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# **OZARKS TRANSPORTATION ORGANIZATION**

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## **TITLE VI POLICY AND COMPLAINT PROCEDURE**

Title VI, 42 U.S.C. § 2000d et seq., was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. As President John F. Kennedy said in 1963:

Simple justice requires that public funds, to which all taxpayers of all races [colors, and national origins] contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial [color or national origin] discrimination.

Two Executive Orders and related statutes define populations that are protected under Title VI. Executive Order 12898 is concerned with environmental justice for minority and low-income populations. Executive Order 13166 is concerned with providing equal access to services and benefits for individuals with limited English proficiency.

The Ozarks Transportation Organization has in place a Title VI Complaint Procedure, which outlines a process for local disposition of Title VI complaints and is consistent with guidelines found in Chapter VII of the Federal Transit Administration Circular 4702.1A, dated May 13, 2007. If you believe that the MPO has discriminated your civil rights on the basis of race, color, national origin, age, disability, religion, sex or English proficiency you may file a written complaint by following the procedure outlined below under Title VI Plan/Complaint procedure:

### **TITLE VI OTO RESPONSIBILITIES**

According to Federal Law the Ozarks Transportation Organization shall be responsible for the following:

- Analyze regional data to identify minority and low-income population concentrations as well with individuals with limited English proficiency within the region. Commitment of staff and financial resources for this technical work can be demonstrated in the Work Program. The MPO staff can explain how the technical resources (models, Geographic Information Systems (GIS), data bases and analysis, etc.) are used for Title VI-related planning and analysis. The MPO might be asked to discuss this and how the technical information generated is used in planning.
- Where necessary, provide member agencies with regional data that assists them to identify minority and low-income populations in their subregion or service area. The team might discuss the extent to which this information is useful and used by participating agencies.
- Establish appropriate standards, measures, and benchmarks, and analyze the transportation process, TIP, and other MPO actions, plans, and investments to ensure they are consistent with, and do not violate, Title VI of the Civil Rights Act

## OZARKS TRANSPORTATION ORGANIZATION

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and the Executive Order on Environmental Justice. Effort in these areas might be demonstrated in the UPWP, as well as within the TIP, and in discussions of how this analysis is used in the planning process.

- Ensure that members of low income and minority communities, including Indian tribal governments, are provided with full opportunities to engage in the regional transportation planning process. This includes acting to eliminate language, mobility, temporal, and other obstacles to allow them to fully participate in the process. The MPO is concerned with providing equal access to services and benefits for individuals with limited English proficiency. The MPO should be able to provide documentation such as public meeting agendas and minutes, and a discussion of how successfully related staff uses information with the described groups.
- Where appropriate, monitor the activities of member agencies and other transportation agencies in the region regarding compliance with Title VI and environmental justice requirements. This can be done through on-going reviews as part of oversight of documents, including agendas, minutes, technical memoranda, federal attendance at meetings, in desk reviews, and in discussions with local participants in the site visit.
- Evaluate the regional transportation system to ensure that services are accessible to person with disabilities.

Over the past few years, the U.S. DOT has encouraged a proactive approach to the participation of protected groups and implementation of Title VI requirements. This approach is intended to ensure compliance with other related requirements, such as the National Environmental Policy Act.

Addressing requirements successfully requires several categories of actions:

- Establishing goals and measurements for substantiating compliance. These measurements should be used to verify that the multi-modal system access and mobility performance improvements in the Transportation Plan, TIP, and underlying planning process comply with Title VI and related requirements.
- The MPO must consider the needs of low-income and minority populations in the existing conditions analysis prepared as part of the transportation process. This information will provide the planning context for future transit and road projects.
- The MPO must have a public involvement process that proactively seeks out and addresses the needs of those traditionally underserved by existing transportation systems, including but not limited to low-income and minority households.
- The MPO has a role in public involvement, but must also work with the MODOT, City Utilities, and Missouri State University to carry out the metropolitan planning process, including public involvement.
- The products of the transportation process—Long Range Transportation Plan, TIP, and the UPWP must demonstrate consistency with Title VI and related requirements and principles.

# OZARKS TRANSPORTATION ORGANIZATION

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## TITLE VI COMPLAINT PROCEDURE

1. **Submission of Complaint:** Any person or group 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, low-income status, or English proficiency has been unfairly deprived of benefit, or unduly burdened by the transportation planning process, or denied the benefits of, or subjected to discrimination caused by the MPO may file a written complaint with the MPO Executive Director. A [sample complaint form](#) may be downloaded from our website. You are not required to use this form; a letter with the same information is sufficient. However, the information requested in the items marked with a star (\*) must be provided, whether or not the form is used. Such complaints must be filed within 60 calendar days after the date the person or group believes the discrimination or encumbrance occurred. Note: Upon request, assistance, in preparation of any necessary written material, will be provided to a person(s) who is unable to read or write. Complaints should be mailed or sent to:

**Ozarks Transportation Organization**  
**Title VI Administrator**  
**205 Park Central East, Suite 205**  
**Springfield, MO 65806**  
**Phone #: 417-865-3042**  
**Fax #: 417-862-6013**  
[staff@ozarkstransportation.org](mailto:staff@ozarkstransportation.org)

2. **Referral to Review Officer:** Upon receipt of the Complaint, the MPO Executive Director, shall appoint one or more staff review officers, as appropriate, to evaluate and investigate the Complaint. The Complainant shall 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 MPO received the Complaint. If more time is required, the MPO Executive Director shall notify the Complainant of the estimated time frame 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 to provide redress. Additionally, the staff review officer(s) may recommend improvements to MPO's processes relative to Title VI, as appropriate. The staff review officer(s) shall forward their recommendations to the MPO Executive Director, for concurrence. If the MPO Executive Director concurs, he or she shall issue the MPO's written response to the Complainant.
3. **Request for Reconsideration:** If the Complainant disagrees with the MPO Executive Director's response, he or she may request reconsideration by submitting the request, in writing, to the MPO Executive Director within 10 calendar days after

## OZARKS TRANSPORTATION ORGANIZATION

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receipt of the MPO Executive Director's response. The request for reconsideration shall be sufficiently detailed to contain any items the Complainant feels were not fully understood by the MPO Executive Director. The MPO Executive Director will notify the Complainant of his decision either to accept or reject the request for reconsideration within 10 calendar days. In cases where the MPO Executive Director 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 MPO Executive Director's response by submitting a written appeal to MPO Board no later than 10 calendar days after receipt of the MPO Executive Director's written decision rejecting the reconsideration. The MPO Board will review all the information and documents that have been submitted and determine whether they agree or disagree with the Executive Director's decision. The Complainant will be notified no later than 45 calendar days from the date of appeal to the Board of the Board's decision.
  
5. **Submission of Complaint to the State of Missouri Department of Transportation:** If the Complainant is dissatisfied with 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 State of Missouri Department of Transportation for investigation:

**MODOT**  
**3025 E. Kearney Street**  
**P.O. BOX 868**  
**Springfield, MO 65801**  
**Phone: 1-888-ASK-MODOT/ 417-895-7600**  
**Fax: 417-895-7711**