

TMACOG  
300 Dr. Martin Luther King Jr Drive #300  
Toledo, OH 43604

November 7, 2014

**Re: Comments regarding TMACOG's Public Involvement Policy**

Dear Toledo Metropolitan Area Council of Governments:

Please accept this letter as public comment in response to TMACOG's draft Public Involvement Policy. TMACOG has requested public comment on its proposed policy through November 7, 2014.

Advocates for Basic Legal Equality, Inc. (ABLE) and the Ability Center of Greater Toledo (Ability Center) collaboratively provide these comments based on our unique work with certain client communities. Our agencies assist populations that have been and will be affected by TMACOG's policies, including its Public Involvement Policy.

- I. During community outreach, TMACOG should explain how issues impact people living in the area.

According to its proposed Public Involvement Policy (PIP), TMACOG uses a variety of approaches to provide information to the public about opportunities for participation, including but not limited to social media, websites, e-mail newsletters, public meetings and public hearings. When providing notice of these opportunities, TMACOG should not only clearly explain the issue(s) being considered but also indicate *how* these issues might impact people living in the area. This additional information would assist in educating people who might not otherwise understand the importance of the issues at hand and influence their decision to participate. Also, providing this

information encourages meaningful participation so that the public understands specifically what they are being asked about and why their opinions are important.

- II. TMACOG should distribute notices so that the *general* public is notified of events.

In addition, notices should be distributed so that the *general* public is notified of these events. Currently, many of the approaches utilized by TMACOG provide notice to those who have had prior contact with TMACOG and/or who have signed up for TMACOG updates. While notification of these individuals is important, TMACOG is also required to seek out and consider, the needs of those traditionally underserved by existing systems, such as low-income and minority households, who may face challenges accessing employment and other services. 23 CFR 450.316(a)(1)(vii). Such individuals may or may not have had prior contact with TMACOG.

TMACOG is clearly interested in considering the needs of those traditionally underserved, as evidenced by its attached Environmental Justice maps, which show concentrations of the elderly, disabled, low-income and minority households in the TMACOG region. *See Appendix C: Environmental Justice.* To reach out to such audiences, TMACOG should consider additional avenues of notification, including but not limited to posting notices in newspapers, such as the Toledo Blade, the Toledo Free Press, Sojourner's Truth and La Prensa. TMACOG should also consider recruiting representatives of groups traditionally underrepresented in regional policy making to encourage members of these groups to share their unique perspectives, comments and suggestions.

- III. TMACOG should include individuals with disabilities as one of its targeted, underserved populations.

In its draft Public Involvement Policy, TMACOG set one of its goals as engaging those traditionally underserved by existing systems. PIP at 4. TMACOG also stated its desire to engage those traditionally underserved in seeking comments on TMACOG's Regional Transportation Plan and Transportation Improvement Plan. PIP at 20, 23. In those sections, TMACOG defined traditionally underserved populations as low-income, minority, and limited English proficiency populations. *Id.* The Ability Center and ABLE ask TMACOG to specifically identify individuals with disabilities in its Public Involvement Policy as a targeted, underserved population. Individuals with disabilities are an underserved population. TMACOG has a duty to operate its programs in a non-discriminatory manner; and individuals with disabilities are greatly affected by TMACOG's policies.

Individuals with disabilities are a group that is traditionally underserved by existing systems. Over decades, individuals with disabilities have had to advocate for laws such as Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, the Individuals with Disabilities Education Act, and the Voting Rights Act to ensure that individuals with disabilities have access to and the ability to live independently within the larger community. To maintain an inclusive society, TMACOG must specifically target individuals with disabilities as an underserved population within their Public Involvement Policy.

Additionally, TMACOG has specific duties under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act to promulgate accessible, non-discriminatory programs. 29 USC 794; 42 USC 12101. TMACOG should take steps to implement their Public Involvement Policy to act in accordance with these laws.

Finally, individuals with disabilities are greatly affected by TMACOG's policies, especially TMACOG's Regional Transportation Plan and Transportation Improvement Plan. Many individuals with cognitive, visual, hearing, and mobility impairments rely on public transportation for travel and cannot fully participate in the greater community without it. 5.3% of individuals with disabilities in Ohio utilize public transit in comparison to 1.5% of the general Ohio population.<sup>1</sup>

Thus, the Ability Center and ABLE ask that TMACOG insert individuals with disabilities as a targeted, underserved population on pages 4, 20, and 23 of their Public Involvement Policy and implement specific steps to reach out to that population. In accordance with TMACOG's second goal on page 4, the Toledo area contains many organizations and community groups dedicated specifically to serving the needs of individuals with disabilities where TMACOG could focus its outreach. TMACOG should target these organizations in forming councils and committees, marketing TMACOG events, and seeking input on TMACOG policies.

Where TMACOG holds meetings, public forums, and public hearings, it should hold them in accessible buildings on a public transit line to allow individuals with disabilities to attend. PIP page 11. Individuals with Disabilities should also have a publicly advertised phone number and e-mail address to contact if they require accommodations in order to access meetings and public forums. PIP at 12. Where individuals with disabilities attend public forums and meetings, TMACOG should have a method of collecting the contact information of individuals who wish to be contacted regarding notices, policies, and hearings, the manner in which they wish to be contacted,

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<sup>1</sup>Infuse; Cornell University Employment and Disability Institute, *Local Disability Data for Planners*, Disability Population Statistics for Ohio, <http://www.disabilityplanningdata.com>, (11/5/2014).

i.e. e-mail, phone call, facebook, or mailings, and then should maintain that information in a database.

Finally, TMACOG should be ready to provide all of its written and electronic agency materials, marketing materials, and policies in an accessible, individualized format. TMACOG should publicize a contact number and e-mail that will allow individuals with disabilities to request a copy of a notice or policy in a modified, accessible format. TMACOG should maintain a word document of all materials in order to convert materials into an accessible format if requested. When TMACOG disperses materials to the public, they should disperse the materials utilizing the database mentioned above to be sure that individuals with disabilities are receiving materials in an accessible format.

- IV. TMACOG should seek input on the issue of Toledo residents' access to suburban public transportation.

In addition, ABLE and the Ability Center strongly encourage TMACOG to address an issue of regional concern involving multiple communities, i.e. the issue of suburban public transportation. Suburban public transportation affects some of our most vulnerable northwest Ohio client communities, including the elderly, disabled, and low-income and minority households, who rely solely on public transportation to travel to the suburbs for work, medical appointments, socialization, and other events.

Locally, Perrysburg and Spencer Township residents have voted to opt out of the Toledo Area Rapid Transit Authority (TARTA) system.

<http://www.toledoblade.com/local/2012/03/07/Perrysburg-opts-out-of-bus-service.html>; <http://www.toledoblade.com/Politics/2013/11/06/Spencer-Township-residents-decide-to-leave-TARTA.html>. As a result, elderly, disabled, low-income and

minority residents in those communities may have limited options for transportation to and from these suburbs. In order for northwest Ohio to grow as a community, TMACOG should take on a leadership role to seek out public involvement and to consider strategies and solutions to address the issues of regional mass transit and suburban public transportation.

Specifically, as a first step, TMACOG should form a suburban public transportation committee, as well as hold meetings, public forums, and public hearings, to determine how the public is being affected by this issue. As a recipient of federal financial assistance, TMACOG is required to comply with various non-discrimination laws and regulations, including Title VI and related statutes, and to consider how suburban public transportation ó or lack thereof ó may disparately impact certain communities, particularly communities of color, disability and low-income communities ó by impeding access to higher opportunity areas. Taking steps such as forming a suburban public transportation committee and soliciting public input on the issue will ensure that TMACOG's transportation planning process and future planning decisions will benefit the entire region.

V. Conclusion

Please accept these comments on TMACOG's draft Public Involvement Policy by Advocates for Basic Legal Equality, Inc., the Ability Center of Greater Toledo, and the individuals we serve.

Sincerely,

/s/ Karen P. Wu  
*Advocates for Basic Legal Equality, Inc.*

/s/ Katherine Hunt Thomas  
*The Ability Center of Greater Toledo*