

**CHICAGO METROPOLITAN AGENCY
FOR PLANNING**

**TITLE VI OF THE 1964 CIVIL RIGHTS ACT
SECTION 601
SPECIFIC TO FEDERAL TRANSIT ADMINISTRATION
PROGRAMS**

AUGUST 2008

CHICAGO METROPOLITAN AGENCY FOR PLANNING

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Elliott Hartstein, vice chair

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Andre Rice, president, Muller and Monroe Asset Management
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Zenovia Evans, mayor, Riverdale (South Cook)
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Rita Athas, executive director, World Business Chicago (CMAP)
Elliott Hartstein, mayor, Buffalo Grove (CMAP)
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Phil Pagano, executive director, Metra
Richard Kwansneski, chairman, Pace
John McCarthy, president, Continental Airport Express (private providers)



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The Chicago Metropolitan Agency for Planning (CMAP) has established its Title IV Program pursuant to the Federal Transit Administration (FTA) Circular 4702.1A.

The objectives of the CMAP Title VI Program are to (1) ensure that the level and quality of transportation service is provided without regard to race, color, or national origin; (2) identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations; (3) promote the full and fair participation of all affected populations in transportation decision making; (4) prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations; and (5) ensure meaningful access to programs and activities by persons with limited English proficiency.

A handwritten signature in blue ink that reads "Randall Blankenhorn".

Randall Blankenhorn
Executive Director

COMPLIANCE HISTORY

On August 9, 2005, Governor Blagojevich signed into law the Regional Planning Act (RPA), calling for the merger of Chicago Area Transportation Study (CATS) and Northeastern Illinois Planning Commission (NIPC) into a combined transportation and land use planning body for Northeastern Illinois. Prior to the completion of the merger, CATS was the officially designated MPO for the Chicago area. Title VI compliance review was conducted for CATS activities.

1. Purpose for the Review: FHWA and FTA completed the Certification Review of the Metropolitan Transportation Planning Process for the Northeastern Illinois/Chicago Transportation Management Area in October, 2005. The certification review was pursuant to 23 U.S.C. 134 (i)(5) and 49 U.S.C. 1607, which requires FHWA and FTA jointly certify the metropolitan transportation planning process in Transportation Management Areas (TMA) at least every four years.
2. Agencies Performing the Review: Federal Highway Administration and Federal Transit Administration.
3. Summary of Findings and Recommendations of the Review and Status:
 - (a) *All agreements, memoranda of understanding, applicable bylaws, or other organizational documents should be reviewed and updated, as appropriate, prior to the completion of any MPO reorganization.*

A memoranda of understanding has been adopted by the CMAP Board of Directors and the MPO Policy Committee with regard to transportation planning and programming in Northeastern Illinois. The agreement covers the working relationship between the two boards, whose responsibilities are defined in the Regional Planning Act and federal legislation.

Four agreements are required by the federal planning regulations:

- 1) An agreement among the MPO, the State and the public transportation operators determining their mutual responsibilities in carrying out the metropolitan transportation planning process.
- 2) An agreement among IDOT, IEPA, affected local agencies and the MPO describing the process for cooperative planning and analysis of all projects outside the Metropolitan Planning Area within the nonattainment area.
- 3) An agreement between the MPO and the IEPA describing their respective roles and responsibilities for air quality related transportation planning,
- 4) An agreement between the MPOs, the States, and the public transportation operators describing how the metropolitan transportation planning process will be coordinated to assure the development of consistent metropolitan transportation plans and TIPs across the Metropolitan Planning Area boundaries. There are two separate

agreements required in this region: one with southeastern Wisconsin and one with northwestern Indiana.

All agreements will be considered for adoption at the October 2008 meeting of the MPO Policy Committee.

- (b) The MPO should consider creating a tracking database to determine the success of past projects in UWPs. It would benefit the planning process in the region if this database was made public, either through the website or some other means, but the initial goal of this process should be to analyze the results of past planning studies within the UWP.*

Increasing accountability was a major goal of the UWP Committee. To that end, staff developed quarterly progress reports that cover all agencies that receive UWP funding. The quarterly project reports were initiated in the first quarter of SFY 08 and are posted on the CMAP website. Outputs are identified in the quarterly reports. CMAP will monitor the 08 UWP until all funds for that year are expended and will monitor all UWP projects going forward on a quarterly basis. The results will be available on the CMAP website. The committee also worked to identify regional priorities and develop a truly integrated program that works to develop the region's comprehensive plan. They looked at the planning priorities at the beginning of the SFY 09 UWP development process and identified the RTP goals and the regional priority areas prior to the call for projects.

- (c) CATS should consider explicitly identifying the planning factors in the UWP and articulate the linkages between annual priorities and the planning factors.*

Appendix J of the UWP Document describes the UWP development process. Both the Policy Committee of the MPO and the CMAP board provide guidance based upon the planning factors included in the Scope of the Metropolitan Planning Process, from Sec. 450.306 of the federal regulations found in 23 CFR Parts 450 and 500 and 49 CFR Part 613. Additionally, the policy direction is described in a document summarizing the expected components to both the core and discretionary elements of the program.

- (d) CATS should continue to strengthen efforts to incorporate safety into all aspects of the transportation planning process through the establishment of measurable performance-based objectives.*

During FY 2008, CMAP conducted extensive research into the safety of the transportation system. A number of presentations were made to various committees of CMAP accompanied by supporting material and

reports. CMAP has also hosted several pedestrian safety workshops which have been well attended by both planning and engineering staff.

The development of the region's comprehensive plan will include a number of measurable performance-based objectives, a number of which will address the safety of the region's transportation system.

- (e) *The MPO should explore adding a full-time staff person or contract position to update and continually maintain the CATS website.*

CMAP has appointed three (3) full time employees to its Information Technology staff. In addition, technical assistance is provided by two (2) contract employees. One of the full time employees is responsible for maintaining the CMAP web site. An ongoing contract has been let for web development and maintenance. CMAP has also instituted a distributed maintenance process by training a number of staff from various areas within the agency to directly update their material on the website.

- (f) *CATS should develop a public comment tracking system to ensure that comments received are responded to in a timely manner, regardless of the agency responsible for responding.*

At the time of public comment for the next transportation plan and transportation improvement program, a public comment tracking system will be in place.

- (g) *CATS should continue their efforts in identifying key leaders within the Hispanic community to connect with to ensure that all affected parties are given ample opportunity to participate in the transportation process.*

CMAP has hired bilingual staff aimed at increasing the participation of the Hispanic community in the planning process. A number of key groups and community leaders have been identified and meaningfully engaged. A community engagement assistance program of ten monetary grants resulted in five workshops having bi-lingual conversations.

Finally, one of the goals of the agency's Public Participation Plan is to: "Design and develop materials to increase the underserved public's understanding of regional and local planning, including translating those materials into languages other than English whenever possible." The accompanying objective is: "To accommodate the needs of traditionally underserved populations, such as low-income, minority, disabled, non-English-speaking and other groups who have not participated in the planning process."

(h) *The annual report of obligated projects should be made more readily available via the website, in lieu of inclusion of the report in its entirety within the conforming TIP.*

All annual reports of obligated projects are available on the website.

(i) *Additional efforts should be made in the assessment and documentation of how transportation plans and projects affect minority and low income populations, thus ensuring compliance with Title VI.*

Transit planning and programming are conducted in a nondiscriminatory manner. All the transit agencies treat each part of their service areas equally. For example, any Pace bus route that is to be substantially reduced or eliminated is first discussed at public hearings which are announced in advance through public notices in appropriate newspapers and newsletters. Routes affecting large minority populations go through the same public hearing process as any other route.

All Metra lines serve areas of minority residence and employment, especially within the city of Chicago. Metra has made reverse commute service improvements in recent years. It has done extensive marketing of existing service to suburban employees and employers, informing them of reverse commute options. All CTA questionnaires and surveys include a question concerning the race of the respondent.

The Safe, Accountable, Flexible, Efficient Transportation Act, a Legacy for Users (SAFETEA-LU) was enacted in August 2005 and provides guaranteed funding for Federal surface transportation programs through FFY 2009. SAFETEA-LU requires the establishment of a locally-developed, coordinated public transit – human services transportation plan (HSTP) in order for the northeastern Illinois region to access two specific funding programs; Section 5316 Job Access Reverse Commute (JARC), and Section 5317 New Freedom (NF). In response to this requirement, the Regional Transportation Authority (RTA) embarked on a thorough HSTP planning process, called *Connecting Communities through Coordination*, to identify strategies that encourage more efficient use of available service providers that bring enhanced mobility to the region's older adults, persons with disabilities and individuals with lower incomes. The HSTP was adopted by the RTA Board in October 2007 and allows the northeastern Illinois region to access nearly \$6 million in federal funding available from the [JARC](#) and [NF](#) programs. Additional information regarding the RTA's JARC and NF programs is available at <http://jarcnf.rtachicago.com>.

The MPO staff provided the transit operating agencies with a printed breakdown of 1980 population by race for all census tracts in the region. The same information from the 1990 census and 2000 census was made available in electronic form. The operating agencies will use this data to prepare the maps required by Circular 4702.1A.

PUBLIC OUTREACH AND INVOLVEMENT ACTIVITIES

One of the key elements of the CMAP Public Participation Plan is the continuous flow of information to citizens. CMAP maintains an extensive contact list as one component of this effort. This list is an important tool for notification about public meetings and CMAP activities. CMAP works with its various committee members, the media and the public to establish new contacts to add to the list, which currently includes over 10,000 individuals and organizations. The list includes hundreds of community groups and non-profit organizations in addition to municipal and county elected officials, business groups, broadcast and print media, other groups and individual citizens. These groups, organizations and officials are able to notify many thousands of their members, friends and constituents about our activities. Any individual citizen or group will be added on request to the CMAP contact list to receive notifications, publications and announcements. CMAP maintains an extensive sub-list of several hundred broadcast and print media organizations in the region. Minority, foreign language and special interest media are included. Similar lists are maintained by each operating agency and the city of Chicago.

CMAP makes every effort to provide ample notice of meetings and events through calendar postings at the CMAP offices, on the CMAP Web site (www.cmap.illinois.gov), the Council of Mayors' monthly calendar and, for those who request, notification by mail. For major plans, programs and policy meetings, CMAP sends notices to the entire contact list.

Media coverage of planning issues is based not only on the dissemination of releases and notices, but also responses to reporters' questions. Agency staff cooperates with the media and also responds to academic, other agency, and individual requests for information. Special data requests are filled and speakers provided. In addition, all recipient agencies have at least one individual designated to assist the public. The CTA staff is able to provide such assistance in several languages.

All FTA planning grant recipient agencies make use of press releases, meeting notices and legal notices in addition to directly calling or writing civic groups and interested individuals. Minority and foreign language media and organizations are routinely notified of meetings, plans, reports and other matters in the same way that other groups are notified. If, because of location or some other factor, a particular activity is deemed of special interest to one or more of these groups, additional steps are taken, i.e., special notices, phone calls, etc.

The following bodies advertise meetings in accordance with the Illinois Open Meetings Act: Regional Transportation Authority Board; Suburban Bus Board; Commuter Rail Board; Chicago Transit Authority Board; Chicago Metropolitan Agency for Planning and its committees; Councils of Mayors; and the city of Chicago and its departments,

boards and commissions. In addition, the agencies compile special mailing lists for specific areas or subjects.

As noted above, any Pace bus route that is to be substantially reduced or eliminated is first discussed at public hearings which are announced in advance through public notices in appropriate newspapers and newsletters. A record is kept of any opposition to a service reduction and all testimony is considered before any reduction takes place. Routes affecting large minority populations go through the same public hearing process as any other route.

Metra informs minority communities of planning efforts through hearings, public notices and board meetings concerning individual plans, programs and projects. It places legal notices concerning the annual operating and capital program in several newspapers, including minority-oriented ones. Citizens may present oral testimony at public hearings or provide written testimony. Metra also established special mailing lists for its three major investment studies.

The CTA has established a formal policy on public hearings. A public hearing will be held prior to any fare increase, major service reduction, transit vehicle purchases and rapid transit station construction. Public notices will be published in general circulation newspapers and neighborhood newspapers catering to any specific groups that will be affected by the change; notices will also be placed on transit vehicles and rapid transit stations affected by the change. CTA does advertise in minority newspapers such as the Defender and La Raza. For further information on CTA's minority advertising, the Purchasing and Communication Departments should be contacted.

LANGUAGE ASSISTANCE PLAN

CMAP has adopted its *Public Participation Plan* in 2007. The purpose of the *Public participation Plan* is to increase public awareness and participation while widening the range of voices and views in the planning process. A Citizens' Advisory Committee that will monitor the implementation of this plan meets regularly and invites anyone with an interest in regional planning to participate in their meetings and activities.

In the *Public Participation Plan* the following goal and objective was adopted to provide access to meaningful activities and programs for persons with limited English proficiency.

Goal: Design and develop materials to increase the underserved public's understanding of regional and local planning, including translating those materials into languages other than English whenever possible.

Objective: To accommodate the needs of traditionally underserved populations, such as low-income, minority, disabled, non-English-speaking and other groups who have not participated in the planning process.

TITLE VI COMPLAINT PROCEDURES

CMAP has designated an employee as the Civil Rights Officer for Title VI who has the responsibility for receiving all Title VI complaints. The Civil Rights Officer will provide quarterly reports to the CMAP Executive Director of filed Title VI complaints and status of the complaints.

If a complaint is regarding one of the service providers within the MPO region, the complaint will be forwarded to the service provider for response. The Civil Rights Officer will develop a system to track the status of all complaints which have been forwarded to other organizations.

If appropriate, the Civil Rights Officer will be responsible for conducting or overseeing the investigation of Title VI complaints.

TITLE VI INVESTIGATIONS, COMPLAINTS OR LAWSUITS
Since August 2006

No Title VI investigations have been conducted, complaints filed or active lawsuits since the last Certification Review in August 2006.

PUBLIC NOTICE

The following notice is posted on the CMAP website:

As a recipient of federal funds from the Federal Highway Administration and the Federal Transit Administration, CMAP complies with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations). CMAP is committed to:

1. Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
2. Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
3. Promote the full and fair participation of all affected populations in transportation decision making;
4. Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations;
5. Ensure meaningful access to programs and activities by persons with limited English proficiency.

If any person believes that CMAP has not followed this commitment, contact with the CMAP Civil Rights Officer can be made at 312-454-0400 or a complaint may be filed with the FTA.

RIGHT TO FILE A COMPLAINT. Any person who believes himself or any specific class of persons to be subjected to discrimination prohibited by Title VI may by himself or by a representative file a written complaint with the FTA. A complaint must be filed no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by FTA.

COMPLAINT ACCEPTANCE. Once a complaint has been accepted by FTA for investigation, FTA will notify the recipient or subrecipient that it has been subject to a Title VI complaint and ask the agency to respond in writing to the complainant's allegations. Once the complainant agrees to release the complaint to the recipient or subrecipient, FTA will provide the agency with the complaint. If the complainant does not agree to release the complaint to the recipient or subrecipient, FTA may choose to close the complaint. FTA strives to complete a Title VI complaint investigation within 180 days of the date that FTA accepts the complaint for investigation.

INVESTIGATIONS. FTA will make a prompt investigation whenever a compliance review, report, complaint or any other information indicates a

possible failure to comply with this part. The investigation will include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with Title VI.

LETTERS OF FINDING AND RESOLUTION. After the investigation has been completed FTA's Office of Civil Rights will transmit to the complainant and the grantee one of the following three letters based on its findings:

- a. A letter of resolution that explains the steps the recipient or subrecipient has taken or promises to take to come into compliance with Title VI.
- b. A letter of finding that is issued when the recipient or subrecipient is not found to be in noncompliance with Title VI. This letter will include an explanation of why the recipient or subrecipient was not found to be in noncompliance, and provide notification of the complainant's appeal rights. If applicable, the letter can include a list of procedural violations or concerns, which can put the recipient or subrecipient on notice that certain practices are questionable and that without corrective steps, a future violation finding is possible.
- c. A letter of finding that is issued when the recipient or subrecipient is found to be in noncompliance. This letter will include each violation referenced as to the applicable regulations, a brief description of proposed remedies, notice of the time limit on the conciliation process, the consequences of failure to achieve voluntary compliance and an offer of assistance to the recipient or subrecipient in devising a remedial plan for compliance, if appropriate.

APPEALS PROCESS. The letters of finding and resolution will offer the complainant and the recipient or subrecipient the opportunity to provide additional information that would lead FTA to reconsider its conclusions. In general, FTA requests that the parties in the complaint provide this additional information within 60 days of the date the FTA letter of finding was transmitted. After reviewing this information, FTA's Office of Civil Rights will respond either by issuing a revised letter of resolution or finding to the appealing party, or by informing the appealing party that the original letter of resolution or finding remains in force. FTA strives to transmit these letters within 30 to 60 days of receiving the appeal.

METROPOLITAN TRANSPORTATION PLANNING

CMAP's analysis of the transportation system assesses social equity in transportation in terms of the mobility and accessibility benefits accruing to concentrations of low-income and minority residents. This is accomplished through an evaluation of transportation system use as well as by stratifying the benefits that accrue to travelers.

Low Income Populations:

Low income is defined as a household in the region that has annual incomes less than one-half the regional mean. CMAP stratified concentrations of these households by identifying zones (usually about $\frac{1}{4}$ square mile) in which the average of median household incomes is less than 50% of the regional mean. The result is a count of all households in zones where the average median income for the zone is less than one-half the regional mean. These two statistics are presented to illustrate the distinction between the regional distribution of lower income households "at-large" and the geographic concentration of lower-income households in a particular area. Because regional transportation improvements can potentially provide benefits to all households in a particular geographic area, social equity objectives are concerned with identifying geographic concentrations of a target income population.

Minority Populations:

The term "minority population" is defined as the total number of persons in a zone who, in the 2000 Census, reported themselves as non-white or Hispanic. CMAP stratified concentrations of minority population by identifying zones (usually about $\frac{1}{4}$ square mile) in which the number of minority persons was approximately twice the regional mean. The result is a count of all households in zones where the minority population is greater than twice the regional mean. Like the income distributions, this distinction between the regional distribution of minority population and the geographic distribution of households in areas with predominantly minority populations is important for evaluating travel behavior.

More detailed information can be found using the following links.

Shared Path 2030

<http://www.cmap.illinois.gov/WorkArea/showcontent.aspx?id=8726> (Pages 33 – 37, 48 – 58)

Transportation Conformity Analysis Appendix A

<http://www.cmap.illinois.gov/WorkArea/showcontent.aspx?id=6074>