

**BELMONT-OHIO-MARSHALL  
TRANSPORTATION STUDY**

***TITLE VI PLAN***

***FOR***

***TRANSPORTATION PLANNING  
AND PROGRAMMING***

**September, 2018**

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## INTRODUCTION

The Title VI section of the Civil Rights Act of 1964 establishes that “No person in the United States shall, on the ground of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Subsequent federal acts have prohibited discrimination based on disability, age or sex. An Executive Order (13166) improves access to services for Persons with Limited English Proficiency while ensuring that burden of this requirement is proportional to the resources of the federal fund recipient. Another Executive Order (12898) ensures environmental justice by requiring that the effects of transportation projects and programs on minorities and persons below poverty level be considered.

Belmont Ohio Marshall Transportation Study (BOMTS) receives funds from the United States Department of Transportation (USDOT), West Virginia Department of Transportation (WVDOT) and the Ohio Department of Transportation (ODOT). As a recipient of federal funds, a Title VI plan is required for the metropolitan area. The bi-state metropolitan area includes Belmont County in Ohio and Ohio and Marshall Counties in West Virginia.

The purpose of this plan is to ensure that the transportation planning processes, programs and policies of the metropolitan planning organization (MPO) do not discriminate against any of the protected class and comply with all federal and state statutes and regulations.

## **POLICY STATEMENT**

The Belmont-Ohio-Marshall Transportation Study (BOMTS) does not discriminate on the basis of race, color, national origin, age, sex, religion or disability in any of its programs or activities.

All plans, programs and services of the BOMTS and contracted providers shall be operated in accordance with the nondiscriminatory provisions of Title VI of the Civil Rights Act of 1964, as amended; and other federal acts including the Civil Rights Restoration Act of 1987; Americans with Disabilities Act of 1990; Equal Pay Act of 1963; and Age Discrimination in Employment Act of 1967.

BOMTS administers programs of the U.S. DOT, and abides by U.S. DOT 23 CFR 200; 49 CFR 21, 26 and 27; Environmental Justice Executive Order 12898 and Limited English Proficiency Executive Order 13166.

BOMTS provides equal opportunity for participation in its programs and activities. An approved Public Participation Plan is followed to engage public and special groups in the transportation planning programs and activities.

The executive director of the Belomar Regional Council oversees the functions of the BOMTS and shall implement the Title VI Plan, policy and complaint procedures for the BOMTS area that includes Belmont County in Ohio and Ohio and Marshall Counties in West Virginia.

## **DELEGATED AUTHORITY**

The Executive Director of the Belomar Regional Council and/or his designee shall be responsible for monitoring the implementation of the Title VI plan and policy.

## CONTACTS FOR TITLE VI

Scott Hicks  
Executive Director  
Belomar Regional Council  
105 Bridge Street Plaza  
Wheeling, WV 26003  
Phone: 304-242-1800  
Fax: 304-242-2437  
Email: [hicks@belomar.org](mailto:hicks@belomar.org)  
Website: [www.belomar.org](http://www.belomar.org)

West Virginia Department of Transportation  
Equal Employment Opportunity  
1900 Kanawha Boulevard, East  
Charleston, WV 25304  
Phone: 304-558-3931  
Fax: 304-558-4236  
Email: [dot.eeo@wv.gov](mailto:dot.eeo@wv.gov)  
Website: [www.transportation.wv.gov/eeo](http://www.transportation.wv.gov/eeo)

WV Human Rights Commission  
1321 Plaza East, Room 108  
Charleston, WV 25301-1400  
Phone: 304-558-2616  
Toll Free: 1-888-676-5546  
Fax: 304-558-0085  
Website: <https://hrc.wv.gov>

Ohio Department of Transportation  
Office of Equal Opportunity Administrator  
1980 West Broad Street  
Columbus, OH 43223  
Phone: 614-728-9245  
Toll Free: 1-877-845-5058  
Website: [www.dot.state.oh.us](http://www.dot.state.oh.us)

Ohio Civil Rights Commission  
Central Office/Columbus Regional Office  
30 East Broad Street, Fifth Floor  
Columbus, OH 43215  
Phone: 614-466-2785  
Toll Free: 1-888-278-7101  
Fax: 614-466-8776  
Website: <http://crc.ohio.gov>

West Virginia Equal Employment  
Opportunity Office  
50 Dee Drive  
Charleston, WV 25311  
Phone: 304-558-0400 or 0864  
Fax: 304-558-3861  
Website: <https://eeo.wv.gov>

Wheeling Human Rights Commission  
51 – 16<sup>th</sup> Street  
Wheeling, WV 26003  
Phone: 304-234-3609  
Fax: 304-234-3899  
Email: [hrc@wheelingwv.gov](mailto:hrc@wheelingwv.gov)  
Website: <https://www.wheelingwv.gov/human-rights-commission>

## TITLE VI COMPLAINT PROCESS

Belomar has instituted a complaint procedure that includes a Complaint Form and a Complaint Log. Both documents are included in Appendix A. The complaint process has the following steps:

1. Title VI says “that no person in the United States shall, on the grounds of race, color or national origin, be denied the benefits of or be subject to discrimination under any program or activity receiving Federal financial assistance.” Written complaints recorded on the attached “Complaint Form” are to be date stamped by the person who received the complaint and entered into the attached “Complaint Log.” Documented receipts are to be provided to complainants who hand deliver complaints. The Complaint Form is also posted on the website. Person(s) filing a claim online must use the “complaint form”. Online complaints will be acknowledged online and logged in the log form.
2. Complaints must be filed with the agency within one hundred eighty (180) days of the date of the alleged discriminatory act or treatment occurred.
3. When complaints are received by the Belomar Executive Director, the complainant shall be referred to the Ohio Department of Transportation or the West Virginia Department of Transportation, based on the origin of the complaint, within three (3) business days of the date of receipt. The Ohio Department of Transportation or the West Virginia Department of Transportation shall conduct its inquiry and issue its Final Report within one hundred eighty (180) days of the date of filing the complaint.
4. Any party dissatisfied with the Final Report will be advised of the right to file a complaint with the applicable state and/or federal agency.
5. No person who has filed a complaint, testified, assisted or participated in any manner in an investigation shall be intimidated, threatened, coerced or retaliated against.

To date, no Title VI Complaint has been received by Belomar.

## CONTRACT COMPLIANCE

BOMTS contracts have primarily been with contractors on the ODOT or WV DOT’s approved contractor list. These are pre-qualified contractors and are required to include non-discrimination clauses in the contract. Belomar also follows Section 5G of the West Virginia Code for other contracts. Since WV DOT provides most funds to the BOMTS, Section 5G process will also be used by BOMTS for other contracts. All contractors will be required to include non-discrimination clauses in their contracts.

## TITLE VI AND THE TRANSPORTATION PLANNING PROCESS

The metropolitan planning area's 2010 Census population is 147,950. Of this, 18% are 65 years of age or older. The minority population is less than 5%. Based on the data from the 2012 – 2016 American Community Survey (ACS), approximately 15% of persons are below poverty level and almost 16% have a disability. Approximately 10% of the households have no automobile available. Less than 1% (0.38%) speak English less than very well. The demographics of the area play a key role in transportation planning. Based on the minority population and persons below poverty level, environmental justice target areas are identified after each decennial census.

The planning process is all inclusive and transparent. The general public and all stakeholders are provided opportunities for participation at key decision points in the process. A Public Participation Plan (PPP) includes specific actions for public outreach and participation. This plan is reviewed periodically and updated as needed. The PPP is available on the website at [www.belomar.org](http://www.belomar.org). Key procedures from this plan are included in Appendix B. The PPP is reviewed and updated periodically.

Belomar's office is located on a fixed transit route and is an ADA compliant accessible office. A website and Facebook page are maintained and opportunity exists to provide comments online 24/7. Public notices and press releases are issued as needed to seek input. For key documents, open houses are held.

A Long Range Transportation Plan (LRTP) and the Transportation Improvement Program (TIP) are the primary documents prepared by the MPO. In the preparation of these documents, BOMTS describes the analyses and outreach efforts undertaken for providing equal opportunity for participation starting from the initiation to adoption of each document. The Long Range Plan is updated every five years and an air quality conformity determination of the plan is done every four years. The TIP is updated biennially and includes all federally funded and regionally significant highway, transit and other transportation projects.

An annual work program prepared by the BOMTS certifies that its transportation planning process is in conformance with regulations and is being conducted in accordance with all applicable requirements. Applicable requirements include the requirements of Title VI of the Civil Rights Act of 1964, as amended. A copy of the recent certification is included in Appendix A.

An extensive Title VI Assessment Tool used by the Ohio Department of Transportation is also used to ascertain compliance with Title VI requirements. Title VI literature and complaint procedures are also posted in the office and on the website.

**APPENDIX A**

**COMPLAINT FORM AND LOG**



## BOMTS TITLE VI COMPLAINT FORM

1. Name	2. Phone	3. Home Address (street #, city, state, zip)
4. If applicable, name of person(s) who allegedly discriminated against you		
5. Location and position of person(s) if known		6. Date of alleged incident
7. Discrimination because of  <div style="display: flex; justify-content: space-around;"><span><input type="checkbox"/> Race / color</span><span><input type="checkbox"/> Creed / religion</span><span><input type="checkbox"/> Age</span></div> <div style="display: flex; justify-content: space-around;"><span><input type="checkbox"/> National origin</span><span><input type="checkbox"/> Disability</span><span><input type="checkbox"/> Retaliation</span></div>		
8. Explain as briefly and clearly as possible what happened and how you believe you were discriminated against. Indicate who was involved. Be sure to include how you feel other persons were treated differently than you. Also, attach any written material pertaining to your case.		

## BOMTS TITLE VI COMPLAINT FORM

9. Why do you believe these events occurred?

10. What other information do you think is relevant to the investigation?

11. How can this/these issue(s) be resolved to your satisfaction?

12. Please list below any person(s) we may contact for additional information to support or clarify your complaint (witnesses, fellow employees, supervisors, others):

Name	Job Title	Address	Phone Number
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Signature

Date

## BOMTS TITLE VI COMPLAINT LOG

	NAME	DATE	RECEIVED BY
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			

If hand delivered, document with a receipt and give copy to complainant.

## METROPOLITAN TRANSPORTATION PLANNING PROCESS CERTIFICATION

In accordance with 23 CFR 450.334, the West Virginia Department of Transportation and, the Ohio and West Virginia Departments of Transportation and the Belmont – Ohio – Marshall Transportation Study, the Metropolitan Planning Organization for the Wheeling, WV – OH urbanized area, hereby certify that the transportation planning process is addressing the major issues in the metropolitan planning area and is being conducted in accordance with all applicable requirements of:

- I. 23 U.S.C. 134, 49 U.S.C. 5303, and this subpart;
- II. In nonattainment and maintenance areas, sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 CFR part 93;
- III. Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d-1) and 49 CFR part 21;
- IV. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
- V. Section 1101(b) of the SAFETEA-LU (Pub. L. 109-59) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
- VI. 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
- VII. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 *et seq.*) and 49 CFR parts 27, 37, and 38;
- VIII. The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
- IX. Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and
- X. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

Belmont – Ohio – Marshall Transportation  
Study (BOMTS)

Scott Hines  
Signature

EXECUTIVE DIRECTOR  
Title

5/4/16  
Date

West Virginia Department of Transportation

Robert Heavrington  
Signature

Deputy State Highway Engineer  
Title

5/4/16  
Date

Ohio Department of Transportation

David V. MacLellan  
Signature

District II Deputy Director  
Title

5/04/16  
Date

**APPENDIX B**  
**PUBLIC PARTICIPATION PROCEDURES**

## APPENDIX B

### PUBLIC PARTICIPATION PROCEDURES

A listing of the involvement process for the Transportation Plan is as follows:

1. Belomar will publish a public notice in the local newspapers seeking early public involvement in developing the plan. The public notice will seek public input for at least a fourteen (14) day comment period. The notice will be posted on the agency website and linked to the agency Facebook page.
2. An email will be sent to all stakeholders, including special groups, with known email addresses providing them opportunity for input and/or participation in the plan development process.
3. A comment input form will be available on the website. Upon the completion of a draft plan, a public notice will be published in the local newspapers announcing the scheduling of at least one (1) public meeting on the document.

The public notice will initially appear in the newspapers at least fourteen (14) days before the scheduled date of any public meeting. A second copy of the public notice will be republished at least five (5) days before the meeting. The draft plan will be available on the website, in local libraries and in Belomar's office. The draft document availability announcement and an online link to the plan will be sent to all stakeholders and special groups with known email addresses.

4. Public meetings will be held at an accessible location. Upon request, reasonable accommodations will be provided for people with disabilities. Reasonable accommodation will also be provided, upon request, to non-English speaking individuals. At least one meeting will be held at a location accessible by public transit.
5. Visual graphics and maps will be utilized for the public meetings.
6. The comment period will be a minimum of fourteen (14) days prior to the meeting at which the Policy Committee action is anticipated on the draft document. Comments will be received online, onsite, via mail, on social media, email, and in person.
7. A copy of the draft plan will be available at the office of the Belomar Regional Council at 105 Bridge Street Plaza, Wheeling, West Virginia and will be placed in local libraries. Belomar will also provide reasonable access for public review of the technical and policy information used in developing the plan. Paper copies of the draft plan will be made available upon request. A charge for reproduction may be applied. In addition, the plan will be available on the agency website and will be accessible via Facebook.
8. The draft plan will be provided to members of the Resource Advisory Group (RAG) and the air quality agencies in a time frame consistent with the fourteen (14) day comment period.
9. Written comments on the draft plan should be directed to Transportation Director, Belomar Regional Council, P.O. Box 2086, Wheeling, WV 26003. A written response will be provided in a timely fashion, generally within ten (10) working days, to substantive comments.

10. Comments generated on the draft plan will be evaluated and the results of this evaluation will be reflected in the final plan. More specifically, significant written comments received will be summarized in a separate section of the document, which will describe Belomar's response to the received comments.
11. If it becomes apparent that the final plan will differ significantly from the draft plan initially made available for public comment and raises new material issues which interested parties could not have reasonably foreseen, Belomar will again make the document available for public comment subject to the requirements as those followed in seeking public involvement on the draft plan.

## TRANSPORTATION PLAN REVISION

1. Regarding revision(s) to the Transportation Plan, once it is formally adopted by the BOMTS Policy Committee, press releases will be issued in advance of any proposed revision. Such releases will describe the proposed revision and indicate the duration of the comment period, which will be a minimum of fourteen (14) days from the date of issue. Belomar will also provide reasonable access for public review of the technical and policy information used in developing the revision.
2. The press release will be posted on the agency website. Notice regarding the Transportation Plan revision will also be provided to the RAG and to the air quality agencies in accordance with the Memorandum of Understanding (MOU).
3. Written comments on the plan revision should be directed to Transportation Director, Belomar Regional Council, P.O. Box 2086, Wheeling, WV 26003. A written response will be provided in a timely fashion, generally within ten (10) business days, to substantive comments.
4. Comments generated on the plan revision will be evaluated and the results of this evaluation will be reflected in the plan. More specifically, significant written comments received will be summarized in a separate section of the document, which will describe Belomar's response to these comments.
5. If it becomes apparent that the plan revision will differ significantly from the plan revision initially made available for public comment and raises new material issues which interested parties could not have reasonably foreseen, Belomar will again make the document available for public comment, subject to the same requirements as those followed in seeking initial public involvement on the plan revision.
6. Belomar will make the approved plan available for information purposes on the website and onsite.
7. The final plan, along with all revisions, will remain available for review on the agency website throughout its effective time frame.
8. A response to comments received on the approved plan will be provided within a reasonable time generally ten (10) business days.

The public involvement process for the development of the Transportation Improvement Program (TIP) and subsequent revision(s) is:

1. Belomar will publish an early involvement notice in the local newspapers during the month of January. This time frame is subject to change in order to maintain consistency with the development schedules

established by the State of Ohio and the State of West Virginia. The public notice will seek public input for at least a fourteen (14) day comment period. The notice will be available on the website and on the Facebook page. An input form for comments will also be available on the website.

2. Public notices regarding the availability of the draft TIP will initially be published in local newspapers at least one (1) week before the scheduled beginning of the public comment period. The comment period itself will be for a minimum of fourteen (14) days prior to the meeting at which Policy Committee action is anticipated on the document. These notices will be published in consistency with the development schedules established by the State of Ohio and the State of West Virginia. A second copy of the public notice will be published during the comment period. The notices will be posted on the agency website, however the date of posting will have no effect on the timeframe noted above.
3. A copy of the draft TIP will be available for review at the office of the Belomar Regional Council at 105 Bridge Street Plaza, Wheeling, West Virginia and on the agency website and Facebook page. The local draft TIP will additionally be incorporated into the Statewide Transportation Improvement Programs (STIPs) for the States of Ohio and West Virginia and made available for review and comment in accordance with the procedures of the respective states. As much as possible, the comment period for the TIP will be coordinated with the comment period for the STIP. Belomar will also provide reasonable access for public review of the technical and policy information used in developing the document. Paper copies of the draft TIP will be made available upon request. A charge for reproduction may be applied.
4. The draft TIP will be posted on the agency website during the 14 day comment period described above. The public notices will note the posting and identify the web address.
5. The draft TIP will be sent to the members of the Resource Advisory Group and the air quality agencies for review and comment, consistent with the time frame for the public comment period.
6. Written comments on the draft TIP will be directed to Transportation Director, Belomar Regional Council, P.O. Box 2086, Wheeling, WV 26003. Comments will also be received on the website <http://www.belomar.org> and by email at [belomar@belomar.org](mailto:belomar@belomar.org). A written response will be provided in a timely fashion, generally within ten (10) working days, to all substantive comments.
7. Comments generated on the draft TIP will be evaluated and the results of this evaluation will be reflected in the final TIP. More specifically, significant written comments received will be summarized in a separate section of the document, which will describe Belomar's response(s) to these comments.
8. If it becomes apparent that the final TIP will differ significantly from the draft TIP initially made available for public comment and raises new material issues which interested parties could not have reasonably foreseen, Belomar will again make the document available for public comment subject to the same requirements as those followed in seeking public involvement on the draft TIP. These public involvement requirements however, are subject to consistency with the development schedules established by the State of Ohio and the State of West Virginia.
9. Regarding amendments to the final TIP, once it is formally adopted by the BOMTS Policy Committee, press releases will be issued to the major newspapers in the area in advance of any proposed revision. Such releases will describe the proposed amendments and indicate the duration of the comment period. Belomar will also provide reasonable access for public review of the technical and policy information used in developing the revision. Administrative modification and revisions to ODOTs



statewide line item projects and WVDOT's groupable projects will be done according to the procedures established by each state.

10. The press release will be posted on the agency website and Facebook page. Notice regarding the TIP revision will also be provided to the RAG and to the air quality agencies in accordance with the MOU.
11. Written comments on the TIP revision will be directed to Transportation Director, Belomar Regional Council, P.O. Box 2086, Wheeling, WV 26003. Comments will also be received on the agency website and by email. A written response will be provided in a timely fashion, generally within ten (10) working days, to all comments.
12. Comments generated on the TIP revision will be evaluated and the results of this evaluation will be reflected in the TIP. More specifically, significant written comments received will be summarized in a separate section of the document, which will describe Belomar's response to these comments.
13. If it becomes apparent that the TIP revision will differ significantly from the TIP revision initially made available for public comment and raises new material issues which interested parties could not have reasonably foreseen, Belomar will again make the document available for public comment subject to the same requirements as those followed in seeking initial public involvement on the TIP revision. These public involvement requirements however, are subject to consistency with the schedules established by the State of Ohio and the State of West Virginia.
14. Belomar will make the approved TIP available for information purposes on the agency website and Facebook page.
15. The final TIP, along with all revisions, will remain available for review on the agency website throughout its effective time frame.

## **ENVIRONMENTAL JUSTICE AND OTHER TARGET POPULATIONS**

Belomar developed a process which resulted in the identification of targeted areas regarding environmental justice. Target areas are selected based on minority population and persons below poverty level. Target areas are used to access disproportionate adverse effects of transportation projects, plans and programs. Additional transportation analyses include persons 65 years or older, households with zero automobile, persons with disabilities and non-English speaking. These population groups are generally considered to be underserved by existing transportation systems and are associated with the mobility impairment and mode choice.

For the identified target areas, hard copies of the draft Transportation Plan and/or the Executive Summary will be made available at the most convenient public locations such as city buildings and public libraries. Public notices and/or press releases will identify the available sites. Select members of the EJ and other target groups with known email addresses, will be provided opportunities to comment and encouraged to spread the word of available opportunities, including serving as or nominating a community liaison. Outreach efforts will also include community liaisons.

As part of the coordinated public transit-human services transportation plan update, Belomar will facilitate and encourage the involvement of a broad range of stakeholders, including people with disabilities.

## **OPPORTUNITIES FOR PEOPLE WITH DISABILITIES**

In compliance with the American Disability Act (ADA) all MPO facilities are wheelchair accessible. All public meetings are held at accessible locations. Upon request, reasonable accommodations are provided. People with disabilities, with known email addresses, receive notices and material for comments and review.

## **OPPORTUNITIES FOR NON-ENGLISH SPEAKING POPULATION**

As per the American Community Survey (ACS) of 2011 – 2015, there are 520 persons in the region who “speak English less than very well”. This is less than 1% (0.38%) of the total population. Of the non-English speaking group, the majority are Spanish speaking followed closely by other Indo-European languages. To date, no individual has requested language service at any public meeting or otherwise. The participation of non-English speaking persons is important, however, due to the limited resources of small MPOs, full time language assistance and translation, services are not provided. A list of translation providers is kept for use on an as needed basis.

## **ADVOCACY AND SPECIAL PURPOSE GROUPS**

Information regarding opportunities to participate and provide input will be sent to all known and relevant advocacy and special groups. This will be communicated by email. Select meetings will be attended to stay connected and stay in tune with issues and preferred solutions. Occasionally surveys will be conducted to seek input.

## **PUBLIC MEETINGS**

Transportation related meetings will continue to be open to the public and held at accessible locations. Meeting notices will continue to be provided to local newspapers, radio stations and television stations, and will be posted to the agency website. The format of the meetings will be interactive.