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# Title VI & Environmental Justice (EJ) Policy

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Title VI of the 1964 Civil Rights Act prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance.

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Environmental Justice (EJ) addresses the need to avoid disproportionately high and adverse impacts on minority and low-income populations with respect to health and the environment.

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*This document was prepared with financial assistance from the Federal Highway Administration and Federal Transit Administration of the United States Department of Transportation.*

**W A M P O**

Wichita Area Metropolitan Planning Organization

Adopted August 11, 2009  
Amended December 14, 2010

# WAMPO TITLE VI & ENVIRONMENTAL JUSTICE POLICY

INTRODUCTION .....	1
POLICY STATEMENT .....	1
ORGANIZATION .....	2
GENERAL RESPONSIBILITIES.....	2
Data Collection .....	2
Annual Report and Update .....	2
Annual Review of the Title VI & EJ Policy .....	3
Dissemination of Information Related to the Title VI & EJ Policy .....	3
Resolution of Complaints .....	3
PROGRAM AREA RESPONSIBILITIES .....	3
Program Area 1: Planning and Programming .....	3
Title VI & EJ Considerations: Communications and Public Involvement .....	4
<i>Strategies for Engaging Title VI &amp; EJ Protected Groups</i> .....	4
<i>Strategies for Engaging Individuals with Limited English Proficiency</i> .....	5
Environmental Justice (EJ) Analysis.....	5
<i>Identification of EJ Groups</i> .....	5
Title VI & EJ Responsibilities.....	6
Program Area 2: Consultant Contracts .....	7
Title VI Responsibilities.....	7
Program Area 3: Education and Training.....	7
Title VI Responsibilities.....	7
APPENDIX A: Title VI Complaint Procedures.....	8
APPENDIX B: Title VI and Related Discrimination Complaint Against the Wichita Area Metropolitan Planning Organization (WAMPO).....	10

## INTRODUCTION

Title VI of the 1964 Civil Rights Act prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance. In addition, under Title VI and related statutes, federal agencies are directed to enact rules, regulations and orders to achieve the statute's objective.

Environmental Justice (EJ), Executive Order 12898 issued in 1994, broadens the scope of Title VI by including the need to avoid disproportionately high and adverse impacts on minority and low-income populations with respect to health and the environment. The transportation system has the potential to have adverse impacts on both health and the environment for the entire population. Hence, transportation planners have incorporated an EJ analysis into many plans.

The Wichita Area Metropolitan Planning Organization (WAMPO) serves as the federally designated Metropolitan Planning Organization (MPO) for the greater Wichita region.<sup>1</sup> As the area's MPO, WAMPO is responsible for demonstrating that transportation programs using federal funds in the WAMPO region are based on a continuing, comprehensive, and coordinated planning process. Involving minority and low-income populations in the planning process to minimize adverse affects is part of the required planning process.

The purpose of the Title VI & EJ Policy is to outline the procedures and steps WAMPO will take to comply with the provisions of Title VI and the executive order on Environmental Justice.

## POLICY STATEMENT

It is the policy of WAMPO:

- A. To carry out all programs and activities in compliance with Title VI of the Civil Rights Act of 1964, 49 CFR Part 21, and related statutes and regulations, to the maximum possible extent;
- B. To assess plans and proposals to verify that no group or group of persons is purposely excluded from participation in, denied the benefits of, or in any manner discriminated against or treated inequitably by reason of the person's race, color, sex, national origin, or income status under any department program or activity; whether those programs and activities are federally funded or not;
- C. To identify and address discrimination found to exist within any program or activity of the organization;
- D. To develop and implement policies and procedures or to amend existing policies and procedures to comply with Title VI and Environmental Justice (EJ) requirements; and
- E. To promptly resolve conditions of inadequacy or non-compliance.

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<sup>1</sup> The WAMPO boundary is defined in the current long range transportation plan.

## ORGANIZATION

Three areas of WAMPO's work program have been identified as applicable to Title VI regulations, the executive order on Environmental Justice, or both. They are referred to as the Title VI & EJ Program Areas:

1. Planning and Programming;
  - a) Communications and Public Involvement;
  - b) Environmental Justice Analysis;
2. Consultant Contracts; and
3. Education and Training.

This document is separated into two main components: general responsibilities regarding the Title VI & EJ Policy and program specific responsibilities. The general responsibilities are applicable to all three Title VI & EJ Program Areas. The program specific responsibilities outline the specific responsibilities regarding Title VI and/or EJ for each Program Area.

## GENERAL RESPONSIBILITIES

The following are general Title VI & EJ responsibilities of WAMPO applicable to all three Title VI & EJ Program Areas. The Public Involvement Coordinator, with involvement and assistance from other staff members, is responsible for the Title VI & EJ coordination and responsible for appropriate implementation and maintenance of this policy.

### **Data Collection**

Statistical data is to be gathered on participants in, and beneficiaries of, federally funded programs when available and feasible. Types of data include, but are not limited to: race, color, national origin, income level and disability. The data gathering process will be reviewed annually to ensure data is meeting the requirements of the Title VI & EJ Policy. The "Environmental Justice (EJ) Analysis" and "Title VI & EJ Responsibilities" subsections of "Program Area Responsibilities" describes in more detail WAMPO's approach to data collection.

### **Annual Report and Update**

As required by the Kansas Department of Transportation (KDOT), a report and update is to be submitted annually by the end of August to the KDOT offices of Civil Rights and the Title VI Coordinator in the Bureau of Transportation Planning. The report will be based on activities from August 1 of the previous year to July 31 of the year the report is being submitted. The Public Involvement Coordinator is responsible for gathering information from appropriate staff and consolidating it into a final report. The final report is to include:

- A report on the previous year's Title VI & EJ related activities, efforts, and accomplishments (examples include: public meetings held, outreach efforts, and data collected);

- If deficiencies are identified, strategies that can be implemented in the following year will be listed;
- Specific Title VI & EJ Training that staff provided or received; and
- Any Title VI complaints received and how they were addressed.

### **Annual Review of the Title VI & EJ Policy**

Each year, in preparing for the annual report and update, the Public Involvement Coordinator will review WAMPO's Title VI & EJ Policy to assess compliance.

### **Dissemination of Information Related to the Title VI & EJ Policy**

Information on WAMPO's Title VI & EJ Policy will be made available to consultants and the public via posting the policy in full on WAMPO's website. Information in other languages on the Title VI & EJ Policy can also be made available upon advanced request.

### **Resolution of Complaints**

Any individual may exercise his or her right to file a complaint with WAMPO, if that person believes that he or she or any other program beneficiaries have been subjected to unequal treatment or discrimination on the grounds of race, color, national origin, income, or disability by any of WAMPO's programs or activities. WAMPO will make a concerted effort to resolve complaints as put forth in the "Title VI Complaint Procedure," found in Appendix A.

## **PROGRAM AREA RESPONSIBILITIES**

### **Program Area 1: Planning and Programming**

As the designated Metropolitan Planning Organization (MPO) for the greater Wichita region, WAMPO receives federal funds to develop regional transportation plans. The transportation planning process is conducted using the 3-C process; which means the process is comprehensive, cooperative and continuous. This process includes: engaging the public, collecting and monitoring data pertaining to transportation issues, providing technical support when needed, and coordinating with other agencies such as the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), the Kansas Department of Transportation (KDOT), local jurisdictions, and area transit agencies.

The primary products of the transportation planning process include:

- Metropolitan Transportation Plan (the long range plan);
- Transportation Improvement Program (TIP);
- Unified Planning Work Program (UPWP);
- Congestion Management Process (CMP);
- Public Participation Plan (PPP);
- Other plans such as safety and freight.

Data collection is an important part of the planning process. A large part of WAMPO's work program involves collecting, analyzing, and reporting on data for the WAMPO region. This

includes information on population, housing, employment, poverty, income, wages, transportation, traffic, and growth. Member agencies and other groups use this data for activities such as planning.

Title VI requirements, as well as the EJ executive order pertain to many areas of planning and programming. For clarity purposes, the planning and programming has been separated into two areas: Title VI & EJ considerations and Environmental Justice (EJ) analysis.

### **Title VI & EJ Considerations: Communications and Public Involvement**

The goal of WAMPO's Public Participation Plan (PPP) is to inform the public and engage citizens in the transportation planning process. WAMPO believes that citizens should be an integral part of the planning process, not simply learn about plans after the fact. Hence, WAMPO strives to provide ample opportunities for the public to voice their ideas regarding transportation issues.

Specific elements of WAMPO's PPP, which include but are not limited to, public meetings, website, and publications, will not be elaborated on within this document (see PPP for details). However, it is important to note the key principles behind WAMPO's PPP:

- Equal access is an essential part of the public involvement process;
- WAMPO facilitates access to information and provides timely notice to the public about the planning process.

#### *Strategies for Engaging Title VI & EJ Protected Groups*

WAMPO realizes there are large segments of the population that rarely, if ever, provide input. In an effort to hear a truly representative voice of the public, WAMPO will take the approach of "going to the public" when needed, as determined by staff. In other words, WAMPO will be proactive in seeking out opportunities to involve the public in easily accessible public locations. Additionally, WAMPO will continue to inform and receive comments from people who are already interested and involved. As part of this effort, WAMPO will take the following steps:

- Plan meeting locations carefully. Public meetings should be held in locations that are accessible, when possible, by public transit. Facilities should be compliant with the Americans with Disabilities Act. If a targeted population is located in a certain geographic area, then the meeting location should be in that area for their convenience.
- Seek help from community leaders and organizations. To facilitate involvement of traditionally underserved populations, community leaders and organizations that represent these groups may be consulted on how to effectively reach their members. Relationships with these groups may be maintained for future partnerships in the planning process.
- Use alternative news organizations. WAMPO will strive to target media that reaches minority and ethnic populations, in addition to mainstream media organizations, in

order to submit news releases announcing public participation opportunities or other needed information.

- Provide services for the disabled. Upon advance notice, accommodations can be provided, such as sign language, translators, and Braille documents. Notifications of public involvement opportunities will include contact information for people needing special accommodations.
- Be sensitive to diverse audiences. At public meetings, WAMPO staff should attempt to communicate as effectively as possible. Technical jargon should be avoided.

#### *Strategies for Engaging Individuals with Limited English Proficiency*

According to 2000 census data, approximately 10% of the population in the WAMPO region speaks a language other than English at home, with Spanish being the most used non-English language. WAMPO may provide surveys and plan documents in Spanish when feasible.

#### **Environmental Justice (EJ) Analysis**

The concept of Environmental Justice includes the identification and assessment of disproportionately high and adverse effects of programs, policies, or activities on minority and low-income population groups. Within the context of regional transportation planning, an EJ analysis considers the relative distribution of the costs and benefits of transportation investment among different segments of society. WAMPO conducts an EJ analysis and includes the documentation in two specific plans:

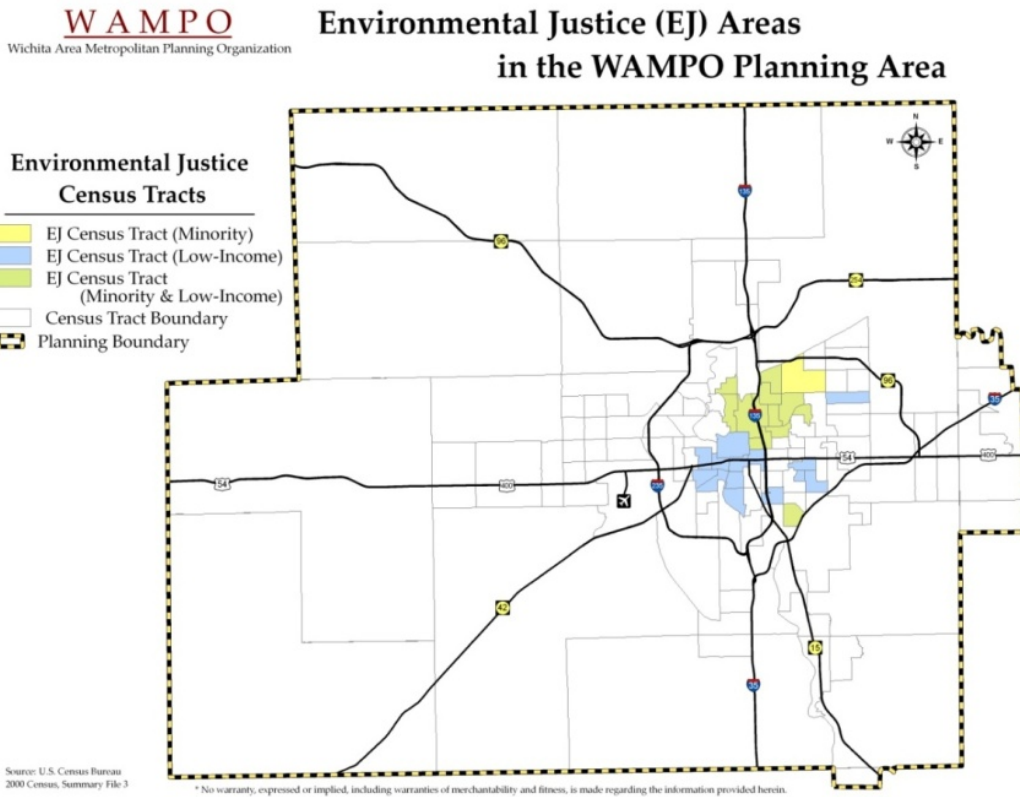
- **Metropolitan Transportation Plan (MTP):** The development of WAMPO's long range transportation plan includes an EJ analysis. WAMPO staff reviews the impacts that planned programs and projects would have on low-income and minority populations by analyzing items such as investment amounts and access to transit. This analysis will be included in the plan. The methodology for identifying EJ groups is also listed below.
- **Transportation Improvement Program (TIP):** The development of WAMPO's TIP includes an analysis of the effects of planned transportation investments on low-income and minority populations similar to that of the MTP. This analysis will be included in the plan. The methodology for identifying EJ groups is also listed below.

#### *Identification of EJ Groups*

WAMPO defines an EJ area as any census tract that has a high concentration of minority and/or low-income populations compared to the overall planning area. The information below describes the methods used to identify low-income and minority census tracts. Data from the U.S Census Bureau is used to identify concentration of minority and low-income populations.

**Minority EJ census tracts** are determined by the minority (non-white) percentage of the population in a census tract. Any tract with a minority population percentage greater than or equal to 50% of the entire census tract is considered a minority EJ area.

**Low-income census tracts** are determined by the median household income for each census tract. Based on the Department of Housing and Urban Development’s (HUD) definition of low-income in Title 24 CFR 5.603(b); low-income is defined as “a family whose annual income does not exceed 80 percent of the median income for the area.” However, staff found a natural break in distribution for the entire region’s median household income to be between \$28,824 and \$30,064. Since 70% of the median household income for the region falls between the natural break at \$29,855, a 70% of the median household income was used as the identifier. Hence, census tracts that are identified as low-income are those tracts in which the median household income is less than or equal to \$29,855.



### Title VI & EJ Responsibilities

General Title VI & EJ responsibilities related to planning and programming include, but are not limited to the following:

- Verify that all communications and public involvement efforts are in compliance;
- Develop and distribute information on Title VI & EJ and WAMPO programs to the general public and provide information in languages other than English, as needed;
- Include the Title VI notice to the public, in full or abbreviated versions, on the WAMPO website;

- Notify affected and/or protected groups about public hearings regarding proposed actions, and make the hearings accessible to all residents. This includes the use of interpreters when requested;
- Analyze and document findings regarding the impacts of planned projects on protected Title VI & EJ groups, and determine if the projects would cause disproportionately high and adverse impacts on these groups; and
- Disseminate information to the public on the processes used and findings of any analysis, in accordance with WAMPO's public participation procedures.

### **Program Area 2: Consultant Contracts**

WAMPO is responsible for the selection, negotiation, and administration of consultant contracts. WAMPO operates under its fiscal agent's contract procedures and all relevant federal and state laws. Title VI text is included in all WAMPO Request for Proposals/Qualifications and contracts.

#### *Title VI Responsibilities*

Title VI responsibilities associated with consultant contracts include the following:

- Inclusion of Title VI language in contracts and Requests for Proposals/Qualifications (RFP/RFQ).

### **Program Area 3: Education and Training**

All WAMPO employees are encouraged to participate in professional development and training regarding Title VI, EJ or other related topics that are offered by the National Highway Institute (NHI) and National Transit Institute (NTI) or other agencies.

#### *Title VI Responsibilities*

Title VI & EJ responsibilities regarding education and training will be organized by the Public Involvement Coordinator. The Title VI & EJ responsibilities include the following:

- Assist in the distribution of information to WAMPO staff on training programs regarding Title VI & EJ and related statutes;
- Track staff participation in training related to Title VI and/or EJ.

## APPENDIX A: Title VI Complaint Procedures

*The Wichita Area Metropolitan Planning Organization (WAMPO) has in place Title VI Complaint Procedures, which outlines a process to receive, review, and address Title VI complaints.*

If you believe that WAMPO's federally funded programs have discriminated against your civil rights on the basis of race, color, national origin, age, disability, religion, sex, or income, you may file a written complaint following the procedures outlined below.

### TITLE VI COMPLAINT PROCEDURE

1. **Submission of Complaint:** Any person who feels that he or she, individually or as a member of any class of persons, on the basis of race, color, national origin, age, sex disability, religion, or low-income status has been excluded from or denied the benefits of, or subjected to discrimination caused by the MPO may file a written complaint with WAMPO's Transportation Planning Manager. A sample complaint form may be downloaded from WAMPO's website or is available in hard copy. Such complaints must be filed within 60 calendar days after the date the discrimination occurred. *Note: Assistance in the preparation of any necessary written material will be provided to a person or persons as requested.* Complaints should be mailed to:

#### **Wichita Area Metropolitan Planning Organization**

Transportation Planning Manager

455 N. Main, 10<sup>th</sup> floor

Wichita, KS 67202-1688

2. **Referral to Review Officer:** Upon receipt of the complaint, WAMPO's Transportation Planning Manager shall appoint one or more staff review officers, as appropriate, to evaluate and investigate the complaint, in consultation with an a legal representative. The Complainant may speak or meet with the staff review officer(s) to further explain his or her complaint. The staff review officer(s) shall complete their review no later than 45 calendar days after the date the MPO received the complaint. If more time is required, WAMPO's Transportation Planning Manager shall notify the Complainant of the estimated timeframe for completing the review. Upon completion of the review, the staff review officer(s) shall make a recommendation regarding the merit of the complaint and whether remedial actions are available or necessary to provide resolve. The staff review officer(s) may/may not recommend improvements to the MPO's processes relative to Title VI. The staff review officer(s) shall forward their recommendations to WAMPO's Transportation Planning Manager. WAMPO's Transportation Planning Manager shall issue the MPO's written response to the Complainant.
  - If necessary, the Technical Advisory Committee (TAC) and/or the Transportation Policy Body (TPB) will be notified of the complaint.

- Upon receipt of a complaint, WAMPO shall forward a copy of this complaint and the resulting written response to the KDOT Office of Civil Rights.
3. **Request for Reconsideration:** If the Complainant disagrees with the WAMPO Transportation Planning Manager's response, he or she may request reconsideration. Reconsideration requests must be sent in writing to the WAMPO Transportation Planning Manager within 10 calendar days after receipt of the WAMPO Transportation Planning Manager's response. The request for reconsideration shall be sufficiently detailed to contain any items the complainant feels were not fully understood by WAMPO's Transportation Planning Manager. WAMPO's Transportation Planning Manager will notify the Complainant of his or her decision either to accept or reject the request for reconsideration within 10 calendar days. In cases where WAMPO's Transportation Planning Manager agrees to reconsider, the matter shall be returned to the staff review officer(s) to re-evaluate in accordance with paragraph 2 above.
  4. **Appeal:** If the request for reconsideration is denied, the Complainant may appeal the WAMPO Transportation Planning Manager's response by submitting a written appeal to the Transportation Policy Body (TPB) no later than 10 calendar days after receipt of the WAMPO Transportation Planning Manager's written decision to reject reconsideration.
  5. If the Complainant is dissatisfied with the MPO's resolution of the complaint, he or she may also submit a written complaint within 180 days after the alleged date of discrimination to the Kansas Department of Transportation (KDOT) for investigation at the address below.

KDOT Office of Civil Rights  
Eisenhower State Office Building  
700 Southwest Harrison  
3<sup>rd</sup> Floor West  
Topeka, KS 66603

**APPENDIX B: Title VI and Related Discrimination Complaint Against the Wichita Area  
Metropolitan Planning Organization (WAMPO)**

Name:	Telephone (home):	Telephone (work):
Address:	City, State, Zip;	
Race: (Check appropriate box below)		
<input type="checkbox"/> Black / African American <input type="checkbox"/> Hispanic / Latin <input type="checkbox"/> Other _____ <input type="checkbox"/> White / Caucasian <input type="checkbox"/> Asian		
Name of MPO Person, Organization, or Agency that you believe discriminated against you:		
Address:	City, State, Zip;	
Date of Alleged Incident:		
You were discriminated against on the basis of: (Check appropriate box below)		
<input type="checkbox"/> Race <input type="checkbox"/> National Origin (language) <input type="checkbox"/> Color <input type="checkbox"/> Income <input type="checkbox"/> Disability <input type="checkbox"/> Other _____		
Explain as briefly and clearly as possible what happened and how you believe you were discriminated against. Indicate who was involved. Be sure to describe how other persons were treated differently than you. Attach any support material.		

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If you have an attorney representing you concerning the matters raised in this complaint please provide the following:

Name of Attorney:	Address of Attorney:	Telephone of Attorney:

Please list below any persons (witnesses, fellow employees, supervisors, or others), if known, whom we may contact for additional information to regarding your complaint:

Name:	Address:	Telephone:

<b>Signature:</b>	<b>Date:</b>