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ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS

ADA-504 COMPLIANCE PLAN

2022
acog

ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS

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Other key contacts:

Oklahoma Department of Transportation
Civil Rights Division
200 Northeast 21st Street
Oklahoma City, OK 73105
(405) 521-3186
<https://www.odot.org/civil-rights/information.htm>

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Departmental Office of Civil Rights
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The contents of this report reflect the views of the Association of Central Oklahoma Governments (ACOG), the Metropolitan Planning Organization for the Central Oklahoma Transportation Management Area (TMA). ACOG is responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect official views or policy of the U.S. Department of Transportation. This report does not constitute a standard, specification, or regulation.

Non-Discrimination Policy

It is the policy of the Association of Central Oklahoma Governments (ACOG), under Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Age Discrimination Act of 1975; Section 324 of the Federal-aid Highway Act of 1973; Civil Rights Restoration Act of 1987; Americans with Disabilities Act of 1990; and other related authorities and regulations, that no person in the United States shall, on the basis of race, color, national origin, disability, sex, age, genetic information, religion, or familial status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any federally or non-federally funded program or activity administered by ACOG or its subrecipients.

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INTRODUCTION

METROPOLITAN PLANNING ORGANIZATION

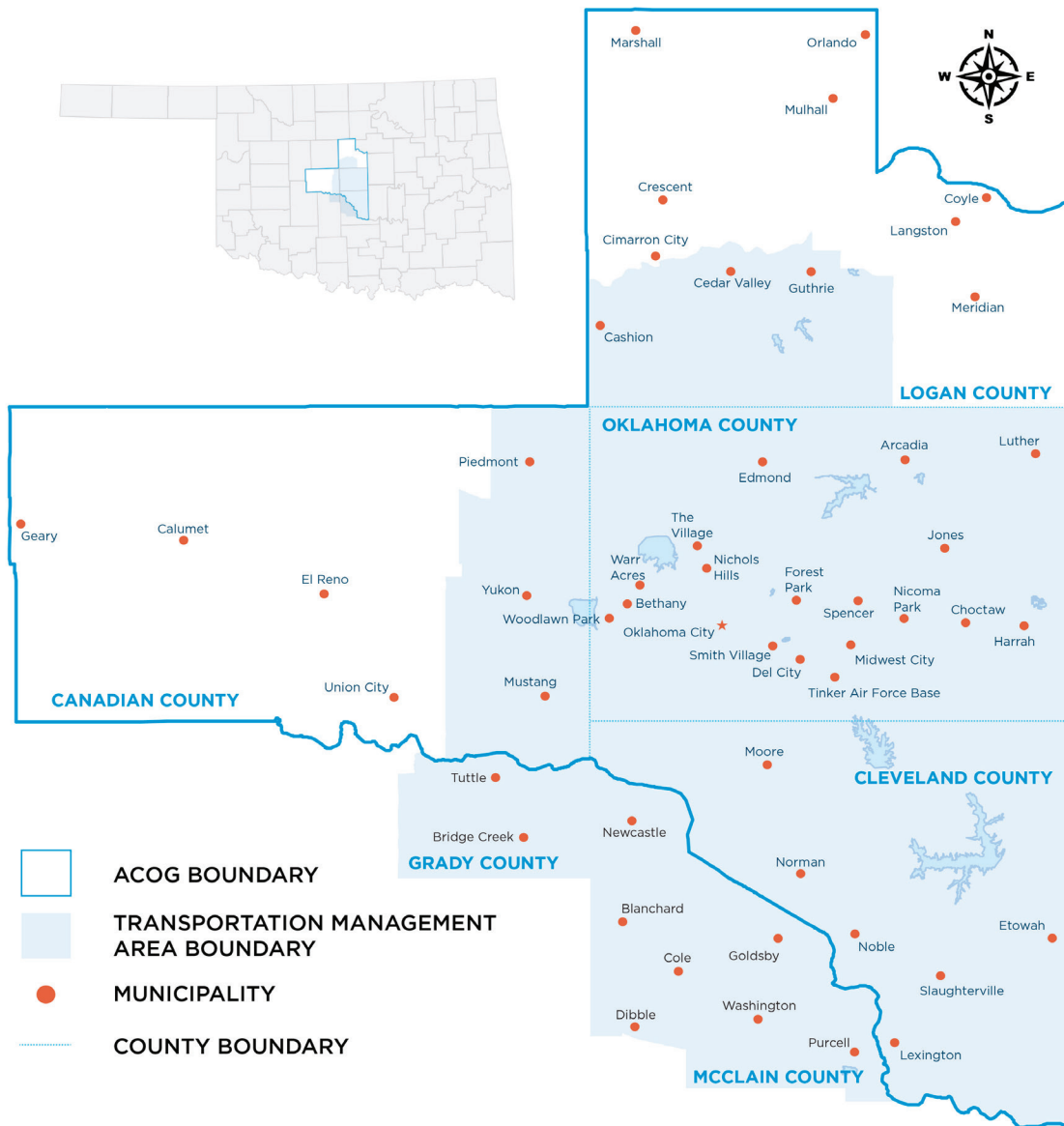
The Association of Central Oklahoma Governments (ACOG) serves as the Metropolitan Planning Organization (MPO) for the Central Oklahoma region. This is in compliance with the provisions of the Federal Highway and Federal Transit Acts of 1962, as amended by the Fixing America's Surface Transportation (FAST) Act, signed into law December 4, 2015. ACOG is a voluntary association of city, town, and county governments within the Central Oklahoma region. ACOG was established in 1966 to aid local governments in planning for common needs, cooperating for mutual benefit, and coordinating for sound regional development. Key functions of the MPO include:

- Establish a setting for effective regional decision-making
- Identify and evaluate alternative transportation improvement options
- Prepare and maintain the Metropolitan Transportation Plan (MTP)
- Prepare and maintain the Transportation Improvement Program (TIP)
- Implement Performance-based Planning and Programming (PBPP) initiatives in the MTP and TIP
- Involve the public

ACOG is responsible for transportation planning throughout the Central Oklahoma Transportation Management Area (TMA), which encompasses all of Oklahoma County and Cleveland County and portions of Logan County, McClain County, Grady County, and Canadian County. See Figure 1 for a map of the ACOG TMA.

ACOG supports and manages a variety of missions aimed at improving the lives of Central Oklahomans by serving as the MPO for the region. In this capacity, ACOG's primary role is to lead comprehensive, coordinated, and continuous transportation planning. As such, ACOG works with Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Oklahoma Department of Transportation (ODOT), area transit providers, local governments, the public and other stakeholders to prepare the MTP and TIP. The MPO planning process and planning products are prerequisites for Central Oklahoma to receive federal transportation funding. The subsequent sections highlight a few of the major activities ACOG is involved with.

Figure 1: ACOG Transportation Management Area



METROPOLITAN TRANSPORTATION PLAN

The Metropolitan Transportation Plan (MTP) is developed every five years by ACOG and includes priorities for the next 30 years. The MTP is a fiscally constrained plan that outlines future investment in highway and transit improvements to support regional growth and ACOG goals. The plan includes recommendations for streets and highways, airport access, transit, freight movement, and bicycle and pedestrian ways. Encompass 2045, the current MTP for the ACOG TMA, was adopted by the MPO in November 2021. As of December 20, 2017, the ACOG TMA is an air quality attainment area, and therefore the MTP for Central Oklahoma is updated every five years. Encompass 2045 includes over \$10 billion in multimodal transportation investment projects, including preservation of the existing system.

TRANSPORTATION IMPROVEMENT PROGRAM

The [Transportation Improvement Program \(TIP\)](#) is a cooperatively developed four-year program outlining multimodal transportation improvements and services to be implemented within the TMA. The improvements and services implemented work towards achieving the goals of the MTP. Selected projects must receive ACOG committee approvals before they are forwarded onto ODOT and then to FHWA for approval. The TIP is also responsible for implementing and monitoring Performance-based Planning and Programming initiatives.

UNIFIED PLANNING WORK PROGRAM

The [Unified Planning Work Program \(UPWP\)](#) is a description of the proposed multimodal transportation planning activities to be conducted in the ACOG region during the fiscal year. The UPWP is prepared annually and serves as a basis for requesting federal planning funds from the U.S. Department of Transportation, as well as a management tool for scheduling, budgeting, and monitoring the planning activities of the participating entities. The UPWP presents the scope and direction of all transportation planning activities in the region and specifies which work program tasks will be accomplished during the fiscal year.

PUBLIC PARTICIPATION PLAN

The [Public Participation Plan \(PPP\)](#) is routinely updated by ACOG to document guidelines and standards when soliciting for public comments on local transportation plans and programs. The PPP includes descriptions of the public participation tools ACOG utilizes, the strategies and guidelines that are essential to public participation, and a series of performance measurements to be used to evaluate the effectiveness of the plan.

TITLE VI PLAN

The ACOG [Title VI Plan](#) establishes Title VI goals and objectives which pertain to highway and transportation programs administered by ACOG. The plan indicates what ACOG will do to prevent discrimination, how it will achieve non-discrimination, and the steps it will take to monitor Title VI of the Civil Rights Act of 1964. The plan and programs are continually monitored and updated as needed.

ENVIRONMENTAL JUSTICE PLAN

Environmental justice is defined as the fair treatment and meaningful involvement of all people regardless of race, color, ethnicity, national origin, or income with regards to the development, implementation, and enforcement of laws, regulations, and policies. FHWA requires ACOG to carry out environmental justice responsibilities as part of its non-discrimination program. The ACOG [Environmental Justice Plan](#) identifies the environmental justice populations in the TMA as the following:

- Racial minority populations, including Black or African American, Asian, American Indian or Alaskan Native, and Native Hawaiian or other Pacific Islander populations
- Hispanic/Latino ethnicity origins populations
- Limited English Proficiency (LEP) populations
- Elderly populations
- Young populations
- Populations with a disability
- Low-income populations
- Single female-headed households with children
- Zero-vehicle households

The ACOG Environmental Justice Plan is used to evaluate the MTP, TIP, UPWP, and other transportation planning activities in order to identify and address disproportionately high and adverse effects these programs may have these populations.

LIMITED ENGLISH PROFICIENCY PLAN

Limited English Proficient (LEP) individuals are those who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. Failure to provide meaningful access to or providing differing treatment towards LEP individuals is a type of national origin discrimination, which is prohibited under Title VI of the Civil Rights Act. As part of ACOG's compliance with Title VI, ACOG must ensure that LEP individuals have meaningful access to its programs and activities.

The ACOG [LEP Plan](#) identifies LEP populations in the region and sets forth guidance and strategies for providing language assistance to LEP individuals to ensure meaningful access to the transportation planning process. ACOG's LEP Plan identifies the most prevalent LEP populations in the TMA as those who speak Spanish, Chinese, and Vietnamese. Staff at ACOG are provided a guide for assisting LEP individuals, an interpreter-translator database, language identification cards, and forms for reporting encounters with LEP individuals in person, on the phone, or in writing.

REGIONAL ACTIVE TRANSPORTATION PLAN

The [Regional Active Transportation Plan \(RATP\)](#) outlines future investments in bicycle and pedestrian improvements that support regional growth and ACOG goals. This includes planning for the advancement of human-powered modes of transportation, such as walking, bicycling, or using a mobility device and provides regional goals, objectives, and performance measures. This plan is updated every five years and outlines several implementation strategies and recommendations to help the region achieve a robust active transportation network.

ADA-504 OVERVIEW

AMERICANS WITH DISABILITIES ACT OF 1990

The Americans with Disabilities Act (ADA) is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that individuals with disabilities have the same rights and opportunities as everyone else.

Title II of ADA

Title II of the ADA ensures access for individuals with disabilities to programs, services, and activities that a public agency like ACOG is responsible for. As the federally designated MPO, ACOG must adhere to Title II, which includes both physical accommodations and programmatic activities. Under Title II, ACOG is required to make reasonable accommodations in order to provide access and to communicate effectively with individuals who have disabilities. Moreover, as the MPO, ACOG is required to make reasonable modification where necessary to be as inclusive as possible.

Because many programs, services, and activities that ACOG is involved with occur within the authority of different jurisdictions, some accommodations that allow full and equal rights to accessing public facilities are out of ACOG's control. Public agencies that maintain public areas are responsible for ADA compliance in their jurisdictions. Public areas include curb ramps, sidewalks, crosswalks, parking lots, on-street parking, pedestrian traffic signals, bus stops and shelters, shared use pathways, and parks/recreational facilities. ADA contact information for ACOG member communities can be found in Appendix I.

While ACOG is not responsible for the accessibility of the above listed spaces, ACOG makes a commitment to encouraging and monitoring such spaces through inventorying and evaluating accessibility, project selection criteria, and working with transportation safety partners to improve access and mobility for individuals with disabilities.

Ongoing ways in which ACOG can meet requirements within Title II regulations include:

1. Maintaining an inventory of the planning and programming functions that the ACOG MPO carries out that can remove barriers for individuals with disabilities
2. Evaluate accessibility of buildings, venues, and locations where ACOG-sponsored activities are performed
3. Evaluate the policies and procedures for making reasonable accommodation to requests for sign language by individuals with hearing difficulty, and requests for non-visual materials and easy web browsing options such as magnifying or reading texts by individuals with vision difficulty
4. Work with local municipalities, ODOT, and transit operators to emphasize accessibility improvements to pedestrian facilities in the public right-of-way

SECTION 504 OF THE REHABILITATION ACT OF 1973

Section 504 of the Rehabilitation Act of 1973 ensures that ACOG, or any agency receiving federal financial assistance, does not discriminate on the basis of disability in programs or activities. Those receiving federal dollars must ensure that communications with their customers, employees, stakeholders, and beneficiaries are available to persons with impaired vision and hearing.

ACOG member communities that receive federal dollars for transportation projects should be aware of Section 504 and provide reasonable accommodation for employees and customers with disabilities. This should be done by incorporating accessibility improvements as part of new construction and alteration projects, and by effectively communicating with individuals who have hearing or vision disabilities.

ADA-504 COMPLIANCE PLAN

The primary purpose of this document is to provide a report and develop a plan for the ACOG MPO in accordance with two federal laws:

1. The Americans with Disabilities Act of 1990 (ADA), Title II Regulations, Non-discrimination on the basis of Disability in State and Local Government Services, 28 CFR Part 35, and
2. Section 504 of the Rehabilitation Act of 1973, as amended, Non-discrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance, 49 CFR Part 27

The ADA Title II regulations ensure non-discrimination and equal access for individuals with disabilities to all programs, services, and activities of state and local governments, including MPOs. Section 504 is established to prohibit discrimination on the basis of disability in programs or activities receiving federal financial assistance.

As the MPO, ACOG must adhere to the requirements of these federal laws. Because ACOG receives federal funds, it must provide programs and services that are accessible and barrier-free to those with disabilities, allowing full participation in MPO sponsored activities.

POLICY STATEMENTS

As a recipient of federal funding, ACOG is required to comply with Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act of 1990. The policy below is inserted into all significant publications that is distributed to the public, such as the MTP. The text is placed permanently on the agency's website and in public areas of the agency's office, including the reception desk and meeting rooms. The following is the ACOG non-discrimination policy statement which encompasses both Title VI and ADA protections:

It is the policy of the Association of Central Oklahoma Governments (ACOG), under Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Age Discrimination Act of 1975; Section 324 of the Federal-aid Highway Act of 1973; Civil Rights Restoration Act of 1987; Americans with Disabilities Act of 1990; and other related authorities and regulations, that no person in the United States shall, on the basis of race, color, national origin, disability, sex, age, genetic information, religion, or familial status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any federally or non-federally funded program or activity administered by ACOG or its subrecipients.

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the Associations of Central Oklahoma Governments will not discriminate against qualified individuals with disabilities with respect to services, programs, or activities.

As such, the ACOG non-discrimination policy statement reflects commitment to non-discrimination in three key areas:

- **Employment:** ACOG does not discriminate on the basis of disability in hiring or employment practices.
- **Communication:** ACOG will provide accommodations on policies and programs to ensure that individuals with disabilities have equal access to ACOG programs and services. Individuals requiring auxiliary aids such as sign language interpreters, documents in braille, recordings, and other services for effective communication of ACOG policies, programs, services, and activities.
- **Modifications:** ACOG will make reasonable modifications to programs, services, and activities to ensure that individuals with disabilities have an equal opportunity to participate.

DATA COLLECTION AND ANALYSIS

The demographics data used for this analysis and plan is American Community Survey (ACS) 2019 five-year estimates (2015-2019). This is the most current and complete data most suitable for this task at the time. Census tracts were chosen as the geography for the analyses in this plan.

The ACS is an ongoing survey conducted by the U.S. Census Bureau that gathers social and economic characteristics of the U.S. population. Regarding the ADA, the ACS survey gathers crucial disability data. The survey asks respondents about six disability types:

- Hearing difficulty: Deaf or having serious difficulty hearing
- Vision difficulty: Blind or having serious difficulty seeing, even when wearing glasses
- Cognitive difficulty: Because of a physical, mental, or emotional problem, having difficulty remembering, concentrating, or making decisions
- Ambulatory difficulty: Having serious difficulty walking or climbing stairs
- Self-Care difficulty: Having difficulty bathing or dressing
- Independent Living difficulty: Because of a physical, mental, or emotional problem, having difficulty doing errands alone such as a doctor's office visit or shopping

Table 1 provides a summary of individuals with disabilities living the ACOG Transportation Management Area (TMA). The ACOG TMA is made up of Cleveland and Oklahoma County and portions of Canadian, Grady, Logan, and McClain County. Approximately 13.5% of all individuals living in the ACOG area have at least one disability (168,480). The ADA ensures that individuals with disabilities are able to fully participate in MPO programs, services and activities, and these population numbers help ACOG better understand the current situation throughout the region.

Table 1: ACOG TMA Populations with a Disability

TMA Populations	Total Populations	Percent of Total Population
Total Population	1,250,361	
With a Disability	168,480	13.5%
With a Hearing Difficulty	50,579	4.0%
With a Vision Difficulty	34,327	2.7%
With a Cognitive Difficulty	59,547	4.8%
With a Amulatory Difficulty	86,433	6.9%
With a Self-Care Difficulty	28,876	2.3%
With an Independent Living Difficulty	53,654	4.3%

*Total population is total civilian noninstitutionalized population (people over 16 years old, not including inmates of institutions or those on active military duty).

ACOG ADA COMPLIANCE

ACCESSIBILITY OF ACOG PREMISES

ACOG must ensure that the MPO facility, located at 4205 N Lincoln Blvd, Oklahoma City, OK 73105, is accessible for individuals with disabilities, allowing for full public participation in planning and activities. The building ACOG occupies is owned by Oklahoma County and co-occupied by the Oklahoma County Election Board. Below is a detailed explanation of the accessibility of the ACOG office.

There are approximately 88 total parking spaces available at the ACOG building. Parking spaces are shared among staff, ACOG committee members, and Oklahoma County staff. Among the 88 parking spaces, four of them are accessible with parallel access aisles, which meets the minimum requirement according to the ADA. Two accessible spaces are close to the accessible door entrance, while the other two are at the opposite end of the row of parking spaces. Curb ramps are included at each entrance to facilitate accessible path of travel to-and-from the parking lot.

The main entrance to the ACOG building is wheelchair accessible with an automatic door push plate. Accessible restrooms are available to both the public and ACOG employees, however, use of these restrooms requires traversing through a set of double doors. The double doors include automatic opening controls to facilitate easy access.

Internal and external doorways are wheelchair accessible. Four restrooms nearest the front of the building require a person to turn a handle and pull to open the doors. These doors can be difficult to open and close due to resistance of the door hinge. ACOG has brought this to the County's attention.

Both single occupancy and multi-user restrooms provide enough space to maneuver and turn around in if using a wheelchair. Sink height and protruding objects appear compliant, but a more thorough evaluation is needed.

ACOG has one reception/congregating area and one break room. The reception area is located near the front entrance of the building. It is large and accessible to both visitors and employees. The break room is accessible only to authorized individuals. The room contains a refrigerator, counters, sink, tables, and chairs. Counter and sink heights may be too high off the ground to comply with ADA standards, and a more thorough ADA evaluation would need to take place to specifically identify these issues. Office and building hallways are wide and generally obstacle free and most public meetings are held in the ACOG accessible board room.

ACOG MEETING AND EVENT FACILITIES

As the region's MPO, ACOG is responsible for transportation planning and coordination within Central Oklahoma. ACOG sets itself apart from many other agencies due to its ability to shape and plan for the region's future transportation programs, projects, and activities. Much of this work is achieved through strategic investments in sidewalks, streets, bicycle facilities, Intelligent Transportation Systems (ITS), freight movement, congestion mitigation, and public transportation coordination. Prioritizing these investments involves cooperation between ACOG, state and local agencies, and the general public through outreach and engagement.

MEETING AND COMMUNICATION METHODS

As Central Oklahoma's MPO, ACOG conducts a variety of public committee meetings on a regular basis. These meetings are held at the ACOG ADA accessible office location at 4205 N Lincoln Blvd, Oklahoma City,

OK 73105. Many meetings are related to federally funded transportation projects and public planning efforts. In these meetings, the public is welcome to attend, learn about, and provide comment on projects that the MPO is working on. Meetings and agenda notices are emailed to a list of regular attendees and posted to the ACOG website in accordance with the Oklahoma Open Meeting Act. For major items, like the MTP and TIP, ACOG publishes a notice of public hearing in at least one newspaper of general circulation with the ACOG MPO area.

MPO-related public meetings are held in accordance with the ACOG Public Participation Plan (PPP). Included within the PPP are the following ADA provisions:

- All notices for planning activities include the ACOG accommodations statement
- Notices for key public comment periods for items such as plan amendments or planning documents are published in The Oklahoman newspaper, on the ACOG website, and in other public places to allow for thorough public comment
- Public meetings are to be held in accessible locations and near or on a transit route
- Documents translated into languages other than English and in-person translation services will be provided as requested and as necessary according to the ACOG LEP Plan
- Visualization techniques such as PowerPoints, graphics, maps, and illustrations are utilized to aid the public understanding of the transportation planning process

Along with these provisions, ACOG gathers public comments and disseminates information by using online surveys, as well as distributing PDF documents, plans, and reports on the ACOG website.

AUXILIARY AIDS AND TELEPHONE SERVICES

ACOG is committed to ensuring its services and activities are accessible to every resident in the region. Community members are entitled to communication aids, interpretive services, and other accommodations that help them to participate in ACOG programs and decisions.

ACOG includes the following notice on all meeting agendas: *“Please notify ACOG at 405-234-2264 (TDD/TTY Call 7-1-1 Statewide) by [a certain time and date], if you require accommodations pursuant to the Americans with Disabilities Act or Section 504 of the Rehabilitation Act.”* Regular committee meeting schedules are approved by the ACOG Board of Directors each year, sent to the Oklahoma County Clerk, shared with ACOG member communities, posted on the windows of the ACOG building, and listed on the ACOG website. Meeting agendas are posted at least 24 hours in advance of each meeting. Available accommodations for meetings may include aids such as, interpreters, notetakers, audio recordings, large print text, or other accessibility technologies and strategies.

An abbreviated accommodation statement is also included in each email meeting notice, along with the TTY 7-1-1 phone number for people who are deaf, hard-of-hearing, deaf-blind, or have difficulty with speech. The TTY number allows a person to communicate with an intermediary who will then pass their message along to ACOG.

WEBSITE

The use of the ACOG website for information sharing, education, and advocacy is a critical component of the regional transportation planning process. Heavy reliance on electronic, web-based products and documents is only growing in popularity, but it may also put those with vision difficulties at a disadvantage. The ACOG Public Information Director has taken important steps to improve website access, ease of use, and information dissemination, but other improvements are still needed.

The ACOG website has been upgraded with a Google Translate plug-in for easy web browsing for individuals with vision difficulty and those who speak other languages. Text size, legibility of text on top of colors or digital images, and text captions related to images are elements of the website that still need to be investigated and remedied.

SOCIAL MEDIA

ACOG utilizes a variety of social media platforms when conducting public outreach, including Facebook, Instagram, LinkedIn, Twitter, and YouTube. ACOG uses these platforms to better engage with the public as social media continues to traverse a broad range of populations. Social media outreach not only informs residents of important news and updates related to ACOG, but it encourages them to visit the ACOG website for information about MPO programs and details. For more information on ACOG's specific outreach strategies and use of social media, please refer to the ACOG [Public Participation Plan](#).

MTP OUTREACH AND ENGAGEMENT EFFORTS

During the development of Encompass 2045, the MTP, ACOG staff conducted a series of virtual public outreach activities, met with local stakeholders, and visited with residents at local events. Nine outreach events were held on various virtual platforms and in person.

- Stakeholder Advisory Group Meeting #1 – Tuesday, October 20, 2020, from 4:00 p.m. – 5:30 p.m.
- Stakeholder Advisory Group Meeting #2 – Wednesday, February 24, 2021, from 3:00 p.m. – 4:30 p.m.
- Stakeholder Advisory Group Meeting #3 – Wednesday, May 26, 2021, from 3:00 p.m. – 4:30 p.m.
- Stakeholder Advisory Group Meeting #4 – Wednesday, September 29, 2021, from 3:00 p.m. – 4:30 p.m.
- Facebook Live Event – Tuesday, October 19, 2021, from 7:00 p.m. – 8:00 p.m.
- Twitter and Reddit Live Event – Sunday, October 24, 2021, from 7:00 p.m. – 8:00 p.m.
- Twitter Live Event – Tuesday, November 2, 2021, from 7:00 p.m. – 8:00 p.m.
- Lunch and Learn webinar – Thursday, November 4, 2021, from 12:00 p.m. – 1:00 p.m.
- Edmond Mobility Fair – Friday, November 5, 2021, from 10:00 a.m. – 6:00 p.m.

Along with nine outreach events, staff posted regularly to ACOG social media channels.

Once the Encompass 2045 draft was complete, a public hearing was held at the ACOG office, 4205 N Lincoln Blvd, Oklahoma City, OK 73105. As a public agency, ACOG meetings are open to the public, and people with disabilities have the option of requesting accommodations ahead of each meeting. As such, the ACOG meeting facility complies with ADA standards to provide equal access opportunity for all community members. When ACOG facilitates off-site meetings or events, those locations and event spaces should also be considered for their ability to comply with ADA standards.

To better serve ACOG membership and the general public at future events, ACOG should survey a location's premises to ensure ADA compliance of publicly accessible areas of the building. Moreover, as ACOG plans for future off-site public outreach efforts, developing a list of ADA accessible meeting locations within its member communities can ensure full participation by everyone within the ACOG region.

ACOG AREA ACCESSIBILITY

PUBLIC TRANSPORTATION

The ACOG MPO coordinates with two transit providers within the region to track current public transportation operations and plan for the region's future. The two transit providers are:

- Citylink in Edmond, OK
- EMBARK in Oklahoma City and Norman, OK

These transit operators receive federal and local funds to provide service. These agencies provide fixed-route service and are required by law to provide paratransit service to qualified individuals within a designated boundary.

In addition to their transit service, all agencies closely follow ADA requirements by providing wheelchair accessibility, priority seating for individuals with disabilities, audible stop locations inside the bus, and assistance from service operators when needed.

CITYLINK

The City of Edmond operates the Citylink Access Paratransit Service, or CAPS. CAPS is a free curb-to-curb service that enables residents with disabilities to be picked up by Citylink and comfortably driven to appointments in a wheelchair accessible vehicle. The CAPS service operates Monday through Saturday. Service is available only within the Edmond city limits and within $\frac{3}{4}$ of a mile from a Citylink fixed route, excluding the 100X Expresslink. To learn more about their services or apply for eligibility, please visit <https://edmondok.com/931/CAPS-Citylink-Access-Paratransit-Service>.

EMBARK

EMBARK is the largest transit provider in the ACOG area, primarily operating in Oklahoma City and Norman, with routes to Midwest City and Spencer. EMBARK operates its programs and services in compliance with the ADA and Federal Transit Administration guidelines for the provision of services to individuals with disabilities. To learn more about their services, visit <https://embarkok.com/civilrights>.

EMBARK operates EMBARK Plus, which is a paratransit service that complements their existing transit system by providing transportation to people who are unable to utilize local fixed route bus service due to a medically documented physical or cognitive disability. To learn more about their services or apply for eligibility, please visit <https://embarkok.com/plus>.

BICYCLE AND PEDESTRIAN FACILITIES

While ACOG does not construct or maintain bicycle and pedestrian facilities, it provides funding to agencies that do. One way in which ACOG is working to better ensure that new facilities comply with ADA standards is through project selection criteria, the ACOG Complete Streets Policy, and by offering ADA training to its member cities. Local agencies are required to follow ADA compliance requirements under Title II and Section 504 if federal funds are associated with the construction contract.

PEDESTRIAN RELATED EFFORTS

While efforts to provide transportation to individuals with disabilities exist in Central Oklahoma, infrastructure to facilitate accessible movement continues to be fragmented in many areas. Items such as sidewalk curb ramps, detectable warning devices on curb ramps, ADA compliant transit boarding and alighting areas, and safe paths of travel to and from transit stops are extremely important in ensuring equitable transportation and access for everyone.

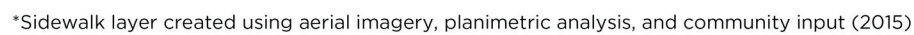
ACOG includes pedestrian improvements as part of its long-range MTP and Regional Active Transportation Plan, which are recommended and approved by member communities. While local governments throughout the ACOG region are responsible for planning, designing, and constructing pedestrian facilities, ACOG provides expertise, grant opportunities, and federal funding to help implement such efforts.

Funding to build, retrofit, and maintain these facilities is often a challenge for local agencies. ACOG has historically encouraged local jurisdictions to consider accessible pedestrian facilities when altering the public right-of-way. ACOG staff have worked with member communities to update project selection criteria and have implemented a Complete Streets Policy, which establishes new requirements that projects must meet to receive funding. This emphasizes accessibility and safe facilities for alternative modes of transportation, setting a higher standard in accessible ADA design and consideration in Central Oklahoma.

Many cities within the region are recognizing the need for improved accessibility and implementing more appropriate facilities. Edmond, Nichols Hills, and Norman have completed ADA transition plans or self-evaluations. The City of Oklahoma City has adopted the BikeWalkOKC Plan and the City of Edmond is working on a comprehensive mobility plan, both of which prioritize funding for accessible public infrastructure and increasing transportation options for all community members. Finally, the cities of Moore and Bethany have completed comprehensive plan updates in which accessible pedestrian facilities are introduced as high priorities.

The communities mentioned above, along with several others throughout Central Oklahoma, are recognizing the need for accessibility and taking steps to improve, but there is a need for continual support. ODOT, ACOG, and other partners can and should continue to emphasize the importance of ADA standards in all public facilities through trainings and educational efforts. Helping decision makers recognize problematic or unsafe areas is key in raising awareness and implementing change.

ACOG currently manages an inventory of area sidewalks. This data is collected through aerial photography and mapped using GIS. This data is updated on a five-year cycle. The map of area sidewalks can be viewed on Figure 2.



INTELLIGENT TRANSPORTATION SYSTEMS (ITS)

ITS typically integrates computer and communication technologies for proactively managing traffic operations. ITS improves traffic operations and reduces congestion by minimizing delays and increasing safety for all modes. Among many other technologies, some of the most important ITS treatments are those that assist people with visual impairments, such as audible walk signals known as Accessible Pedestrian Signals (APS). ITS can also improve safety for both motorists and pedestrians through signal phase timing and leading pedestrian intervals. Lengthening a crosswalk signal allows both able bodied and those with ambulatory impairments the ability to safely traverse a signalized intersection.

While the ADA does not require APS retrofitting at all intersections, ACOG encourages its member communities to do so when modifying these areas. Including APS and other ITS technologies that benefit those with disabilities is beneficial for all. Some cities in the ACOG region have begun using APS technology such as, audible cross walk beacons with number countdowns, audible direction of travel, and audible street and intersection name announcements.

ADA COMPLAINT PROCESS

Any individual has a right to file a complaint against ACOG if they believe that the agency did not provide necessary services as appropriate. These complaints include those available under the Americans with Disabilities Act (ADA). The ADA complaint forms are available on the ACOG website or by contacting the Title VI/ADA Coordinator. Appendix III includes a copy of the [ACOG ADA Complaint Form](#).

ACOG is committed to providing equal access and participation to its programs and services. The ACOG ADA Complaint Process is summarized in twelve steps. Any person that wants to submit a complaint based on exclusion or denial of services in accordance with the ADA can follow the steps below.

These procedures include but are not limited to:

1. ADA Complaint

- a. Any person who believes that they have been subjected to discrimination prohibited by Americans with Disabilities Act of 1990 by ACOG or any of their recipients may file a written complaint with the ACOG Title VI/ADA Coordinator via the [ADA Complaint Form](#) (Appendix III). A complaint may also be filed by a representative on behalf of such a person.

- b. All complaints should be directed to:

Association of Central Oklahoma Governments

Attention: Title VI/ADA Coordinator

4205 North Lincoln Blvd

Oklahoma City, OK 73105

(405) 234-2264

title.vi@acogok.org

- c. In order to have the complaint considered, the complaint must be filed no later than 180 calendar days after:
 - The date of the alleged act of discrimination; or
 - Where there has been a continuing course of conduct, the date of the most recent incident
- d. Complaints shall set forth, as fully as possible, the facts and circumstances surrounding the claimed discrimination.
- e. In the event that a person makes a verbal complaint of discrimination, the person shall be interviewed by the Title VI/ADA Coordinator. If necessary, the Title VI/ADA Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.

2. Receipt of Complaint

- a. Upon receipt of the signed complaint form, the Title VI/ADA Coordinator will log the complaint.
- b. The Title VI/ADA Coordinator will determine the basis of the complaint, authority/jurisdiction, and who should conduct the investigation.
- c. The Title VI/ADA Coordinator reviews and determines the appropriate action regarding every ADA complaint. The department will not proceed with or continue a complaint investigation if:
 - The complaint is, on its face, without merit

- The same allegations and issues of the complaint have been addressed in a recently closed investigation or by previous federal court decisions
 - The complainant's or injured party's refusal to cooperate (including refusal to give permission to disclose their identity) has made it impossible to investigate further
- d. All ADA complaints made against ACOG shall be directly forwarded and investigated by ODOT.
- e. Within ten (10) business days, the Title VI/ADA Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to be taken to process the allegation(s), and the complainant is advised of other avenues of redress available, such as the FHWA/FTA, U.S. Department of Justice, U.S. Department of Transportation, and the State Department of Transportation. The notification letter to be sent to the complainant shall contain:
- The basis of the complaint
 - A brief statement of the allegation(s) over which ACOG has jurisdiction
 - A brief statement of ACOG's jurisdiction over the recipient to investigate the complaint
 - An indication of when the parties will be contacted
 - A copy of the ACOG Notice of Investigatory Uses of Personal Information and a Complainant Consent/Release Form

3. Notification of ODOT

- a. The Title VI/ADA Coordinator notifies the ODOT Civil Rights Division within ten (10) calendar days of receipt of the allegations.
- b. The following information will be included in every notification to the ODOT Civil Rights Division:
- Name, address, and phone number of the complainant
 - Email address, if available
 - Basis of complaint
 - Date of the alleged discriminatory act(s)
 - Date of complaint received by the recipient
 - A statement of the complaint
 - Other agencies (state, local or Federal) where the complaint has been filed
 - An explanation of the actions the recipient has taken or proposed to resolve the issue(s) raised in the complaint

4. Investigation

- a. Within sixty (60) calendar days from the date the original complaint was received, the Title VI/ADA Coordinator will conduct and complete an investigation of the allegation(s).
- b. The Title VI/ADA Coordinator will conduct an in-depth, personal interview with the complainant(s). Information gathered in this interview includes:
- Identification of each complainant by race, color, or national origin
 - Name of the complainant
 - Complete statement concerning the nature of the complaint, including names, places, and

incidents involved in the complaint

- Date the complaint was filed
- Any other pertinent information the investigation team feels is relevant to the complaint

- c. The interviews are recorded either in audio format or by taking notes. The Title VI/ADA Coordinator arranges for the complainant to read, make necessary changes to, and sign the interview transcripts or interview notes.
- d. If, for some reason, the investigation cannot be completed within the required timeframe, a status report shall be submitted to the complainant and the report shall follow upon completion.

5. Findings

- a. Based on the information obtained from the investigation, ACOG will render a recommendation for action in a report of findings. Included with the recommendation report shall be:
 - A copy of the complaint
 - Copies of all documentation pertaining to the complaint
 - The date the complaint was filed
 - The date the investigation was completed
 - The disposition and the date of the disposition
 - Any other pertinent information
- b. ACOG, or the appropriate Federal Agency, issues the official Letter of Findings to the complainant. Every effort will be made to obtain early resolution of complaints at the lowest possible level.
- c. If the complaint cannot be resolved by ACOG to the satisfaction of all parties concerned, the party not satisfied is advised of their right to appeal pursuant to Title 49, Code of Federal Regulations, Part 21. The appeal must be filed to the appropriate agency, in writing, no later than 180 calendar days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary to the USDOT. The letter should be addressed to the FTA or FHWA, and sent to:

United States Department of Transportation

Departmental Office of Civil Rights

1200 New Jersey Ave, S.E.

Washington, DC 20590

(202) 366-4648

RECOMMENDATIONS

SECTION 504 OF THE REHABILITATION ACT OF 1973

ACOG does not have the authority to mandate or operationalize member cities' procedures, but ACOG can and should help members comply with Section 504 of the Rehabilitation Act. This means that ACOG member cities should be aware of Section 504 and provide reasonable accommodation for employees and customers with disabilities by incorporating accessibility improvements as part of new construction and alteration projects and by effectively communicating with people who have hearing or vision disabilities.

TITLE II

Title II of the Americans with Disabilities Act applies to State and local government entities and protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by State and local government entities. Title II extends the prohibition of discrimination established by Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, to all activities of State and local governments regardless of whether these entities receive Federal financial assistance. Title II includes administrative requirements for all government entities employing more than 50 people. While ACOG does not employ more than 50 people, it is worth addressing these requirements, which include:

- Completion of a self-evaluation
- Development of an ADA complaint procedure
- Designation of at least one person who is responsible for overseeing Title II compliance
- Development of a Transition Plan to schedule the removal of the barriers uncovered by the self-evaluation process

ACOG will work to incorporate these Title II requirements into future ADA compliance.

REGIONAL ACCESSIBILITY

ODOT, ACOG, transit providers, and other community partners can and should continue to emphasize the importance of ADA standards in public facilities and pedestrian rights-of-way, while educating decision makers and administrators of ADA standards. Recognizing problematic and unsafe public places is critical in implementing more suitable environments for individuals with disabilities. Elements such as sidewalk curb ramps, detectable warning devices on curb ramps, ADA compliant transit boarding and alighting areas, and accessible paths of travel to and from transit stops are extremely important in ensuring equitable transportation and access.

As ACOG updates its Regional Active Transportation Plan, staff will focus specifically on ADA issues. Future plans could establish a regional ADA infrastructure monitoring element. Such a project could track items such as curb ramps, covered transit shelters and audible pedestrian crosswalks along with the monitoring of new sidewalk projects in the region through mapping and regional information sharing with cities and transit agencies.

COMMUNICATIONS

The ACOG Public Information Director has taken important steps to improve website access, ease of use, and information dissemination, but other improvements are still needed. Text size, legibility of text on top of

a colors or digital images, and text captions related to images are elements of the website that still need to be resolved. To improve website accessibility for people with vision difficulty, ACOG will consider easy web browsing technology. If videos or audio are posted to the website, captions, transcripts, or audio descriptions will be considered for individuals with other impairments.

OUTREACH

ACOG will develop a list of ADA accessible meeting locations within the Central Oklahoma region to ensure that future off-site public outreach events are accessible for everyone. Public places, such as libraries, parks, or government buildings usually comply with ADA standards and are excellent places for outreach events. Private businesses, such as restaurants, coffee shops, or other gathering places make great meeting spaces because they are recognizable to the public. It is important to ensure that all locations are ADA accessible and prepared to make accommodations if necessary. Maintaining a list of appropriate locations will help with event preparation and coordination.

AUXILIARY AIDS AND TELEPHONE SERVICE ACCOMMODATIONS

ACOG is committed to ensuring its services and activities are accessible to every resident in Central Oklahoma. All residents are entitled to communication aids, interpretive services, and other accommodations that aid them in participating in ACOG programs and decisions.

To ensure that individuals with disabilities are aware of their ability to request aids and services to fully participate in programs, services, and activities, ACOG will further develop a clear and concise webpage explaining these accessibility opportunities. This information will be included in the ACOG Public Participation Plan and Limited English Proficiency Plan. Information will also be made available in hard copy.

BUILDING AND FACILITIES EVALUATION

The ACOG office building and meeting facilities meet basic ADA standards for accessibility. ADA related problems will be reported to the ACOG Title VI/ADA Coordinator who will then inform the Director of Facilities Management of reported issues. In order to fully evaluate and measure ADA accessibility throughout the ACOG facilities, an in-depth survey using The Department of Justice's [2010 ADA Standards for Accessible Design](#) would be required. This evaluation will be requested by ACOG to Oklahoma County. Because ACOG currently leases office space within a building owned by the County, coordinating with the County and its administrative staff would occur to complete an ADA audit.

CONCLUSION

The ACOG ADA-504 Compliance Plan will be monitored and evaluated as necessary. The plan will continue to provide a status of the organization's current ADA efforts and its recommendations moving forward. This plan leaves room for improvement and more in-depth studies as specific accessibility issues may arise in the future. ACOG will document all Civil Rights complaints and log any updates or activities that improve the ADA accessibility in the region. This ADA-504 Compliance Plan will be updated on a 5-year cycle.

APPENDIX I

ADA COORDINATION

The table below lists the ADA point of contact for ACOG area member agencies. Often, the people listed assume the role along with other duties and tasks in their agency. ADA responsibilities are typically shared across multiple departments or divisions. Those listed below can respond to and help people with disabilities engage in programs, services, and activities.

Member Agency	ADA Contact Person & Title	Phone	Email
Bethany	Phil Stowell, Public Works Director, ADA Designee	(405)789-6005	phil.stowell@bethanyok.org
Choctaw	Puryi Patel, City Planner, ADA Designee	(405)281-5101	ppatel@choctawcity.org
Del City	Marks Edwards, City Manager, ADA Designee	(405)670-7302	medwards@cityofdelcity.org
Edmond	Phil Jones, Sustainability Planner, ADA Coordinator	(405)359-4518	phil.jones@edmondok.com
El Reno	Dustin Downey, City Planner, ADA Designee	(405)295-9317	ddowney@cityofelreno.com
Guthrie	Dan Kassik, Planning Director, ADA Coordinator	(405)282-0190	dkassik@cityofguthrie.com
Jones	Tammy Wallace, City Clerk, ADA Designee	(405)399-5301	twallace@jonescityok.org
Midwest City	Brandon Bundy, City Engineer, ADA Coordinator	(405)739-1213	bbundy@midwestcityok.org
Moore	Chad Denson, ADA Coordinator	(405)793-5053	cdenson@cityofmoore.com
Mustang	Melissa Helsel, ADA Designee	(405)376-7707	mhelsel@cityofmustang.org
Nichols Hills	Lindy Hough, ADA Coordinator	(405)843-6165	ada@nicholshills.net
Norman & Norman Transit	Cintha Allen, Chief Diversity & Equity Officer, ADA Coordinator	(405)366-5446	cintha.allen@normanok.gov
Oklahoma City	Keith Wilkinson, ADA Coordinator	(405)297-2850	keith.wilkinson@okc.gov
The Village	Bruce K. Stone, City Manager, ADA Designee	(405)529-0000	bruce_stone@thevillageok.org
Warr Acres	Mike Turman, Public Works Director, ADA Coordinator	(405)470-7713	publicworks@warracres-ok.gov
Yukon	Eric Blalock, Senior Inspector, ADA Coordinator	(405)354-6676	fblalock@yukonok.gov
OMES	Casey Jones, Assistant Planner, ADA Designee	(405)522-1650	casey.jones@omes.ok.gov
Central Oklahoma Transportation & Parking Authority	Marilyn Dillon, Mobility Management Administrator, ADA Coordinator	(405)366-5446	marilyn.dillon@okc.gov

APPENDIX II

TITLE VI ASSURANCES

Below is the text of the ACOG Title VI Assurances. The most recent signed version of the Assurances may be viewed and downloaded from the [ACOG website](#).

The Association of Central Oklahoma Governments (hereinafter referred to as the Recipient) HEREBY AGREES THAT, as a condition to receiving any federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives to the end that, in accordance with the Act, regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration; and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Subsection 21.7(a) (1) of the Regulations, a copy of which is attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal-aid Highway Program:

1. That the Recipient agrees that each “program” and each “facility,” as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted or will be (with regard to a “facility”) operated in compliance with all requirements imposed by or pursuant to the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or materials subject to the regulations made in connection with the Federal-aid Highway Program and, in adapted form, in all proposals for negotiated agreements: The Association of Central Oklahoma Governments, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4, and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted Programs of the Department of Transportation, issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, Disadvantaged Business Enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, age, national origin, disability/handicap, or income status in consideration for an award.
3. That the Recipient shall insert the clauses of Part A of this assurance in every contract subject to the Act and the Regulations.
4. That the clauses of Part B of this assurance shall be included, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.

7. That the Recipient shall include the appropriate clauses set forth in Parts C and D of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties:
 - a. For the subsequent transfer of real property acquired or improved under the Federal-aid Highway Program; and
 - b. For the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal-aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein, or structures or improvements thereon; in which case the assurance obligates the Recipient or any transferee for the longer of the following periods:
 - a. The period during which the property used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. The period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom he or she delegates specific authority, to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest; and other participants of federal financial assistance under such program will comply with all requirements imposed by or pursuant to the Act, the Regulations, and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts, or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the federal-aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants in the federal-aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

PART A: CONTRACTUAL ASSURANCES

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor), agrees as follows:

1. **Compliance with Regulations:** The Contractor shall comply with the regulations relative to non-discrimination in federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate, either directly or indirectly, in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in the Regulations.
3. **Solicitations for Subcontracts, Including Procurement of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiation, made by the Contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor

or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to non-discrimination on the grounds of race, color, sex, age, national origin, disability/handicap, or income status.

- 4. Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the State Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the State Department of Transportation, or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
- 5. Sanctions for Noncompliance:** In the event of the Contractor's noncompliance with the non-discrimination provision of this contract, the State Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to withholding of payments to the Contractor under the contract until the Contractor complies and/or cancellation, termination, or suspension of the contract in whole or in part.
- 6. Incorporation of Provisions:** The Contractor shall include the provisions of paragraphs 1 through 6 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto.

The Contractor shall take such action with respect to any subcontract or procurement as the State Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions, including sanctions for noncompliance provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation by a subcontractor or supplier as a result of such direction, the Contractor may request the State Department of Transportation to enter into such litigation to protect the interests of the State; and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

PART B: CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

GRANTING CLAUSE

NOW, THEREFORE, the Department of Transportation, as authorized by law and upon the condition that the State of Oklahoma will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways, and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation, and also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations), pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat.252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim, and convey unto the State of Oklahoma all the right, title, and interest of the Department of Transportation in and to said lands and made a part hereof.

HABENDUM CLAUSE

TO HAVE AND TO HOLD said lands and interests therein unto the State of Oklahoma and its successors forever subject however, to the covenant, conditions, restrictions, and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits, and shall be binding to the State of Oklahoma, its successors, and assigns.

The State of Oklahoma, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree, as a covenant running with the land, for itself, its successor, and assigns that (1) no person shall, on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,][and]* (2) that the State of Oklahoma shall use the lands and interests in lands so conveyed in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land; and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assignees as such interest existed prior to the deed.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964

PART C: CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the State of Oklahoma, pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate), for him or herself, his or her heirs, personal representative, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:

In the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended, or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

With respect to licenses, leases, permits, etc., in the event of breach of any of the above non-discrimination covenants, the State of Oklahoma shall have the right to terminate the [license, lease, permit, etc.] and to enter, re-enter, and repossess said lands and the facilities thereon and hold the same as if said [license, lease, permit, etc.] had never been made or issued.*

With respect to a deed, in the event of breach of any of the above non-discrimination covenants, the State of

Oklahoma shall have the right to enter or re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Oklahoma and its assigns.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

PART D: CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the State of Oklahoma, pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate), for him or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that (1) no person, on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person, on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

With respect to [licenses, leases, permits, etc.], in the event of breach of any of the above non-discrimination covenants, the State of Oklahoma shall have the right to terminate the [license, lease, permit, etc.] and to enter or re-enter and repossess said land and the facilities thereon and hold the same as if said [license, lease, permit, etc.] had never been made or issued.*

With respect to deeds, in the event of breach of any of the above non-discrimination covenants, the State of Oklahoma shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Oklahoma and its assigns.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

PART E: TITLE VI AUTHORITIES

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following nondiscrimination statutes and authorities; including, but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects)

- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex)
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age)
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex)
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not)
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, reasonable steps must be taken to ensure that LEP persons have meaningful access to programs (70 Fed. Reg. at 74087 to 74100).
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination because of sex in education programs or activities (20 U.S.C. 1681 et seq).

APPENDIX III

ADA COMPLAINT FORM

ADA COMPLAINT FORM

acog

The Association of Central Oklahoma Governments is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of disability as provided by the Americans with Disabilities Act of 1990. ADA complaints must be filed within 180 calendar days from the date of the alleged discrimination.

**OFFICE
USE ONLY**

DATE RECEIVED:

DATE OF FILING:

NAME: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

PHONE NUMBER: _____

EMAIL ADDRESS: _____

INDICATE THE PERSON(S) WHO YOU BELIEVE DISCRIMINATED AGAINST YOU:

NAME(S): _____

WORK LOCATION (IF KNOWN): _____

WORK PHONE: _____

DATE OF ALLEGED INCIDENT: _____

**IF YOU HAVE AN ATTORNEY REPRESENTING YOU CONCERNING THE MATTERS RAISED
IN THIS COMPLAINT, PLEASE PROVIDE THE FOLLOWING:**

NAME: _____

ADDRESS: _____

WORK PHONE: _____

EMAIL ADDRESS: _____

EXPLAIN WHY YOU BELIEVE DISCRIMINATION HAS OCCURRED. BE SURE TO INCLUDE HOW OTHER PERSONS WERE TREATED DIFFERENTLY THAN YOU. IF THERE ARE WITNESSES, PLEASE PROVIDE NAMES, ADDRESSES, AND TELEPHONE NUMBERS. ATTACH ADDITIONAL PAGES AS NECESSARY AND ANY WRITTEN MATERIAL PERTAINING TO YOUR CASE.

WHAT REMEDY ARE YOU REQUESTING? **PLEASE BE SPECIFIC:**

HAVE YOU FILED OR DO YOU INTEND TO FILE A CHARGE OR COMPLAINT CONCERNING THE MATTERS RAISED IN THIS COMPLAINT WITH ANY OTHER AGENCIES (FEDERAL, STATE, OR LOCAL): YES ☐ NO ☐

IF SO, PLEASE PROVIDE THE FOLLOWING INFORMATION:

AGENCY: _____

ADDRESS: _____

NAME OF INVESTIGATOR (IF KNOWN): _____

PHONE NUMBER: _____

EMAIL ADDRESS: _____

DATE FILED: _____

STATUS OF CASE: _____

I CONFIRM THAT I HAVE READ THE ABOVE CHARGE(S) AND IT IS TRUE TO THE BEST OF MY KNOWLEDGE.
PRINT OR TYPED NAME OF COMPLAINANT:

SIGNATURE: _____ DATE: _____

COMPLETED FORMS MUST BE SUBMITTED TO THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS. IF YOU REQUIRE ANY ASSISTANCE, PLEASE CONTACT THE TITLE VI COORDINATOR AT 405-234-2264 or title.vi@acogok.org

[association of central oklahoma governments](http://associationofcentraloklahomagovernments.org)

4205 N. Lincoln Blvd. | Oklahoma City, OK 73105 | 405.234.2264 | acogok.org

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