The Northeast Ohio Areawide Coordinating Agency (NOACA) is a public organization serving the counties of and municipalities and townships within Cuyahoga, Geauga, Lake, Lorain and Medina (covering an area with 2.1 million people). NOACA is the agency designated or recognized to perform the following functions:

- Serve as the Metropolitan Planning Organization (MPO), with responsibility for comprehensive, cooperative and continuous planning for highways, public transit, and bikeways, as defined in the current transportation law.
- Perform continuous water quality, transportation-related air quality and other environmental planning functions.
- Administer the area clearinghouse function, which includes providing local government with the opportunity to review a wide variety of local or state applications for federal funds.
- Conduct transportation and environmental planning and related demographic, economic and land use research.
- Serve as an information center for transportation and environmental and related planning.
- As directed by the Board, provide transportation and environmental planning assistance to the 172 units of local, general purpose government.

NOACA’s Board of Directors is composed of 45 local public officials. The Board convenes quarterly to provide a forum for members to present, discuss and develop solutions to local and areawide issues and make recommendations regarding implementation strategies. As the area clearinghouse for the region, the Board makes comments and recommendations on applications for state and federal grants, with the purpose of enhancing the region’s social, physical, environmental and land use/transportation fabric. NOACA invites you to take part in its planning process. Feel free to participate, to ask questions and to learn more about areawide planning.

For more information, call (216) 241-2414 or log on at www.noaca.org
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NOACA Diversity and Inclusion Policy

NOACA and Nondiscrimination

The Northeast Ohio Areawide Coordinating Agency (NOACA) values diversity and actively seeks input and involvement from all interested parties, regardless of cultural identity, background or income level.

NOACA does not tolerate discrimination in any of its programs, services or activities, and will not discriminate against anyone on the grounds of race, color, national origin, gender, age, disability, religion, income, sexual orientation, gender identity or family status. NOACA will actively work to ensure that everyone in our region can benefit from NOACA programs, services and activities so that we all can benefit from the diversity that makes Northeast Ohio a great place to live.

In order to ensure that we meet the highest possible standards with regard to nondiscrimination, diversity and inclusion, NOACA has created the following policy/program documents:

- Public Interaction Policy (Appendix A)
- Environmental Justice Areas Policy (Appendix B)
- Urban Core Communities Policy (Appendix C)
- Disadvantaged Communities Policy (Appendix D)
- Disadvantaged Business Enterprise Policy (Appendix E)
- Equal Employment Opportunity Policy (Appendix F)
- Americans with Disabilities Act Policy (Appendix G)
- NOACA Title VI Program (Appendix H)
- Title VI complaint procedures (Appendix I)

This Diversity and Inclusion Policy summarizes these documents, while the full text documents are compiled as appendices. They are reviewed periodically and may be updated at any time. NOACA will update this document to reflect any policy changes as they occur.

NOACA maintains a nondiscrimination page under the About Us tab on the agency website. That page contains a nondiscrimination statement, a description of the agency’s Environmental Justice responsibilities, a Title VI complaint form and a description of the complaint process. All information on that page is in English and Spanish.
NOACA’s nondiscrimination policies are intended to serve and protect individuals, provide resources to local communities, and to serve compliance or reporting functions. The table below shows the agency’s nine nondiscrimination policies and programs in this context.

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The following documents and reports also provide information on demographics, planning practices and project selection as they relate to Title VI populations:

- NOACA’s long-range transportation plan (currently AIM Forward 2040)
- NOACA’s Transportation Improvement Program
- The Coordinated Public Transit – Human Services Transportation Plan for Northeast Ohio
Public Interaction Policy

NOACA’s Public Interaction Policy states that NOACA will, “proactively and conscientiously seek engagement with stakeholders to the transportation system planning process and the general public. Per this policy, NOACA will, “produce an annual plan which will describe the methods by which the Agency will engage, educate and inform stakeholders and the general public of the major programs, documented work products, decision processes and policies under consideration for the present year.

This policy fulfills federal requirements to, “engage the public’s input in the formation of major documents, programs, policies and decisions related to the planning activities.” While the Public Interaction Policy is a general document and doesn’t solely address interaction with Title VI and Environmental Justice populations, it is especially important that NOACA reach out to and seek meaningful input from those individuals. This means:

- Providing timely notice and reasonable access to information about transportation issues and processes
- Holding public meetings at convenient times and accessible locations
- Seeking out and considering meaningful input from traditionally underserved populations, including low-income and minority households, who may face challenges accessing employment and other services

Procedures described in this document include using Census data and mapping to identify and reach out to low-income and minority (Environmental Justice) populations, and individuals with limited English proficiency. NOACA also makes every effort to arrange for translation, sign language or other special assistance at meetings for individuals with limited English proficiency or other special needs upon request.

NOACA holds its public meetings, open houses, etc. at convenient times and in locations that are transit and ADA-accessible.

In addition, NOACA relies on its Community Advisory Council to provide input and perspective regarding the needs of traditionally disadvantaged populations. The Community Advisory Council reports to NOACA’s External Affairs Committee.

The Community Advisory Council’s 15 members are selected from among religious organizations, social service agencies, nonprofits, voter advocacy groups, health advocacy groups, modal organizations, senior organizations, schools, etc. The Council Charter states that the council will provide, “Continuous and balanced public representation in the development of regional plans and policies.”

NOACA’s full Public Interaction Policy is included as Appendix B.
Environmental Justice Areas Policy

Rooted in the Equal Protection Clause of the U.S. Constitution, Presidential Executive Order 12898 (1994) is intended to ensure that minority and low-income populations enjoy a fair share of the benefits of federal investments while not receiving an unfair portion of any potential environmental burdens.

NOACA’s Environmental Justice Areas Policy designates Environmental Justice areas based on the income level and/or minority status of population in a specific area, and provides specific benefits to those areas, in order to align with the principles and policies of Presidential Executive Order 12898.

The Federal Highway Administration’s Environmental Justice (EJ) Web page states that:

EJ is important because it helps to ensure full and fair participation by potentially affected communities in every phase of the transportation decision-making process. When this is accomplished, the development, construction, operation and maintenance of transportation projects should reflect an equitable distribution of benefits and burdens.

Note that this policy refers to areas, not communities. NOACA’s Environmental Justice Areas are not based on political jurisdictions, but on traffic analysis zones (TAZs). A TAZ is an amalgamation of Census Blocks but is smaller than a Census Tract, so it allows the agency to conduct analyses at the neighborhood level.

The TAZ approach allows NOACA to pinpoint concentrations of minority and low-income populations where they live throughout the region and not just in concentrated communities. Any project in a designated Environmental Justice Area is eligible for the benefits of this program.

In order to be designated an Environmental Justice Area, the area must contain one or both of the following:

- A percentage of minority population at or above either the regional average or the national average (whichever is lower).
- A percentage of low-income population at or above either the regional average or the national average (whichever is lower).

These criteria constitute the strict federal definition of Environmental Justice populations. The list and map of designated Environmental Justice Areas shall be updated periodically based on Census population data.

Benefits to designated Environmental Justice areas include:

- All benefits available to designated Urban Core and Disadvantaged Communities
- Available use of toll credits to reduce local match for projects to as little as zero percent

The full Environmental Justice Areas Policy is included as Appendix E.
Urban Core Communities Policy

The Urban Core Communities Policy was originally approved by the NOACA Board in 1999 and was revised in 2015 with expanded benefits for qualifying communities. The program was intended to help older urban core communities implement federally funded transportation projects.

Since Title VI populations tend to be concentrated in Urban Core Communities, the program provides real world benefits to these individuals in terms of improved transportation infrastructure and services. These communities often have some of the region’s oldest infrastructure, concentrations of low-income and minority individuals and a shrinking tax base.

The criteria for Urban Core Communities consider:

- Urbanized population
- Population density
- Age of housing stock
- Intersection density (walkability)
- Property value per capita

Benefits to designated Urban Core Communities include:

- Funding for preliminary engineering
- Funding for right-of-way acquisition, after the initial $50,000
- Available use of NOACA toll credits to reduce local match to as little as 10 percent

The full Urban Core Communities Policy is included as Appendix C.
Disadvantaged Communities Policy

Similar to the Urban Core Communities Policy, the Disadvantaged Communities Policy provides a framework to ensure that the benefits of NOACA’s regional transportation investments are shared by all socioeconomic groups. This policy was developed separately from the Urban Core Communities Policy to serve a subset of urban communities facing financial hardship due to their population composition.

Because financially challenged communities often find it difficult to provide the local match that’s needed to use federal funding for transportation projects, the Disadvantaged Communities Policy helps fill that gap. Designated Disadvantaged Communities must first be designated Urban Core Communities. Qualifying criteria are also based on various nondiscrimination laws and executive orders.

In order to be designated a Disadvantaged Community, the local community must:

- Be a designated Urban Core Community as defined by the NOACA Urban Core Communities Policy
- Meet a scoring threshold based on up to five criteria:
  - Minority population
  - Low-income population
  - Elderly population
  - Population of individuals with disabilities
  - Population of individuals with low English proficiency

Benefits to qualifying communities include:

- All benefits available to designated Urban Core Communities
- Available use of toll credits to reduce local match for projects to as little as zero percent

The full Disadvantaged Communities Policy is included as Appendix D.
Disadvantaged Business Enterprise (DBE) Policy and Program

NOACA’s DBE program fully complies with U.S. Department of Transportation regulations: 49 CFR Part 26. NOACA developed its Disadvantaged Business Enterprise (DBE) in order to ensure full compliance with all federal and state requirements.

NOACA will never exclude or discriminate against anyone in connection with the award and performance of any goods or services contract on the basis of race, color, gender or national origin.

NOACA’s DBE program is a goal-based program that applies mainly to consultant contracts that advance the agency’s planning functions. NOACA uses nondiscrimination language and goals in its contracts pertaining to the selection of subcontractors. The contractor must document the progress of efforts being made in securing the services of qualified DBE subcontractors.

Only businesses certified as DBEs under the State of Ohio Unified Certification Program (UCP) will be considered in meeting NOACA DBE program requirements. The Ohio UCP is a "one stop" certification process for the federal DBE programs in Ohio.

Goals for NOACA contracts funded with federal highway dollars are set by the Ohio Department of Transportation (ODOT), per Federal Highway Administration (FHWA) guidelines. Goals for NOACA contracts funded with federal transit dollars are set by the Greater Cleveland Regional Transit Authority GCRTA, per Federal Transit Administration guidelines. NOACA will use either ODOT or GCRTA goals for its locally funded contracts, depending on the nature of the contract. NOACA does not use quotas in any way in the administration of its DBE program.

DBE goals for NOACA-funded capital projects are administered by project sponsors and are overseen by FTA or FHWA.

The full Disadvantaged Business Enterprise (DBE) Policy is included as Appendix F.
**Equal Employment Opportunity Policy**

It is the policy of NOACA to promote fairness and equality in hiring practices and employment opportunities, including promotions, compensation adjustments, career improvement opportunities, continuing education and general employment conditions.

NOACA shall not discriminate against any employee or applicant for employment because of race, color, national origin, religion, disability, age, gender, sexual orientation, gender identity or genetic information. NOACA will work to ensure that employees and job candidates are treated equitably with regard to recruitment, employment, upgrading, demotion or transfer, layoff or termination, rates of pay or other forms of compensation, and selection for training or internship. NOACA shall post notices of these provisions in conspicuous places available to employees as well as applicants for employment.

As hiring occurs, NOACA will make all reasonable efforts to develop an agency staff that reflects the race and gender makeup of region, as well as that of the planning, engineering, communications and administrative professions. This will be reviewed annually and reported to the NOACA Board of Directors.

It is also the policy of NOACA to promote a productive work environment and not to tolerate verbal or physical conduct by any employee who harasses, disrupts or interferes with another’s work performance or engages in behavior that creates an intimidating, offensive or hostile environment.

This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

The full NOACA Equal Employment Opportunity Policy is included as Appendix G.
Americans with Disabilities Policy

In accordance with the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act (ADAAA) of 2008, NOACA prohibits discrimination against qualified individuals with disabilities in all employment practices, including: job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment.

NOACA is committed to providing accommodations for eligible employees and applicants with documented disabilities.

NOACA is also committed to removing barriers for individuals with disabilities, and will work to ensure that agency facilities are compliant with the Americans with Disabilities Act.

Finally, NOACA is committed to working with project sponsors and local communities to assist in their efforts to minimize barriers to disabled individuals in their project design and in their public buildings.

The full NOACA Americans with Disabilities Act Policy is included as Appendix H.
Title VI Program

The Federal Transit Administration requires NOACA, as the metropolitan planning organization (MPO) for Northeast Ohio and recipient of FTA funds, to maintain a Title VI Program. Recipients of FTA funding are to submit a Title VI compliance report every three years that is “timely, complete and accurate.”

NOACA’s Title VI program describes agency procedures that help ensure compliance with Title VI of the Civil Rights Act of 1964 and related legislation, executive orders and regulations. However, NOACA’s nondiscrimination responsibilities actually go beyond Title VI of the Civil Rights Act. The Title VI Program also addresses:

- Executive Order 11246 – Equal Employment Opportunity (1965)
- Executive order 11625 -- Prescribing Additional Arrangements for Developing and Coordinating a National Program for Minority Business Enterprise (1971)
- Americans with Disabilities Act (1990)
- Executive Order 12898 -- Federal actions to Address Environmental Justice in Minority Populations and Low-income Populations (1994)

Some of these requirements, such as Environmental Justice, are also addressed in specific stand-alone NOACA policies. However, the Title VI program is a more general document that offers an overview of the agency’s policies and procedures. It provides:

- A description of NOACA’s Board and committee structure
- Current outreach efforts with regard to Title VI populations
- An analysis of the NOACA region’s residents who have limited English proficiency and a description of how the agency reaches out to those individuals
- A description of how NOACA works to ensure that the agency serves Title VI and Environmental Justice populations through its planning and project programming work
- A description of NOACA’s consultant selection procedures to ensure compliance with state and federal requirements regarding Disadvantaged Business Enterprises (DBEs)
- A section on NOACA’s Title VI administration and training for agency staff

NOACA’s full Title VI Program is included as Appendix A.
NOACA Title VI Complaint Procedure

NOACA takes any concerns regarding discrimination very seriously and maintains a process for filing complaints. The agency is proud to have received no discrimination complaints to date.

Any person who feels that he or she has been subjected to discrimination based on race, color or national origin under Title VI of the Civil Rights Act of 1964, or other forms of discrimination under related nondiscrimination laws and regulations may file a complaint in writing with NOACA.

NOACA provides a description of its Title VI complaint procedures and a complaint form in English and Spanish on its website. Upon receipt of a complaint, NOACA will contact the complainant and attempt to resolve any issues related to the complaint.

Unresolved complaints will be forwarded to the Ohio Department of Transportation’s Division of Opportunity, Diversity and Inclusion for review. If the complainant disagrees with the decision rendered by ODOT, he or she will have the right to request reconsideration, or to file a complaint with the FTA or FHWA Offices of Civil Rights.

Retaliation is prohibited under Title VI of the Civil Rights Act of 1964. It is the policy of NOACA that persons filing a complaint of discrimination have the right to do so without interference, intimidation, coercion, or fear of reprisal.

The full NOACA Title VI Complaint Process is included as Appendix I.
Appendix A

NOACA Public Interaction Policy
PUBLIC INTERACTION POLICY

POLICY STATEMENT

Public interaction is a federally mandated process of informing, educating and engaging stakeholders of MPO programs and the general public in the planning process activities for which the MPO is responsible. As a public agency which expends state and federal tax dollars, it shall be the policy of NOACA to proactively and conscientiously seek engagement with stakeholders to the transportation system planning process and the general public. The goal of public involvement engagements is to inform the public of the Agency activities and to facilitate their participation. Per this policy, NOACA will produce an annual plan which will describe the methods by which the Agency will engage, educate and inform stakeholders and the general public of the major programs, documented work products, decision processes and policies under consideration for the present year.

AUTHORITY
Federal Highway Administration Statutes - 23 CFR Parts 450 and 500
Federal Transit Authority Statutes – 49 CFR Part 613
United States Code, 49 CFR Part 21

PURPOSE
This Policy fulfills the federal mandate that requires an MPO to inform the public of its activities. To the greatest extent possible MPOs are to engage the public’s input in the formation of major documents, programs, policies and decisions related to the planning activities. Through public education and engagement, the MPO can develop community consensus for the expenditure of public funds in support of managing the transportation system. Further the engagement process can be helpful in producing outcomes that are economically efficient and equitable.

CRITERIA

§ 450.316 Interested parties, participation, and consultation.

(a) The MPO shall develop and use a documented participation plan that defines a process for providing citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with reasonable opportunities to be involved in the metropolitan transportation planning process.

(1) The participation plan shall be developed by the MPO in consultation with all interested parties and shall, at a minimum, describe explicit procedures, strategies, and desired outcomes for:

(i) Providing adequate public notice of public participation activities and time for public review and comment at key decision points, including but not limited to a reasonable opportunity to comment on the proposed metropolitan transportation plan and the TIP;
(ii) Providing timely notice and reasonable access to information about transportation issues and processes;

(iii) Employing visualization techniques to describe metropolitan transportation plans and TIPs;

(iv) Making public information (technical information and meeting notices) available in electronically accessible formats and means, such as the World Wide Web;

(v) Holding any public meetings at convenient and accessible locations and times;

(vi) Demonstrating explicit consideration and response to public input received during the development of the metropolitan transportation plan and the TIP;

(vii) Seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment and other services;

(viii) Providing an additional opportunity for public comment, if the final metropolitan transportation plan or TIP differs significantly from the version that was made available for public comment by the MPO and raises new material issues which interested parties could not reasonably have foreseen from the public involvement efforts;

(ix) Coordinating with the statewide transportation planning public involvement and consultation processes under subpart B of this part; and

(x) Periodically reviewing the effectiveness of the procedures and strategies contained in the participation plan to ensure a full and open participation process.

(2) When significant written and oral comments are received on the draft metropolitan transportation plan and TIP (including the financial plans) as a result of the participation process in this section or the interagency consultation process required under the EPA transportation conformity regulations (40 CFR part 93), a summary, analysis, and report on the disposition of comments shall be made as part of the final metropolitan transportation plan and TIP.

(3) A minimum public comment period of 45 calendar days shall be provided before the initial or revised participation plan is adopted by the MPO. Copies of the approved participation plan shall be provided to the FHWA and the FTA for informational purposes and shall be posted on the World Wide Web, to the maximum extent practicable.

(b) In developing metropolitan transportation plans and TIPs, the MPO should consult with agencies and officials responsible for other planning activities within the MPA that are affected by transportation (including State and local planned growth, economic development, environmental protection, airport operations, or freight movements) or coordinate its planning process (to the maximum extent practicable) with such planning activities. In addition, metropolitan transportation plans and TIPs shall be developed with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the area that are provided by:

(1) Recipients of assistance under title 49 U.S.C. Chapter 53;
(2) Governmental agencies and non-profit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the U.S. Department of Transportation to provide non-emergency transportation services; and

(3) Recipients of assistance under 23 U.S.C. 204.

(c) When the MPA includes Indian Tribal lands, the MPO shall appropriately involve the Indian Tribal government(s) in the development of the metropolitan transportation plan and the TIP.

(d) When the MPA includes Federal public lands, the MPO shall appropriately involve the Federal land management agencies in the development of the metropolitan transportation plan and the TIP.

(e) MPOs shall, to the extent practicable, develop a documented process(es) that outlines roles, responsibilities, and key decision points for consulting with other governments and agencies, as defined in paragraphs (b), (c), and (d) of this section, which may be included in the agreement(s) developed under §450.314.

POLICY PRINCIPLES

- Proactive Dissemination of Information
  NOACA will generally provide information in sufficient time such that general and targeted stakeholders will always have reasonable opportunity to consider information and provide feedback in time to be considered in the policy formation process

- Timely Provision of Information to Facilitate Engagement
  NOACA will create a stakeholder engagement plan consisting of specific communication channels useful for NOACA to engage stakeholders in active and iterative communication process

- Transparency
  NOACA will facilitate the clear understanding of programs, processes and decisions by all stakeholders through both general and specific means. The goal is the provision of information such that an interested stakeholder can understand NOACA’s work at their desired level of detail

- Engagement of Stakeholders
  NOACA will seek the engagement of stakeholders and facilitate their engagement by creating consistent channels of information flow and engagement activity such that stakeholders will be afforded multiple opportunities to learn, discuss, comment and otherwise participate in the development of NOACA’s work

- Information Provided in Context
  NOACA’s work often facilitates other activities, especially land use development. In order to provide a full and complete understanding, NOACA must communicate on the associated and potential outcomes of its planning efforts

- Accessibility
  NOACA will structure and communicate information in ways that are easily understandable and consumable and therefore accessible to the widest possible audience. NOACA will also create communication channels to specific groups of stakeholders whose judgements and discretion should be considered in the formation and implementation of policies
POLICIES

NOACA will create an annual participation plan to engage its stakeholders and other interested parties in the metropolitan transportation planning process. The participation plan will include various communication channels to ensure that stakeholders have multiple opportunities to learn, discuss, comment and otherwise participate in the development of NOACA’s work.

NOACA’s goal is to provide information so that stakeholders and interested parties can understand NOACA’s work at their desired level of detail. Therefore, NOACA will structure and communicate information in ways that are easily understandable and therefore accessible to the widest possible audience.

NOACA will use Census data and mapping to identify and include those who are traditionally underserved by existing transportation systems, including individuals with limited English proficiency. NOACA will also make every effort to arrange for translation, sign language or other special assistance at meetings for individuals with limited English proficiency or other special needs.

NOACA will also use various communication techniques, including visualization, to facilitate the clear understanding by stakeholders and other interested parties of its programs, processes, projects, major planning documents and decisions. NOACA will use a variety of communications methods, such as the internet, social media, print, etc., to disseminate information.

NOACA will provide information in sufficient time so that stakeholders and other interested parties will have reasonable opportunity to consider information and provide feedback in time to be considered in policy formation and the development of projects and major planning documents.

NOACA will ensure that any public meetings, open houses, etc., it holds are at convenient times and in locations that are ADA-accessible.

NOACA will consider the public input it receives regarding its policies and major planning documents. NOACA will respond to the person who provided the input if he/she provides contact information. When significant comments are received on major planning documents, such as the long-range transportation plan and TIP, a summary of the disposition of the comments will be included in the final document.

NOACA posts draft documents to its website for public review and comment. If the final version of the long-range transportation plan or Transportation Improvement Program (TIP) changes significantly from the draft version, the proposed final version will be posted to the website for public review and comment.

NOACA will seek public comment on its participation plan for at least 45 calendar days before adopting it. Copies of the final, approved plan will be posted on its website and sent to the Federal Highway Administration and Federal Transit Administration.

NOACA coordinates its planning efforts with other planning organizations, such as the Ohio Department of Transportation (ODOT) and communities within its jurisdiction, following its Project Planning Review, intergovernmental review and consultation, and public involvement processes.
Appendix B
NOACA Environmental Justice Policy
ENVIRONMENTAL JUSTICE POLICY

POLICY STATEMENT
Environmental justice is a framework to ensure that the benefits and burdens of regional transportation investments are shared by low income and minority groups. The Northeast Ohio Areawide Coordinating Agency’s (NOACA’s) Environmental Justice Policy designates Environmental Justice areas based on the income level and/or minority status of a location’s population, and develops specific programs for these communities, in order to align with the principles and policies of Presidential Executive Order 12898.

AUTHORITY
14th Amendment to the US Constitution
Presidential Executive Order 12898 (February 11, 1994)

SUPERSEDITION
This policy replaces the Environmental Justice Communities Policy, adopted in September 2015.

PURPOSE
To comply with Presidential Executive Order 12898, issued on February 11, 1994, recipients of federal funds and agencies charged with the distribution of federal funds must ensure that low income populations and minority populations are not unfairly burdened by transportation investments and are treated fairly in processes expending federal funds.

The concept of environmental justice is rooted in the 14th Amendment: “All citizens are created equal and entitled to equal protection.” The Federal action requiring environmental justice was Presidential Executive Order 12898 issued on February 11, 1994, that states, in part:

To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

Accordingly, this policy allows for NOACA to support reinvestment in environmental justice areas and to ensure such groups are not disproportionately impacted by transportation projects. Moreover, this policy outlines the criteria for determining locations of environmental justice concern and the benefits of such a designation.

CRITERIA
Environmental Justice areas will be identified at the Transportation Analysis Zone (TAZ) level. A TAZ is an agglomeration of Census Blocks, but smaller than a Census Tract, allowing for a
refined approach with significant accuracy, small enough to capture population within a tiny geography, yet large enough to leverage accurate sample data.

A TAZ will be identified as a location of EJ concern if it has a minority population percentage at or above the lesser of the regional average or the national average and/or a population in poverty whose percentage of the full TAZ is at or above the lesser of the regional average or the national average.

Though rates will change over time, based on the latest data currently available, the current locations are identified as an EJ area if meets either or both of the following thresholds:

- Percent of residents of minority status at or above: 28.81%
- Percent of residents below the poverty level at or above: 14.72%

USES OF THE DESIGNATION

Projects that will be implemented in environment justice areas are eligible for the following benefits:

- Sponsors may be eligible to apply for financial assistance for preliminary engineering for transportation projects;
- Sponsors may apply for federal funds for right-of-way acquisition, less the initial $50,000 right of way investment typically required;
- The use of toll credits to reduce local match requirements: project sponsors are eligible for 100% NOACA funding participation, utilizing 20% funding from Toll Credits.
- Other programs that may be conceived of in the future.

These benefits apply to projects within an EJ area. For projects that span both EJ areas and non-EJ areas, the 0% match requirement and other benefits would apply only to the portion of the project that lies within the EJ area.

In addition to these benefits, each major project funded or approved by NOACA will be assessed for its potential negative impact on EJ areas as well as its potential positive outcome for EJ areas.

FUTURE UPDATES OF DESIGNATED TAZ’S

The list and map of designated environmental justice areas shall be updated periodically, as newer data are released and geographic socio-economic changes are observed in the region.
Appendix C
NOACA Urban Core Communities Policy
NOACA URBAN CORE COMMUNITIES POLICY

POLICY STATEMENT
The Northeast Ohio Areawide Coordinating Agency’s (NOACA) Urban Core Communities Policy seeks to foster reinvestment in defined urban core areas while minimizing a currently increasing regional infrastructure cost burden given stagnant regional population growth and outstanding needs within areas of existing infrastructure. The policy designates Urban Core Communities based on community characteristics that shape the urban qualities of a place and develops specific programs, for these communities.

AUTHORITY
United States Code, Title 23, Section §134
United States Code, 49 CFR Part 21

PURPOSE
This policy is a revision to the Urban Core Communities Policy adopted by the NOACA Board in 1999 as contained in NOACA’s Framework for Action 2025 long range transportation plan. The policy was created to foster reinvestment in defined urban core areas in the region, with the intent that these communities would receive special consideration for federal assistance through NOACA attributable funding programs. The policy is updated herein to reflect the current fiscal environment, updated Agency goals and priorities, recent data including the 2010 Census, and potential uses of the policy for designated communities.

The Policy allows for NOACA to support reinvestment in the urban core areas. Through the designation of specific communities as Urban Core Communities, specific programs may be developed and targeted to support these communities and to ensure that these communities are not negatively impacted by transportation projects.

CRITERIA
The Urban Core Communities (UCC) designation considers the urban form, physical aspects and character of a community. As such, six criteria shall be applied to each community, and a community must meet all criteria to obtain the UCC designation. The intent of the criteria is to measure the extent to which the current infrastructure network serves the population at a cost-effective density supporting a sustainable multi-modal network. The criteria and current thresholds are as follows:
<table>
<thead>
<tr>
<th>Category</th>
<th>Criteria</th>
<th>Current Threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urbanization of population</td>
<td>Minimum percentage of population living in an urbanized area as defined by the US Census Bureau</td>
<td>100%</td>
</tr>
<tr>
<td>Street density</td>
<td>Minimum number of streets per square mile</td>
<td>10</td>
</tr>
<tr>
<td>Population density</td>
<td>Minimum population density at or above the regional density of communities that are at least 50% urbanized* by population. The land area used in the calculation is exclusive of airfields and other protected areas (e.g., parks, cemeteries, and flood plains).</td>
<td>2,175</td>
</tr>
<tr>
<td>Age of housing stock</td>
<td>Median year of housing structures built is on or prior to the year that the region’s population peaked. Data used for this criterion, if survey-based, shall incorporate the margin of error for each community.</td>
<td>1970</td>
</tr>
<tr>
<td>Intersection density (Walkability)</td>
<td>Minimum number of intersections per square mile at or above the regional intersection density of communities that are at least 50% urbanized* by population. The land area used in the calculation is exclusive of airfields and other protected areas (e.g., parks, cemeteries, and flood plains).</td>
<td>100</td>
</tr>
<tr>
<td>Property value per capita</td>
<td>Maximum per capita value of all real estate at or below the regional average of communities that by area are at least 50% urbanized*.</td>
<td>$95,488</td>
</tr>
</tbody>
</table>

*as defined by federal regulations

Upon analyzing each community against the established criteria, a list of designated Urban Core Communities shall be established.

USES
Designated Urban Core Communities are eligible for special programs, as follows:

- The Urban Core Preliminary Engineering Program, through which communities are eligible to apply for financial assistance for preliminary engineering for their transportation projects.
- The Urban Core Right-of-Way Program, through which communities may apply for federal funds for right-of-way acquisition, less the initial $50,000 right of way investment typically required.
- The use of toll credits to reduce local match requirements (pending the adoption of NOACA’s toll credits policy): projects sponsored by, and located within, designated communities are eligible for 90% NOACA funding participation, utilizing 10% funding from Toll Credits.
- Other programs that may be conceived of in the future.

FUTURE UPDATES OF DESIGNATED COMMUNITIES
The list of designated Urban Core Communities shall be updated, as necessary, following each decennial census.
Appendix D

NOACA Disadvantaged Communities Policy
DISADVANTAGED COMMUNITIES POLICY

POLICY STATEMENT

The Disadvantaged Communities Policy is a framework to ensure that the benefits and burdens of regional transportation investments are shared by all socioeconomic groups. The Northeast Ohio Areawide Coordinating Agency’s (NOACA’s) Disadvantaged Communities Policy designates specific communities based on the socio-economic composition of a community, and develops specific programs for these communities, in order to align with the principles and policies of the US Department of Transportation, Title VI of the Civil Rights Act, and Presidential Executive Order 12898.

AUTHORITY
14th Amendment to the US Constitution
United States Code, Title 23, Section §134
United States Code, 49 CFR Part 21

SUPERSEDITION
This policy replaces the Environmental Justice Community Policy, adopted in September 2015.

PURPOSE
This policy originates from the Urban Core Communities Policy adopted by the Board of Directors in 1999 as contained in NOACA’s Framework for Action 2025 long range transportation plan. The initial policy, developed in part to support disadvantaged communities’ concepts, was created to foster reinvestment in defined urban core areas in the region, with the intention that these communities would receive special consideration for federal assistance through NOACA attributable funding programs. This new policy was developed as a separate policy from the Urban Core Communities Policy to develop a subset of communities with urban qualities that additionally face financial hardship due to its population composition. This new policy reflects the current fiscal environment, updated Agency goals and priorities, recent Census data, and updated USDOT literature on disadvantaged populations, and to focus specifically, when needed, on specific communities beyond the context of only Urban Core Communities.

The Policy allows for NOACA to support reinvestment in Disadvantaged Communities and to ensure such communities are not disproportionately impacted by transportation projects. Through the designation of specific communities as “Disadvantaged Communities,” specific programs may be developed targeted to these communities.

CRITERIA
A designated Disadvantaged Community designation must:

1. Be a designated Urban Core Community as defined by the NOACA Urban Core Communities Policy; and,
2. Obtain any 3 of 6 points from the following table below. To determine if a community meets a particular Disadvantaged Community element, each subpopulation element within each community is to be assessed against the lesser of national or regional averages for the five-county region. Upon analyzing each community against the
established criteria, a list of designated Disadvantaged Communities shall be established. The criteria and current thresholds applied are below.

<table>
<thead>
<tr>
<th>Category</th>
<th>Criteria</th>
<th>Current Threshold (Rate)</th>
<th>Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Core Community</td>
<td>Must be an Urban Core Community as defined previously in this policy.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minority*</td>
<td>Minimum minority population percentage at or above the lesser of the regional or national average.</td>
<td>28.8%</td>
<td>1 point</td>
</tr>
<tr>
<td>Low Income*</td>
<td>Minimum poverty level percentage at or above the lesser of the regional average or Federal average.</td>
<td>14.7%</td>
<td>2 points</td>
</tr>
<tr>
<td>Elderly*</td>
<td>Minimum elderly percentage at or above the lesser of the regional or national average.</td>
<td>15.5%</td>
<td>1 point</td>
</tr>
<tr>
<td>People with Disabilities*</td>
<td>Minimum disability rate at or above the lesser of the regional or national average.</td>
<td>13.3%</td>
<td>1 point</td>
</tr>
<tr>
<td>Low English Proficiency*</td>
<td>Minimum “Low English Proficiency” rate at or above the lesser of the regional or national average.</td>
<td>3.5%</td>
<td>1 point</td>
</tr>
</tbody>
</table>

*as defined by federal regulations.

**USES OF THE DESIGNATION**

Designated Disadvantaged Communities would be eligible for:

1. Use of toll credits to reduce local match requirements (pending the adoption of NOACA’s toll credits policy). Projects sponsored by, and located within, designated communities are eligible for 100% NOACA funding participation, utilizing 20% funding from Toll Credits.
2. Additional special programs that may be conceived of in the future

**FUTURE UPDATES OF DESIGNATED COMMUNITIES**

The list of designated Disadvantaged Communities shall be updated, as necessary, following each decennial census.
Appendix E
Disadvantaged Business Enterprises Program Policy
NOACA DISADVANTAGED BUSINESS ENTERPRISES (DBE) PROGRAM POLICY

The Northeast Ohio Areawide Coordinating Agency (NOACA) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. NOACA has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, NOACA has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of NOACA to ensure that DBEs as defined in part 26, have an equal opportunity to receive and participate in NOACA and DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of NOACA and DOT assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for NOACA and DOT assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in NOACA and DOT assisted contracts;
6. To assist eligible firms to become DBE certified to be eligible to compete for NOACA and DOT assisted contracts.

The Director of Programming has been delegated as the DBE Liaison Officer. In that capacity, the Director of Programming is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by NOACA in its financial assistance agreements with the Department of Transportation.

NOACA has disseminated this policy statement to the NOACA Board of Directors and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. NOACA will post its DBE policy on its website, email it to all Board of Directors members and alternates, email it to all local communities and counties in our service area, and include it in language all posted RFPs henceforth.
DISADVANTAGED BUSINESS ENTERPRISES (DBE) PROGRAM

NOACA will provide to ODOT and FTA updates to this policy and program that represent significant changes.

NON-DISCRIMINATION

NOACA will never exclude any person from participating in, deny any persons the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex or national origin.

In administering its DBE program, NOACA will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

NOACA does not use quotas in any way in the administration of this DBE program.

CERTIFICATION REQUIREMENTS

Only businesses certified as DBEs under the State of Ohio Unified Certification Program will be considered in meeting NOACA DBE program requirements. The Ohio UCP is a "one stop" certification process for the Federal DBE Programs in Ohio. The Ohio UCP consolidates all DBE firms certified by four different agencies into one centralized DBE Directory for US DOT funded contracts for Airport, Highways, and Public Transit. The four approved certification agencies are the Ohio Department of Transportation, the Greater Cleveland Regional Transit Authority, the City of Dayton and the Cleveland Hopkins International Airport. Non-Ohio firms and vendors that are certified in accordance with other state or local processes must seek certification through the Ohio UCP prior to award of a contract.

A listing of currently certified DBEs in Ohio can be accessed from the Ohio Unified DBE Directory at www.ohioucp.org. Potential DBEs may also access the website for information on how to become certified. To qualify for certification as a DBE, an applicant must meet the eligibility standards established in the federal regulations at 49 CFR Part 26 and 13 CFR Part 121.

GOAL SETTING

The following goal setting methodologies will be utilized, depending on the source of funding programmed for the contract or service:

FEDERAL HIGHWAY ADMINISTRATION (FHWA) ASSISTED CONTRACTS

NOACA must operate its DBE program under ODOT's FHWA-approved DBE program plan. NOACA will request a DBE goal on a contract by contract basis through the ODOT DBE Goal Setting Committee for all federally assisted contracts. The ODOT DBE Goal Setting Committee will assign a corresponding percentage of work to be performed by DBE businesses based on the following: availability of ready, willing, and able DBE certified firms, location of the project, work types on the project, and past participation on similar projects.
If the ODOT determined goal is 0%, NOACA will not assign an individual contract goal, however will still encourage the use of DBE’s to complete the work and will consider DBE participation for preference in the award of contracts.

FEDERAL TRANSIT ADMINISTRATION (FTA) ASSISTED CONTRACTS

As a direct recipient of FTA assistance, NOACA must have a DBE program if in any Federal fiscal year (FFY) the cumulative value of DBE program eligible contracts expected for award will exceed $250,000 in Federal funds.

The following methods will be followed by NOACA to establish DBE goal setting for FTA assisted contracts:

a. NOACA’s DBE goal does not apply to vehicle purchases.

b. NOACA is confident in the Greater Cleveland Regional Transit Authority’s (GCRTA) DBE Goal methodology, which involve extensive public involvement and a comment period. Therefore, NOACA will adopt the most current GCRTA methodology for applicable FTA contracts and subcontracts.

c. The methodology considers the availability of ready, willing and able DBE firms to perform the work required on contracts NOACA expects to award during a three-year period, as compared to the overall availability of firms to perform such work.

NOACA LOCAL FUND ASSISTED CONTRACTS

NOACA will establish a DBE goal on a contract by contract basis utilizing one of the methodologies above, as appropriate depending on the nature of the contract or service.

DBE LAISON OFFICER

NOACA has designated a DBE Liaison Officer (DBELO) in its Division of Programming. The DBELO is responsible for implementing all aspects of the DBE program, from policy to through reporting. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by NOACA in its financial assistance agreements with the Department of Transportation and Federal Transit Administration. The DBELO shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any FHWA or FTA assisted contract in administration of its DBE requirements. The DBELO has direct, independent access to the Executive Director concerning DBE program matters.

DBELO Responsibilities

The DBELO is responsible for developing, implementing and monitoring the DBE program in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Monitors projects and reports data and other information as required by ODOT and FTA to ensure DBE program compliance.

2. Reviews contracts, purchase requisitions, and requests for reimbursement for compliance with this program.

3. Analyzes NOACA’s progress toward goal attainment and identifies ways to improve progress.
4. Advises the Executive Director on DBE matters and achievement.

NOACA will disseminate this policy statement to the NOACA Board of Directors. NOACA will utilize its website as a medium for public information, i.e., RFP's and public announcements.

REQUIRED CONTRACT PROVISIONS

NOACA has signed the following assurances, applicable to all DOT-assisted contracts and their administration. The following language is required for inclusion in financial assistance agreements with all sub-recipients:

NOACA shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient's DBE Program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the [Recipient] of its failure to carry out its approved program, the Department may impose sanction as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

Per 49 CFR 26.13b, NOACA will ensure that the following language is also placed verbatim in every DOT-assisted contract and subcontract:

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

PROMPT PAYMENT

NOACA will include the following clause in each DOT and FTA assisted prime contract:

The prime contractor agrees to pay each sub contractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contractor receives from NOACA. The contractor shall also require that this contractual obligation be placed in all Subcontractor contracts that it enters into and further require that all Subcontractors place the same payment obligation in each of their lower tier contracts. If the invoice submitted to the Contractor (or Subcontractor) contains a defect or impropriety, the Contractor shall send written notification to the firm within fifteen days after receipt of the invoice. The notice shall contain a description of the defect or impropriety and any additional information necessary to correct the defect or impropriety. If the Consultant sends such written notification to
the firm, the required payment date shall be thirty days after the Consultant receives a proper invoice.

The prime contractor agrees further to return retainage payments to each sub contractor within 30 days after the subcontractor’s work is satisfactorily completed.

Any delay or postponements of payment from the 30-day period may occur only for good cause following written approval of NOACA.

Repeted failures to pay Subcontractors timely pursuant to this section will result in a finding by the NOACA that the Consultant is in breach of Contract and subject to all legal consequences that such a finding entails.

NOACA will monitor payments made to the DBE contractor/sub contractor prior to the reimbursement of each invoice to ensure that the determined goal is being achieved.

REQUIRED PROPOSAL NOTE:

To be inserted into NOACA contracts that are assisted with FHWA / FTA funds, when applicable:

It is the policy of NOACA, as required by the United States Department of Transportation (US DOT) that Disadvantaged Business Enterprises (DBEs) shall have equal opportunity to compete for this federally assisted contract and/or subcontract with another other contractor to perform the requested services. Consequently, the requirements of Title 49 CFR Part 26 will apply to this contract. If not a DBE itself, the Contractor must use its best efforts to solicit from and to utilize DBE subcontractors with meaningful minority groups and female representation among their employees. The Contractor must ensure that the DBE subcontractor(s) is performing a "commercially useful function" as defined in NOACA policy.

This proposal includes a **DBE Goal of X%**. At least this percent of the agreement shall be performed by certified DBE firms. The percentage goal may be met if the awarded Contractor is DBE certified. If the goal is 0% the Contractor is not required to perform an individual contract goal, however NOACA will still encourage the use of DBE’s to complete the work and will consider DBE participation for preference in the award of the contract.

Only firms certified as DBE through a State’s Unified Certification Program (UCP) will be counted toward meeting this goal. A listing of currently certified DBEs in Ohio can be accessed on the UCP website at [www.ohioucp.org](http://www.ohioucp.org). Potential DBEs may also access the website to obtain information on how to become certified. To qualify for certification as a DBE, an applicant must meet the eligibility standards established in the federal regulations at 49 CFR Part 26 and 13 CFR Part 121. DBE certification must be in place at the time of contract award and throughout performance of the contract.

The Contractor must document the progress and efforts being made in securing the services of DBE subcontractors. In the event the Contractor is unable to meet the DBE goal placed on the contract, a request for a waiver of all or part of the goal may be made to NOACA. The written request must indicate a good faith effort was made to meet the goal.
The Contractor’s proposal must include the percentage of work to be performed by each DBE subcontractor, and a description of the work to be performed by each. Contractor proposals that do not include the minimum percentage of DBE participation noted above, or that cannot demonstrate good faith efforts to include DBEs, will be rejected. If selected, the Contractor’s price proposal shall reflect the required level of DBE participation, or provide an explanation of how the requirement will be met in later phases of the work.

GOOD FAITH EFFORTS

The Contractor must document the progress and efforts being made in securing the services of DBE subcontractors. In the event the Contractor is unable to meet the DBE Goal placed on a project, good faith efforts to secure DBE participation must be demonstrated. The written request must indicate a good faith effort was made to meet the goal and be sent to the DBE Liaison Officer, NOACA Division of Programming, 1299 Superior Avenue, Cleveland, Ohio, 44114. There will be no extension of time for the project granted if the Contractor wishes to avail themselves of this process.

NOACA shall consider the following information and documentation when considering Good Faith Efforts (GFE) have been met:

1. Dollar value and % of DBE goal. Dollar value and % of waiver request.
2. Signed copy of each subcontract or purchase order agreement between the prime and DBE subcontractor utilized in meeting the contract goal.
3. Copy of dated written communication, fax confirmation, personal contact, follow up and negotiation with the DBE’s.
4. Copy of dated written communication and/or fax confirmation that bidder solicited and provided DBE’s with adequate information about the plans, specifications and requirements of the contract in a timely manner to assist them in responding to a solicitation.
5. Copy of dated written communication of each noncompetitive DBE quote that includes the dollar value of each reference item and work type.
6. Copy of dated written communication of DBE’s that were not interested in providing a quote for the project.
7. Documentation of all negotiating efforts and reason for rejecting DBE bids for service.
8. Solicitations made by the Vendor/Consultant/Contractor for subcontracting opportunities and DBE quotes through associations, networks, or other appropriate methods of announcement.
9. Documentation of GFE to meet the DBE subcontract goal, by looking beyond the items typically subcontracted or consideration of subcontracting items normally performed by the prime as a way to meet the DBE goal.

NOACA will review the submitted documentation and issue a written decision within ten (10) business days.

COMMERCIALLY USEFUL FUNCTION

NOACA is required to monitor DBE contractors to ensure they are performing a Commercially Useful Function (CUF) on the project. A DBE is performing a CUF when it is responsible for
execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved with the DBE’s employees. A DBE firm must have the proper North American Industry Notification System (NAICS) codes for the type of work they are performing. The DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the materials and installation (where applicable), and paying for the work components itself.

**REPORTING**

NOACA will report DBE participation to ODOT for FHWA assisted contracts and FTA for FTA assisted contracts on quarterly basis, using DOT Form 4630.

**CONFIDENTIALITY**

NOACA will safeguard from disclosure to third parties information that may reasonably be regarded as confidential proprietary business information, consistent with federal, state and local law. Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the net worth requirements to a third-party (other than DOT/FTA) without written consent of the subcommittee.
Appendix F
NOACA Equal Employment Opportunity Policy
Equal Employment Opportunity

It is the policy of NOACA to promote fairness and equality in hiring practices and employment opportunities, including promotions, remuneration adjustments, career improvement opportunities, continuing education and general employment conditions.

As hiring occurs, NOACA will make all reasonable efforts to develop an agency staff that reflects the race and gender makeup of region, as well as that of the planning and engineering professions.

This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Nondiscrimination in Employment

NOACA shall not discriminate against any employee or applicant for employment because of race, color, national origin, religion, disability, age, gender, sexual orientation, gender identity or genetic information. NOACA will work to ensure that employees and job candidates are treated equitably with regard to recruitment, employment, upgrading, demotion or transfer, layoff or termination, rates of pay or other forms of compensation, and selection for training or internship. NOACA shall post notices of these provisions in conspicuous places available to employees as well as applicants for employment.

Harassment-free Environment

It is the policy of NOACA to promote a productive work environment and not to tolerate verbal or physical conduct by any employee who harasses, disrupts or interferes with another’s work performance or engages in behavior that creates an intimidating, offensive or hostile environment.

Any offensive conduct in the workplace that creates a hostile work environment – whether committed by directors, employees or non-employees – is prohibited. Offensive conduct directed at individuals because of race, national origin, religion, political affiliation, disability, age, gender or sexual orientation, gender identity, citizen status, genetic information or veteran status, or any other classification protected by applicable law, is also prohibited. This conduct includes:

a. Unwanted physical contact or contact of any kind, including sexual flirtations, touching, advances or propositions
b. Verbal abuse of any kind, including racial or ethnic epithets or derogatory comments based on one’s religious beliefs or political affiliation

c. Demeaning, insulting, intimidating or sexually suggestive comments about an individual’s dress or body

d. Displaying in the workplace demeaning, insulting, intimidating or sexually suggestive remarks, jokes, objects or pictures, including nude photographs

e. Demeaning, insulting, intimidating or sexually suggestive written, recorded or electronically transmitted messages

It is important for employees to understand that no one has the authority to condition any aspect of their job on sexual favors. This includes but is not limited to raises, bonuses, hiring, firing, transfers and job assignments.

Supervisors and directors have a responsibility to keep the workplace free of any form of harassment. No person shall threaten or insinuate, either explicitly or implicitly, that an employee’s refusal or unwillingness to submit to sexual advances will affect the employee’s terms or conditions of employment.

An employee who believes that any actions or words constitute unwelcome harassment shall immediately advise the person conducting the harassing that the behavior is unwelcome and unwanted. If the unwelcome behavior continues or if the employee does not believe it is safe to confront the person, then the employee has a responsibility to report the situation as soon as possible. The report shall be made to a supervisor or agency director.

Complaints of harassment will be investigated under the agency’s grievance policy unless special procedures are considered appropriate. All complaints of harassment shall be investigated promptly and in an impartial and confidential manner by the employee’s supervisor, director and the executive director. Should a complaint involve the behavior of an agency director, it shall be reviewed by the NOACA Executive Committee. Employees are required to cooperate in any investigation. Timely resolution of each complaint will be reached and communicated to the parties involved. Retaliation against any employee for filing a complaint or participating in an investigation is strictly prohibited.

Preventing and stopping harassment in the workplace is a SHARED RESPONSIBILITY among staff members. It is important to speak up in an honest and respectful manner to either the alleged harasser or to the proper member of management, as outlined above, as soon as possible. NOACA cannot correct what it does not know about. Any employee, including directors, found to have violated the harassment policy is subject to appropriate disciplinary action, which may include termination.
Appendix G
NOACA Americans with Disabilities Policy
NOACA Americans with Disabilities Policy

Purpose

This policy outlines the provisions of the Americans with Disabilities Act (ADA) of 1990, the Americans with Disabilities Act Amendments Act (ADAAA) of 2008, and NOACA’s obligations under federal law.

Policy

In accordance with the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act (ADAAA) of 2008, NOACA prohibits discrimination against qualified individuals with disabilities in all employment practices, including: job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. NOACA is committed to providing accommodations for eligible employees and applicants with documented disabilities.

NOACA is also committed to removing barriers for individuals with disabilities, and will work to ensure that agency facilities are compliant with the Americans with Disabilities Act.

Finally, NOACA is committed to working with project sponsors and local communities to assist in their efforts to minimize barriers to disabled individuals in their project design and in their public buildings.

Employment

All applicants for NOACA positions shall have equitable access to all steps in the employee selection process and will not encounter disability related questions that could potentially screen them out of the application process. Applicants may not be asked questions that are likely to elicit information about a disability, including whether an applicant has a particular disability. Inquiries regarding an applicant’s medical or workers’ compensation history may not be asked. However, applicants may be asked questions concerning their ability to perform the essential functions of a job. An applicant may not be asked to describe or demonstrate how they would perform the job functions, unless all applicants are asked to do this or if the disability is obvious or the applicant discloses a hidden disability.

Reasonable Accommodation

NOACA is committed to making reasonable accommodation in job duties, the work environment, and the application process to enable a qualified individual with a disability to enjoy equal employment opportunities, as long as such accommodations do not constitute an undue hardship to the agency.

An employee who believes he or she needs a reasonable accommodation to perform an essential function of the job should make the request through his or her direct supervisor. NOACA will work with the employee to determine if the disability can be reasonably accommodated. Employee requests for accommodation will be kept strictly confidential within the limits of Ohio public records law.

If an applicant or employee believes he or she has been discriminated against in employment on the basis of disability, a complaint may be filed through NOACA’s Associate Director of Compliance. Unresolved complaints will be forwarded to the Ohio Department of Transportation’s Division of Opportunity, Diversity and Inclusion.
Americans with Disabilities Policy (cont.)

NOACA Building
The goal of NOACA is full compliance with the ADA. The agency will conduct periodic building audits to ensure ongoing ADA compliance. Any deficiencies will be addressed in a transition plan for achieving compliance, which will also be updated periodically.

NOACA will also work with project sponsors, local communities and the Ohio Department of Transportation (ODOT) to encourage and assist public entities in developing transition plans to ensure ADA compliance.

Capital Projects
NOACA supports the Federal Highway Administration (FHWA) guidance regarding ADA compliance for capital projects.

The Federal Highway Administration states that any construction project that is programmed must meet accessibility requirements when built. NOACA supports that policy and requires project sponsors to meet federal ADA requirements as a condition of receiving NOACA funding.
Appendix H

NOACA Title VI Program
NOACA TITLE VI PROGRAM

An Action Plan for Compliance with Title VI of the 1964 Civil Rights Act

JANUARY 2015
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INTRODUCTION

The Northeast Ohio Areawide Coordinating Agency (NOACA) was formed in 1968 for the purpose of coordinating planning and development activities in northeast Ohio. NOACA is the federally designated metropolitan planning organization (MPO) for Cuyahoga, Geauga, Lake, Lorain and Medina Counties in northeast Ohio.

As a federally designated metropolitan planning organization, NOACA’s Board of Directors is charged with determining how federal funds related to highways, bikeways and transit will be spent in northeast Ohio, and for helping to ensure that NOACA and its partners properly carry out the federally required Comprehensive, Cooperative and Continuing (3C) planning process.

NOACA also conducts certain air and water quality planning activities, which the Board of Directors oversees. In addition, the NOACA Board serves as a forum for local public officials to discuss regional issues and intergovernmental cooperation.

While NOACA oversees the processes for federal transportation funding and regional transportation planning in northeast Ohio, the agency does not directly provide any transportation services to individuals. Nevertheless, it is extremely important to NOACA that the agency complies with both the letter and spirit of all nondiscrimination laws, regulations and executive orders. The agency strives for continuous improvement in this area. This document outlines the scope of those efforts and lays out a plan for future efforts.

NOACA takes its nondiscrimination efforts very seriously. NOACA’s associate director of compliance works with the executive director, and with the NOACA Board and committees to ensure ongoing compliance and improvement regarding Title VI, Environmental Justice and other state and federal nondiscrimination requirements. Each year NOACA self-certifies its compliance with these and other state and federal requirements in its Overall Work Program and Budget.

THE NOACA BOARD OF DIRECTORS AND COMMITTEE STRUCTURE

NOACA’s 45-member Board of Directors represents the communities, transit agencies and county governments of Cuyahoga, Geauga, Lake, Lorain and Medina. Membership distribution is proportionate to the population among the region’s five counties, per NOACA’s Code of Regulations. NOACA’s Board of Directors members are the policy makers for NOACA.

The NOACA Board also functions as the 208 Policy Board for the Northeast Ohio Lake Erie Basin. In this capacity the Board oversees a continuing planning process for areawide water quality management planning in five rivers that are tributary to Lake Erie as well as direct areas that drain to the lake away from those five rivers. The 208 Policy Board adopted a Water Quality Plan in 1979, which has since been regularly updated to reflect changing water quality conditions and management strategies.
In addition to the executive director, there are six standing committees, three subcommittees and four advisory councils that ultimately report to the NOACA Board of Directors. The committee structure is depicted in Exhibit I.

Exhibit I
Four NOACA advisory councils have particular influence over issues with ramifications for the agency’s Title VI compliance efforts.

- **The Transit Council** advises the Transportation Subcommittee (TS) on public transit issues with the goal of providing better transportation choice, improved air quality and reduced traffic congestion through greater use of public transit. Membership includes representatives from:
  - Brunswick Transit Authority (BTA)
  - Geauga County Transit (GCT)
  - Greater Cleveland RTA (GCRTA)
  - Laketran
  - Lorain County Transit (LCT)
  - Medina County Public Transit (MCPT)

- **The Bicycle and Pedestrian Advisory Council (BPAC)** assists the Transportation Subcommittee in proposing bike and pedestrian accommodations during the project planning stages. The BPAC helps NOACA increase modal choices by encouraging bicycling as a viable transportation mode, and supporting facilities that increase bicycle and pedestrian use.

- **The Business Advisory Council** is a new entity within NOACA’s committee structure. The council charter calls on the council to provide “insight and feedback on how NOACA programs and policies are affecting business and economic development in Greater Cleveland to the External Relations Committee.” The Council has 15 members selected from among small business owners, corporations, unionized labor, trade associations, universities, chambers of commerce etc.

- **The Community Advisory Council** is another new entity within NOACA’s committee structure. The council charter calls for providing continuous and balanced public representation in the development of regional plans and policies. Council membership includes 15 members selected from among religious organizations, social service agencies, nonprofits, voter advocacy groups, health advocacy groups, modal organizations, senior organizations, schools, etc.

All NOACA committees and subcommittees are composed of elected and appointed officials who represent the residents of northeast Ohio. Their seats on NOACA’s committees and subcommittees are based on the position they hold within government. The Transit Council is similarly comprised. However, the Bicycle and Pedestrian Council (BPAC), Community Advisory Council, and Business Advisory Council also include representatives from the bicycling community, the business community and the non-governmental organizations within the region. Exhibits II - V show the makeup of those four councils.
## Exhibit II  Transit Council Membership *

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
<th>Race</th>
<th>Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patrick McNamara, Director</td>
<td>Brunswick Transit Authority (BTA)</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Michael Kasper, Transit Director</td>
<td>Geauga County Transit (GCT)</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Joseph Calabrese, CEO and General Manager</td>
<td>Greater Cleveland Regional Transit Authority (GCRTA)</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Raymond Jurkowski, General Manager</td>
<td>Laketran</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>James Cordes, Lorain County Administrator</td>
<td>Lorain County Transit (LCT)</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Michael Salamone, Director</td>
<td>Medina County Transit</td>
<td>White</td>
<td>Male</td>
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</tbody>
</table>

* Transit Council membership is prescribed in NOACA’s Code of Regulations based on organization and title.

** Council chair

## Exhibit III  Bicycle and Pedestrian Advisory Council (BPAC)

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
<th>Race</th>
<th>Gender</th>
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<tbody>
<tr>
<td>Samuel Alai, Mayor</td>
<td>City of Broadview Heights</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Allison Ball, Planner</td>
<td>Cuyahoga County Planning Commission</td>
<td>White</td>
<td>Female</td>
</tr>
<tr>
<td>Joyce Braverman, Planning Director</td>
<td>City of Shaker Heights</td>
<td>White</td>
<td>Female</td>
</tr>
<tr>
<td>Timothy DeGeeter, Mayor</td>
<td>City of Parma</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Gayle Lewin, Highway Design Engineer</td>
<td>Cuyahoga County Department of Public Works</td>
<td>White</td>
<td>Female</td>
</tr>
<tr>
<td>Robert Stefanik, Mayor</td>
<td>City of North Royalton</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Donna Studniarz, Director of Strategic Initiatives</td>
<td>Cleveland Metroparks</td>
<td>White</td>
<td>Female</td>
</tr>
<tr>
<td>Michael Summers, Mayor</td>
<td>City of Lakewood</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Richard Wong, Planning Director</td>
<td>City of Cleveland Heights</td>
<td>Asian</td>
<td>Male</td>
</tr>
<tr>
<td>Nicholas Gorris, Deputy Engineer</td>
<td>Geauga County</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Erin Fink, P.E., Lake County Engineer Rep.</td>
<td>Lake County</td>
<td>White</td>
<td>Female</td>
</tr>
<tr>
<td>Allen Pennington, Engineer</td>
<td>City of Mentor</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Barb Bickel, Executive Director</td>
<td>Visit Lorain County</td>
<td>White</td>
<td>Female</td>
</tr>
<tr>
<td>Name</td>
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<tr>
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<tr>
<td>Eric Norenberg, City Manager</td>
<td>City of Oberlin</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>James Ziemnik, Director</td>
<td>Lorain Metroparks</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Patrick McNamara</td>
<td>Brunswick Transit Authority</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Anthony Rataczak</td>
<td>Medina County Bicycling Community</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Martin Cader, Bike and Pedestrian Coordinator</td>
<td>Cleveland City Planning Commission</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Martin Keane, Ward 17 Councilman *</td>
<td>City of Cleveland</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Jacob VanSickle, Executive Director</td>
<td>Bike Cleveland</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Leslie Farley</td>
<td>ODOT District 3</td>
<td>White</td>
<td>Female</td>
</tr>
<tr>
<td>David Short</td>
<td>ODOT District 12</td>
<td>White</td>
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</table>

* Council Chair

**Exhibit IV  Business Advisory Council Membership**

<table>
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<th>Name</th>
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<tbody>
<tr>
<td>Barry Doggett</td>
<td>Eaton Corporation</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Scott Esterly</td>
<td>Building Owners and Managers Association</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Mike Hoag</td>
<td>WIRE-Net</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Brian Smith</td>
<td>Cleveland Clinic</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Sashi Brown</td>
<td>Cleveland Browns</td>
<td>Black</td>
<td>Male</td>
</tr>
<tr>
<td>Ed Rybka</td>
<td>City of Cleveland</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Sandra Luther</td>
<td>Lake County League of Women Voters</td>
<td>White</td>
<td>Female</td>
</tr>
<tr>
<td>Tony Gallo</td>
<td>Lorain Chamber of Commerce</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Don Romancak</td>
<td>Lorain County</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Melissa Krebs</td>
<td>Brunswick Area Chamber of Commerce</td>
<td>White</td>
<td>Female</td>
</tr>
<tr>
<td>Susan Davis</td>
<td>Cleveland Engineering Society</td>
<td>White</td>
<td>Female</td>
</tr>
<tr>
<td>Heidi Gartland</td>
<td>University Hospital</td>
<td>White</td>
<td>Female</td>
</tr>
<tr>
<td>Dennis Lafferty</td>
<td>Collection Auto Group</td>
<td>White</td>
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</tr>
<tr>
<td>David Wondolowski</td>
<td>Cleveland Building Trades Council</td>
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## Exhibit V  Community Advisory Council Membership

<table>
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<th>Name</th>
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<tr>
<td>Courtney Clark</td>
<td>Cuyahoga Community College</td>
<td>White</td>
<td>Female</td>
</tr>
<tr>
<td>Donovan Duncan</td>
<td>Cuyahoga Metropolitan Housing Authority</td>
<td>Black</td>
<td>Male</td>
</tr>
<tr>
<td>Tracy Strobel</td>
<td>Cuyahoga County Library</td>
<td>White</td>
<td>Female</td>
</tr>
<tr>
<td>Mary Warren</td>
<td>League of Women Voters</td>
<td>White</td>
<td>Female</td>
</tr>
<tr>
<td>Katie Larner</td>
<td>Student</td>
<td>White</td>
<td>Female</td>
</tr>
<tr>
<td>Leo Serrano</td>
<td>Cleveland Public Schools</td>
<td>Latino</td>
<td>Male</td>
</tr>
<tr>
<td>James Clements</td>
<td>Catholic Charities</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Carrie Dotson</td>
<td>Lifeline, Inc.</td>
<td>White</td>
<td>Female</td>
</tr>
<tr>
<td>Bill Harper</td>
<td>United Way of Greater Lorain County</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Anne Spelic</td>
<td>Lorain County Office on Aging</td>
<td>White</td>
<td>Female</td>
</tr>
<tr>
<td>Skip Sipos</td>
<td>Medina Metropolitan Housing Authority</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>David Beach</td>
<td>GreenCityBlueLake</td>
<td>White</td>
<td>Male</td>
</tr>
<tr>
<td>Barb Clint</td>
<td>YMCA</td>
<td>White</td>
<td>Female</td>
</tr>
<tr>
<td>Patty Kaplan</td>
<td>American Lung Association</td>
<td>White</td>
<td>Female</td>
</tr>
<tr>
<td>John Klee</td>
<td>Catholic Charities, Diocese of Cleveland</td>
<td>White</td>
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Communications and Public Involvement

NOACA’s public involvement processes are outlined in the Public Interaction Policy (PIP), which was last updated in 2011. The PIP outlines NOACA’s policies with regard to public involvement, public comment at NOACA meetings, and public comment generally. This document is included as Appendix C.

The PIP includes a summary of federal regulations regarding Title VI, Environmental Justice and public participation. It also includes a public participation plan that outlines NOACA’s strategies and techniques for public involvement and for gaining meaningful public input.

An update to that policy is currently being drafted that will be more specific with regard to outreach to Title VI and Environmental Justice populations, including individuals with limited English proficiency. That update will include:

- A NOACA Title VI public notice revised for clarity that is posted it more prominently on the agency’s website and in public areas of the building
- Expanded and clarified complaint and appeals procedures in English and Spanish along with a detailed online complaint form
- Better defined processes to increase the use of socioeconomic data in NOACA’s public involvement and outreach efforts, including the agency’s work with social service organizations, schools and community groups to better reach Title VI, Environmental Justice and Limited English Proficiency (LEP) populations
- A more robust process for identifying and reaching out to Limited English Proficiency populations within the region, using Census data to pinpoint Census Tracts with high LEP populations
- Procedures to reach out to the Latino community through social service agencies and news outlets
- New procedures for public meetings that will reduce or eliminate barriers to participation due to
  - The location of public meetings
  - Work schedules
  - Transportation
  - Limited English proficiency
  - Special needs of people with disabilities
  - Child care needs
Current Outreach Efforts

NOACA provides many opportunities to provide ongoing input through its website and social media channels. NOACA posts to Facebook and Twitter daily and continuously updates its website with information about the agency, including announcements regarding nondiscrimination policy, public meetings, webinars, employment opportunities and requests for proposals.

NOACA conducts a wide variety of public outreach events to distribute information about key programs and to solicit feedback. All of these outreach events are designed to provide the fullest possible access to traditionally underserved populations, and some are specifically targeted at those populations.

For example, in recent years NOACA staff distributed bus passes at Cuyahoga County Job & Family Services, Lake County Job & Family Services, and a women's homeless shelter serving the urban core in two counties in exchange for completed transit surveys. NOACA directors have also met with directors of local social service organizations to both explain how they can apply for federal transportation funding and to learn how NOACA can be of greater assistance.

NOACA also conducts public meetings and focus groups on a regular basis. These meetings are widely advertised, including in newspapers serving minority populations. NOACA has conducted public meetings with traditionally underserved populations, and with the organizations that serve and represent them. The agency has also surveyed these organizations on a regular basis. All these efforts were aimed at developing a better understanding of the transportation challenges faced by low-income, minority, elderly and disabled populations. NOACA plans to build on this and increase its outreach to traditionally underserved populations.

In addition, NOACA recently worked with the Greater Cleveland Regional Transit Authority to fund and administer an Onboard Transit Survey that determined the needs and travel patterns of transit riders, including minority, low income, disabled and transit dependent individuals. NOACA also funded and administered a regional Household Travel Survey to determine the travel patterns of individuals using all modes of transportation. The data gained from these surveys are being used in NOACA’s travel demand model, in its transportation planning efforts and in its public involvement efforts.
Limited English Proficiency

According to the U.S. Census Bureau’s 2007-2011 American Community Survey estimates, approximately 1.1 percent of persons over age 5 in the NOACA region speak English “less than very well.” Among those individuals who don’t speak English well, most speak Spanish at home. The percentages of LEP individuals vary from as little as 0.16% in Geauga County to as much as 1.46% in Lorain County.

<table>
<thead>
<tr>
<th></th>
<th>Cuyahoga County</th>
<th>Geauga County</th>
<th>Lake County</th>
<th>Lorain County</th>
<th>Medina County</th>
<th>NOACA Region</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Population:</td>
<td>1,209,889</td>
<td>88,196</td>
<td>217,171</td>
<td>282,270</td>
<td>160,972</td>
<td>1,958,498</td>
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<td>Speak English less than &quot;very well&quot;</td>
<td>14,572</td>
<td>137</td>
<td>2,517</td>
<td>4,131</td>
<td>438</td>
<td>21,795</td>
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<tr>
<td>Percent who speak English less than &quot;very well&quot;</td>
<td>1.20%</td>
<td>0.16%</td>
<td>1.16%</td>
<td>1.46%</td>
<td>0.27%</td>
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Limited English Proficiency populations in the NOACA region are concentrated in portions of three cities: Lorain, Cleveland and Painesville. Looking at Census Tracts in those areas, the LEP population varies from 1-21% with most areas in the 3-9% range.
It is worth noting that as the metropolitan planning organization (MPO) for northeast Ohio, NOACA provides no direct services to individuals. NOACA works with local communities, transit agencies, county engineers and the Ohio Department of Transportation to conduct the federally required metropolitan planning process for the region and to identify transportation projects for funding. NOACA does not provide bus service, rail service or other transportation services to the public.

As such, no LEP persons are directly served or likely to be encountered by NOACA programs, except through NOACA’s public outreach efforts. For this reason, NOACA’s programs, activities and services have little importance or relevance to the everyday lives of LEP individuals, except perhaps as a matter of general interest in good government.

Finally, the cost of mounting a significant LEP outreach campaign would be prohibitive for NOACA, given the agency’s size and budget. Such an effort would not affect the everyday lives of LEP individuals, but would divert agency resources from the planning work that benefits all the region’s residents, including LEP individuals.
Because the percentage of LEP individuals in the NOACA region is extremely low and NOACA programs and services are designed to serve governmental entities rather than individuals, we believe a modest approach to addressing the needs of LEP individuals is appropriate. Going beyond that modest approach would yield little or no direct benefit to the LEP population, would divert the agency’s resources from its primary mission, and would not be a good use of taxpayer dollars.

As outlined in the above section, NOACA conducts a robust public involvement program and actively seeks out meaningful input from the public at large. Despite the factors described in the above paragraphs, we believe it is nevertheless important that the agency take steps to ensure that LEP individuals have reasonable access to that process. Currently:

- NOACA conducts a public involvement program that specifically includes outreach to Title VI and Environmental Justice populations. This program actively seeks meaningful public input on NOACA planning documents, policies and programs. However:
  - NOACA has seen no indication of a demand for translation services in its public outreach efforts or communications materials.
  - NOACA has not received a public request that its reports, studies or other materials be made available in a language other than English.
  - NOACA has never received a comment in a public meeting, on its public comment hotline, via email or social media, or through postal mail in any language other than English.
- NOACA posts a notice on its website and in its Public Interaction Policy (Attachment C) stating that the agency will provide language translation services for individuals who wish to attend NOACA public meetings or read NOACA documents. There have been no requests for these services to date.
- NOACA’s Public Interaction Policy indicates that “NOACA will make every effort to arrange for translation, sign language or other special assistance at meetings for individuals with special needs who request them at least three business days before the meeting.” To date, there have been no such requests.
- NOACA offers a language translation tool on its website.

For 2015, NOACA is expanding its LEP outreach efforts to include:

- Posting a revised and expanded Title VI notice to the public in English and Spanish on NOACA’s website and in NOACA’s public meeting areas
- Posting a revised and expanded Title VI complaint form on its website in English and Spanish
- Updating the Public Interaction Policy to outline a process that uses Census data and mapping to identify concentrations of LEP individuals for public outreach targeting
- Identifying partner organizations within the Latino community that can help with NOACA outreach to LEP individuals specifically and to the Latino community in general
- Gauge the need for further LEP oriented actions based on this outreach
PLANNING AND PROGRAMMING

Coordinated Public Transit – Human Services Plan

NOACA maintains a Coordinated Public Transit – Human Services Plan (Attachment D), which includes the analyses necessary to identify the needs of the target population groups for the Enhanced Mobility of Seniors and Individuals with Disabilities (Section 5310) funding program. For years NOACA has assisted the Ohio Department of Transportation in the administration of that important funding program, and has now successfully applied to be the designated recipient of those funds.

As part of the process of soliciting applications for Enhanced Mobility funding, NOACA holds a free Application Workshop for eligible applicants to describe the process and to answer any question that might arise regarding how to complete the application or the evaluation and selection process. These Workshops are generally very well attended. NOACA staff is also available to answer questions and provide assistance via email or telephone during office hours.

The Coordinated Plan includes:

- An assessment of available transportation services
- A demographic profile of the region that includes an analysis of elderly and disabled populations, along with people living in poverty, minority groups and limited English proficiency populations
- An assessment of the transportation needs of seniors, the disabled, low-income individuals and reverse commuters
- Strategies and activities to address the needs of the target populations
- Strategies and activities for implementation based on resources, feasibility and time

Coordinated Plan Objectives

First Tier

- Reduce transit/specialized transportation cost for riders and providers
- Improve frequency of service
- Improve weekend service
- Improve operational efficiencies at all levels
- Improve access to underserved areas with transit-dependent populations
- Improve evening service
- Advance awareness of growing unmet transportation funding needs
Second Tier

- Improve access to information and travel training for riders and health and human service agencies
- Improve last-minute transportation options
- Mitigate environmental barriers
- Improve inter-county transportation options

Data gathered in the Coordinated Plan is used in NOACA’s planning and programming efforts, policy development, and public outreach efforts. Findings from the Coordinated Plan are included in the agency’s transportation plan, *Connections² 2035*.

**Other Transportation Planning Activities for Seniors and People with Disabilities or Low Income**

NOACA has provided funding to support work access activities conducted by transit agencies in Cuyahoga County for several years running. These funds are used to provide vanpool and other transportation services to low-income commuters, including many who are transitioning from welfare to work who are not served by existing transit routes.

In 2014, NOACA applied for and received a grant through the State of Ohio to hire a full-time mobility manager. That individual is now working to identify and coordinate transportation resources for low-income individuals, minority groups, the elderly and people with disabilities. These resources include public transit, welfare-to-work transportation programs and transportation services offered by local non-profit organizations. In addition to coordinating these service, NOACA’s mobility manager also works to help improve the efficiency of these programs and to help eliminate gaps in service.

**NOACA Urban Core Programs**

In addition to its support for Work Access programs, NOACA has designated 34 communities within its five-county region as “urban core” communities. In order to be designated as an “urban core” community, it must meet three of the following five criteria:

- Have reached a maximum population by 1970 or earlier
- Have 50 percent or more housing units constructed prior to 1950
- Have a 1990 population density greater than 2,500 per square mile
- Have seven or more surface street miles per community square mile
- Have total assessed real property value per capita below the regional mean

Two of NOACA’s Transportation Plan Goals are to:

- Improve the transportation mobility of the transit-dependent and low income individuals to jobs, housing and other trip purposes.
• Foster reinvestment in existing urban core areas throughout the region, and work to target and manage transportation investments to implement Plan goals.

NOACA sought to designate specific “urban core” communities in part as a way to help improve the mobility of transit-dependent and low-income individuals. These communities are home to the vast majority of Northeast Ohio’s minority and low-income populations.

Designation as an urban core community carries with it added weight during NOACA’s project planning review process (which is a prerequisite to project funding approval) and also makes them eligible for specific programs that NOACA has established specifically for urban core communities. The programs include:

*Urban Core Preliminary Engineering Program*

• Urban core communities are eligible to apply for financial assistance for the preliminary engineering phase of their transportation improvement projects. The Board of Directors shall approve the not-to-be-exceeded amount, dependent on the project and available funds. Communities that receive federal aid for preliminary engineering must commit in writing that the project will advance to construction within an agreed upon time. If the project does not advance, by federal law, the community will be required to pay back the federal funds.

*Urban Core Right-of-Way Program*

• Urban core communities may apply for federal funds for right of way, minus the initial $50,000 right of way investment

*Urban Core Neighborhood Planning Assistance*

• Urban core communities are eligible to apply for NOACA’s Neighborhood Planning Program, wherein NOACA staff assists urban core communities in planning studies. More information on the program is available on NOACA’s website.

While NOACA does not provide services directly to individuals, the agency does provide significant benefit indirectly to Title VI and Environmental Justice populations and the communities in which they live through the Urban Core Programs. Staff is currently studying additional ways to assist Urban Core communities through new Regional Transportation Investment Policy initiatives, and expect to expand those policies in 2015.
NOACA Provisional Asset Management Program (PTAMP)

Road infrastructure is the backbone of America’s transportation system, and maintaining it in a state of good repair is essential for all modes of transportation. Roads and bridges accommodate not only passenger and freight vehicles, but also accommodate buses, bicyclists and pedestrians.

In 2014, the NOACA Board of Directors established a Provisional Transportation Asset Management Program to address the region’s most critical pavement needs with the goal of bringing all the region’s roadways up to a state of good repair. NOACA staff is currently developing a comprehensive Asset Management Program for the agency, which is expected to be ready by the summer of 2015.

A total of 23 projects totaling nearly $35 million came out of the PTAMP analysis in 2014, which was intended to help bring the region’s roadways up to a state of good repair. Of these, eight projects totaling $15.7 million are to be constructed in fiscal year 2015. These eight projects are all in the urban core cities of Cleveland and Lorain, where there are significant Environmental Justice (EJ) populations. NOACA programmed another 15 projects totaling $19.1 million for FY 2016, predominantly in urban core communities. These projects are on routes that provide significant access to jobs, centers of business, recreation and cultural amenities.

These projects will help revitalize some of the oldest infrastructure in the region and help spur economic development in important EJ areas. The PTAMP is not part of NOACA’s Urban Core Program per se and does not exclusively focus on urban core communities. However, it is focused on the most deficient pavement and bridges in the region, and is expected to greatly benefit residents of urban core communities where some of the region’s oldest and most deficient infrastructure can be found.

### Backlog Maintenance Projects For The 2015 Construction Season

<table>
<thead>
<tr>
<th>Pavement Name</th>
<th>Community</th>
<th>Length</th>
<th>Average Width</th>
<th>Preliminary Construction Cost</th>
<th>Refined Construction Cost</th>
<th>Refined PTAMP 80% Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>WEST BLVD.</td>
<td>Cleveland</td>
<td>2.10</td>
<td>37.50</td>
<td>$2,575,000</td>
<td>$2,900,017</td>
<td>$2,320,014</td>
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<tr>
<td>HARVARD</td>
<td>Cleveland</td>
<td>1.70</td>
<td>43.00</td>
<td>$1,648,000</td>
<td>$2,050,194</td>
<td>$1,640,155</td>
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<td>BROADVIEW AVE.</td>
<td>Cleveland</td>
<td>1.72</td>
<td>42.00</td>
<td>$2,060,000</td>
<td>$2,284,870</td>
<td>$1,827,896</td>
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<tr>
<td>EAST BLVD./FORD DR.</td>
<td>Cleveland</td>
<td>2.37</td>
<td>48.00</td>
<td>$2,369,000</td>
<td>$2,401,960</td>
<td>$1,921,568</td>
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<tr>
<td>PROSPECT</td>
<td>Cleveland</td>
<td>1.00</td>
<td>60.00</td>
<td>$1,236,000</td>
<td>$1,577,651</td>
<td>$1,262,121</td>
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<tr>
<td>COMMUNITY COLLEGE</td>
<td>Cleveland</td>
<td>0.88</td>
<td>62.00</td>
<td>$1,236,000</td>
<td>$1,526,120</td>
<td>$1,220,896</td>
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<tr>
<td>Elyria Ave</td>
<td>Lorain</td>
<td>1.25</td>
<td>60.00</td>
<td>$2,060,000</td>
<td>$2,060,000</td>
<td>$1,648,000</td>
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<tr>
<td>W 117th STREET</td>
<td>Cleveland</td>
<td>2.94</td>
<td>70.00</td>
<td>$741,600</td>
<td>$927,000</td>
<td>$741,600</td>
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<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$13,925,600</strong></td>
<td><strong>$15,727,812</strong></td>
<td><strong>$12,582,250</strong></td>
</tr>
</tbody>
</table>
CONSULTANT CONTRACTS

NOACA’s procurement policy outlines a set of written consultant selection procedures consistent with U.S. DOT requirements (49 CFR §18.36).

NOACA complies with 49 CFR §18.36 by following its written policies for engaging in procurements that meet federal requirements, as well as the "State and local laws" referenced in that CFR. For NOACA, the state and local laws mean all of Chapter 307 of the Ohio Revised Code. NOACA Board Resolution No. 2011-010, adopted on March 18, 2011, ensures that NOACA’s procurement policy continuously complies with state law. All consultant selection procedures follow the NOACA policies, all of which include the DBE requirements.

NOACA uses the Ohio Department of Transportation’s Disadvantaged Business Enterprise goals in its consultant contracting efforts. NOACA monitors this goal by reviewing all proposals for DBE prime consulting or sub-contractor participation before any contract is executed. NOACA reviews the lists of DBEs kept by the State of Ohio and by the Greater Cleveland Regional Transit Authority to assist in establishing the validity of DBE claims. In the recent past, NOACA has been fortunate in being able to contract directly with DBE firms in several instances.

NOACA's written procurement policies, as well as all past practices, have included advertising of requests for proposals in Cleveland's local minority-owned and minority-focused newspaper, the Call & Post. In addition, NOACA emails notice of its RFPs to any DBEs known to work in the subject field.

Title VI assurances and provisions are included in all NOACA contracts. The relevant clause is as follows:

"19. Equal Employment Opportunity Consultant agrees to abide by any and all applicable equal employment opportunity laws, whether state or federal, and to use its best efforts to subcontract with Disadvantaged Business Enterprises (DBE's) when possible. It is recommended that Consultant attempt to achieve 12% letting of subcontracts to DBE's. This complies with requirements of NOACA for its efforts at minority participation. Consultant agrees that it will not discriminate against any employee or applicant for employment because of race, color, religion, age, creed, sex, sexual orientation or national origin, and agrees to take affirmative action so that applicants are employed and that employees are treated during employment without regard for their race, color, religion, age, creed, sex, sexual orientation or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Consultant further agrees that it will insert the foregoing provision in all of its subcontracts in connection with services provided. Consultant further agrees to comply with all requirements of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., 49 C.F.R. Part 21."
NOACA’s consultants have made good faith efforts to comply with the agency’s DBE goals by employing DBEs as subcontractors where possible, thus helping to ensure that NOACA always exceeds its participation goal. NOACA is proud of its DBE record.

**TITLE VI ADMINISTRATION AND TRAINING**

**Administration**

NOACA’s associate director of compliance, under the direction of the NOACA Board and executive director, works with division directors to ensure that the agency’s Title VI compliance and other nondiscrimination efforts are maintained at a high level. NOACA takes these responsibilities very seriously and strives for ongoing improvement in this area.

Compliance with Title VI and other nondiscrimination requirements happens through various means, including:

- NOACA’s planning efforts and products, particularly its Coordinated Public Transit – Human Services Plan
- NOACA’s *Public Interaction Policy* and public involvement efforts
- NOACA’s *Overall Work Program* and planning and programming procedures
- NOACA’s *Disadvantaged Business Enterprise Program* and procurement procedures
- NOACA staff training and direction

NOACA’s Title VI and other nondiscrimination programs are administered in both internal and external ways. NOACA strives for transparency in all its operations, and its nondiscrimination policies and procedures are no exception. NOACA prominently displays a *Nondiscrimination* page in the *About Us* section of its website with links to various policies, procedures and forms. NOACA’s home page provides a direct link to its *Nondiscrimination* page.

NOACA posts its Title VI Notice to the Public (Attachment A) on this page and in public meeting areas within the agency offices. This Title VI Notice includes a Nondiscrimination Policy describing the breadth of the agency’s responsibilities under various laws, executive orders and regulations. NOACA also posts the Title VI complaint procedure and form (Attachment B) on this page.

NOACA has not been the subject of a discrimination complaint or lawsuit in at least 15 years.

**Training**

NOACA’s internal responsibilities with regard to Title VI and other nondiscrimination requirements begin with staff training and awareness. Compliance with these laws and regulations is an integral part of the agency’s planning, project programming and external relations processes. NOACA believes that raising awareness of these requirements among agency staff is vital to ensuring that the agency conforms to
both the letter and the spirit of the law. NOACA continually strives to increase that level of awareness among staff from all agency divisions.

In 2014, six NOACA employees attended the National Highway Institute’s *Fundamentals of Environmental Justice* course. These included the two directors, plus staff from NOACA’s Planning, Programming and External Relations divisions. Course materials were made available to other NOACA staffers and course highlights were discussed at a staff meeting.

In addition, NOACA’s executive director attended a one-day Environmental Justice course in 2014 hosted by ODOT and presented by the Federal Highway Administration.

In 2015, NOACA’s Associate Director of Compliance, who serves as the Title VI administrator, completed the Ohio Department of Transportation’s *Title VI for Local Public Agencies* course. NOACA will require all Planning, Programming and External Relations division staff to also complete this course in 2015.

**ATTACHMENTS TO THIS PROGRAM ARE AVAILABLE ONLINE**

Attachment A: [Title VI Notice to the Public](#)

Attachment B: [Title VI Complaint Procedure and Form](#)

Attachment C: [NOACA Public Interaction Policy](#)

Attachment D: [Coordinated Public Transit-Human Services Transportation Plan](#)
Appendix I

NOACA Title VI Complaint Procedures
Filing Complaints of Discrimination

1. Any person who feels that he/she has been subjected to discrimination based on race, color or national origin under Title VI of the Civil Rights Act of 1964, or other forms of discrimination under related nondiscrimination laws and regulations may file a complaint with NOACA.

2. Complaints should be in writing, signed by the complainant or his/her representative(s), and must include the complainant(s) name, address, and telephone number. NOACA provides an online complaint form that is available on the website. Allegations of discrimination received via postal mail or e-mail will be acknowledged and processed. Allegations received by telephone will be documented in writing and provided to the complainant(s) for review before processing.

3. Upon receipt of a complaint, the NOACA Executive Director or his/her designee will, within 14 days, provide the complainant or his/her representative with a written acknowledgement of the complaint. NOACA staff may contact the complainant in an attempt to resolve any issues related to the complaint.

Complaint Investigations

1. NOACA will forward any unresolved complaints to the Ohio Department of Transportation (ODOT) Division of Opportunity, Diversity and Inclusion for review.

2. The Ohio Department of Transportation will conduct an independent investigation of the claim and will contact the complainant. NOACA will abide by the ODOT decision regarding any complaints.

3. If the complainant disagrees with the decision rendered by ODOT, he/she will have the right to request reconsideration, or to file a complaint with the FTA or FHWA Offices of Civil Rights, as applicable, at the following addresses:

   Federal Transit Administration
   Region V Office of Civil Rights
   200 West Adams Street, Suite 320
   Chicago, IL 60606

   Federal Highway Administration
   Office of Civil Rights- Investigations and Adjudications
   HCR-40, Room E81-328
   1200 New Jersey Avenue, SE
   Washington, DC 20590

Retaliation

Retaliation is prohibited under Title VI of the Civil Rights Act of 1964. It is the policy of NOACA that persons filing a complaint of discrimination have the right to do so without interference, intimidation, coercion, or fear of reprisal. Anyone who feels he/she has been subjected to retaliation should report such incident to the Executive Director and/or ODOT’s Division of Opportunity, Diversity and Inclusion.