

# **SOUTHWESTERN PENNSYLVANIA COMMISSION**

## **CIVIL RIGHTS/ANTI-DISCRIMINATION PROGRAM**

**Americans with Disabilities Act/Limited English  
Proficiency/Environmental Justice Plan**



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# Southwestern Pennsylvania Commission—Civil Rights/Anti-Discrimination Program ADA/LEP/EJ Plan

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## Civil Rights/Anti-Discrimination Program for the Southwestern Pennsylvania Commission: ADA/EJ/LEP/PPP Plans

### Background

Title VI of the Civil Rights Act of 1964 states, "*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.*" Please refer to SPC's *Title VI Plan* for SPC's policy, complaint procedures, and complaint form specifically for information on Title VI-specific discrimination, i.e., race, color or national origin.

Subsequent laws and Presidential Executive Orders added disability, sex, age, or income status to the criteria for which discrimination is prohibited. The Southwestern Pennsylvania Commission (SPC) Civil Rights/Anti-Discrimination Program was developed to ensure that SPC is in compliance with nondiscrimination requirements as outlined in 49 CFR 26 (FTA) and 23 CFR 200 (FHWA) and related laws and provides specific information on how to file a nondiscrimination complaint.

This plan provides an overview of the Americans with Disabilities Act (ADA), Environmental Justice (EJ) and Limited English Proficiency (LEP) concepts, definitions and associated nondiscrimination acts, and how these are incorporated into the metropolitan transportation planning and programming process. Environmental Justice guidelines and outreach strategies for minority, low-income and LEP populations are included within the SPC Public Participation Plan.

### ACKNOWLEDGEMENTS

This report was prepared by SPC in cooperation with the U.S. Department of Transportation (U.S.DOT), the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA) and the Pennsylvania Department of Transportation (PennDOT).

### Purpose

The Southwestern Pennsylvania Commission (SPC), as a recipient; sub-recipient; and, pass-through entity of federal financial assistance to certified sub-recipients is required to comply with all federal Civil Rights and Anti-Discrimination laws, as well as Executive Order 12898 on Environmental Justice (EJ) and Executive Order 13166 on Limited English Proficiency (LEP). The purpose of this Plan is to describe the measures taken by SPC to ensure compliance with these rules and regulations associated with ADA, EJ and LEP.

### Metropolitan Planning Organization (MPO)

SPC is the metropolitan planning organization (MPO) for the ten-county region of Southwestern Pennsylvania. SPC's member governments include Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Washington and Westmoreland Counties and the City of Pittsburgh. As such, it is a federally mandated transportation policy board comprised of representatives from local, state and federal governments, transit agencies and other stakeholders, and is responsible for transportation planning and programming for the ten-county region. Any transportation project or program to be constructed or conducted within the SPC region and to be paid for with federal funds must receive approval by SPC before any federal funds can be expended. In addition, any transportation project deemed to be regionally significant, regardless of the source(s) of funding, must receive SPC approval to proceed.

## **Policy Statement and Authorities**

The Southwestern Pennsylvania Commission assures that no person shall, on the grounds of race, color, national origin, disability, sex, age or income status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 (Public Law 100.259), the Americans with Disabilities Act of 1990 and other related nondiscrimination laws and authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity.

## **INTRODUCTION**

The Americans with Disabilities Act of 1990, found in 49 CFR 27, along with Presidential and U.S. DOT executive orders that establish the basis for Environmental Justice in transportation planning provide the background for this plan. Applicable laws include: Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 F.R. 7629, 1994), U.S. DOT Order 5610.2 (1997), which “describes the process that the [Department] will use to incorporate environmental justice principles into existing programs, policies, and activities”, and Federal Highway Administration (FHWA) Order 6640.23 calling for the integration of environmental justice principles into existing operations, programs, and funding streams. Other pertinent orders include Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency (F.R. 20938, Aug. 16, 2000). Exhibit 1 contains key requirements for transportation planning and typical civil rights components of transportation planning documents.

In addition to nondiscrimination, this document provides an overview of Environmental Justice and outreach strategies for minority, low-income, and LEP populations to comply with Executive Order 12898 and Executive Order 13166, which are included in detail as a separate chapter within the SPC Public Participation Plan.

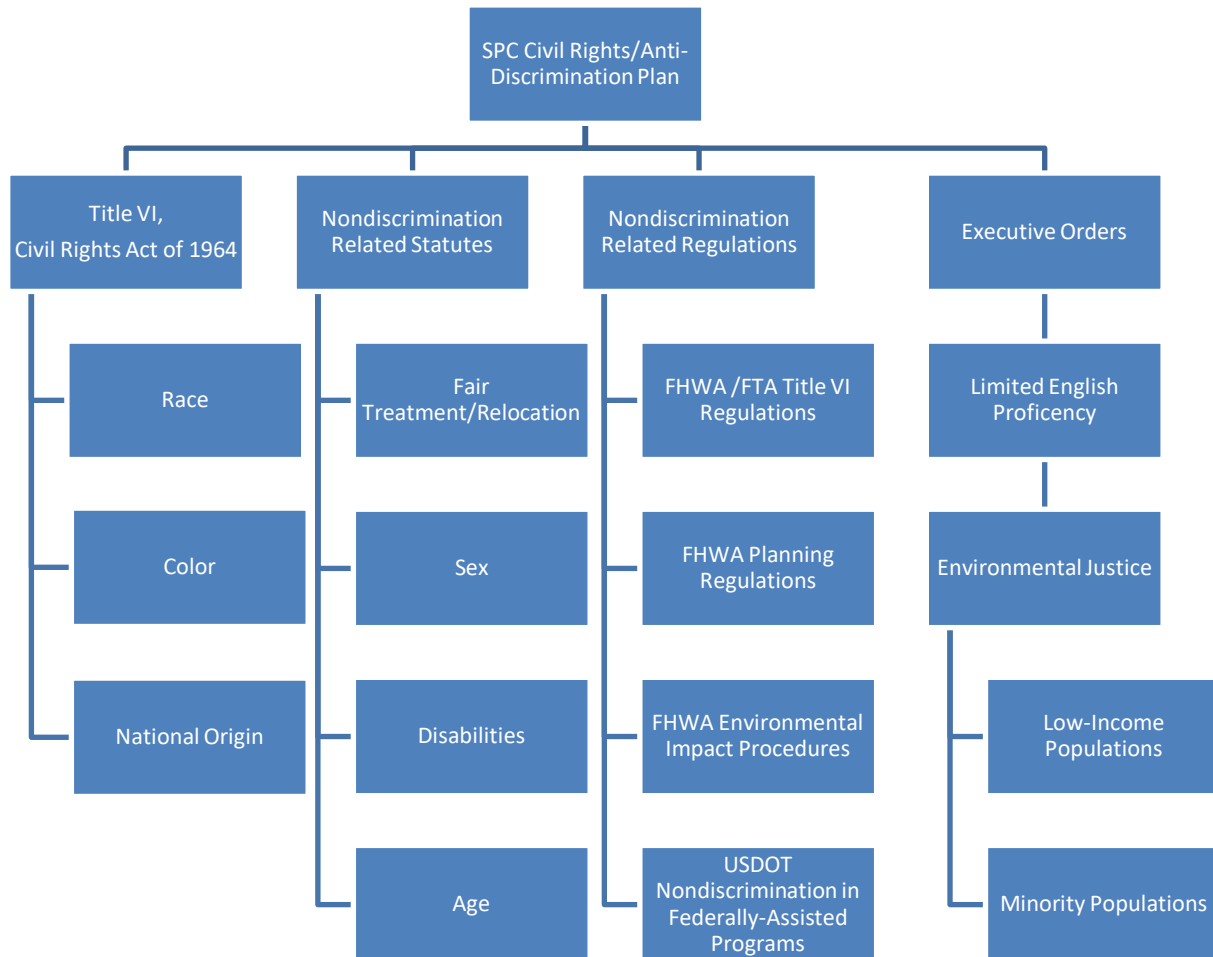
## **Civil Rights and Other Nondiscrimination Laws**

Title VI is usually referred to in the context of federal nondiscrimination laws. Title VI is, however only one of eleven titles included in the Civil Rights Act of 1964.

Title VI “*declares it to be the policy of the United States that discrimination on the ground of race, color, or national origin shall not occur in connection with programs and activities receiving federal financial assistance and authorizes and directs the appropriate federal departments and agencies to take action to carry out this policy.*” Any organization that receives Federal funds is bound to comply with Title VI.

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Exhibit 1. Nondiscrimination Authorities Addressed in the SPC Civil Rights/Anti-Discrimination Program



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Since the Civil Rights Act of 1964, other nondiscrimination laws have been enacted to expand the range and scope of civil rights coverage and applicability:

- **The National Environmental Policy Act (NEPA) of 1969** addresses both social and economic impacts of environmental justice. NEPA stresses the importance of providing for “all Americans, safe, healthful, productive and aesthetically pleasing surroundings,” and provides a requirement for taking a “systematic interdisciplinary approach” to aid in considering environmental and community factors in decision-making.
  - **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970** prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of federal and federal-aid programs and projects.
  - **The Federal Aid Highway Act of 1973** states that no person shall, on the grounds of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.
  - **Section 504 of the Rehabilitation Act of 1973** states that no qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance. This Act protects qualified individuals from discrimination based on their disability.
  - **The Age Discrimination Act of 1975** states that no person shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. This act prohibits age discrimination in Federally Assisted Programs.
  - **The Civil Rights Restoration Act of 1987, P.L.100-209** amends Title VI of the 1964 Civil Rights Act to make it clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal assistance.
  - **The American Disabilities Act (ADA) of 1990** prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities.
  - **23 CFR Part 200** – Federal Highway Administration regulations: Title VI Program and Related Statutes – Implementation and Review Procedures.
  - **49 CFR Part 21** – Nondiscrimination in Federally-Assisted Programs.
  - **23 CFR Part 450** – Federal Highway Administration planning regulations.
  - **23 CFR Part 771** – Federal Highway Administration regulations, Environmental Impact Procedures.
- In addition to the laws listed above, the following executive orders must be taken into account when ensuring compliance with federal nondiscrimination laws, directives, and mandates:

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□ **Executive Order 12898: Environmental Justice** (February 11, 1994) organized and explained the federal government's commitment to promote Environmental Justice, and directed each federal agency to review its procedures and make environmental justice part of its mission. U.S. DOT Order 5610.2 (April 15, 1997) summarized and expanded upon Executive Order 12898 requirements and describes process for incorporating Environmental Justice principles into DOT programs, policies, and activities.

Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations directs federal agencies to develop strategies to help them identify and address disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and low-income populations. The Executive Order was also intended to provide minority and low-income communities with access to public information and opportunities for public participation in matters relating to human health or the environment.

Adverse effects as described in Executive Order 12898 is the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to:

- Bodily impairment, infirmity, illness or death.
- Air, noise, and water pollution and soil contamination.
- Destruction or disruption of:
  - man-made or natural resources
  - aesthetic values
  - community cohesion or a community's economic vitality
  - the availability of public and private facilities and services
- Adverse employment effects.
- Displacement of persons, businesses, farms, or non-profit organizations.
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community.
- Denial of, reduction in, or significant delay in the receipt of benefits of MPO programs, policies, or activities.

Environmental Justice joins social and environmental movements by addressing the unequal environmental burden often borne by minority and low-income populations. The right to a safe, healthy, productive, and sustainable environment for all, where "environment" is considered in its totality to include the ecological (biological), physical (natural and built), social, political, aesthetic, and economic environments.

Environmental Justice helps to ensure that programs, policies, and activities that have adverse effects on communities do not affect minority and low-income populations disproportionately. To prevent discrimination as described in Executive Order 12898, *Federal Highway Administration Order 6640.23A, FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* dated June 14, 2012, defines minority and low-income individuals and populations as follows:

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*Minority* – a person who is:

- *Black* – a person having origins in any of the black racial groups of Africa.
- *Hispanic or Latino* – a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- *Asian American* – a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.
- *American Indian and Alaskan Native* – a person having origins in any of the original peoples of North America, South America (including Central America), and who maintains cultural identification through tribal affiliation or community recognition.
- *Native Hawaiian and Other Pacific Islander* – a person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.

*Minority Population* – any readily identifiable groups of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed program, policy or activity.

*Low-Income* – a person whose household income is at or below the United States Department of Health and Human Services poverty guidelines.

*Low-Income Population* – any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who would be similarly affected by a proposed program, policy or activity.

Environmental Justice is incorporated through all phases of the SPC transportation planning and programming process. Environmental Justice guidelines for SPC have been developed and are included within the SPC Public Participation Plan, LRP, and the SPC Benefits and Burdens Assessment for the TIP and LRP. SPC's Environmental Justice guidelines include maps identifying underserved communities, outreach strategies, benefits/burdens methodologies, and an evaluation component.

□ ***Executive Order 13166 – Limited English Proficiency*** (August 11, 2000), ensures people who have limited English proficiency have meaningful access to services. Executive Order 13166 directed federal agencies and their recipients to improve access for persons with Limited English Proficiency to federally-conducted and federally assisted programs and activities. The SPC LEP Plan can be found in Appendix 3 of this document.

On August 11, 2000, President Clinton signed *Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency*, which requires federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. The Executive Order also requires that federal agencies work to ensure that recipients of federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English can be limited English proficient, or "LEP." For an LEP individual, language can present a barrier to accessing benefits and services, understanding and exercising important

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rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. These individuals may be entitled to language assistance at no cost to them with respect to a particular type of service, benefit, or encounter.

The United States Department of Transportation guidelines require that recipients of federal financial assistance provide “meaningful access to programs and activities” by giving LEP persons adequate and understandable information and allowing them to participate in programs and activities, where appropriate. Recipients of federal funds must take reasonable steps to remove barriers for LEP individuals. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors:

1. Demography: number and/or proportion of LEP persons served and languages spoken in service area.
2. Frequency: rate of contact with service or program.
3. Importance: nature and importance of program/service/plan to people’s lives.
4. Resources: available resources, including language assistance services.

The four-factor analysis is used to determine which language assistance services are appropriate to address the identified needs of the LEP population. More information regarding the identification of LEP individuals within the community as well as outreach strategies are included within the SPC Public Participation Plan.

SPC assures that every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. In the event SPC distributes federal-aid funds to another governmental entity, SPC will include non-discrimination language in all written agreements and will monitor for compliance. SPC’s Deputy Executive Director for Finance and Operations is responsible for ensuring implementation of the organization’s Civil Rights/Anti-Discrimination Program. The Title VI Coordinator, under the supervision of the Deputy Executive Director, is responsible for coordinating the overall administration of the Civil Rights/Anti-Discrimination Program and assurances. Responsibility for oversight of civil rights compliance within the various SPC program areas falls to four Civil Rights Liaisons.

**Responsibilities of Civil Rights/Title VI Coordinator**

SPC’s Civil Rights/Title VI Coordinator is SPC’s Human Resources Director. The Civil Rights/Title VI Coordinator manages the overall administration of the Civil Rights/Anti-Discrimination Program, Plan and Assurances. The Civil Rights/Title VI Coordinator is responsible for supervising the Civil Rights Liaisons in implementing, monitoring and reporting on SPC’s compliance with civil rights regulations.

The Civil Rights/Title VI Coordinator will:

- Meet with Liaisons as needed, but at least two times per year, to discuss progress, implementation and compliance issues.
- Periodically review SPC’s Civil Rights/Anti-Discrimination Program to assess if administrative procedures are effective, staffing is appropriate, and adequate resources are available to ensure compliance.
- Review important civil rights related issues with the Deputy Executive Director, as needed.



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- Log and forward all civil rights complaints received to the appropriate federal agency.
- Assess communications and public involvement strategies to ensure adequate participation of impacted protected groups and address additional language needs, as necessary.

**Responsibilities of Civil Rights Liaisons**

One staff member from each of the SPC program areas is assigned as that area's Civil Rights Liaison. Civil Rights Liaisons, under supervision of the Title VI Coordinator, are responsible for the day-to-day administration of the Title VI program, including implementation of the program for compliance, program monitoring, reporting and education within their assigned program area. SPC has designated the following individuals to be responsible for the various units within SPC and to act as Liaisons with the Title VI Coordinator:

*Transportation Planning/Technical Services – Tom Klevan, Multimodal Planning Manager*

*Public Involvement – Caitlin O'Connor, Director of Public Relations and Communications Initiatives*

*Planning and Development – Todd Stranko, Business Finance Assistant Manager*

*Procurement – Kristin Baum, Manager, Sponsored Programs Management*

SPC ensures compliance with all applicable nondiscrimination authorities and with regard to the following:

- Communications and Public Participation
- Planning and Programming
- Environmental Justice
- Consultant Contracts
- Education and Training

In addition to the responsibilities listed in this section, SPC staff responsibilities may include reviewing civil rights guidelines and procedures for the SPC Civil Rights/Anti-Discrimination Program, and incorporating civil rights related language and provisions into SPC documents, as appropriate.

**COMMUNICATIONS AND PUBLIC PARTICIPATION**

As described in the SPC Public Participation Plan, since transportation has a direct and personal impact on the population of a region and is of critical importance to economic vitality and quality of life, SPC continually endeavors to provide residents, affected public agencies, and other interested parties with reasonable opportunities to be involved in the transportation planning process.

Communications and public participation efforts apply to and affect the SPC work program as a whole, particularly SPC efforts and responsibilities related to the Planning and Programming and Environmental Justice areas. The SPC Public Participation Plan includes specific information regarding outreach and communication strategies and detailed Environmental Justice guidelines.

Examples of methods used by SPC to reach protected populations included:

- Hosting MPO meetings in or near neighborhoods with a substantial number of residents who belong to protected populations
- Proactive translation of planning and public involvement documents
- Willingness and ability to make MPO documents available to the sight-impaired, hearing-impaired, and those who are not proficient in the English language
- Assembly of advisory committees' representative of the community
- Use of technologies for the hearing-impaired
- Use of display booths, etc. at events sponsored by community groups

### **SPC Responsibilities**

SPC staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the SPC public participation process. SPC staff members will:

- Ensure that all communications and public participation efforts comply with nondiscrimination authorities.
- Develop and distribute information on nondiscrimination and SPC programs to the general public.
- Prepare, or have prepared, translations of all vital documents and public meeting notices into three of the four identified LEP languages of Spanish, Traditional Chinese and Italian. Requests for translations of any of the fifteen languages that comprise the Indic language group will be provided as requested.
- Translations of documents into other non-English languages, Braille or other adaptive methodologies, upon request.
- Provide services for individuals with special needs – Upon advance notice, persons needing special accommodation for interpretive services for hearing or visual impairments, languages other than English, or other special needs can provide for public meetings. Notifications of opportunities for public participation will include contact information for people needing these or other special accommodations.
- Include the following statement in all of the SPC public notices:

*The Southwestern Pennsylvania Commission (SPC) is committed to compliance with nondiscrimination requirements of civil rights statutes, executive orders, regulations and policies applicable to the programs and activities it administers. Accordingly, SPC is*

*committed to ensuring that program beneficiaries receive public participation opportunities without regard to race, color, national origin, sex, age, disability or economic status. Meeting facilities are accessible to persons with disabilities and the location is reachable by public transit. SPC will provide auxiliary services for individuals with language, speech, sight or hearing needs, provided the request for assistance is made 3 days prior to the meeting. SPC will attempt to satisfy requests made with less than 3 days notice as resources allow. Please make your request for auxiliary services to Caitlin O'Connor at (412) 391-5590, Ext. 0345, or [coconnor@spcregion.org](mailto:coconnor@spcregion.org). If you believe you have been denied participation opportunities, or otherwise discriminated against in relation to the programs or activities administered by SPC, you may file a complaint using the procedures provided in our complaint process document or by contacting SPC's Title VI Coordinator by calling (412) 391-5590. For more information, or to obtain a Title VI or ADA Complaint Form, please see our website at: [www.spcregion.org](http://www.spcregion.org) or call 412-391-5590.*

- Include the Civil Rights Statement to the Public (see Appendix 2) on the SPC website.

## **PLANNING AND PROGRAMMING**

SPC is responsible for developing long and short range transportation plans and programs to provide efficient transportation services for the SPC region. A comprehensive transportation process is used which entails the monitoring and collection of various data pertaining to transportation issues. SPC coordinates with PennDOT, counties, and area transit agencies; seeks public participation; and provides technical support when needed. An outreach plan for Transportation Improvement Program (TIP) and long range plan (LRP) updates is included within the Public Participation Plan.

### **SPC Responsibilities**

SPC staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the SPC planning and programming processes. SPC staff will:

- Ensure that all aspects of the planning and programming process operation comply with nondiscrimination authorities.
- Prepare and update a demographic profile of the region using the most current and appropriate statistical information available on race, income, and other pertinent data.
- Make the document available to the public and member agencies on the SPC website or in hard copy format, if requested.
- Continue to ensure that staff makes concerted efforts to involve members of all social, economic, and ethnic groups in the planning process.

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SPC is working to integrate equity and civil rights considerations throughout all plans. SPC's LRP includes multiple goals and objectives that address the needs of low-income and minority populations and special needs groups. Exhibit 2 summarizes the major documents adopted by SPC along with their characteristics and relationship to civil rights or EJ considerations. Typical topics include:

- Provision of mobility to the transportation disadvantaged
- Enhanced transit service, which is assumed to benefit low-income populations more than others
- Improved access and mobility for transportation-disadvantaged populations
- Involvement of traditionally underserved or special needs populations, such as low-income, minority and Limited English Proficiency individuals

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**Exhibit 2: Required and Frequently Encountered Civil Rights Components in MPO Documents**

<u>Document Name</u>	<u>Required Components</u>	<u>Frequently Encountered Components</u>
Unified Planning Work Program	<ul style="list-style-type: none"> <li>- Certification of Disadvantaged Business Enterprise (DBE) and Equal Employment Opportunity (EEO)</li> <li>-Assurance of Compliance with Title VI</li> </ul>	<ul style="list-style-type: none"> <li>- Tasks and funds for low-income and minority population outreach and involvement</li> <li>- Tasks related to LEP Populations</li> <li>-Tasks and funds for necessary data collection on low-income and minority populations</li> </ul>
Long Range Transportation Plan	<ul style="list-style-type: none"> <li>- Identify and provide information to “interested parties” about the Long Range Transportation Plan</li> <li>-Assurance of Compliance with Title VI</li> </ul>	<ul style="list-style-type: none"> <li>- Collection of data regarding low-income and minority populations and cultural resources</li> <li>- Analysis of locations of low-income and minority Populations</li> <li>- Goals and objectives on serving low-income and minority Populations</li> <li>-Project selection criteria for the cost-benefit plan that Incorporate projected impacts and benefits of infrastructure On low-income and minority populations</li> <li>-Selection of cost-feasible projects that minimize impacts on Low-income and minority populations and cultural resources</li> <li>-Discussion of mitigation efforts</li> <li>-Execution and documentation of public involvement efforts that target low-income and minority populations</li> <li>-Preparation of a Coordinated Public Transit-Human Services Transportation Plan</li> </ul>
Transportation Improvement Program	<ul style="list-style-type: none"> <li>- Identify and provide “interested parties” information about the TIP and its projects</li> <li>-Assurance of Compliance with Title VI</li> </ul>	<ul style="list-style-type: none"> <li>-Project selection criteria that incorporate projected impacts and benefits of infrastructure on low-income and minority populations</li> <li>-Public Involvement efforts that target low-income and minority populations</li> </ul>
Public Participation Plan	<ul style="list-style-type: none"> <li>-Compliance with previously adopted Non-Discrimination Statement</li> </ul>	<ul style="list-style-type: none"> <li>-Description of Limited English Proficiency program</li> <li>-Identification of methods to involve low-income and minority populations</li> </ul>

## **ENVIRONMENTAL JUSTICE**

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, Environmental Justice considers the relative distribution of costs and benefits from transportation investment strategies and policies among different segments of society.

### **SPC Responsibilities**

SPC staff is responsible for evaluating and monitoring compliance with applicable nondiscrimination authorities in all aspects of the SPC efforts to address Environmental Justice. SPC staff will:

- Ensure that all aspects of efforts to address Environmental Justice comply with nondiscrimination authorities.
- Conduct an Environmental Justice analysis during the development of the TIP and LRP.
- Prepare and update a demographic profile of the region using the most current and appropriate statistical information available on race, income, and other pertinent data and maintain a GIS database with the capability to analyze socioeconomic demographics, define target populations, and locate them spatially.
- Develop a process for assessing the distributional effects of transportation investments on accessibility of low-income and minority populations to jobs and services and on the availability of transportation alternatives in each region. Document the results for use in planning decision-making.
- Maintain and enhance public involvement efforts that are oriented toward achieving a better understanding of the needs and concerns of low-income and minority populations. SPC's Public Participation Plan includes Environmental Justice guidelines and outreach strategies for minority, low-income and LEP populations during the development and implementation of SPC plans and programs.
- Disseminate information to the public on the processes used and findings of Environmental Justice analyses.

## **CONSULTANT CONTRACTS**

SPC is responsible for selection, negotiation, and administration of its consultant contracts. SPC operates under its internal contract procedures and complies with all relevant federal and state laws.

### **SPC Responsibilities**

SPC staff is responsible for evaluating and monitoring consultant contracts for compliance with nondiscrimination authorities. SPC staff will:

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- Ensure inclusion of nondiscrimination language in contracts and Requests for Proposals (RFPs).
- Review consultants for compliance as described below:
  - Ensure that all consultants verify their compliance with nondiscrimination authorities, procedures and requirements.
  - If a recipient or sub-recipient is found to be not in compliance with nondiscrimination authorities, the Title VI Coordinator and relevant staff will work with the recipient or sub-recipient to resolve the deficiency status and write a remedial action if necessary.
- Review outreach activities to ensure small, disadvantaged or minority, women and disabled veteran-owned businesses are not excluded to participate in opportunities to compete for consulting contracts.

**EDUCATION AND TRAINING**

In an effort to continuously improve SPC’s nondiscrimination program, training will be coordinated with FHWA and PennDOT, and made available to SPC staff on an ongoing basis to ensure up-to-date knowledge of Title VI and other nondiscrimination statutes.

**SPC Responsibilities**

Under the category of education and training, nondiscrimination responsibilities include:

- Distribution of information to SPC staff on training programs regarding civil rights related statutes.
- Staff participation in nondiscrimination training.
- Maintain and update nondiscrimination training as necessary.
- Maintain and update the SPC Civil Rights/Anti-Discrimination Program as necessary.
- Participate in training relative to civil rights through PennDOT Central Office, and periodically apprise staff and consultants of any recent developments in civil rights as it relates to transportation planning.

**Discrimination/ADA Complaint Procedures**

Subsequent to Title VI, additional laws and Presidential Executive Orders added disability, sex, age, income status and limited English proficiency to the criteria for which discrimination is prohibited, in programs and activities receiving federal financial assistance. As a recipient of federal assistance, the SPC has adopted a Discrimination/ADA Complaint Procedure as part of its Civil Rights/Anti-Discrimination Program to comply with Title II of the Americans with Disabilities Act of 1990 (ADA)/Section 504 of the Rehabilitation Act of 1973 (Section 504), and associated statutes.

1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title II of the Americans with Disabilities Act of 1990 (ADA)/Section 504 of the Rehabilitation Act of 1973 (Section 504), or any nondiscrimination authority, may file a complaint with SPC. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the SPC Title VI Coordinator for review and action.
2. In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 180 days after:
  - a. The date of the alleged act of discrimination; or
  - b. Where there has been a continuing course of conduct, the date on which that conduct was discontinued. In this case, the recipient or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.
3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints should set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Civil Rights/Title VI Coordinator. If necessary, the Civil Rights/Title VI Coordinator will assist the person in putting the complaint in writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.
4. Within 10 days, the SPC Title VI Coordinator will acknowledge receipt of the allegation in writing; inform the complainant of action taken or proposed action to process the allegation; advise the respondent of their rights under related statutes; and, advise the complainant of their right to appeal a decision through SPC's Executive Committee.
5. In accordance with SPC's grantee relationship with the Pennsylvania Department of Transportation (PennDOT) SPC is required to inform PennDOT of all Civil Rights related complaints within 10 days of receipt. The letter will be sent to the PennDOT Central Office, Civil Rights Division, with a copy to the FHWA Pennsylvania Division Office and will generally include the following information:
  - a. Name, address, and phone number of the complainant.
  - b. Name(s) and address(es) of alleged discriminating official(s).
  - c. Basis of complaint (i.e., race, color, national origin, sex, age, disability, income status, limited English proficiency).
  - d. Date of alleged discriminatory act(s).
  - e. Date of complaint received by the recipient.





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<b>ADA Complaint Form – Southwestern Pennsylvania Commission</b>				
<b>Section I</b>				
Name:				
Address:				
Telephone:				
Email Address:				
Accessible Format Requirements?	<input type="checkbox"/> Large Print	<input type="checkbox"/> TDD	<input type="checkbox"/> Audio Tape	<input type="checkbox"/> Other
<b>Section II</b>				
Are you filing this complaint on your own behalf?			<input type="checkbox"/> Yes*	<input type="checkbox"/> No
*If you answered “Yes” to this question, go to Section III.				
If not, please supply the name and relationship of the person for whom you are complaining below				
Name:			Relationship:	
Please explain why you have filed for a third party:				
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party:			<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Section III</b>				
I believe the discrimination I experienced was based on a disability:			<input type="checkbox"/> Yes	<input type="checkbox"/> No
Date of Alleged Discrimination (Month, Day, Year):				
Please explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. (Attach additional sheets to this form if you need more space.)				

**Southwestern Pennsylvania Commission—Civil Rights/Anti-Discrimination Program**  
 ADA/LEP/EJ Plan

<b>Section IV</b>					
Have you previously filed an ADA complaint with this agency?		__Yes	__No		
<b>Section V</b>					
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?		__Yes	__No		
If yes, check all that apply:					
__Federal Agency	__Federal Court	__State Agency	__State Court	__Local Agency	
Please provide information about a contact person at the agency/court where the complaint was filed:					
Name:					
Title:					
Agency:					
Address:					
Telephone:					
<b>Section VI</b>					
Name of agency complaint is against:					
Contact Person:					
Title:					
Telephone:					
Please attach any written material or other information that you think is relevant to your complaint.					

Signature and date required below:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Please submit this form in person or mail to:

Southwestern Pennsylvania Commission  
 Attn: Civil Rights/Title VI Coordinator  
 42 21<sup>st</sup> Street, Suite 101  
 Pittsburgh, Pennsylvania 15222-4422

Or submit by fax or email to:

Fax: 412-391-9160  
 Email: [TitleVI-Coordinator@spcregion.org](mailto:TitleVI-Coordinator@spcregion.org)

**Appeal Process**

If the Complainant does not agree with the decision by the Respondent and cannot come to an informal agreement, the Complainant can appeal the decision by submitting a letter of appeal with original complaint documentation to:

Southwestern Pennsylvania Commission  
ATTN: Executive Committee, Chairwoman Leslie Osche  
42 21<sup>st</sup> Street, Suite 101  
Pittsburgh, Pennsylvania 15222-4422

The SPC's Executive Committee, consisting of 17 members, will investigate and issue an independent decision on the complaint. The decision on appeal will be issued within 60 days after receipt of the appeal. This letter will contain complete information on how and where file an appeal of the SPC Executive committee's finding.

## **Appendix 1**

### **SPC Civil Rights Notice to the Public**

In order to comply with 49 CFR Section 21.9(d), SPC shall provide information to the public regarding their civil rights obligations and apprise members of the public of the protections against discrimination afforded to them by civil rights regulations. The paragraph below will be inserted into all significant publications that are distributed to the public, such as the TIP and LRP. The text will be placed permanently on the SPC website (<http://www.spcregion.org>).

*“The Southwestern Pennsylvania Commission (SPC) hereby gives public notice that it is the policy of the Commission to assure full compliance with the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which SPC receives federal financial assistance. Any person who believes they have been aggrieved by an unlawful discriminatory practice by SPC under Title VI has a right to file a formal complaint with the Commission. Any such complaint must be in writing and filed with SPC’s Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. For more information, or to obtain a Title VI Discrimination Complaint Form, please see our website at: [www.spcregion.org](http://www.spcregion.org) or call 412-391-5590.”*

The following statement will be included in all notices of public comment periods and public meetings:

*“The Southwestern Pennsylvania Commission (SPC) is committed to compliance with nondiscrimination requirements of civil rights statutes, executive orders, regulations and policies applicable to the programs and activities it administers. Accordingly, SPC is committed to ensuring that program beneficiaries receive public participation opportunities without regard to race, color, national origin, sex, age, disability or economic status. Meeting facilities are accessible to persons with disabilities and the location is reachable by public transit. SPC will provide auxiliary services for individuals with language, speech, sight or hearing needs, provided the request for assistance is made 3 days prior to the meeting. SPC will attempt to satisfy requests made with less than 3 days notice as resources allow. Please make your request for auxiliary services to Caitlin O’Connor at (412) 391-5590, Ext. 0345334, or [coconnor@spcregion.org](mailto:coconnor@spcregion.org). If you believe you have been denied participation opportunities, or otherwise discriminated against in relation to the programs or activities administered by SPC, you may file a complaint using the procedures provided in our complaint process document or by contacting SPC’s Title VI Coordinator by calling (412) 391-5590. For more information, or to obtain a Title VI Discrimination Complaint Form, please see our website at: [www.spcregion.org](http://www.spcregion.org) or call 412-391-5590.”*

## **Appendix 2**

### **SPC Policy for Meeting ADA Requirements**

Title II of the Americans with Disabilities Act (ADA) of 1990, P.L. 101-336 provides *“no qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district or other instrumentality of the state or local government.”*

All of SPC’s public meetings are held in ADA accessible facilities. Sign language interpreters or other auxiliary aid requests can be accommodated if requested in advance. Upon request, planning materials can be provided in alternative formats.

Please see ADA Complaint Procedures (pages 16-21) for information on how to file a complaint related to Title II of the Americans with Disabilities Act of 1990 (ADA)/Section 504 of the Rehabilitation Act of 1973 (Section 504).

Additional information on how SPC considers ADA in its public participation practices, please see the SPC Public Participation Plan.

**Appendix 3**

**Limited English Proficiency (LEP) Plan [Attached]**