a project close to a minority community, Memphis' report included sex, age, and disability, as part of Title VI provisions, and Chattanooga's report discussed creed Title VI is a broad law, and as such its lack of reinforcement over the years has caused it to be ignored and misunderstood

Based on the analysis performed, the reporting requirements have been grouped into four categories the best requirements -- characterized by high level of relevance assessing Title VI, a high level of transportation planning-related information, and a high level of data support, requirements related to outreach efforts for which supporting data can be improved, requirements related to administrative actions that address Title VI, and the requirement that supplements administrative information.

Some of the categorized as best requirements not properly addressed in the 1999 MPOs's Title VI Assessment reports were: the fixed-facility impact analysis, the assessment of planning effort on a non-discriminatory basis, and the use of the methodologies assessing the level and quality of services provided In order to fulfill the fixed-facility impact information must be gathered from other agencies such as TDOT The majority of the TMAs' staffs consulted consider it difficult to show that they have planned under a non-discriminatory basis. This requirement is considered project-oriented The information requested for monitoring Title VI does not fit within the inherent activities of the MPOs; --the two methodologies were designed to aid in evaluating the performance of transit services TDOT should revise these requirements under a collaborative effort with MPO staff in order to redefine the scope and data necessary to support the information requested The ultimate goal behind this effort is to obtain better performances as well as better responses in the future

This research also revealed that the majority of the MPOs perceive the Program Specific Requirements as somewhat clear Overall, all requirements need further clarification

In the area of training, MPOs' staffs have stated that they have been adequately trained in the coverage and scope of Title VI provisions, but consider more training necessary to overcome the misunderstandings about the law. In addition, training is also needed for improving the outreach efforts, targeting underserved communities, and for learning how to meet Title VI goals within the MPOs process.

Title VI compliance program in Tennessee avidly tries to avoid extreme situations. When violations occur, the violator agency has a 30 day-period to remedy the situation. If the condition persists, federal funds are withheld until the situation is corrected. It is for this reason that training and interagency communications and outreach efforts are crucial.

This research recognizes that there is no incentive for compliance In order to stimulate better performance in the future, a promotion for best practices or some kind of reward should be given to those that demonstrate their efforts in this area

The positive contributions found in the 1999 MPOs' Title VI Assessment Reports can be summarized as follows·

- The use of data in Knoxville's report emphasizes that they have planned under a non-discriminatory basis; this is an interesting approach that needs further study.
- The separation among transit information and roadway information as presented in Jackson's report
- The inclusion of Title VI in Chattanooga's application for the selection of TIP

In developing a new set of reporting requirements, these contributions should be taken into consideration

5.2 Recommendations

Presently in Tennessee the message sent to local and state agencies is clear: Title VI reinforcement is not an option To develop a better way to evaluate and monitor MPOs' work, TDOT should adjust the existing reporting requirements according to the MPOs' operational structure Again, this task can be better accomplished under a collaborative approach between the TDOT and the MPOs This effort could start with a revision of those requirements categorized as the most effective in addressing Title VI spirit coordinating with other agencies to gather the supporting data For instance, in the case of the fixed-facility impact analysis the environmental impact assessment is not within the MPOs' responsibilities. Hence, it would be beneficial to coordinate with TDOT on how to obtain the information requested and what relevant data is required regarding this issue

It is also important to improve the level of detail of the supporting data, enhancing the requirements related with outreach efforts Perhaps, MPOs should keep statistics data on the communities affected by MPOs planning activities and the MPOs' specific outreach efforts It is well recognized that traditional public hearing formats do not result in substantive public participation from affected communities Therefore, new and more creative ways to communicate with the public should be developed

One significant area for further study is the development of indicators assessing compliance with Title VI It may be helpful to compare travel time to workplace for minority communities versus travel time to workplace for other communities. Such factors as level of pollution, accessibility, travel patterns, and health statistics between the two communities may be considered in tracking Title VI compliance Likewise, TDOT should consider adopting a standard format to improve the way the existing reporting requirements are addressed. The use of a standard format would ease the revision and evaluation of the reports Human and economic resources should be allocated into two key areas. the training of staff as well as the general public, and the enhancement of the outreach efforts.

In summation, it is clear that ensuring and expanding public participation opportunities is essential in addressing Title VI successfully. TDOT's current efforts to enforce Title VI compliance among Tennessee's MPOs constitute an important step in this direction. Improving the current reporting requirements will boost Title VI compliance, and likewise enhance awareness of the importance of such a piece of legislation

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APPENDIX

Metropolitan Planning Organization (MPO)
Title VI Program Specific Reporting Requirements Questionnaire

The Title VI Program Specific Reporting Requirements for Tennessee MPOs, as well as the way these requirements are addressed, are the main areas of concern of the thesis project "Assessing the Effectiveness of Title VI Requirements on Tennessee's Local Transportation Planning: A Comparison Among Metropolitan Planning Organizations (MPOs)".

As a way to get input from the MPOs staff, the following questionnaire is submitted to you as MPO Director. Your opinion about how you perceive the actual reporting requirements, and what are (if any) your suggestions to improve them, are very important within the study.

All information submitted will be handled under anonymity. Add more paper as needed or fill out the back of the sheet Please, feel free to give as much information as you consider necessary.

Thank you so much for your cooperation toward this research project.

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A.- Listed below are five MPO reporting requirements related to Title VI. Please indicate whether each requirement is clearly stated (i.e., stated in such a way that you know what to do to satisfy the requirement). If you consider that the requirement is not clear, please explain why, and if possible suggest an improvement.

Requirement 1 *Written description of planning efforts responsive to the requirements of Title VI discussing how activities or projects programmed in the UPWP and TIP will be implemented under a nondiscriminatory basis*

A 1 1 How clear is the requirement? (Please check one)

☐ Very clear ☐ Somewhat clear ☐ Somewhat unclear ☐ Very unclear

A 1 2 If the requirement is not clear, please explain why

_____

_____

_____

A.1.3 Do you have any suggestion for improvement? Please, explain

_____

_____

_____

Requirement 2 *Provide documentation describing efforts to*

- *Identify minority communities that will be affected, and*
- *Provide technical assistance or guidance to local transportation providers in updating and developing Title VI information*

A 2 1 How clear is the requirement? (Please check one)

☐ Very clear ☐ Somewhat clear ☐ Somewhat unclear ☐ Very unclear

A 2.2 If the requirement is not clear, please explain why

_____

_____

_____

A 2 3 Do you have any suggestion for improvement? Please, explain

_____

_____

_____

Requirement 3. *Provide a description of the methods used to inform minority communities of planning efforts relating to transit service and improvements.*

A 3 1 How clear is the requirement? (Please check one)

☐ Very clear ☐ Somewhat clear ☐ Somewhat unclear ☐ Very unclear

A 3 2 If the requirement is not clear, please explain why

_____

A 3 3 Do you have any suggestion for improvement? Please, explain

Requirement 4 *Provide a written statement describing how minority groups or persons are afforded an opportunity to participate in local decision-making processes*
Is the requirement clear?

A 4 1 How clear is the requirement? (Please check one)

☐ Very clear ☐ Somewhat clear ☐ Somewhat unclear ☐ Very unclear

A 4 2 If the requirement is not clear, please explain why

A 4 3 Do you have any suggestion for improvement? Please, explain.

Requirement 5. *Provide a racial breakdown for transit related non-elected boards, advisory councils or committees, and a description of efforts made to encourage the participation of minorities on such boards or committees*

A 5.1 How clear is the requirement? (Please check one)

☐ Very clear ☐ Somewhat clear ☐ Somewhat unclear ☐ Very unclear

A 5 2 If the requirement is not clear, please explain why

A 5 3 Do you have any suggestion for improvement? Please, explain

B - Information Needed for Monitoring Title VI Program Requirements

B 1 Have you ever used the 'Level of Service Methodology' suggested as Information Needed for Monitoring Title VI Program Requirements?

☐ Yes ☐ No

B 1 1 If No, Why have you not used it? **(Please check ALL that apply)**

☐ Methodology is not clear ☐ Too complex ☐ Don't have enough data

☐ Don't have resources ☐ Not relevant (transit oriented) ☐ Doesn't apply to your area

☐ Other, explain _____

B 2. Have you ever used the 'Quality of Service Methodology' suggested as Information Needed for Monitoring Title VI Program Requirements?

☐ Yes ☐ No

B 2 1 If No, Why have you not used it? **(Please check ALL that apply)**

☐ Methodology is not clear ☐ Too complex ☐ Don't have enough data

☐ Don't have resources ☐ Not relevant (transit oriented) ☐ Doesn't apply to your area

☐ Other, explain _____

C.- What other suggestions do you have to improve the current MPOs Title VI Reporting Requirements?

_____

_____

_____

_____

_____

D.1 Please evaluate training provided regarding Title VI (Please check ALL that apply)

☐ Effectively explained Title VI provisions

☐ Effectively explained reporting requirements

☐ A good resource of supplemental material (guidelines, examples, references, etc)

☐ Effectively clarifying concepts

☐ Other, please explain

_____

_____

D.2 In which areas would you like to have more training?

_____

_____

_____

E.- What do you consider the strengths of the MPOs' Title VI Program Requirement?

_____

_____

_____

_____

_____

F.- What do you consider the weaknesses of the MPOs' Title VI Program Requirement?

_____

_____

_____

_____

_____

Thank you for your time!

VITA

Pérsides Zambrano was born in Caracas, Venezuela on May 21, 1962. She attended the private school system at the Colegio Santiago De León de Caracas, where she graduated on July 25, 1980. She entered Simón Bolívar University, and received a Professional Degree in Urban and Regional Planning on September 19, 1986. She worked as a planner in Venezuela for more than 14 years, mostly as a consultant dealing with zoning ordinances, urban and regional planning, long-range planning and transportation issues. In 1996 she was offered to be part of the Post-Graduate course in Urban Transportation Planning, sponsored by the World Bank, Universidad Metropolitana and the Venezuelan Transportation Federal Agency, where she graduated Summa Cum Laude in first place, and was honored with the Technical Tour Award. In 1998 she enrolled in the Master's program in Urban and Regional Planning at the University of Tennessee, officially receiving the Master of Science in Planning degree in December of 2000 She is now pursuing a career as a transportation planner, balancing both technical and social issues.