
INTRODUCTION

A CONTEXT FOR POLICY DEVELOPMENT

The Ohio-Kentucky-Indiana Regional Council of Governments (OKI) is the regional planning and intergovernmental coordination agency for the Greater Cincinnati metropolitan area. OKI's planning area includes nearly 200 units of local governments in a Tri-state area comprised of Butler, Clermont, Hamilton, and Warren counties in Ohio; Boone, Campbell, and Kenton counties in Kentucky; and Dearborn County in Indiana. As the designated Metropolitan Planning Organization (MPO) for the Ohio, Kentucky and Indiana counties in its region, OKI is responsible for the development of a long-range plan and a short-range programming document for transportation, as well as other planning initiatives. Civic engagement concerns apply to the broad spectrum of transportation investments and impacts considered in metropolitan planning, as well as individual projects recommended by OKI. Notices of public participation activities and time established for public review of and comments on the TIP shall also satisfy the Program of Projects (POP) requirements for the Butler County Regional Transit Authority, Clermont Transportation Connection, City of Middletown Transit System, Southwest Ohio Regional Transit Authority, Transit Authority of Northern Kentucky and Warren County Transit System for all projects funded through the Federal Transit Administration.

In developing this Participation Plan, OKI is replacing its former OKI Policy for Environmental Justice (EJ) (April 7, 2003) and OKI Policy for Public Involvement (November 12, 1998). This new plan addresses OKI's efforts to not only involve the public in transportation decision-making and the provisions for assessing the equity of transportation investments, but also provides a plan for inter-agency coordination and consultation with local governments. The plan is focused on OKI's transportation program, but it may also be applied to other programs at OKI or used by other agencies. The OKI Board of Directors adopted this Participation Plan on June 14, 2007 with Resolution OKI 2007-21.

As a public agency that receives federal funds and makes recommendations on federal expenditures, OKI is bound by participation requirements for ensuring that federal funds are used fairly and without discrimination. And, per Title 49 U.S.C. Chapter 53, ensures that the requirements of its transportation planning processes are met for flexible funded projects, including project selection requirements.

The basis for EJ is Title VI of the Civil Rights Act of 1964, which states:

No person in the United States shall, on the grounds 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.

Participation, civic engagement has become a prominent issue for public agencies as the result of a series of federal orders that serve to amplify Title VI. These include:

- FAST Act (Fixing America's Surface Transportation) effective December 4, 2015
- Moving Ahead for Progress in the 21st Century Act (MAP-21) effective October 2012
- SAFETEA-LU Act (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users)
- Federal Highway Administration Order in 1998
- U.S. Department of Transportation Order in 1997
- President Clinton issued Executive Order 12898 in 1994, which directed every federal agency to make EJ part of its mission by identifying and addressing the effects of all programs, policies and activities on minority and low income populations.
- The U.S. Department of Transportation issued Departmental Order 5610.2(a) (Actions to Address Environmental Justice in Minority Populations and Low-Income Populations). This Order updates the Department's original Environmental Justice Order 12898. The Order continues to be a key component of the Department's strategy to promote the principles of EJ in all departmental programs, policies, and activities.
- Section 504 of the Rehabilitation Act of 1973
- For agencies like OKI, the Orders issued by federal departments clarified the need to involve the potentially affected public in transportation decision-making processes and assess the equity of transportation investments. The targets of the Participation Plan are the entire public, but provide for additional consideration of EJ populations of minority and low income populations. OKI has chosen to expand its efforts to also address elderly persons, people with disabilities, and zero-car households.
- President George W. Bush issued Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency", 2000 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.

This Plan contains the following four distinct but related elements:

Element 1: Presents a policy and process for involvement including focused special efforts to involve EJ target populations

Element 2: Describes a process for defining the population groups and areas in the OKI region to be targeted for EJ processes

Element 3: Describes a process for assessing the equity of transportation investments on EJ target populations

Element 4: Lists the initiatives that OKI will undertake to support the implementation of this plan.
