

## Reference Materials for State DOT Title VI Compliance: Appendices to NCHRP Research Results Digest 340

### DETAILS

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## INTRODUCTION

*NCHRP Web-Only Document 147* provides Appendices A through M to *NCHRP Research Results Digest 340: State DOT Best Practices for Title VI Compliance*. In these appendices, categorized by topic area, are reference materials related to state DOT compliance with FTA requirements under Title VI that represent, in the view of the research team, best practices and procedures. *NCHRP Research Results Digest 340* serves as an introduction to the reference materials and is available on the TRB website ([www.trb.org](http://www.trb.org)) by searching for “NCHRP Research Results Digest 340”.

## **APPENDIX A**

### **Survey Instrument Sent to Transit Personnel in State DOTs**

## NCHRP 20-65 (18) Title VI Best Practices

### 1. Introduction

This survey is being conducted for **TRB Project NCHRP 20-65, Task 18 - State Best Practices for Developing a Title VI Civil Rights Program Document.**

The objective of this survey is to gather useful procedures and materials that can be used as a reference for "best practices" for state DOTs.

The survey should only take a few minutes to complete. Materials your agency has to share can be exchanged via mail, email, or fax. If you would like someone to call you to talk about your programs, that can be arranged.

If you have any questions concerning the survey, please contact Sam Erickson with the KFH Group at 301-951-8660 or [serickson@kfhgroup.com](mailto:serickson@kfhgroup.com).

# NCHRP 20-65 (18) Title VI Best Practices

## 2. Basic Information

### \* 1. Respondent:

**Name:**

**Address:**

**Address 2:**

**City/Town:**

**Email Address:**

**Phone Number:**

### 2. Is Title VI monitoring done:

- At headquarters, internally
- By another department (Like EEO)
- By district office staff
- Don't know

### 3. Please indicate your level of satisfaction with your State DOT Title VI Program.

- Very Satisfied
- Satisfied
- Unsatisfied
- Could use additional guidance
- Don't know

### 4. Does your state's DOT Title VI program have any components you might consider "best practices"?

- Yes
- No
- Maybe



## NCHRP 20-65 (18) Title VI Best Practices

### 3. General Requirements

The following questions ask about your agency's procedures for satisfying the requirements all recipients and subrecipients must comply with in order to be eligible to receive federal funding.

**1. Do you have procedures or materials on your certifications and assurances process that would be able to share with other state DOTs?**

- Yes  
 Maybe  
 No

**2. Do you have procedures for or materials on investigating and tracking Title VI complaints and how you make them available to the public that you would be able to share with other state DOTs?**

- Yes  
 Maybe  
 No

**3. Do you have procedures for preparing and maintaining a list of active investigations that you would be willing to share with other state DOTs?**

- Yes  
 Maybe  
 No

**4. Do you have procedures for ensuring that people who are Limited English Proficient (LEP) have meaningful access to benefits, services, information, programs and activities that you would be able to share with other state DOTs?**

- Yes  
 Maybe  
 No

**5. Do you have procedures or materials used to provide recipients and subrecipients with information about information made available to the public that you would be able to share with other state DOTs?**

- Yes  
 Maybe  
 No

## NCHRP 20-65 (18) Title VI Best Practices

**6. Do you have procedures for triennial reporting of general Title VI information that you would be able to share with other state DOTs?**

- Yes
- Maybe
- No

**7. Do you have procedures on how you ensure Environmental Justice considerations have been made in environmental analyses that you would be able to share with other state DOTs?**

- Yes
- Maybe
- No

**8. Do you have procedures or materials used for seeking out and considering the viewpoints of minority, low-income, and LEP populations during public outreach efforts that you would be able to share with other DOTs?**

- Yes
- Maybe
- No

## NCHRP 20-65 (18) Title VI Best Practices

### 4. State DOT Requirements

The following questions are the requirements that State DOTs must comply with in order to meet Title VI requirements.

**1. State DOTs are required to have a statewide planning process in place with an analytic base that ensures discrimination is not taking place. Please indicate the type of process that most closely resembles your program:**

- Demographic profile that identifies *locations of socioeconomic groups*.
- Statewide transportation planning process that identifies the *needs of low-income and minority populations*.
- Analytical process that identifies *benefits and burdens of the state's transportation system investments* in terms of socioeconomic groups, with response to the analyses.

Other (please specify)

**2. Do you have procedures or materials on your statewide planning process that you would be able to share with other state DOTs?**

- Yes
- Maybe
- No

**3. Do you have subrecipient monitoring procedures or materials that you would be able to share with other state DOTs?**

- Yes
- Maybe
- No

**4. Do you have procedures or materials for documenting that FTA funds are distributed without discrimination to that you would be able to share with other state DOTs?**

- Yes
- Maybe
- No

## NCHRP 20-65 (18) Title VI Best Practices

**5. Do you have procedures or materials on how your agency assists subrecipients in complying with general reporting requirements that you would be able to share with other state DOTs?**

- Yes
- Maybe
- No

**6. Do you have procedures for or materials on how your state DOT submits documentation of compliance that you would be able to share with other state DOTs?**

- Yes
- Maybe
- No

**7. Does your agency have any other requirements that go above and beyond the federal requirements that you would be willing to share with other state DOTs?**

## NCHRP 20-65 (18) Title VI Best Practices

### 5. Follow Up

For the topics you are able to share information about, you can send materials in whatever form is easiest and makes the most sense.

If you would like to fax materials, please send them to: 301-951-0026.

If you have any questions, please call Sam Erickson at 301-951-8660

If you would like to discuss your procedures over the phone, please call Sam Erickson at 301-951-8660.

#### **1. Would you like for someone to call you to talk more about aspects of your Title VI Program that would be useful to other state DOTs?**

Yes

No

To mail any materials, please send them to:

Sam Erickson  
KFH Group, Inc.  
4920 Elm St, Ste.350  
Bethesda, MD 20814

To email materials or website links:

[Serickson@kfhgroup.com](mailto:Serickson@kfhgroup.com)

Thank you for your input.

# **APPENDIX B**

## **Federal Regulations and Resources**

# APPENDIX B

## Federal Regulations and Resources

Circular FTA C4702.1A "Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients", May 13, 2007.

### Limited English Proficiency (LEP)

- Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency." August 11, 2000.
- "Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to LEP Persons," A Handbook for Public Transportation Providers, April 13, 2007.

### Environmental Justice

- Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations, February 16, 1994.

### Service and Fare Change

- Recommend Title VI, Environmental Justice, and Limited English Proficiency Analysis of Proposed Service and Fare Changes.

### Statewide Planning

- Implementing Title VI Requirement in Metropolitan and Statewide Planning (October 7, 1999).

### Miscellaneous

- Federal Transit Administration, Office of Civil Rights, Complaint Form.
- Notice on Civil Rights Obligations Applicable to the Distribution of Funds under the American Recovery and Reinvestment Act of 2009.



U.S. Department  
of Transportation

Federal Transit  
Administration

# CIRCULAR

FTA C 4702.1A

May 13, 2007

**Subject: TITLE VI AND TITLE VI-DEPENDENT GUIDELINES FOR FEDERAL  
TRANSIT ADMINISTRATION RECIPIENTS**

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1. **PURPOSE.** The purpose of this circular is to provide recipients and subrecipients of Federal Transit Administration (FTA) financial assistance with guidance and instructions necessary to carry out the U.S. Department of Transportation's ("DOT" or the "Department") Title VI regulations (49 CFR part 21) and to integrate into their programs and activities considerations expressed in the Department's Order on Environmental Justice (Order 5610.2), and Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient ("LEP") Persons (70 FR 74087, December 14, 2005).
2. **CANCELLATION.** This circular supersedes FTA Circular 4702.1 "Title VI Program Guidelines for Federal Transit Administration Recipients," dated May 26, 1988.
3. **SCOPE.** This circular applies to all recipients of financial assistance from the Federal Transit Administration.
4. **REFERENCES.**
  - a. Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d).
  - b. Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.).
  - c. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.).
  - d. Department of Justice regulation, 28 CFR part 42, Subpart F, "Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs" (December 1, 1976, unless otherwise noted).
  - e. DOT regulation, 49 CFR part 21, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964" (June 18, 1970, unless otherwise noted).



- f. Joint FTA/Federal Highway Administration (FHWA) regulation, 23 CFR part 771, “Environmental Impact and Related Procedures” (August 28, 1987).
  - g. Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613. “Planning Assistance and Standards.” (October 28, 1993, unless otherwise noted).
  - h. DOT Order 5610.2, “U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations,” (April 15, 1997).
  - i. DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons, (December 14, 2005).
  - j. Section 12 of FTA’s Master Agreement, FTA MA 13 (October 1, 2006).
5. WAIVER. FTA reserves the right to waive any requirements of this circular to the extent permitted by law.
  6. AMENDMENTS TO THE CIRCULAR. FTA reserves the right to amend this circular in the future and to update references to requirements contained in other revised or new guidance and regulations that undergo notice and comment procedures, without further notice and comment on this circular.
  7. ACCESSIBLE FORMATS. This document is available in accessible format upon request. Paper copies of this circular as well as information regarding these accessible formats may be obtained by calling FTA’s Administrative Services Help Desk, at 202-366-4865.
  8. BACKGROUND. Since 1972, FTA has required applicants for and recipients and subrecipients of Federal assistance to certify compliance with the requirements of Title VI as part of the grant approval process.
    - a. With regard to external civil rights programs, (Title VI), the FTA Administrator exercises authority pursuant to statutes, regulations, and executive orders. 49 CFR 1.45. Implementing Title VI by FTA will be achieved through continued data collection, reporting, compliance reviews, and, if necessary, through remedial action and procedures for effecting compliance under Chapter X of this circular and the Department’s Title VI Regulations at 49 CFR Sections 21.13, 21.15, and 21.17.
    - b. This circular will also assist FTA recipients in integrating, into their existing programs, policies and activities principles of environmental justice (as embodied in Executive Order 12898), and access to services for persons with limited English proficiency, (as embodied in Executive Order 13166).

---

James S. Simpson  
Administrator

**TITLE VI AND TITLE VI-DEPENDENT GUIDELINES FOR FTA RECIPIENTS**

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## CHAPTER I

### HOW TO USE THIS CIRCULAR

1. INSTRUCTIONS TO GRANTEES. This chapter orients applicants, recipients, and subrecipients to the information and requirements contained in the remaining chapters of the circular. The applicability of guidance and procedures in this circular varies depending on the makeup of the recipient. Relevant factors include, but are not limited to, first time applicants, the size of the population served by the recipient, and the activities performed by the recipient. A summary of chapter-by-chapter applicability follows.
  - a. Circular Overview. All applicants, recipients, and subrecipients should familiarize themselves with the information set forth in Chapter II (Overview), including the objectives of this circular, the regulatory and underlying policy basis for the guidance provided in the remaining chapters, and the definitions of terms that appear later in the circular.
  - b. Requirements for Applicants. All entities applying for Federal Transit Administration (FTA) funding should familiarize themselves with the requirements for applicants set forth in Chapter III.
  - c. General Requirements and Guidelines. The requirements and guidelines in Chapter IV, apply to all FTA recipients and subrecipients. FTA encourages all recipients and subrecipients, therefore, to become familiar with these general requirements and guidelines and to utilize the checklist located at Appendix A to ensure that they comply with FTA's reporting requirements.
    - (1) Options for complying with the general requirements and guidelines. Chapter IV lists options for meeting some of the general requirements and guidelines and recommends effective practices. Recipients and subrecipients should familiarize themselves with these options and effective practices and may implement the option or practice that best meets their needs.
  - d. Requirements for Transit Agencies Serving Populations of 200,000 or Greater. All transit providers that serve urbanized areas of 200,000 people or greater should familiarize themselves with the guidance set forth in Chapter V, Program-Specific Requirements for Recipients Serving Large Urbanized Areas. FTA encourages recipients in this category to use the checklist at Appendix B to ensure that they follow FTA's reporting requirements.
    - (1) Options for complying with the program-specific requirements. Chapter V lists options for meeting the program-specific requirements and recommends effective practices. Recipients should familiarize themselves with these options and examples and may choose to implement the option or practice that best meets their needs.

- e. Requirements and Guidelines for State Departments of Transportation (State DOTs) or Other Administering Agencies. State DOTs or other administering agencies should familiarize themselves with the guidance and procedures set forth in Chapter VI. FTA encourages these agencies to use the checklist at Appendix C to ensure that they follow FTA's reporting requirements.
- f. Requirements and Guidelines for Metropolitan Planning Organizations. MPOs should familiarize themselves with the guidance and procedures set forth in Chapter VII.
- g. Compliance Reviews, Complaints, and Procedures for Effecting Compliance. All recipients and subrecipients should become familiar with the information contained in Chapter VIII, Compliance Reviews, Chapter IX, Complaint Procedures, and Chapter X, Effecting Compliance.
  - (1) Chapter VIII describes FTA's procedures for conducting compliance reviews of recipients and subrecipients and discusses the information that recipients and subrecipients should provide during and after a compliance review.
  - (2) Chapter IX describes how FTA will respond to complaints of discrimination under Title VI that are filed with FTA against a recipient or subrecipient of FTA funds.
  - (3) Chapter X outlines FTA's procedures for effecting compliance when FTA determines that a recipient or subrecipient is not complying with one or more of FTA's Title VI requirements.
- h. Appendices. Appendices A through C list the reporting requirements that apply to recipients and subrecipients. Appendix D provides technical assistance resources to assist recipients and subrecipients in meeting the requirements and guidelines of this circular.

2. REFERENCE CHART. The following chart displays which chapters pertain to different FTA applicants, recipients, or subrecipients. (The “√” refers to those chapters that pertain to the applicant or grantee.)

	Applicants	All recipients or subrecipients	Recipients serving 200,000 or greater	State DOTs/administering agencies	MPOs
Chapter I	√	√	√	√	√
Chapter II	√	√	√	√	√
Chapter III	√	√		√	
Chapter IV		√	√	√	√
Chapter V			√		
Chapter VI				√	
Chapter VII					√
Chapter VIII	√	√	√	√	√
Chapter IX	√	√	√	√	√
Chapter X	√	√	√	√	√
Appendix A		√	√	√	
Appendix B			√		
Appendix C				√	
Appendix D	√	√	√	√	√

## CHAPTER II

### OVERVIEW

This chapter outlines (1) the objectives, (2) regulatory basis, (3) reporting procedures, and (4) definitions contained in this circular.

1. **OBJECTIVES**. The guidance and procedures in this document will help Federal Transit Administration (FTA) recipients and subrecipients to:
  - a. Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
  - b. Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
  - c. Promote the full and fair participation of all affected populations in transportation decision making;
  - d. Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations;
  - e. Ensure meaningful access to programs and activities by persons with limited English proficiency.
2. **REGULATORY BASIS**. In order to assist recipients and subrecipients in carrying out the provisions of the Department of Transportation (DOT) Title VI Regulations at 49 CFR part 21, each of the requirements in this circular includes a reference to the corresponding provision of 49 CFR part 21.
3. **ADDITIONAL DOCUMENTS**. In addition to the above-listed regulations the following documents incorporate Title VI principles:
  - a. DOT Order 5610.2, the Department's Order on Environmental Justice, establishes the procedures used by the Department to comply with Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," dated February 11, 1994. This Order establishes procedures for the Department of Transportation to use in complying with EO 12898.
  - b. The Department's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons ("DOT LEP Guidance"), 70 FR 74087, (December 14, 2005). This guidance is based on the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, as it affects limited English proficient persons.
  - c. Section 12 of FTA's Master Agreement, which provides, in pertinent part, that the recipient agrees to comply, and assures the compliance of each third-party contractor at



any tier and each subrecipient at any tier of the project, with the provisions of 49 U.S.C. Section 5332, which prohibit discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibits discrimination in employment or business opportunity. Furthermore, the recipient agrees to comply, and assures the compliance of each third-party contractor at any tier and each subrecipient at any tier of the project, with all provisions prohibiting discrimination on the basis of race, color, or national origin of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Sections 2000d et seq., and with 49 CFR part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act.” Unless FTA states otherwise in writing, all recipients shall comply with all applicable Federal directives, current or future, not listed herein.

4. **REPORTING REQUIREMENTS.** 49 CFR Section 21.9(b) requires that recipients record and retain certain information and submit information to FTA as necessary or required. Recipients of FTA funding shall fulfill this requirement by submitting a compliance report to the responsible FTA regional office every three years (or every four years in the case of metropolitan planning organizations (MPOs) that are direct recipients of FTA funds). Chapters IV, V, VI, and VII and appendices detail what information should be included in these reports. In addition, recipients and subrecipients should note the following FTA guidance concerning reporting:
  - a. **Determination of Deficiencies.** If any of the required information is not included in the recipient’s Title VI compliance report, or if the information submitted is not consistent with the guidance provided in the relevant section of this circular, then FTA may determine that the report is deficient and may condition or delay continued Federal financial assistance to the recipient until FTA is satisfied that the recipient has taken corrective action.
  - b. **Subrecipient Reporting.** Subrecipients shall submit compliance reports to the recipient consistent with reporting timelines established by the recipient.
5. **DETERMINATIONS.** FTA will issue findings of no deficiency, findings of deficiency, and findings of non-compliance based on the following procedures:
  - a. **No deficiency.** If, after a review of a recipient or subrecipient’s practices, FTA determines that the entity has followed this circular’s guidance and procedures, it will be considered to be not deficient in meeting the specific part of the circular and the corresponding provision(s) of the DOT Title VI regulations. Agencies are not expected to take any corrective action in response to findings of no deficiency, except with regards to advisory comments. Advisory comments are recommendations that the recipient or subrecipient undertake activities in a manner more consistent with the guidance provided in the pertaining section of the circular. FTA will issue advisory comments to the recipient or subrecipient. The entity can chose to implement or disregard an advisory comments.
  - b. **Deficiency.** If, after a review of a recipient’s or subrecipient’s practices, FTA determines that the entity has not followed this circular’s requirements, guidance and procedures, it will be considered to be deficient in meeting the specific part of the circular and the corresponding provision(s) in the DOT Title VI regulations, unless the agency can

provide FTA with adequate justification for failing to follow the guidance and procedures in question.

- c. Non-compliance. If, after an investigation of a recipient's or subrecipient's practices, FTA determines that the entity has engaged in activities that have had the purpose or effect of denying persons the benefits of, excluding them from participation in, or subjecting persons to discrimination on the basis of race, color, or national origin under the recipient's program or activity, FTA will consider the grantee to be non-compliant with the DOT Title VI regulations. If noncompliance cannot be corrected informally, the recipient or subrecipient may be subject to remedial action or proceedings under Chapter X of this circular and the DOT Title VI regulations at 49 CFR Sections 21.13, 21.15, and 21.17.

6. DEFINITIONS. For purposes of this circular, the following definitions will be used:

- a. Adverse Effect means the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness, or death; air, noise, and water pollution and soil contamination; destruction or disruption of man-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or non-profit organizations; increased traffic congestion, isolation, exclusion or separation of individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of benefits of DOT programs, policies, or activities.
- b. Alternative "Clean" Fuels mean fuels that reduce vehicle emissions. These fuels can include natural gas, ethanol, methanol, electricity, and liquefied propane gas.
- c. Applicant means an eligible entity or organization that submits an application for financial assistance under any FTA program.
- d. Deficient refers to a condition where, after a review of a recipient's or subrecipient's practices, and barring an adequate justification from the recipient or subrecipient, FTA determines that the entity has not followed specific provisions of this circular's required guidance and procedures.
- e. Discrimination refers to any act or inaction, whether intentional or unintentional, in any program or activity of a Federal aid recipient, subrecipient, or contractor that results in disparate treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, or national origin.
- f. Disparate Impact refers to facially neutral policies or practices that have the effect of disproportionately excluding or adversely affecting members of a group protected under Title VI, and the recipient's policy or practice lacks a substantial legitimate justification.

- g. Disparate Treatment refers to actions that result in circumstances where similarly situated persons are treated differently (i.e., less favorably) than others because of their race, color, or national origin.
- h. Disproportionately High and Adverse Effect on Minority and Low-income Populations means an adverse effect that:
  - (1) is predominately borne by a minority population and/or a low-income population, or
  - (2) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.
- i. Environmental Justice Activity means an action taken by DOT, FTA, or a recipient or subrecipient of FTA funding to identify and address adverse and disproportionate effects of its policies, programs, or activities on minority and/or low-income populations, consistent with Executive Order 12898 and the DOT Order 5610.2 on Environmental Justice.
- j. Fixed Guideway means a public transportation facility using and occupying a separate right-of-way or rail for the exclusive use of public transportation and other high occupancy vehicles, or using a fixed catenary system and a right-of-way usable by other forms of transportation.
- k. Federal financial assistance means
  - (1) grants and loans of Federal funds;
  - (2) the grant or donation of Federal property and interests in property;
  - (3) the detail of Federal personnel;
  - (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and
  - (5) any Federal agreement, arrangement, or other contract that has as one of its purposes the provision of assistance.
- l. FTA Activity means any program of assistance authorized by the Federal Transit Laws at 49 U.S.C. Chapter 53 or the Federal Highway Laws at Title 23 United States Code that are administered by FTA.
- m. Grantee means a direct or indirect recipient of Federal financial assistance from FTA.
- n. Limited English Proficient (LEP) Persons are persons for whom English is not their primary language and who have a limited ability to speak, understand, read, or write

- English. It includes people who reported to the U.S. Census that they do not speak English well or do not speak English at all.
- o. Low-Income means a person whose median household income is at or below the Department of Health and Human Services' poverty guidelines.
  - p. Low-Income Population means any readily identifiable groups of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.
  - q. Minority Persons include the following:
    - (1) American Indian and Alaska Native, which refers to people having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
    - (2) Asian, which refers to people having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.
    - (3) Black or African American Populations, which refers to peoples having origins in any of the Black racial groups of Africa.
    - (4) Hispanic or Latino Populations, which includes persons of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
    - (5) Native Hawaiian and Other Pacific Islander, which refers to people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
  - r. Minority Population means any readily identifiable group of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient populations (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.
  - s. National Origin means the particular nation in which a person was born, or where the person's parents or ancestors were born.
  - t. Noncompliance refers to an FTA determination that the recipient or subrecipient has engaged in activities that have had the purpose or effect of denying persons the benefits of, excluding from participation in, or subjecting persons to discrimination in the recipient's program or activity.
  - u. Predominantly Minority Area means a geographic area, such as a neighborhood, Census tract, or traffic analysis zone, where the proportion of minority persons residing in that area exceeds the average proportion of minority persons in the recipient's service area.
  - v. Predominantly Low-Income Area means a geographic area, such as a neighborhood, Census tract, or traffic analysis zone, where the proportion of low-income persons

residing in that area exceeds the average proportion of low-income persons in the recipient's service area.

- w. Recipient means any State, political subdivision, instrumentality, or any public or private agency, institution, department or other organizational unit receiving financial assistance from FTA.
- x. Secretary means the Secretary of the Department of Transportation.
- y. Service Area refers to either the geographic area in which a transit agency is authorized by its charter to provide service to the public or to the planning area of a State Department of Transportation or Metropolitan Planning Organization.
- z. Service Standard/Policy means an established policy or service performance measure used by a transit provider or other recipient, or subrecipient as a means to plan or distribute services and benefits within its service area.
- aa. Subrecipient means any entity that receives FTA financial assistance as a pass-through from another entity.
- bb. Title VI Program refers to a recipient's submission, provided to FTA or to the subrecipient's direct recipient every three years, containing information in response to the requirements of this circular

## CHAPTER III

### REQUIREMENTS FOR APPLICANTS

This chapter describes the procedures that all applicants for Federal Transit Administration (FTA) financial assistance, including those entities applying for FTA assistance for the first time, should follow to comply with the Department of Transportation (DOT) Title VI regulations.

1. REQUIREMENT TO PROVIDE TITLE VI ASSURANCES. To ensure accordance with 49 CFR Section 21.7, every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with Title VI of the Civil Rights Act of 1964. This requirement shall be fulfilled when the applicant submits its annual certifications and assurances to FTA. The text of FTA's annual certifications and assurances is available on FTA's Web site.
2. REQUIREMENTS FOR FIRST-TIME APPLICANTS In addition to the assurances set out above, entities applying for FTA funding for the first time shall provide information regarding their Title VI compliance history if they have previously received funding from another Federal agency. This shall include a copy of any Title VI compliance review activities conducted in the last three years. The summary should include:
  - a. The purpose or reason for the review.
  - b. The name of the agency or organization that performed the review.
  - c. A summary of the findings and recommendations of the review.
  - d. A report on the status and/or disposition of such findings and recommendations. This information should be relevant to the organizational entity actually submitting the application, not necessarily the larger agency or department of which the entity is a part.

## CHAPTER IV

### GENERAL REQUIREMENTS AND GUIDELINES

This chapter describes requirements that all Federal Transit Administration (FTA) recipients and subrecipients shall follow to ensure that their programs, policies, and activities comply with the Department of Transportation (DOT) Title VI regulations. This chapter also offers guidance on integrating, into programs, policies, and activities, considerations expressed in the DOT Order on Environmental Justice.

1. REQUIREMENT TO PROVIDE AN ANNUAL TITLE VI CERTIFICATION AND ASSURANCE. Applicants shall submit their annual Title VI assurance as part of their annual Certification and Assurance submission to FTA. Recipients shall collect Title VI assurances from subrecipients prior to passing through FTA funds. (These Title VI assurances must be submitted as part of a standard list of assurances provided by subrecipients to their direct recipient(s)).
2. REQUIREMENT TO DEVELOP TITLE VI COMPLAINT PROCEDURES. In order to comply with 49 CFR Section 21.9(b), recipients and subrecipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public upon request. In order to reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI complaint investigation and tracking procedures developed by the recipient.
3. REQUIREMENT TO RECORD TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS. In order to comply with 49 CFR Section 21.9(b), recipients and subrecipients shall prepare and maintain a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipient and/or subrecipient that allege discrimination on the basis of race, color, or national origin. This list shall include the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient or subrecipient in response to the investigation, lawsuit, or complaint.
4. REQUIREMENT TO PROVIDE MEANINGFUL ACCESS TO LEP PERSONS. Title VI and its implementing regulations require that FTA recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP).
  - a. Developing a Language Implementation Plan. Recipients and subrecipients can ensure that LEP persons have meaningful access to their programs and activities by developing and carrying out a language implementation plan pursuant to the recommendations in Section VII of the DOT LEP Guidance. Certain FTA recipients or subrecipients, such as those serving very few LEP persons or those with very limited resources may choose not to develop a written LEP plan. However, the absence of a written LEP plan does not obviate the underlying obligation to ensure meaningful access by LEP persons to a

recipient's program or activities. Recipients or subrecipients electing not to prepare a written language implementation plan should consider other ways to reasonably provide meaningful access. The elements of an effective implementation plan on language assistance for LEP persons can be found at section VII of the Department's Policy Guidance, located at 70 FR 74087 (2005).

5. REQUIREMENT TO NOTIFY BENEFICIARIES OF PROTECTION UNDER TITLE VI.

In order to comply with 49 CFR Section 21.9(d), recipients and subrecipients shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. Recipients and subrecipients that provide transit service shall disseminate this information to the public through measures that can include but shall not be limited to a posting on the agency's Web site.

a. Contents. The notice shall include:

- (1) A statement that the agency operates programs without regard to race, color, and national origin.
- (2) A description of the procedures that members of the public should follow in order to request additional information on the recipient's or subrecipient's nondiscrimination obligations.
- (3) A description of the procedures that members of the public should follow in order to file a discrimination complaint against the recipient or subrecipient.

b. Effective Practices for Fulfilling the Notification Requirement. In complying with the above requirements, recipients and subrecipients should keep the following guidance in mind:

- (1) Dissemination. Agencies may inform the public of their rights under Title VI through such measures as posters, comment cards, or flyers placed at stations and in transit vehicles. The type, timing, and frequency of these measures are at the recipient's or subrecipient's discretion.
- (2) General notification. Agencies may include a statement of nondiscrimination on the basis of race, color, and national origin as part of a broader statement of its commitment to nondiscriminatory service. This broader statement can also include a commitment to nondiscrimination on the basis of characteristics not covered by Title VI, such as age, gender, and disability.
- (3) Document translation. Notices detailing a recipient's or subrecipient's Title VI obligations and complaint procedures should be translated into languages other than English, as needed and consistent with the DOT LEP Guidance.
- (4) Subrecipients. In order to reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI Notice developed by the recipient;



however, subrecipients should notify their beneficiaries that they may file discrimination complaints directly with the subrecipient.

6. REQUIREMENT TO PROVIDE ADDITIONAL INFORMATION UPON REQUEST. At the discretion of FTA, information other than that required by this circular may be requested, in writing, from a recipient or subrecipient to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.
7. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM. FTA requires recipients to report certain general information to determine compliance with Title VI. The collection and reporting of this program constitute the recipients' Title VI Program. To ensure compliance with 49 CFR Section 21.9(b), FTA requires that all recipients document their compliance with this chapter by submitting a Title VI Program to FTA's regional civil rights officer once every three years.
  - a. Contents. The submission shall include the following information:
    - (1) A summary of public outreach and involvement activities undertaken since the last submission and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities.
    - (2) A copy of the agency's plan for providing language assistance for persons with limited English proficiency that was based on the DOT LEP Guidance or a copy of the agency's alternative framework for providing language assistance.
    - (3) A copy of the agency procedures for tracking and investigating Title VI complaints.
    - (4) A list of any Title VI investigations, complaints, or lawsuits filed with the agency since the time of the last submission. This list should include only those investigations, complaints, or lawsuits that pertain to the agency submitting the report, not necessarily the larger agency or department of which the entity is a part.
    - (5) A copy of the agency's notice to the public that it complies with Title VI and instructions to the public on how to file a discrimination complaint.
  - b. Eliminating Redundancy. If, prior to the deadline for subsequent reports, the recipient has not altered its language assistance policies, procedures for tracking and investigating a Title VI complaint, or its notice to the public that it complies with Title VI and instructions to the public on how to file a Title VI complaint, the recipient should submit a statement to this effect in lieu of copies of the original documents.
  - c. Reporting Requirement Exemptions. Recipients whose only FTA funding is through the FTA's University Transportation Center Program, National Research and Technology Program, Transportation Cooperative Research Program, Over the Road Bus Accessibility program, or Public Transportation on Indian Reservations program are exempt from submitting a Title VI compliance report to FTA. The absence of this requirement to submit a Title VI report does not obviate the underlying obligations to comply with the requirements of this chapter.

8. **GUIDANCE ON CONDUCTING AN ANALYSIS OF CONSTRUCTION PROJECTS.** In order to integrate, into environmental analyses, considerations expressed in the DOT Order on Environmental Justice, recipients and subrecipients should integrate an environmental justice analysis into their National Environmental Policy Act (NEPA) documentation of construction projects. (Recipients are not required to conduct environmental justice analyses of projects where NEPA documentation is not required.). Recipients preparing documentation for a categorical exclusion (CE) can meet this requirement by completing and submitting FTA's standard CE checklist, which includes a section on community disruption and environmental justice. FTA recommends that recipients preparing an environmental assessment (EA) or environmental impact statement (EIS) integrate into their documents the following components:
- a. A description of the low-income and minority population within the study area affected by the project, and a discussion of the method used to identify this population (e.g., analysis of Census data, minority business directories, direct observation, or a public involvement process).
  - b. A discussion of all adverse effects of the project both during and after construction that would affect the identified minority and low-income population.
  - c. A discussion of all positive effects that would affect the identified minority and low-income population, such as an improvement in transit service, mobility, or accessibility.
  - d. A description of all mitigation and environmental enhancement actions incorporated into the project to address the adverse effects, including, but not limited to, any special features of the relocation program that go beyond the requirements of the Uniform Relocation Act and address adverse community effects such as separation or cohesion issues; and the replacement of the community resources destroyed by the project.
  - e. A discussion of the remaining effects, if any, and why further mitigation is not proposed.
  - f. For projects that traverse predominantly minority and low-income and predominantly non-minority and non-low-income areas, a comparison of mitigation and environmental enhancement actions that affect predominantly low-income and minority areas with mitigation implemented in predominantly non-minority or non-low-income areas. Recipients and subrecipients that determine there is no basis for such a comparison should describe why that is so.
9. **GUIDANCE ON PROMOTING INCLUSIVE PUBLIC PARTICIPATION.** In order to integrate, into community outreach activities, considerations expressed in the DOT Order on Environmental Justice, and the DOT LEP Guidance, recipients and subrecipients should seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities. An agency's public participation strategy shall offer early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions.

a. Effective Practices for Fulfilling the Inclusive Public Participation Requirement.

Recipients and subrecipients have wide latitude to determine how, when, and how often specific public involvement measures should take place, and what specific measures are most appropriate. Recipients should make these determinations based on the composition of the population affected by the recipient's action, the type of public involvement process planned by the recipient, and the resources available to the agency. Efforts to involve minority and low-income people in public involvement activities can include both comprehensive measures, such as placing public notices at all stations and in all vehicles, and measures targeted to overcome linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and low-income people and populations from effectively participating in a recipient's decision-making process. Effective practices include:

- (1) Coordinating with individuals, institutions, or organizations and implementing community-based public involvement strategies to reach out to members in the affected minority and/or low-income communities.
- (2) Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.
- (3) Using locations, facilities, and meeting times that are convenient and accessible to low-income and minority communities.
- (4) Using different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities, so that communications are tailored to the particular community or population.
- (5) Implementing DOT's policy guidance concerning recipients' responsibilities to LEP persons to overcome barriers to public participation.

## CHAPTER V

### **PROGRAM-SPECIFIC REQUIREMENTS AND GUIDELINES FOR RECIPIENTS SERVING LARGE URBANIZED AREAS**

This chapter provides program-specific guidance for recipients that provide service to geographic areas with a population of 200,000 people or greater under 49 U.S.C. 5307. These recipients should also follow the general requirements in Chapter IV Of this circular.

1. **REQUIREMENT TO COLLECT DEMOGRAPHIC DATA.** In order to comply with 49 CFR Section 21.9(b), recipients to which this chapter applies shall collect and analyze racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance. FTA recommends that recipients fulfill this requirement by implementing one or more of the following three options:
  - a. **Option A: Demographic and Service Profile Maps and Charts.** Recipients may prepare demographic and service profile maps and charts. These maps and charts will help the recipient determine whether transit service is available to minority and low-income populations within the recipient's service area. Maps and charts should be prepared after each decennial census and prior to proposed service reductions or eliminations (per the instructions of Section 4 of this Chapter). These maps may be prepared using Geographic Information System (GIS) technology, although recipients without access to GIS may prepare the maps in alternative formats. The Federal Transit Administration (FTA) recommends that recipients provide the following maps and charts:
    - (1) A base map of the agency's service area that includes each Census tract or traffic analysis zone, major streets and highways, fixed transit facilities (including the alignment of fixed guideways and transit stations, depots, maintenance and garage facilities, and administrative buildings) and major activity centers or transit trip generators (major activity centers and transit trip generators can include, but are not necessarily limited to, the central business district, outlying high employment areas, schools, and hospitals). This map should also highlight those transit facilities that were recently modernized or are scheduled for modernization in the next five years.
    - (2) A demographic map that plots the above information and also shades those Census tracts or traffic analysis zones where the percentage of the total minority and low-income population residing in these areas exceeds the average minority and low-income population for the service area as a whole. Transit agencies may elect to produce maps that highlight separately those areas with a predominantly minority population, a predominantly low-income population and a population that is both predominantly minority and low income, if such specialized maps would assist the agency in determining compliance with Title VI. Transit agencies may also elect

to produce additional maps showing the presence of individual minority populations if this information would assist the agency in determining compliance with Title VI.

- (3) A chart for each Census tract or traffic analysis zone that shows the actual numbers and percentages for each minority group within the zone or tract and the total population for each zone. This chart should also show the total number and percentage of low-income people within each zone or tract. Those tracts where the total minority population percentage and the total low-income population percentage exceed the system wide average for the agency's transit service area should be highlighted in the chart.
- b. Option B: Survey Information on Customer Demographics and Travel Patterns. Recipients may collect information on the race, color, national origin, income, and travel patterns of their riders. FTA recommends that recipients collect the following information (recipients may request additional information from their riders, as appropriate, or request different information that is more applicable to the type of service they provide):
- (1) Information on riders' race, color, and national origin.
  - (2) Whether the rider speaks or understands English "not well" or "not at all."
  - (3) Information on riders' income or income range.
  - (4) The mode of transit service that riders use most frequently (when applicable).
  - (5) The frequency of transit usage.
  - (6) The typical number of transfers made.
  - (7) The fare payment type and media most frequently used (when applicable).
  - (8) Riders' auto availability.
  - (9) Riders' opinion of the quality of service they receive (this could include questions such as satisfaction with the system, willingness to recommend transit to others, and value for fare paid).
  - (10) In administering the above option, grantees should keep the following guidance in mind:
    - (a) Timing. The information recommended in Section 1.b.(1) can be integrated into customer surveys routinely employed by transit agencies and can be collected at the time that such surveys are routinely performed.
    - (b) Language access. The recipient should take steps to translate customer surveys into languages other than English, or to provide interpretation services in the course of conducting customer surveys consistent with the DOT LEP guidance.

- c. Option C: Locally Developed Alternative. Recipients may modify the above options or develop their own procedures to collect and analyze demographic data on their beneficiaries. Any locally developed alternative shall meet the expectations of 49 CFR Section 21.9(b).
2. REQUIREMENT TO SET SYSTEMWIDE SERVICE STANDARDS In order to comply with 49 CFR Section 21.5(b)(2) and (7), Appendix C to 49 CFR part 21, recipients to which this chapter applies shall adopt quantitative system-wide service standards necessary to guard against discriminatory service design or operations decisions.
    - a. Effective Practices to Fulfill the Service Standard Requirement. FTA recommends that recipients develop quantitative standards for the following indicators. (Transit agencies may set standards for additional indicators as appropriate or set standards for different indicators that are more applicable to the type of service they provide, in lieu of the ones presented below.)
      - (1) Vehicle load. Vehicle load can be expressed as the ratio of passengers per vehicle or the ratio of passengers to the number of seats on a vehicle during a vehicle's maximum load point. Vehicle load is generally measured at peak and off-peak times and on different modes of transit. When recipients observe that the vehicle load on certain routes is consistently exceeding its service standard, they should consider adding additional vehicles or expanding the capacity of vehicles serving that route. Recipients may set different vehicle load standards for peak and for off-peak times and for different modes of transit service (such as bus, rail, bus rapid transit, and commuter rail).
      - (2) Vehicle headway. Vehicle headway is the time interval between two vehicles traveling in the same direction on the same route. The frequency of service is a general indication of the level of service provided along a route and a component of the amount of travel time expended by a passenger to reach his/her destination. It is generally expressed for peak and off-peak service as an increment of time (e.g., peak: every 15 minutes; and off peak: every 30 minutes). Recipients may set different vehicle headway standards for different modes of transit service (such as bus, rail, bus rapid transit, and commuter rail). A vehicle headway policy might establish a minimum frequency of service by area based on population density. For example, a 15 minute peak and 30 minute off-peak service might be the standard for routes serving the most densely populated portions of the service area. Thirty (30) minute peak hour service might be the standard in less densely populated areas. Headway policy is also typically related to vehicle load. For example, a policy might state that service frequency will be improved first on routes that exceed the load factor standard or on routes that have the highest load factors.
      - (3) On-time performance. On-time performance is a measure of runs completed as scheduled. This criterion first must define what is considered to be "on time." For example, it may be considered acceptable if a vehicle completes a scheduled run within five minutes of the established schedule. The percentage of times that vehicles on a particular route or line complete runs within this standard is then measured. An acceptable level of performance must then be defined. For example,

an agency might define on-time as 95 percent of all runs on a particular route or line completed within the allowed “on-time” window (e.g., five minutes).

- (4) Distribution of transit amenities. Transit amenities refer to items of comfort and convenience available to the general riding public. These items include, but are not limited to, benches, shelters, route maps, timetables, trash receptacles, and intelligent transportation systems (such as electronic fare payment and vehicle arrival information displays) along bus routes and at fixed guideway stations and elevators, escalators and “park-and-ride” facilities, at fixed guideway stations. Transit agencies may set different service standards for the different modes of service that they provide. Policies or standards in this area address how these amenities are distributed within a transit system, and the manner of their distribution determines whether transit users have equal access to these amenities. Standards for the installation of transit amenities along bus routes are often based on the number of passenger boardings that occur at stops along the routes. Transit agencies should not set standards for amenities such as bus shelters that are solely installed and maintained by a separate jurisdiction, such as a municipality. Transit agencies should set standards for amenities such as bus shelters that are installed and maintained under contract between the transit agency and a private entity. In these cases, the transit agency should communicate its service standard to the private entity.
  - (5) Service availability. Service availability is a general measure of the distribution of routes within an agency’s service area. For example, a policy might be to distribute service so that 90 percent of all residents in the service area are within one-fourth of a mile of bus or rail service. A policy might also indicate the maximum distance between stops along bus routes. These measures of coverage and stop distances might also vary by population density. For example, in more densely populated areas, the standard for bus stop distance might be a shorter distance than it would be in suburban or rural areas. In less densely populated areas, the percentage of the total population within one-fourth of a mile to routes or lines might also be lower. Commuter rail service availability standards might include a threshold of residents within a certain driving distance as well as within walking distance of the stations. The standards or policies covering this area apply to existing services as well as proposed changes in levels of service (e.g., expansion, addition, or deletion of routes).
3. REQUIREMENT TO SET SYSTEM-WIDE SERVICE POLICIES. In order to comply with 49 CFR Section 21.5(b)(2) and 49 CFR Section 21.5(b)(7), Appendix C to 49 CFR part 21, recipients to which this chapter applies shall adopt system-wide service policies necessary to guard against service design and operational policies that have disparate impacts. System-wide policies differ from service standards in that they are not necessary based on a quantitative threshold.
    - a. Effective Practices to Fulfill the Service-Policy Requirement. FTA recommends that recipients develop policies for the following indicators. (Transit agencies may set policies for additional indicators as appropriate or set policies for different indicators

that are more applicable to the type of service they provide, in lieu of the ones presented below.)

- (1) Vehicle assignment. Vehicle assignment refers to the process by which transit vehicles are placed into service in depots and routes throughout the recipient's system. Policies for vehicle assignment can be based on the age of the vehicle; for example, a recipient may have a policy to assign vehicles to depots so that the age of the vehicles at each depot does not exceed the system wide average. The policy could also be based on the type of vehicle. For example, an agency could assign vehicles with more capacity to routes with higher ridership and/or during peak periods. The policy could also be based on the type of service offered. For example, certain types of vehicles could be assigned for express or commuter service. Agencies deploying vehicles equipped with technology designed to reduce emissions may choose to set a policy for how these vehicles will be deployed throughout the service area. For example, a policy could be to distribute vehicles so that the level of emissions per bus at each depot is comparable.
  - (2) Transit security. Transit security refers to measures taken to protect a recipient's employees and the public against any intentional act or threat of violence or personal harm, either from a criminal or terrorist act. These actions include, but are not limited to, deploying surveillance technology and security personnel along routes and at stations, implementing security training programs for employees and security awareness programs for the public, and conducting inspections of facilities and passengers. Decisions to provide a greater level of security at some but not all of a recipient's fixed guideway stations in its area or along some but not all of a recipient's transit routes should be based on neutral criteria such as an assessment of security threats to facilities, data showing higher levels of criminal activity at certain facilities or in vehicles traveling along certain routes, or objective information that leads officials to believe that certain facilities or routes are more likely to be at risk. Policies associated with observing suspicious activity should ensure that suspicious activity is observed without regard to race, color, or national origin.
4. REQUIREMENT TO EVALUATE SERVICE AND FARE CHANGES. In order to comply with 49 CFR Section 21.5(b)(2), 49 CFR Section 21.5(b)(7) and Appendix C to 49 CFR part 21, recipients to which this chapter applies shall evaluate significant system-wide service and fare changes and proposed improvements at the planning and programming stages to determine whether those changes have a discriminatory impact. For service changes, this requirement applies to "major service changes" only. The recipient should have established guidelines or thresholds for what it considers a "major" change to be. Often, this is defined as a numerical standard, such as a change that affects 25 percent of service hours of a route. FTA recommends that recipients evaluate the impacts of their service and/or fare changes using one of the following two options:
- a. Option A: Recipients are encouraged to evaluate the impacts of proposed service and fare changes according to the following procedure:



- (1) Assess the effects of the proposed fare or service change on minority and low-income populations.
  - (a) Route changes. For proposed major service changes that would reduce or expand frequency of service or add or eliminate routes, the recipient should produce maps of the routes that would be eliminated, reduced, added, or expanded, overlaid on a demographic map of the service area, that highlights those Census tracts or traffic analysis zones where the total minority and low-income population is greater than the service area average.
  - (b) Span of service. For proposed changes that would reduce or expand hours and days of service, the recipient should analyze any available information generated from ridership surveys that indicates whether minority and low-income riders are more likely to use the service during the hours and/or days that would be eliminated.
  - (c) Fare changes. For proposed changes that would increase or decrease fares on certain transit modes or by fare payment type or payment media, the recipient should analyze any available information generated from ridership surveys indicating whether minority and low-income riders are more likely to use the mode of service, payment type, or payment media that would be subject to the fare increase.
- (2) Assess the alternatives available for people affected by the fare increase or major service change.
  - (a) Service changes. For proposed service changes, the recipient should analyze what, if any, modes of transit or transit routes are available for people affected by the service expansions or reductions. This analysis should compare the travel time and cost of the current route with the travel time and cost to the rider of the alternatives.
  - (b) Fare changes. For proposed fare changes, the recipient should analyze what, if any, alternative transit modes, fare payment types, or fare payment media are available for people affected by the fare change. This analysis should compare the fares paid under the change with fares that would be paid through available alternatives.
- (3) Describe the actions the agency proposes to minimize, mitigate, or offset any adverse effects of proposed fare and service changes on minority and low-income populations.
- (4) Determine which, if any of the proposals under consideration would have a disproportionately high and adverse effect on minority and low-income riders. Recipients can implement a fare increase or major service reduction that would have disproportionately high and adverse effects provided that the recipient demonstrates that the action meets a substantial need that is in the public interest

and that alternatives would have more severe adverse effects than the preferred alternative.

- b. Option B: Locally Developed Evaluation Procedure. Recipients have the option of modifying the above option or developing their own procedures to evaluate significant system-wide service and fare changes and proposed improvements at the planning and programming stages to determine whether those changes have a discriminatory impact. This locally developed alternative shall include a description of the methodology used to determine the impact of the service and fare change, a determination as to whether the proposed change would have discriminatory impacts, and a description of what, if any, action was taken by the agency in response to the analysis conducted.
5. REQUIREMENT TO MONITOR TRANSIT SERVICE. In order to comply with 49 CFR Section 21.5(2), 49 CFR Section 21.5(b)(7) and Appendix C to 49 CFR part 21, recipients to which this chapter applies shall monitor the transit service provided throughout the recipient's service area. Periodic service monitoring activities shall be undertaken to compare the level and quality of service provided to predominantly minority areas with service provided in other areas to ensure that the end result of policies and decision making is equitable service. Monitoring shall be conducted at minimum once every three years. If a recipient's monitoring determines that prior decisions have resulted in disparate impacts, agencies shall take corrective action to remedy the disparities. FTA recommends that recipients fulfill this requirement by implementing at least one of the following four service monitoring procedures:
    - a. Option A: Level of Service Methodology.
      - (1) Recipients should select a sample of bus routes and (if applicable) fixed guideway routes that provide service to a demographic cross-section of the recipient's population. A portion of the routes in the sample should be those routes that provide service to predominantly minority and low-income areas. Recipients should bear in mind that the greater the sample size, the more reliable the results.
      - (2) Recipients should assess the performance of each route in the sample for each of the recipient's service standards and policies.
      - (3) Recipients should compare the transit service observed in the assessment to the established service policies and standards.
      - (4) In cases in which observed service does not meet the stated service policy or standard, recipients should determine why the discrepancy exists and take corrective action to correct the discrepancy.
    - b. Option B: Quality of Service Methodology.
      - (1) Recipients should identify an appropriate number of Census tracts or traffic analysis zones that represent a cross-section of the recipient's population. A portion of this sample should include Census tracts or traffic analysis zones where

minority and/or low-income residents predominate. Recipients should keep in mind that the greater the sample size, the more reliable the results.

- (2) Recipients should identify the most frequently traveled destinations for riders using the recipient's service.
- (3) For each of the three most frequently traveled destinations, recipients should compare the average peak hour travel time to destination, average non-peak hour travel time to destination, number of transfers required to reach the destination, total cost of trip to the destination, and cost per mile of trip to the destination for people beginning the trip in the selected Census tracts or traffic analysis zones.
- (4) If disparities exist in any of these factors along the trips to any of the destinations analyzed, recipients should determine whether the differences are significant. FTA recommends that recipients employ standard statistical tests for significance to make this determination.
- (5) If significant disparities in one or more quality of service indicators have been confirmed, recipients should determine why the disparity exists and take corrective action to correct the disparity.

c. Option C: Title VI Analysis of Customer Surveys.

- (1) For their most recent passenger survey, recipients should compare the responses from individuals who identified themselves as members of minority groups and/or in low-income brackets, and the responses of those who identified themselves as white and/or in middle and upper-income brackets.
- (2) To the extent that survey data is available, recipients should determine whether the different demographic groups report significant differences in the travel time, number of transfers, and overall cost of the trip or if different demographic groups gave significantly different responses when asked to rate the quality of service, such as their satisfaction with the system, willingness to recommend transit to others, and value for fare paid.
- (3) If the agency concludes that different demographic groups gave significantly different responses, it should take corrective action to address the disparities.

- d. Option D: Locally Developed Alternative. Recipients have the option of modifying the above options or developing their own procedures to monitor their transit service to ensure compliance with Title VI. Any locally developed alternative should be designed to ensure that the agency's service meets the expectations of 49 CFR part 21 as illustrated by the example in Appendix C of the same, which provides that "no person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of service of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color, or national origin."

6. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM. To ensure compliance with 49 CFR Section 21.9(b), FTA requires that recipients to which this chapter applies document their compliance with the program-specific requirements in Sections 1 and 2 of this chapter and submit to FTA's regional civil rights officer a Title VI program that also includes documentation of compliance with the general reporting requirements in Sections 1 through 7 of Chapter IV. This program shall be submitted once every three years on or prior to a date arranged by FTA.
- a. Contents. Recipients to which this chapter applies shall include the following information in their compliance report:
- (1) A copy of the agency's demographic analysis of its beneficiaries. This should include either any demographic maps and charts prepared or a copy of any customer surveys conducted since the last report that contain demographic information on ridership, or the agency's locally developed demographic analysis of its customer's travel patterns.
  - (2) Copies of system-wide service standards and system-wide service policies adopted by the agency since the last submission.
  - (3) A copy of the equity evaluation of any significant service changes and fare changes implemented since the last report submission.
  - (4) A copy of the results of either the level of service monitoring, quality of service monitoring, demographic analysis of customer surveys, or locally developed monitoring procedures conducted since the last submission.
- b. Eliminating Redundancy. If, prior to the deadline for subsequent reporting periods, the recipient has not altered its existing demographic analysis, service standards, or service policies, the recipient should submit a statement to this effect in lieu of copies of the original documents.

## CHAPTER VI

### PROGRAM-SPECIFIC REQUIREMENTS AND GUIDELINES FOR STATE DEPARTMENTS OF TRANSPORTATION OR OTHER ADMINISTERING AGENCIES

This chapter provides program-specific requirements that State DOTs and other State administrating agencies, administrating Elderly Individuals and Individuals with Disabilities, Rural and Small Urban Area, Job Access and Reverse Commute (JARC), and New Freedom funding programs as well as and designated recipients in large urbanized areas for JARC and New Freedom shall follow to ensure that their programs, policies, and activities comply with the Department of Transportation (DOT) Title VI regulations. This chapter also offers guidance on integrating, into programs, policies, and activities, considerations expressed in the DOT Order on Environmental Justice.

1. GUIDANCE ON CONDUCTING STATEWIDE TRANSPORTATION PLANNING. In order to integrate, into statewide planning activities, considerations expressed in the DOT Order on Environmental Justice, State DOTs should have an analytic basis in place for certifying their compliance with Title VI. Examples of this analysis can include:
  - a. A demographic profile of the State that includes identification of the locations of socioeconomic groups, including low-income and minority populations as covered by the Executive Order on Environmental Justice and Title VI.
  - b. A statewide transportation planning process that identifies the needs of low-income and minority populations.
  - c. An analytical process that identifies the benefits and burdens of the State's transportation system investments for different socioeconomic groups, identifying imbalances, and responding to the analyses produced.
  
2. GUIDANCE ON PROGRAM ADMINISTRATION. In order to integrate into their program administration considerations expressed in the DOT Order on Environmental Justice, recipients to which this chapter applies should document that they pass through Federal Transit Administration (FTA) funds under the Transportation for Elderly Individuals and Individuals with Disabilities, Rural and Small Urban Area Formula Funding, JARC, and New Freedom grant programs without regard to race, color, or national origin and that minority populations are not being denied the benefits of or excluded from participation in these programs.
  - a. FTA recommends that agencies prepare the following information:
    - (1) A description of how the agency develops its competitive selection process or annual program of projects submitted to FTA as part of its grant applications. This description should emphasize the method used to ensure the equitable distribution of

funds to subrecipients that serve predominantly minority and low-income populations, including Native American tribes, where present.

- (2) A description of the agency's criteria for selecting transit providers to participate in any FTA grant program.
  - (3) A record of requests for Elderly Individuals and Individuals with Disabilities, Rural and Small Urban Area Formula Funding, JARC, and New Freedom funding. The record should identify those applicants that would use grant program funds to provide assistance to predominantly minority and low-income populations. The record should also indicate whether those applicants were accepted or rejected for funding.
  - (4) A description of the agency's procedures to assist potential subrecipients in applying for Elderly Individuals and Individuals with Disabilities, Rural and Small Urban Area Formula Funding, JARC, and New Freedom funding, including any efforts to assist applicants that would serve predominantly minority and low-income populations.
  - (5) State DOTs or other administering agencies may classify applicants as providing service to predominantly minority and low-income populations if the proportion of minority and low-income people in the applicant's service area exceeds the statewide average minority and low-income population.
3. GUIDANCE ON MONITORING SUBRECIPIENTS. In order to ensure that subrecipients are complying with the DOT Title VI Regulations, State DOTs or other State administering agencies should monitor their subrecipients for compliance with Title VI. The State DOT should undertake the following activities:
- a. The agency should document its process for ensuring that all subrecipients are complying with the general reporting requirements of this circular.
  - b. At the request of FTA, in response to a complaint of discrimination, or as otherwise deemed necessary by the State DOT or administering agency, the agency should request that subrecipients who provide transportation services verify that their level and quality of service is provided on an equitable basis. Recipients should ask subrecipients to develop system-wide service standards and verify that service provided to predominantly minority and low-income communities meets these standards.
4. GUIDANCE ON PROVIDING ASSISTANCE TO SUBRECIPIENTS. FTA recommends that agencies assist their subrecipients in complying with the general reporting requirements in Chapter IV. Assistance should be provided at the request of a subrecipient or as deemed necessary and appropriate by the State DOT or other administering agency. Agencies should consider providing the following information to subrecipients:
- a. Sample notices to the public informing beneficiaries of their rights under Title VI and procedures on how to file a Title VI complaint.

- b. Sample procedures for tracking and investigating Title VI complaints filed with a subrecipient.
  - c. Demographic information on the race, income, and English proficiency of residents served by the subrecipient. (This information will assist the subrecipient in assessing the level and quality of service it provides to communities within its service area and in assessing the need for language assistance.)
5. REQUIREMENT TO PREPARE AND SUBMIT A TITLE VI PROGRAM. To ensure compliance with 49 CFR Section 21.9(b), FTA requires that State DOTs or other administering agencies document their compliance with the program-specific requirements in Section 1 through 3 of this chapter and submit to FTA a Title VI program that also includes documentation of compliance with the general reporting requirements in Chapter IV. This program shall be submitted once every three years on or prior to a date arranged by FTA.
- a. Contents. Recipients to which this chapter applies shall include the following information in their compliance report:
    - (1) A copy of the procedures used for certifying that the statewide planning process complies with Title VI.
    - (2) A description of the procedures the agency uses to pass-through FTA financial assistance in a non-discriminatory manner.
    - (3) A description of the procedures the agency uses to provide assistance to potential subrecipients applying for funding in a non-discriminatory manner.
    - (4) A description of how the agency monitors its subrecipients for compliance with Title VI and a summary of the results of this monitoring.
  - b. Eliminating Redundancy. If, prior to the deadline for subsequent reporting periods, the State DOT or administering agency has not altered its procedures for certifying that the statewide planning process complies with Title VI, its description of the procedures the agency uses to pass-through FTA financial assistance in a non-discriminatory manner, its description of the procedures the agency uses to provide assistance to potential subrecipients applying for funding in a non-discriminatory manner, or its description of how the agency monitors its subrecipients for compliance, the agency should submit a statement to this effect in lieu of copies of the original documents.

## CHAPTER VII

### **PROGRAM-SPECIFIC GUIDANCE FOR METROPOLITAN TRANSPORTATION PLANNING ORGANIZATIONS**

This chapter describes the procedures that metropolitan planning organizations (MPOs) should follow in order to comply with the Department of Transportation's (DOT) Title VI regulations.

#### 1. **GUIDANCE ON CONDUCTING METROPOLITAN TRANSPORTATION PLANNING.**

In order to integrate, into metropolitan planning activities, considerations expressed in the DOT Order on Environmental Justice, MPOs should have an analytic basis in place for certifying their compliance with Title VI. Examples of this analysis can include:

- a. A demographic profile of the metropolitan area that includes identification of the locations of socioeconomic groups, including low-income and minority populations as covered by the Executive Order on Environmental Justice and Title VI.
  - b. A metropolitan transportation planning process that identifies the needs of low-income and minority populations.
  - c. An analytical process that identifies the benefits and burdens of metropolitan transportation system investments for different socioeconomic groups, identifying imbalances and responding to the analyses produced.
2. **REPORTING REQUIREMENTS.** Those MPOs that are direct recipients of Federal Transit Administration (FTA) shall report to FTA consistent with the reporting procedures in Chapter II part 4. Other MPOs should report to their direct recipient, the State Departments of Transportation (State DOTs), consistent with reporting procedures established by the State DOT.



## CHAPTER VIII

### COMPLIANCE REVIEWS

This chapter describes the review process that the Federal Transit Administration (FTA) will follow when determining if a recipient's or subrecipient is deficient or noncompliant after the award of Federal financial assistance and what information and actions are expected from recipients and subrecipients that are subject to these reviews.

1. COMPLIANCE PROCEDURES. After a grant has been awarded, FTA may conduct reviews as part of its ongoing monitoring responsibilities, pursuant to its authority under 49 CFR Section 21.11(a). These reviews exist separate and may be in addition to the Triennial Review, State Management Review, or Planning Certification Review and will be conducted either as a desk audit or at an on-site visit. They may cover all or a portion of the recipient's compliance with the requirements of this circular. Such reviews are conducted at the discretion of FTA, and their scope is defined on a case-by-case basis.
2. CRITERIA. The following list of factors will contribute to selection of recipients for compliance reviews:
  - a. Lawsuits, complaints, or investigations conducted by organizations other than FTA alleging that the recipient or subrecipient is deficient or non-compliant with Title VI;
  - b. Problems brought to the attention of FTA by other Federal, State, or local civil rights agencies;
  - c. Incomplete Title VI program submissions that were previously submitted to FTA by a recipient;
  - d. Title VI findings or recommendations on prior Triennial, State Management, or Planning Certification Reviews that have not been sufficiently resolved or implemented, or repeat findings in any FTA review concerning Title VI; or
  - e. The length of time since the last compliance review.
3. SCOPE. In general, compliance reviews will assess the following information:
  - a. The recipient's or subrecipient's efforts to meet the requirements under the "general reporting" and program-specific sections of this circular.
  - b. Other information that is necessary and appropriate to make a determination that the grantee is in compliance with Title VI.

4. **DETERMINATIONS.** After reviewing the recipient's or subrecipient's efforts to meet the general reporting and program-specific reporting sections of the circular, FTA will issue findings of no deficiency, deficiency or noncompliance.
  - a. **Findings of no deficiency** are determinations that no deficiency was found in review of the recipient or subrecipient's Title VI program or after the results of an investigation or compliance review. Agencies are not expected to take any corrective action in response to findings of no deficiency except with regard to advisory comments. Advisory comments are recommendations that the recipient or subrecipient undertake activities in a manner more consistent with the guidance provided in the pertaining section of the circular. Recipients and subrecipients are expected to notify FTA as to whether they will take action in response to the advisory comments.
  - b. **Findings of deficiency** are determinations that the recipient or subrecipient has not complied with one or more of the pertinent provisions of this circular. Recipients and subrecipients are expected to take corrective actions in response to findings of deficiency and the compliance review will provide specific instructions to the recipient on how the corrective action should be taken.
  - c. **Findings of noncompliance** are determinations that the recipient or subrecipient has engaged in activities that have had the purpose or effect of denying persons the benefits of, excluding them from participation in, or subjecting persons to discrimination on the basis of race, color, or national origin under the recipient's program or activity, FTA will consider the grantee to be non-compliant with the DOT Title VI regulations. If noncompliance cannot be corrected informally, the recipient or subrecipient may be subject to remedial action or proceedings under Chapter X of this circular and the DOT Title VI regulations at 49 CFR Sections 21.13, 21.15, and 21.17.
5. **RESULTS OF COMPLIANCE REVIEW ACTIVITIES.** FTA will summarize the results of the review in a draft report, which will include findings of no deficiency, findings of deficiency and advisory comments, as appropriate. The recipient or subrecipient will have the opportunity to review and respond to the draft report. After FTA has received and reviewed the agency's response, it will publish a final report that will be provided to the recipient or subrecipient and will also be subject to requests from the public under the Freedom of Information Act (FOIA). If findings of deficiency remain in the final report, the recipient or subrecipient will be required to take corrective action, develop a timeline for compliance, and report on its progress to FTA on a quarterly basis. Once FTA determines that the recipient or subrecipient has satisfactorily responded to the review's findings, it will inform the agency that the review process has ended and release it from further progress reporting in response to the review. Compliance reviews may be followed up with additional reviews as necessary.
6. **EFFECTING COMPLIANCE.** Consistent with the provisions in Chapter X of this circular, if the recipient or subrecipient fails to take appropriate corrective action in response to the findings of deficiency in the report, FTA may initiate Effecting Compliance proceedings that could result in action taken by Department of Transportation (DOT) to suspend, terminate, refuse to grant or continue Federal financial assistance to a recipient or subrecipient or a

referral to the Department of Justice (DOJ) with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States or any assurance or other contractual undertaking.

7. TITLE VI COMPLIANCE REVIEW FLOW CHART



## CHAPTER IX

### COMPLAINTS

This chapter describes how the Federal Transit Administration (FTA) will respond to complaints of discrimination under Title VI that are filed with FTA against a recipient or subrecipient of FTA funds. FTA will promptly investigate all complaints filed under Title VI in accordance with Department of Transportation (DOT) regulations at 49 CFR Section 21.11(b) and 21.11(c). FTA may delay its investigation if the complainant and the party complained against agree to postpone the investigation pending settlement negotiations.

1. RIGHT TO FILE A COMPLAINT. Any person who believes himself or any specific class of persons to be subjected to discrimination prohibited by Title VI may by himself or by a representative file a written complaint with the FTA. A complaint must be filed no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by FTA.
2. COMPLAINT ACCEPTANCE. Once a complaint has been accepted by FTA for investigation, FTA will notify the recipient or subrecipient that it has been subject to a Title VI complaint and ask the agency to respond in writing to the complainant's allegations. Once the complainant agrees to release the complaint to the recipient or subrecipient, FTA will provide the agency with the complaint. If the complainant does not agree to release the complaint to the recipient or subrecipient, FTA may choose to close the complaint. FTA strives to complete a Title VI complaint investigation within 180 days of the date that FTA accepts the complaint for investigation.
3. INVESTIGATIONS. FTA will make a prompt investigation whenever a compliance review, report, complaint or any other information indicates a possible failure to comply with this part. The investigation will include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with Title VI.
4. LETTERS OF FINDING AND RESOLUTION. After the investigation has been completed FTA's Office of Civil Rights will transmit to the complainant and the grantee one of the following three letters based on its findings:
  - a. A letter of resolution that explains the steps the recipient or subrecipient has taken or promises to take to come into compliance with Title VI.
  - b. A letter of finding that is issued when the recipient or subrecipient is not found to be in noncompliance with Title VI. This letter will include an explanation of why the recipient or subrecipient was not found to be in non-compliance, and provide notification of the complainant's appeal rights. If applicable, the letter can include a list of procedural violations or concerns, which can put the recipient or subrecipient on notice

that certain practices are questionable and that without corrective steps, a future violation finding is possible.

- c. A letter of finding that is issued when the recipient or subrecipient is found to be in noncompliance. This letter will include each violation referenced as to the applicable regulations, a brief description of proposed remedies, notice of the time limit on the conciliation process, the consequences of failure to achieve voluntary compliance, and an offer of assistance to the recipient or subrecipient in devising a remedial plan for compliance, if appropriate.
5. APPEALS PROCESS. The letters of finding and resolution will offer the complainant and the recipient or subrecipient the opportunity to provide additional information that would lead FTA to reconsider its conclusions. In general, FTA requests that the parties in the complaint provide this additional information within 60 days of the date the FTA letter of finding was transmitted. After reviewing this information, FTA's Office of Civil Rights will respond either by issuing a revised letter of resolution or finding to the appealing party, or by informing the appealing party that the original letter of resolution or finding remains in force. FTA strives to transmit these letters within 30 to 60 days of receiving the appeal.

## CHAPTER X

### EFFECTING COMPLIANCE

This chapter outlines procedures when the Federal Transit Administration (FTA) determines that a grantee is in non-compliance with Title VI after FTA follows the procedures in 49 CFR 21.11. The Department of Transportation (DOT) Title VI regulations at 49 CFR Section 21.13(a) states the following:

If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by any other means authorized by law. Such other means may include, but are not limited to: (1) A reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

1. PROCEDURES FOR SECURING VOLUNTARY COMPLIANCE. Prior to taking measures to effect compliance, FTA will attempt to resolve non-compliance informally and by using the following procedures.
  - a. Determination of Noncompliance. FTA may determine noncompliance with Title VI following a compliance review or after FTA completes an investigation in response to a Title VI complaint.
  - b. Notification to the Recipient. When FTA has determined that a recipient or subrecipient is in noncompliance with Title VI, it will transmit a letter of finding to the grantee that describes FTA's determination and requests that the grantee voluntarily take corrective action(s) that FTA deems necessary and appropriate.
  - c. Recipient Response. Within 30 days of receipt of FTA's letter of finding, the recipient or subrecipient must submit a remedial action plan, including a list of planned corrective actions and, if necessary, sufficient reasons and justification for FTA to reconsider any of its findings or recommendations. The grantee's plan should:
    - (1) List all corrective action(s) accepted by the recipient or subrecipient.
    - (2) Describe how the corrective actions will be implemented. And a timeline for achieving compliance.

- (3) Include a written assurance that the recipient or subrecipient will implement the accepted corrective action(s) and has the capability to implement the accepted corrective action(s) in the manner discussed in the plan.
  - d. Request for Reconsideration. A request for reconsideration should provide a justification for the request to reconsider, including any evidence or information supporting such a request, and include a written assurance that on the basis of the requested reconsideration, the agency is or otherwise will come into compliance with Title VI. This request should be submitted within 30 days of FTA's notification to the recipient.
  - e. FTA Review of the Grantee Response. Within 30 days after receiving the recipient's or subrecipient's response, FTA will review the submitted remedial action plan and any request for reconsideration and decide what remedial action(s) are necessary and appropriate to bring the grantee into compliance. If necessary, before making a decision, FTA may conduct a site visit to substantiate information or statements contained in the recipient's or subrecipient's response. FTA will issue a decision, including its findings and recommendations, as part of a final remedial action plan. The final remedial action plan will be sent to the recipient or subrecipient for review and consent. Consent means that the grantee agrees to initiate action(s) specified in the plan.
  - f. Conditions for Declining the Remedial Action Plan. The recipient or subrecipient has 15 days to agree or disagree with the final remedial action plan. If a recipient or subrecipient disagrees with this plan, it must submit a written statement of its reasons for not agreeing to the remedial actions contained in the plan. Under those circumstances, the recipient or subrecipient will be considered in noncompliance, and a meeting will be scheduled within 30 days to resolve the disagreements.
2. PROCEEDINGS. When FTA and the recipient or subrecipient cannot agree on a final remedial action plan, FTA may initiate proceedings against the recipient or subrecipient in accordance with 49 CFR Section 21.13. These proceedings refer to an action taken by DOT to suspend, terminate, or refuse to grant or continue Federal financial assistance to a recipient or subrecipient. Proceedings are appropriate in cases where all means of informal resolution have failed to get the recipient or subrecipient into compliance. FTA may refer a matter to DOJ with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States or any assurance or other contractual undertaking. Proceedings will take place according to the following procedure:
    - a. Hearings. Whenever FTA has terminated or refused to grant or to continue Federal financial assistance, an order will be issued with express findings, after an opportunity for a hearing on the record pursuant to 49 CFR Section 21.13(c). In accordance with 49 CFR Section 21.15(a), notice of the hearing will be provided by registered or certified mail, return receipt requested, to the recipient or subrecipient. The notice will advise the recipient or subrecipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action. It will either:



- (1) Fix a date not less than 20 days after the date of such notice within which the recipient or subrecipient may request of the Administrator that the matter be scheduled for hearing; or
  - (2) Advise the recipient or subrecipient that the matter in question has been scheduled for a hearing at a stated place and time. The time and place will be reasonable and subject to change for cause.
- b. Waiver of Hearing. A recipient or subrecipient may waive a hearing and submit written information and argument for the record. The failure of a recipient or subrecipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under Section 602 of the Civil Rights Act of 1964 and Section 21.13(c) of the DOT Title VI regulations and consent to the making of a decision on the basis of the available information.
  - c. Timing and Location of Hearing. Hearings will be held at the offices of the Agency in Washington, DC, at a time fixed by the Administrator unless the convenience of the recipient or subrecipient or of the Agency requires that another place be selected.
  - d. Right to counsel. In all proceedings under this section, the recipient or subrecipient and the Agency shall have the right to be represented by counsel.
  - e. Procedures, evidence, and record. Pursuant to 49 CFR 21.15(c), the hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 554 through 557 of title 5, United States Code, and in accordance with such rules of procedure as are proper relating to the conduct of the hearing, giving of notices to the applicant or recipient, taking of testimony, exhibits, arguments, and briefs, requests for findings, and other related matters.
  - f. Consolidated or joint hearings. In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more Federal Statutes, the Administrator may, by agreement with other departments or agencies, provide for the conduct of consolidated or joint hearings.
3. JUDICIAL REVIEW. When FTA issues a final order after a hearing on the record, such final action is subject to judicial review. In the case of a final order or final decision that is not otherwise subject to judicial review, an aggrieved person may obtain judicial review of FTA's or DOT's final order if such action is in accordance with the Administrative Procedure Act (5 U.S.C. Chapter 7) and, therefore, the final order or final decision is not deemed an unreviewable agency action as defined.

**APPENDIX A****TITLE VI PROGRAM CHECKLIST FOR ALL GRANTEES**

All recipients should submit the following information to the Federal Transit Administration (FTA) as part of their Title VI Program. Subrecipients shall submit the information below to their direct recipient.

<b>Provision</b>	<b>Circular Reference</b>	<b>Citation in DOT Title VI Regulations or reference to the DOT Order on Environmental Justice</b>	<b>Reporting Requirement</b>
Title VI Complaint Procedures	Chapter IV, part 2	49 CFR 21.9(b)	A copy of their procedures for filing a Title VI complaint
Record of Title VI investigations, complaints, or lawsuits	Chapter IV part 3	48 CFR 21.9(b)	A list of any Title VI investigations, complaints, or lawsuits filed with the agency since the time of the last submittal
Access to Services by Persons with LEP	Chapter IV, part 4	49 CFR 21.5(b) and the DOT LEP Guidelines	Either a copy of the agency's plan for providing access to meaningful activities and programs for persons with limited English proficiency which was based on the DOT LEP guidance or a copy of the agency's alternative framework for providing access to activities and programs.
Notifying beneficiaries of their rights under Title VI	Chapter IV part 5	49 CFR 21.9(d)	A notice that it complies with Title VI and procedures the public may follow to file a discrimination complaint.
Inclusive public participation	Chapter IV part 9	DOT Order 5610	A summary of public outreach and involvement activities undertaken since the last submission and a description of steps taken to ensure that minority persons had meaningful access to these activities.

**APPENDIX B**

**TITLE VI PROGRAM CHECKLIST FOR RECIPIENTS SERVING URBANIZED AREAS WITH POPULATIONS OF 200,000 PEOPLE OR GREATER**

All recipients providing service to geographic areas with 200,000 people or greater should submit the following information to the Federal Transit Administration (FTA) as part of their Title VI Program..

<b>Provision</b>	<b>Circular Reference</b>	<b>Citation</b>	<b>Information to be included in the Title VI report</b>
Demographic Data Collection	Chapter V, Part 1	49 CFR 21.9(b);	Either demographic maps and charts prepared since the most recent decennial census, results of customer surveys that include demographic information, or demographic information on beneficiaries through locally developed procedure.
Service Standards	Chapter V, Part 2	49 CFR 21.5(b)(2); 49 CFR 21.5(b)(7); Appendix C to 49 CFR 21	System-wide service standards (such as standards for vehicle load, vehicle headway, distribution of transit amenities, on-time performance, transit availability, and transit security).
Service Policies	Chapter V, Part 3	49 CFR 21.5(b)(2); 49 CFR 21.5(b)(7); Appendix C to 49 CFR 21	System-wide policies (such as policies for vehicle assignment or transit security).
Equity Evaluation of Service and Fare Changes	Chapter V, Part 4	49 CFR 21.5(b)(2); 49CFR 21.5(b)(7); Appendix C to 49 CFR 21;	An analysis of the impacts on minority and low-income populations of any significant service and fare changes that occurred since the previous report was submitted.
Monitoring	Chapter V, Part 5	49 CFR 21.5(b)(2); 49CFR 21.5(b)(7); Appendix C to 49 CFR 21;	The results of either level of service monitoring, quality of service monitoring, analysis of customer surveys, or locally developed monitoring procedure.

**APPENDIX C**

**TITLE VI PROGRAM CHECKLIST FOR STATE DEPARTMENTS OF TRANSPORTATION  
OR OTHER STATE ADMINISTRATING AGENCIES**

All State DOTs should submit the following information to the Federal Transit Administration (FTA) as part of their Title VI compliance report.

<b>Provision</b>	<b>Circular Reference</b>	<b>Citation</b>	<b>Information to be included in the Title VI report</b>
Statewide planning activities	Chapter VI Part 1	49 CFR 21.5(B)(2), 49 CFR 21.5(b)(3), 49 CFR 21.5(b)(7),	A copy of procedures used to certify that the Statewide planning process is in compliance with Title VI.
Program Administration	Chapter VI Part 2).	49 CFR 21.5(B)(2), , 49 CFR 21.5(b)(7), 49 CFR 21.9(b)	A description of the procedures the agency uses to pass-through FTA financial assistance in a non-discriminatory manner
Program Administration	Chapter VI Part 2.	49 CFR 21.5(B)(2),49 CFR 21.5(b)(7),	A description of the procedures the agency uses to provide assistance to potential subrecipients in a non-discriminatory manner. .
Program Administration	Chapter VI Part 3	49 CFR 21.5(B)(2), 49 CFR 21.5(b)(7),	A description of how the agency monitors its subrecipients for compliance with Title VI and results

**APPENDIX D****TITLE VI, ENVIRONMENTAL JUSTICE, AND LIMITED ENGLISH PROFICIENCY  
TECHNICAL ASSISTANCE RESOURCES**

The following resources should help recipients and subrecipients integrate the guidance and procedures of this circular into their planning and operations. Recipients seeking additional resources that may have been published subsequent to the date of this circular may inquire with FTA's regional Office or the Federal Transit Administration (FTA) Office of Civil Rights. Technical assistance resources will be published at the FTA Office of Civil Rights website, [http://www.fta.dot.gov/civil\\_rights.html](http://www.fta.dot.gov/civil_rights.html), on an ongoing basis.

1. **Relevant Web sites.** Recipients and subrecipients are encouraged to review information on the following Web sites:
  - a. **Federal Highway Administration (FHWA)/FTA's Environmental Justice Web site** [www.fhwa.dot.gov/environment/ej2.htm](http://www.fhwa.dot.gov/environment/ej2.htm). This Web site provides an overview of transportation and environmental justice and includes links to legislation and guidance, case studies, effective practices, and answers to commonly asked questions.
  - b. **FTA's Title VI Web site.** [www.fta.dot.gov/civilrights/civil\\_rights\\_5088.html](http://www.fta.dot.gov/civilrights/civil_rights_5088.html). This Web site provides an overview of FTA's Title VI activities, including links to recent compliance reviews of recipients, related Web sites, policy guidance and procedures, and instructions on how to file a Title VI complaint.
  - c. **Federal Interagency Working Group on Limited English Proficiency.** [www.lep.gov](http://www.lep.gov). LEP.gov promotes a cooperative understanding of the importance of language access to Federal programs and Federally-assisted programs. The site acts as a clearinghouse, providing and linking to information, tools, and technical assistance regarding limited English proficiency and language services for Federal agencies, recipients of Federal funds, users of Federal programs and Federally-assisted programs, and other stakeholders.
  - d. **U.S. Department of Justice Civil Rights Division.** <http://www.usdoj.gov/crt/crt-home.html>. The Civil Rights Division of the Department of Justice, established in 1957, is the program institution within the Federal government responsible for enforcing Federal statutes prohibiting discrimination on the basis of race, sex, disability, religion, and national origin.
  - e. **Transportation Research Board's Environmental Justice Committee Web site.** <http://ej.utc.uic.edu>. This Web site lists research on environmental justice and transportation as well as minutes from the committee and links to related organizations.
  - f. **Community Impact Assessment Web site.** <http://www.ciatrans.net>. The Community Impact Assessment (CIA) Web site seeks to inform transportation officials and the

general public about the potential impacts of proposed transportation actions on communities and their subpopulations.

- g. United We Ride. [www.unitedweride.gov](http://www.unitedweride.gov). United We Ride is an interagency Federal national initiative that supports States and their localities in developing coordinated human service delivery systems originating from the Office of Program Management or the Federal Transit Administration. In addition to State coordination grants, United We Ride provides State and local agencies a transportation-coordination and planning self-assessment tool, help along the way, technical assistance, and other resources to help their communities succeed.
2. Technical Assistance Products. Recipients and subrecipients are encouraged to review information on the following technical assistance products. Interested parties can access these products through the relevant Web site or by contacting FTA's Office of Civil Rights.
    - a. Carrying Out Transportation Inspection and Safety Responsibilities In A Nondiscriminatory Manner" <http://airconsumer.ost.dot.gov/rules/20011012.htm>. This statement is a reminder to Department of Transportation (DOT) employees and those carrying out transportation inspection and Effecting Compliance responsibilities with DOT financial support of longstanding DOT policy prohibiting unlawful discrimination against individuals because of their race, color, religion, ethnicity, or national origin.
    - b. National Highway Cooperative Research Program, "Effective Methods of Environmental Justice Assessment" [http://www.trb.org/news/blurb\\_detail.asp?id=4143](http://www.trb.org/news/blurb_detail.asp?id=4143). This guidebook is designed to enhance understanding and to facilitate consideration and incorporation of environmental justice into all elements of the transportation planning process, from long-range transportation systems planning through priority programming, project development, and policy decisions. It offers practitioners an analytical framework to facilitate comprehensive assessments of a proposed transportation project's impacts on affected populations and communities.
    - c. Transportation and Environmental Justice: Case Studies" <http://www.fhwa.dot.gov/environment/ejustice/case/index.htm>. These case studies feature dramatic stories and highlight commonplace techniques that have been used to promote environmental justice in transportation. The cases show that, when properly implemented, environmental justice principles can improve all levels of transportation decision making.
    - d. "Transportation and Environmental Justice: Effective Practices" <http://www.fhwa.dot.gov/environment/ejustice/effect/index.htm>. This publication describes effective practices taken by transportation agencies, community-based organizations, and other grassroots and advocacy organizations to advance the fundamental principles of environmental justice. These practices highlight the essential importance of public involvement as well as describe various data sources, analytical methods, monitoring tools, partnerships, funding programs, and strategies that have been employed to better identify the needs and address the concerns of low-income and minority populations.

- e. “How to Engage Low-Literacy and Limited English Proficient Populations in Transportation Decision making.” <http://www.fhwa.dot.gov/hep/lowlim/>. This report documents “best practices” in identifying and engaging low-literacy and limited-English-proficiency populations in transportation decision making. These “best practices” were collected during telephone interviews with individuals in 30 States.
  
- f. “Disaster Response and Recovery Resource for Transit Agencies <http://transit-safety.volpe.dot.gov/Publications/order/singledoc.asp?docid=437>. This resource provides local transit agencies and transportation providers with useful information and best practices in emergency preparedness and disaster response and recovery, including information on how to respond to the needs of low-income persons, limited English proficient persons, persons with disabilities, and older adults.

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THE WHITE HOUSE

Office of the Press Secretary  
(Aboard Air Force One)

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For Immediate Release

August 11, 2000

EXECUTIVE ORDER

13166

IMPROVING ACCESS TO SERVICES FOR  
PERSONS WITH LIMITED ENGLISH PROFICIENCY

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:

Section 1. Goals.

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Sec. 2. Federally Conducted Programs and Activities.

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these

plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

### Sec. 3. Federally Assisted Programs and Activities.

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance.

Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order, each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the Federal Register for public comment.

### Sec. 4. Consultations.

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

### Sec. 5. Judicial Review.

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person.

WILLIAM J. CLINTON

THE WHITE HOUSE,  
August 11, 2000.

# # #



U.S. Department  
of Transportation  
**Federal Transit  
Administration**

Implementing the Department of  
Transportation's Policy Guidance  
Concerning Recipients' Responsibilities to  
Limited English Proficient (LEP) Persons

A Handbook for Public Transportation  
Providers

Prepared by:  
The Federal Transit Administration Office  
of Civil Rights

April 13, 2007

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## **SECTION I INTRODUCTION**

## **Overview**

This document provides technical assistance to help public transportation providers receiving Federal Transit Administration (FTA) funding implement the U.S. Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons (DOT LEP Guidance, Federal Register, vol. 70, no. 239, pp. 74087–74100, December 14, 2005).

By following the recommendations and using the resources in this handbook, transit agencies will be better able to apply the DOT LEP guidance's four-factor framework for determining an appropriate mix of language assistance and prepare language assistance implementation plans that are consistent with the DOT LEP Guidance. The information in this handbook is advisory and does not establish new requirements for FTA recipients or subrecipients.

### **Who should use this handbook**

This document was written for transit agency staff responsible for ensuring that their agency provides language assistance to LEP persons. These individuals will likely need to share this manual's suggestions and coordinate with their colleagues throughout their agency. FTA encourages its grantees to designate an individual or team of people to coordinate language services for their agency.

### **How to use this handbook**

Users should review Section II of this document, which discusses how to apply the four-factor framework consistent with the DOT LEP Guidance and Section III, which discusses how to develop a language implementation plan. These sections provide step-by-step suggestions on how to put the DOT LEP Guidance into practice. Each section includes relevant passages from the DOT LEP Guidance as well as recommendations on how to interpret and implement these passages.

Users should also take note of Section IV, which provides checklists for conducting the four-factor analysis and developing a language implementation plan. Section V provides further resources for serving people with limited English proficiency.

### **Background Information**

Individuals who have a limited ability to read, write, speak, or understand English are limited English proficient, or "LEP." According to the 2000 U.S. Census, more than 10 million people reported that they do not speak English at all, or do not speak English well. The number of persons reporting that they do not speak English at all or do not speak English well grew by 65 percent from 1990 to 2000. Among limited English speakers, Spanish is the language most frequently spoken, followed by Chinese (Cantonese or Mandarin), Vietnamese, and Korean.

Public transit is a key means of achieving mobility for many LEP persons. According to the 2000 Census, more than 11 percent of LEP persons aged 16 years and over reported use of public transit as their primary means of transportation to work, compared with about 4 percent of English speakers. Recent immigrants to the United States (including those persons who may not be limited English proficient) use public transportation at higher rates than native-born adults, however, transit use among recent arrivals decreases with length of residence in the United States. Many immigrants desire to switch from transit to automobile use because personal vehicles are a symbol of assimilation and cars can provide greater mobility or access to economic and social opportunities that are beyond a transit system's service area. Recent immigrants might elect to continue using transit for at least a portion of their trips if their experience with public transportation is positive. For transit agencies seeking to increase their "choice riders," it may be easier to retain riders who have past, positive impressions of the system than to attract those persons who have never or rarely used transit.

Agencies that provide language assistance to persons with limited English proficiency in a competent and effective manner will help ensure that their services are safe, reliable, convenient, and accessible to those persons. These efforts may attract riders who would otherwise be excluded from participating in the service because of language barriers and, ideally, will engender riders to continue using the system after they are proficient in English and/or have more transportation options. Catering to LEP persons may also help increase and retain ridership among the agency's broader immigrant communities in two important ways: 1) agencies that reach out to recent immigrant populations in order to conduct a needs assessment and prepare a language implementation plan (pursuant to the DOT LEP Guidance ) will send a positive message to these persons that their business is valued; and 2) community outreach designed to identify appropriate language assistance measures can also assist the agency in identifying the transportation needs of immigrant populations and ensuring that an agency's transit routes, hours and days of service, and other service parameters are responsive to the needs of these populations.

### **Legal basis for language assistance requirements**

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and its implementing regulations provide that 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 otherwise subjected to discrimination under any program or activity that receives Federal financial assistance. The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted Title VI regulations promulgated by the former Department of Health, Education, and Welfare to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination.

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services. Federal agencies were instructed to publish guidance for their respective recipients in order to assist them with their

obligations to LEP persons under Title VI. The Executive Order states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

President Bush affirmed his commitment to Executive Order 13166 through a memorandum issued on October 25, 2001 by Assistant Attorney General for Civil Rights, Ralph F. Boyd, Jr. Federal agencies were directed to provide guidance and technical assistance to recipients of Federal funds as to how they can provide meaningful access to limited English proficient users of Federal programs.

The U.S. DOT published revised guidance for its recipients on December 14, 2005. This document states that Title VI and its implementing regulations require that DOT recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP) and that recipients should use the DOT LEP Guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are LEP.

The FTA references the DOT LEP guidance in its Circular 4702.1A, "Title VI and Title VI-Dependent Guidelines for FTA Recipients," which was published on April 13, 2007. Chapter IV part 4 of this Circular reiterates the requirement to take responsible steps to ensure meaningful access to benefits, services, and information for LEP persons and suggests that FTA recipients and subrecipients develop a language implementation plan consistent with the provisions of Section VII of the DOT LEP guidance.

The DOT LEP Guidance, as well as FTA Circular 4702.1A, state that certain FTA recipients or subrecipients, such as those serving very few LEP persons or those with very limited resources may choose not to develop a written LEP plan. However, the absence of a written LEP plan does not obviate the underlying obligation to ensure meaningful access by LEP persons to a recipient's program or activities. Recipients or subrecipients electing not to prepare a written language implementation plan should consider other ways to reasonably provide meaningful access.

While the DOT LEP guidance discusses specific language assistance techniques and lists promising practices implemented by DOT recipients, it does not provide detailed instructions on how transit agencies, in particular, can put the Guidelines into practice. Likewise, Circular 4702.1A references provisions of the DOT LEP Guidance but does not establish specific procedures on how to carry out this Guidance.

### **Congressional oversight of language assistance in transportation**

On November 2, 2005, the Government Accountability Office (GAO) issued its report, "Transportation Services: Better Dissemination and Oversight of DOT's Guidance Could Lead to Improved Access for Limited English-Proficient Populations" (GAO-06-52). This report, which was informed by interviews in selected metropolitan areas with transit

## **SECTION II APPLYING THE FOUR-FACTOR FRAMEWORK**

## **Overview**

This section provides grantees with step-by-step suggestions for conducting an LEP needs assessment based on the four-factor framework in Section V of the DOT LEP Guidance. After conducting the four-factor analysis transit agencies will be in a better position to implement a cost-effective mix of language assistance measures and to target resources appropriately.

### **Factor 1: The Number and Proportion of LEP Persons Served or Encountered in the Eligible Service Population.**

#### **What the Guidance Says**

*“The greater the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population, the more likely language services are needed (emphasis added). Ordinarily, persons `eligible to be served, or likely to be directly affected, by` a recipient’s programs or activities are those who are in fact, served or encountered in the eligible service population. This population will be program-specific, and includes persons who are in the geographic area that is part of the recipient’s service area...When considering the number or proportion of LEP individuals in a service area, recipients should consider LEP parent(s) whose English proficient or LEP minor children and dependents encounter the services of DOT recipients.*

*Recipients should first examine their prior experiences with LEP individuals and determine the breadth and scope of language services that are needed. In conducting this analysis, it is important to: Include language minority populations that are eligible beneficiaries of recipients’ programs, activities, or services but may be underserved because of existing language barriers; and consult additional data, for example, from the census, school systems and community organizations, and data from state and local governments, community agencies, school systems, religious organizations, and legal aid entities.*

*The focus of the analysis is on lack of English proficiency, not the ability to speak more than one language. Note that demographic data may indicate the most frequently spoken languages other than English and the percentage of people who speak that language but speak or understand English less than well. People who are also proficient in English may speak some of the most commonly spoken languages other than English.” (DOT LEP Guidance Section V (1)).*

#### **Suggestions on Implementing this Guidance**

Grantees should first examine their prior experiences with LEP individuals and then determine the number and proportion of LEP persons served or encountered within their service area. Agencies should strive to assess this number and proportion through a mix

of data sources, including the following: 1) data from the U.S. Census; 2) data from state and local government agencies; and 3) information from organizations that serve LEP persons.

Data from the 2000 Census provides statistics on the number of people who speak English less than well for every census tract in the recipients' service area. The Census can also provide data on households that are linguistically isolated.<sup>1</sup> State and local departments of education and school districts as well as other local sources may be able to provide additional statistics. Organizations that serve LEP persons may not be able to provide you with rigorous statistics, however these organizations should be able to help you confirm or identify gaps in the data you have obtained from the Census and other sources. These organizations may also be able to help you identify the specific languages spoken by the LEP population in your area.

### **Task 1, Step 1: Examine prior experiences with LEP individuals**

This task involves reviewing the relevant benefits, services, and information provided by your agency and determining the extent to which LEP persons have come into contact with these functions. Your agency probably has come into contact or could come into contact with LEP persons through one or more of the following channels:

- Contact with transit vehicle operators;
- Contact with transit station managers;
- Calls to your agency's customer service telephone line;
- Visits to your agency's headquarters;
- Access to your agency's website ;
- Attendance at community meetings or public hearings hosted by your agency;
- Contact with your agency's ADA complementary paratransit system (including applying for eligibility, making reservations, and communicating with drivers).

Agency staff may be able to provide you with relevant (if anecdotal) information on how frequently they come into contact with LEP persons. You may want to contact your agency's customer service representatives, vehicle operators, station managers, and community outreach staff to obtain this information and to find out if the staff person is able to identify the LEP persons' native language, how successful the agency has been in communicating with LEP persons, and common questions directed to the agency by LEP persons. Your agency may also want to review any available records on the number of hits it receives on its non-English web pages or requests for interpreters at public meetings or results of ridership surveys that capture the experiences of LEP persons.

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<sup>1</sup> The U.S. Census classifies as "linguistically isolated" those households in which no person 14 years old and over speaks only English and no person 14 years old and over who speaks a language other than English speaks English "very well." Individuals in these households may face significant language barriers because they may not be able to rely on an adult relative who speaks English well to provide translation assistance.

## **Task 1, Step 2: Become familiar with data from The U.S. Census**

Data from the 2000 Census and the Census Bureau's American Community Survey (ACS) is currently available at [www.census.gov](http://www.census.gov). The 2000 Census, which was designed to measure the count of the population and housing as of April 1, 2000, includes data on the number of persons who indicated that they spoke English "very well," "well," "less than well," and "not at all" which can be accessed at the national, state, county, census tract, census block group, and census block level. The 2005 American Community Survey produced a period estimate of the characteristics of the population and housing for the period from January through December of 2005. The ACS provides single-year estimates for geographic areas with populations of 65,000 or more and provides estimates for smaller geographic areas. Unlike the 2000 Census, the 2005 ACS does not include data at the census tract, block group, or block level. As of April, 2007, data on ability to speak English is available at the state level and for some counties. As future annual ACS surveys become available, data will become available at smaller geographic levels.

The ACS includes a table that divides the non-English speaking into the four major language categories ("very well," "well," "less than well," and "not at all") and an additional table that provides greater detail than the 2000 census on the specific languages of populations who speak English less than very well. The ACS also provides information on the age, place of birth, citizenship status, poverty status, and educational attainment of persons who do speak languages other than English at home..

Specific instructions on how to access Census data at [www.census.gov](http://www.census.gov) and are included in Section V of this handbook. If you have difficulty accessing Census data, you can call the Census Bureau's regional office in your region.

### **Task 1, Step 2A: Identify the geographic boundaries of the area that your agency serves**

In many cases, the geographic boundaries of a transit agency's service area are identical to the geographic boundaries of specific municipalities or counties. If this is the case for your agency, you can access census data on the LEP population at the county level.

In some cases, a transit agency is authorized to provide service to portions of one or more jurisdiction(s) but not the entire jurisdiction. If this is the case, you will need to identify the census tracts that correspond to the geographic area(s) that your agency is authorized to serve. The total population and total LEP population of your agency's service area can be estimated by adding the populations of each census tract.

In general, it is useful for you to know the census tracts that are served by your agency. You can use the census website to identify the LEP population on a census tract-by-census tract basis, which will allow your agency to determine if LEP persons are concentrated in specific neighborhoods within your service area.

### **Task 1, Step 2B: Obtain Census data on the LEP population in your service area**



Information from the 2000 Census and the American Community Survey can be found at the “American Fact Finder” link on the Census website, [www.census.gov](http://www.census.gov). The relevant table from the 2000 Census is QT-P17, “Population 5 years and Over by Language Spoken at Home and Ability to Speak English, 2000.” Below is an example of this table from the State of California:

<b>POPULATION 5 YEARS AND OVER BY LANGUAGE SPOKEN AT HOME AND ABILITY TO SPEAK ENGLISH</b>		
<b>Population 5 years and over</b>	<b>31,416,629</b>	<b>100.0</b>
Speak only English	19,014,873	60.5
Speak a language other than English	12,401,756	39.5
<b>Spanish</b>		
Speak English “very well”	3,801,556	46.9
Speak English “well”	1,792,446	22.1
Speak English “not well”	1,561,403	19.3
Speak English “not at all”	950,100	11.7
<b>Other Indo-European languages</b>		
Speak English “very well”	881,743	66.0
Speak English “well”	274,073	20.5
Speak English “not well”	136,822	10.2
Speak English “not at all”	42,694	3.2
<b>Asian and Pacific Island languages</b>		
Speak English “very well”	1,270,591	46.9
Speak English “well”	801,472	29.6
Speak English “not well”	508,756	18.8
Speak English “not at all”	128,360	4.7
<b>All other languages</b>		
Speak English “very well”	170,087	67.6
Speak English “well”	52,878	21.0
Speak English “not well”	20,817	8.3
Speak English “not at all”	7,958	3.2
<b>ABILITY TO SPEAK ENGLISH</b>		
<b>Population 5 years and over</b>	<b>31,416,629</b>	<b>100.0</b>
Speak a language other than English	12,401,756	39.5
5 to 17 years	2,879,695	9.2
18 to 64 years	8,537,488	27.2
65 years and over	984,573	3.1
Speak English less than “very well”	6,277,779	20.0
5 to 17 years	1,111,387	3.5
18 to 64 years	4,559,970	14.5
65 years and over	606,422	1.9
<b>ABILITY TO SPEAK ENGLISH IN HOUSEHOLD</b>		

Linguistically isolated households <sup>1</sup>	1,107,222	(X)
<b>Population 5 years and over in households</b>	<b>30,601,299</b>	<b>100.0</b>
In linguistically isolated households <sup>1</sup>	3,472,270	11.3
5 to 17 years	906,231	3.0
18 to 64 years	2,261,448	7.4
65 years and over	304,591	1.0

Information from the 2005 ACS provides more detail on the specific languages that are spoken by those who report that they speak English less than very well. Below is an example of ACS Data Set B16001, "Language Spoken at Home by Ability to Speak English for the Population Five Years or Older," for the state of California:

	California	
	Estimate	Margin of Error
<b>Total:</b>	32,599,457	+/-3,023
Speak only English	18,808,277	+/-59,716
<b>Spanish or Spanish Creole:</b>	<b>9,192,012</b>	<b>+/-46,687</b>
Speak English "very well"	4,626,485	+/-43,969
Speak English less than "very well"	<b>4,565,527</b>	<b>+/-47,849</b>
<b>French (incl. Patois, Cajun):</b>	<b>127,539</b>	<b>+/-8,684</b>
Speak English "very well"	107,163	+/-8,268
Speak English less than "very well"	<b>20,376</b>	<b>+/-2,663</b>
<b>French Creole:</b>	<b>5,001</b>	<b>+/-1,685</b>
Speak English "very well"	4,501	+/-1,646
Speak English less than "very well"	<b>500</b>	<b>+/-354</b>
<b>Italian:</b>	<b>64,991</b>	<b>+/-5,275</b>
Speak English "very well"	50,560	+/-4,880
Speak English less than "very well"	<b>14,431</b>	<b>+/-2,158</b>
<b>Portuguese or Portuguese Creole:</b>	<b>73,130</b>	<b>+/-7,681</b>
Speak English "very well"	47,986	+/-5,690
Speak English less than "very well"	<b>25,144</b>	<b>+/-4,181</b>
<b>German:</b>	<b>114,971</b>	<b>+/-6,974</b>
Speak English "very well"	98,405	+/-6,363
Speak English less than "very well"	<b>16,566</b>	<b>+/-1,862</b>
<b>Yiddish:</b>	<b>3,594</b>	<b>+/-997</b>
Speak English "very well"	3,264	+/-862
Speak English less than "very well"	<b>330</b>	<b>+/-471</b>
<b>Other West Germanic languages:</b>	<b>28,633</b>	<b>+/-2,937</b>
Speak English "very well"	24,479	+/-2,893
Speak English less than "very well"	<b>4,154</b>	<b>+/-1,073</b>
<b>Scandinavian languages:</b>	<b>26,271</b>	<b>+/-3,255</b>
Speak English "very well"	23,087	+/-3,267
Speak English less than "very well"	<b>3,184</b>	<b>+/-822</b>
<b>Greek:</b>	<b>22,712</b>	<b>+/-3,227</b>
Speak English "very well"	18,014	+/-2,686
Speak English less than "very well"	<b>4,698</b>	<b>+/-1,252</b>
<b>Russian:</b>	<b>142,734</b>	<b>+/-12,229</b>
Speak English "very well"	70,957	+/-6,883
Speak English less than "very well"	<b>71,777</b>	<b>+/-8,321</b>
<b>Polish:</b>	<b>18,378</b>	<b>+/-3,101</b>
Speak English "very well"	13,108	+/-2,791
Speak English less than "very well"	<b>5,270</b>	<b>+/-1,154</b>
<b>Serbo-Croatian:</b>	<b>24,661</b>	<b>+/-4,979</b>
Speak English "very well"	15,915	+/-3,653
Speak English less than "very well"	<b>8,746</b>	<b>+/-2,563</b>

Other Slavic languages:	35,373	+/-7,022
Speak English "very well"	17,885	+/-3,662
Speak English less than "very well"	17,488	+/-4,415
Armenian:	161,221	+/-14,696
Speak English "very well"	81,789	+/-9,216
Speak English less than "very well"	79,432	+/-8,617
Persian:	152,418	+/-12,393
Speak English "very well"	92,487	+/-8,862
Speak English less than "very well"	59,931	+/-6,786
Gujarathi:	35,093	+/-5,187
Speak English "very well"	26,088	+/-4,083
Speak English less than "very well"	9,005	+/-1,929
Hindi:	106,728	+/-9,007
Speak English "very well"	86,499	+/-8,239
Speak English less than "very well"	20,229	+/-3,266
Urdu:	34,620	+/-7,769
Speak English "very well"	21,897	+/-4,564
Speak English less than "very well"	12,723	+/-5,902
Other Indic languages:	160,408	+/-14,944
Speak English "very well"	98,188	+/-8,895
Speak English less than "very well"	62,220	+/-8,487
Other Indo-European languages:	40,121	+/-6,420
Speak English "very well"	26,362	+/-5,047
Speak English less than "very well"	13,759	+/-2,725
Chinese:	905,679	+/-21,815
Speak English "very well"	388,506	+/-12,302
Speak English less than "very well"	517,173	+/-14,822
Japanese:	160,285	+/-9,429
Speak English "very well"	82,839	+/-6,231
Speak English less than "very well"	77,446	+/-5,645
Korean:	333,539	+/-16,439
Speak English "very well"	124,184	+/-7,095
Speak English less than "very well"	209,355	+/-13,799
Mon-Khmer, Cambodian:	71,630	+/-9,587
Speak English "very well"	32,195	+/-5,540
Speak English less than "very well"	39,435	+/-6,012
Hmong:	60,017	+/-8,140
Speak English "very well"	28,805	+/-4,850
Speak English less than "very well"	31,212	+/-6,034
Thai:	41,241	+/-4,691
Speak English "very well"	15,926	+/-2,747
Speak English less than "very well"	25,315	+/-3,107
Laotian:	41,438	+/-6,584
Speak English "very well"	19,636	+/-4,378
Speak English less than "very well"	21,802	+/-3,626
Vietnamese:	457,510	+/-22,432
Speak English "very well"	180,465	+/-13,122
Speak English less than "very well"	277,045	+/-14,332
Other Asian languages:	97,800	+/-8,520
Speak English "very well"	69,537	+/-6,584
Speak English less than "very well"	28,263	+/-3,840
Tagalog:	670,203	+/-24,411
Speak English "very well"	436,269	+/-17,310
Speak English less than "very well"	233,934	+/-15,587
Other Pacific Island languages:	110,879	+/-9,968
Speak English "very well"	70,635	+/-7,564
Speak English less than "very well"	40,244	+/-4,570
Navajo:	1,037	+/-763
Speak English "very well"	1,037	+/-763

Speak English less than "very well"	0	+/-293
Other Native North American languages:	6,349	+/-1,643
Speak English "very well"	5,715	+/-1,624
Speak English less than "very well"	634	+/-338
Hungarian:	16,905	+/-3,868
Speak English "very well"	11,200	+/-2,334
Speak English less than "very well"	5,705	+/-2,474
Arabic:	127,603	+/-12,157
Speak English "very well"	83,427	+/-8,788
Speak English less than "very well"	44,176	+/-5,485
Hebrew:	42,330	+/-8,342
Speak English "very well"	35,049	+/-7,332
Speak English less than "very well"	7,281	+/-2,520
African languages:	52,123	+/-6,707
Speak English "very well"	40,841	+/-5,728
Speak English less than "very well"	11,282	+/-2,287
Other and unspecified languages:	24,003	+/-3,924
Speak English "very well"	14,993	+/-2,991
Speak English less than "very well"	9,010	+/-1,931

### Task 1, Step 2C: Analyze the data you have collected

Once you have downloaded the Census data, you can determine the number and proportion of LEP persons in your agency's service area as well as the languages most frequently spoken by LEP persons.

When using the 2000 Census data, this total number of LEP persons can be obtained by totaling the number of persons who speak English "well," "not well," or "not at all" in the "Spanish," "Other Indo-European Language," "Asian-Pacific Island Language," and "All Other Language" categories.

For example, the above 2000 Census table for the state of California shows that 4,303,949 Spanish speakers also speak English either "well," "not well" or "not at all." In addition, 453,589 speakers of other Indo-European Languages, 1,438,588 speakers of Asian-Pacific Island Languages, and 81,653 speakers of other languages speak English in a category other than "very well." The total number of persons in California who reported to the 2000 Census that they speak English in a category other than "very well" is, 6,277,779 or 19.9% of the total population of persons 5 years and older.

The ACS data can also be used to provide a second estimate of the number and proportion of LEP persons. The above ACS table for the state of California gives a total population of 32,599,457. Of this population, the Census estimates that 6,585,792 people, or 20.2% of the state's population speak English "less than 'very well'". This represents the sum of the persons in each of the table's 38 language categories that are estimated to speak English less than "very well." Of these persons, 4,565,527 (or 69% of the LEP population) speak Spanish, 517,173 (7.8%) speak Chinese, 277,045 (4.2%) speak Vietnamese, 233,934 (3.5%) speak Tagalog and 209,355 (3.1%) speak Korean.

### Task 1, Step 2D: Identify any concentrations of LEP persons within your service area

We recommend that agencies use 2000 Census data to identify specific census tracts where the proportion of LEP persons exceeds the proportion of LEP persons in the service area as a whole. This information should help agencies identify if their LEP population is concentrated around specific stations or transit routes. It may also help agencies determine if concentrations of LEP persons speaking different languages are concentrated around different stations or routes.

Agencies can identify LEP concentrations by highlighting those census tracts in their table where the proportion of LEP persons is higher than the service-area average. Agencies with access to Geographic Information System (GIS) mapping software can produce maps showing where the LEP population is concentrated. These maps can also display an agency's routes and facilities over the map highlighting concentrations of LEP persons.

### **Task 1, Step 3: Consult state and local sources of data**

State Departments of Education may have a bilingual education office that collects LEP student enrollment data from all the school districts in a state and State bilingual education staff may be able to help you identify LEP populations and types of languages spoken in the area that your agency provides service.

In addition, school districts have a responsibility to identify those students who are LEP and whose primary language is other than English and provide assistance to these students. Newly registered students and parents complete Home Language Surveys that identify the primary language spoken by the student and his or her family.

The Department of Labor has sponsored a special tabulation of Census data on Limited English proficient (LEP) populations as a resource for One Stop Career Centers and other providers of employment and training services. Information is broken out for 39 Census languages and language clusters, and the tabulations are designed to match the service areas of states and local Workforce Investment Areas. (Local Workforce Investment Areas are jurisdictions comprised of one or more county within a state and these jurisdictions may match or overlap with your agency's transit service area). This data can be found at <http://www.doleta.gov/reports/CensusData/>.

### **Task 1, Step 4: Reach out to community organizations that serve LEP persons**

Data from the U.S. Census as well as state and local agencies provide a good starting place for identifying individuals who are limited English proficient, but keep in mind that Census data includes the following drawbacks:

1. The Census Bureau's survey methodology may undercount the actual number of people who speak English less than very well;

2. The Census records people who report that they speak English less than very well, but does not contain information on the extent to which people read, write, or understand English, which are also elements of limited English proficiency;
3. The Census has limited information on what languages are spoken by LEP people at the census tract, block group, or block level;

Given these limitations, FTA recommends that your agency conduct community outreach to organizations that work with LEP populations. These may be able to provide you with information that is not included in the Census, such as information on specific languages spoken by the LEP population, population trends, and what services are most frequently sought by the LEP population.

The DOT LEP Guidance recommends that recipients consult data from the following entities:

- School systems;
- Community organizations;
- State and local governments;
- Religious organizations;
- Legal aid entities.

Given the time and resource constraints on you and your agency, and depending on the number and variety of community organizations in your service area, you may likely not be able to contact all of the relevant organizations in your jurisdiction. Your agency may want to focus its outreach on those organizations that are located in areas with high proportions of LEP persons, or you may want to contact organizations with which your agency has worked in the past, or develop a representative sample of organizations to contact.

#### **Task 1, Step 4A: Identify community organizations**

Your agency's previous outreach and marketing initiatives may have yielded a list of community organizations that serve populations with limited English proficiency.. Agencies that have not historically conducted outreach to organizations that serve or represent LEP persons can generate a list of potential community partners by reviewing information in the local phone directory or by obtaining referrals from local government agencies.

If LEP population is comprised of persons who speak one language but have immigrated from multiple nations or regions within nations, you may need to work with community organizations that serve people who speak the same language but who have arrived from different countries of origin to ensure that your outreach and assistance will resonate equally well among all nationalities and subcultures within the intended audience.

### **Task 1, Step 4B: Contact relevant community organizations**

Once your agency has developed a list of community organizations that serve LEP persons, you should contact the organization to explain your agency's objectives and request information about the population served by the organization. You may want to place a phone call or transmit a letter to the organization that describes your agency's mission, discusses your attempt to improve the language services it provides, and invites the organization to partner with your agency. You may also want to clarify that you are not seeking information on specific individuals but are looking for general information on the area's LEP community in order to provide better transportation service. Although most community organizations include multilingual staff members or volunteers, your agency may want to translate the letter or have an interpreter present on a phone call.

### **Task 1, Step 4C: Obtain information**

Once you have made contact with the community organization, we recommend that you hold a meeting or phone call with its representatives in order to gather relevant information and also discuss the services your agency provides. You should seek feedback from the organization on the size of the population it serves, the transportation and other needs of the population, any demographic trends among this population, and effect ways to obtain input from this population. Section IV of this handbook contains a list of questions that you may want to ask organizations serving LEP persons.

### **Factor 2: The Frequency with Which LEP Individuals Come into Contact with your programs, activities, and services**

#### **What the Guidance Says**

*"Recipients should assess, as accurately as possible, the frequency with which they have or should have contact with LEP individuals from different language groups seeking assistance, as the more frequent the contact, the more likely enhanced language services will be needed (emphasis added). The steps that are reasonable for a recipient that serves an LEP person on a one-time basis will be very different than those expected from a recipient that serves LEP persons daily. Recipients should also consider the frequency of different types of language contacts, as frequent contacts with Spanish-speaking people who are LEP may require certain assistance in Spanish, while less frequent contact with different language groups may suggest a different and/or less intensified solution. If an LEP individual accesses a program or service on a daily basis, a recipient has greater duties than if the same individual's program or activity contact is unpredictable or infrequent. However, even recipients that serve LEP persons on an unpredictable or infrequent basis should use this balancing analysis to determine what to do if an LEP individual seeks services under the program in question. This plan need not be intricate. It may be as simple as being prepared to use a commercial telephonic interpretation service to obtain immediate interpreter services. Additionally, in applying this standard, recipients should consider whether appropriate outreach to LEP persons could increase the frequency of contact with LEP language groups." (DOT LEP Guidance Section V (2)).*

## **Suggestions on Implementing This Guidance**

Although the Census includes some data on the extent to which recent immigrants use public transportation, the Census will not contain information on how frequently LEP persons inquire about, use, or are affected by the specific services your agency provides. Individuals within your agency, as well as the community organizations identified in Task 1 and LEP persons themselves will be the best sources of information on frequency of contact with your agency's programs, activities, and services.

### **Task 2, Step 1: Review the relevant programs, activities, and services you provide**

Agencies conducting the review of their prior experiences with LEP persons, per the guidance in Task 1 Step 1 will have listed the programs, activities, and services with which LEP persons most frequently come in contact.

### **Task 2, Step 2: Review information obtained from community organizations**

Your interviews with community organization representatives, per Task 1, Step 4, will likely yield information on how frequently LEP persons use transit service, and what modes of service or particular routes are used most frequently.

### **Task 2, Step 3: Consult directly with LEP persons**

Another way to obtain relevant information is to hold face-to-face meetings, such as focus groups or individual interviews, with LEP individuals. In order to hold a successful meeting, your agency will likely need to partner with community organizations to advertise the event and hold meetings during times of day and at locations that are convenient and accessible to the LEP population. Oral language interpreters should be present at the meeting and any written material you distribute should be translated.

In addition to, or in lieu of holding face-to-face meetings, your agency may elect to conduct a survey of LEP persons. You will likely need to coordinate with community organizations to administer the survey and will need to translate the information in the survey. Section IV of this handbook contains a list of questions that your agency can consider using in focus groups and in questionnaires.

Agencies would be well advised to ask LEP persons whether they are aware of the types of language assistance the agency provides, which of these forms are most beneficial, and what, if any, additional language assistance measures would be most beneficial.

## **Factor 3: The Importance to LEP Persons of Your Program, Activities and Services**

### **What the Guidance Says**

*"The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language*



*services are needed (emphasis added). The obligations to communicate rights to an LEP person who needs public transportation differ, for example, from those to provide recreational programming. A recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual...* (DOT LEP Guidance Section V(3)).

*"...providing public transportation access to LEP persons is crucial. An LEP person's inability to utilize effectively public transportation may adversely affect his or her ability to obtain health care, education, or access to employment."* (DOT LEP Guidance Section V (4)).

### **Suggestions on Implementing this Guidance**

#### **Task 3, Step 1: Identify your agency's most critical services**

Your agency should identify what programs or activities would have serious consequences to individuals if language barriers prevent a person from benefiting from the activity. Your agency should also determine the impact on actual and potential beneficiaries of delays in the provision of LEP services.

For example, your agency may provide emergency evacuation instructions in its stations and vehicles or may provide information to the public on security awareness or emergency preparedness. If this information is not accessible to people with limited English proficiency, or if language services in these areas are delayed, the consequences to these individuals could be life threatening.

#### **Task 3, Step 2: Review input from community organizations and LEP persons**

Your agency's contact with community organizations that serve LEP persons, as well as contact with LEP persons themselves, should provide information on the importance of the modes or types of service you provide to LEP populations. Depending on the results of your fieldwork, you may conclude that some particular routes or modes of transportation are of particular importance to the LEP population.

### **Factor 4: The Resources Available to the Recipient and Costs**

This last step in the four-factor analysis will allow your agency to weigh the demand for language assistance against the agency's current and projected financial and personnel resources. This analysis should help your agency determine if the language services it currently provides are cost effective and should also help agencies plan future investments that will provide the most needed assistance to the greatest number of LEP persons within the limits of agency resources.

### **What the Guidance Says**

*“A recipient’s level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. (emphasis added). Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, ‘reasonable steps’ may cease to be reasonable where the costs imposed substantially exceed the benefits. Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns.*

*Resource and cost issues, however, can often be reduced by technological advances, reasonable business practices, and the sharing of language assistance materials and services among and between recipients, advocacy groups, affected populations, and Federal agencies.” (Section V(4)).*

The DOT LEP Guidance also notes that, “large entities and those entities serving a significant number or proportion of LEP persons should ensure that their resource limitations are well substantiated before using this factor as a reason to limit language assistance. Such recipients may find it useful to be able to articulate, through documentation or in some other reasonable manner, their process for determining what language services would be limited based on resources or costs.” (Section V (4)).

### **Suggestions on Implementing this Guidance**

#### **Task 4, Step 1: Inventory language assistance measures currently being provided, along with associated costs.**

As part of your agency’s evaluation of its past experience with LEP persons, you should have developed a record of language assistance services currently being provided. Your agency’s marketing, customer relations, and community outreach offices may be able to determine the costs associated with translating documents, contracting with language interpreters, producing pictographs, installing multilingual technology, and other language assistance measures your agency is taking or plans to implement. It may also be helpful for your agency to estimate whether these costs have increased in recent years or are expected to increase.

In addition to estimating the financial cost of providing language assistance, agencies should estimate the number of staff and percentage of staff time that is associated with providing language assistance.

#### **Task 4, Step 2: Determine what, if any, additional services are needed to provide meaningful access**

Based on your analysis of demographic data and contact with community organizations and LEP persons, your agency may determine that information may need to be translated into additional languages, that additional oral or written language services should be provided, or that existing language assistance needs to be made available on a more

widespread basis. If this is the case, your agency should create a list of specific measures that it determines are needed to provide meaningful access to its programs and activities.

#### **Task 4, Step 3: Analyze your budget**

To the extent practicable, you should consider what percentage of the agency's capital and/or operating budget could be devoted to additional language assistance expenses, if needed, and whether the agency's budget for these expenses will remain stable over time or whether it may be subject to reduction. Your agency can estimate the cost of providing new or additional measures by getting price quotes from translating and interpreting firms or by consulting with similar transit agencies that have implemented the assistance measures in question.

#### **Task 4, Step 4: Consider cost effective practices for providing language services**

Your agency may have access to language assistance products that have been developed and paid for by local, regional, or state government agencies and may also have bilingual staff that could provide language assistance on an ad hoc or regular basis. These resources should be inventoried and taken into consideration as part of your assessment of total resources available.

Your agency may already have, or be able to establish arrangements with qualified community volunteers to provide written or oral language translation. Although these volunteers may be willing to provide their services free of charge, your agency will need to verify that they can provide competent interpretation service and train them on their role within the agency. Your agency may need to explain to volunteers any specialized terms and concepts (such as "vehicle headway," "span of service," or "bus rapid transit") that pertain to your agency's programs and activities. Section VI of the DOT LEP Guidance contains instructions on how to ensure competency in oral and written language services.

Other potential cost saving measures, which are listed in Section V(4) of the DOT LEP Guidance, include telephonic and video conferencing interpretation services, translating vital documents posted on Web sites, pooling resources and standardizing documents to reduce translation needs, centralizing interpreter and translator services to achieve economies of scale.

#### **Conclusion: Developing the Right Mix of LEP Services**

Your agency's four-factor analysis should help you develop new language assistance services or alter the mix of services currently provided. What specific steps should be taken will depend on the information you have gathered from Census and other data, from fieldwork with LEP individuals and the organizations that serve them, and from your analysis of agency resources and the costs of providing language assistance. Section IV part 3 of this handbook contains a menu of written and oral language assistance measures that transit agencies have implemented.

**SECTION III**  
**DEVELOPING AN IMPLEMENTATION PLAN ON LANGUAGE ASSISTANCE**

## **Overview**

The DOT LEP Guidance recommends that recipients develop an implementation plan to address the needs of the LEP populations they serve. The DOT LEP Guidance notes that effective implementation plans typically include the following five elements: 1) identifying LEP individuals who need language assistance; 2) providing language assistance measures; 3) training staff; 4) providing notice to LEP persons; and 5) monitoring and updating the plan (See Section VII, “Elements of an Effective Implementation Plan on Language Assistance for LEP Persons”).

This section summarizes the DOT LEP Guidance on language implementation plans and describes how transit agencies can put this guidance into practice.

### **Task 1: Identifying LEP Individuals Who Need Language Assistance**

#### **What the Guidance Says**

*“There should be an assessment of the number or proportion of LEP individuals eligible to be served or encountered and the frequency of encounters pursuant to the first two factors in the four-factor analysis.*

*One way to determine the language of communication is to use language identification cards (or “I speak cards”), which invite LEP persons to identify their language needs to staff. Such cards, for instance, might say, “I speak Spanish” in both Spanish and English, or “I speak Vietnamese” in both English and Vietnamese. To reduce costs of compliance, the Federal Government has made a set of these cards available on the Internet. The Census Bureau’s “I speak card” can be found and downloaded at <http://www.usdoj.gov/crt/cor/13166.htm>.*

*When records are normally kept of past interactions with members of the public, the language of the LEP person can be included as part of the record. In addition to helping employees identify the language of LEP persons they encounter, this process will help in future applications of the first two factors of the four-factor analysis. In addition, posting notices in commonly encountered languages notifying LEP persons of language assistance will encourage them to self-identify.” (DOT LEP Guidance Section VII(1)).*

#### **Suggestions on Implementing this Guidance**

This guidance overlaps to a great extent with the recommendations provided in Section V of the DOT LEP Guidance concerning the four-factor analysis. In this part of a language implementation plan, agencies should identify the number and proportion of LEP individuals eligible to be served and the frequency of encounters, pursuant to the first two factors of the four-factor analysis. Agencies should consider including the following information in their implementation plan:

1. Data collected from the U.S. Census as well as state and local demographic data;
2. Information gathered from community organizations that serve LEP persons;
3. Information gathered from face-to-face meetings with LEP persons or from surveys of LEP persons;
4. Information gathered from interviews with agency staff who typically come in contact with LEP persons;
5. Information kept by the agency on past interactions with members of the public who are LEP.

In its assessment of the number and proportion of LEP persons eligible to be served, the plan should distinguish the native language spoken by these populations and geographic areas (if any) where LEP persons are concentrated. Where there are concentrations of LEP persons who speak different native languages (such as Spanish, Vietnamese, or Korean) the plan should identify where each group is concentrated. It should also describe, as accurately as possible, the frequency with which LEP individuals come into contact with the agency's particular services.

## **Task 2: Language Assistance Measures**

### **What the Guidance Says**

*"An effective LEP plan would likely include information about the ways in which language assistance will be provided. For instance, recipients may want to include information on at least the following:*

- *Types of language services available.*
- *How recipient staff can obtain those services.*
- *How to respond to LEP callers.*
- *How to respond to written communications from LEP persons.*
- *How to respond to LEP individuals who have in-person contact with recipient staff.*
- *How to ensure competency of interpreters and translation services." (DOT LEP Guidance Section VII (2)).*

### **Suggestions on Implementing this Guidance**

Pursuant to this guidance, transit agencies should consider including the following information in their implementation plan:

1. A list of what written and oral language assistance products and methods the agency has implemented and how agency staff can obtain those services;
2. Instructions to customer service staff and other agency staff who regularly take phone calls from the general public on how to respond to an LEP caller. (Ideally, the call taker will be able to forward the caller to a language line or to an in-house interpreter who can provide assistance);

3. Instructions to customer service staff and others who regularly respond to written communication from the public on how to respond to written communication from an LEP person. (Ideally, the agency staff person will be able to forward the correspondence to a translator who can translate the document into English and translate the agency's response into the native language);
4. Instructions to vehicle operators, station managers, and others who regularly interact with the public on how to respond to an LEP customer;
5. Policies on how the agency will ensure the competency of interpreters and translation services. Such policies could include the following provisions:
  - The agency will ask the interpreter or translator to demonstrate that he or she can communicate or translate information accurately in both English and the other language;
  - The agency will train the interpreter or translator in specialized terms and concepts associated with the agency's policies and activities;
  - The agency will instruct the interpreter or translator that he or she should not deviate into a role as counselor, legal advisor, or any other role aside from interpreting or translator;
  - The agency will ask the interpreter or translator to attest that he or she does not have a conflict of interest on the issues that they would be providing interpretation services.

It may be difficult for a non-bilingual bus or rail operator to provide assistance to an LEP person who boards the vehicle and requests information. In such circumstances, the operator could ask if another passenger on the vehicle could serve as a translator or the driver could provide the phone number to the agency's customer service office, which would provide translation services. The driver could also direct the LEP person to any translated schedule and route information that has been placed aboard the vehicle. Drivers in some agencies have volunteered to learn Spanish in order to assist LEP Spanish-speaking customers and the Colorado Department of Transportation has published "Basic Spanish for Transit Employees," which provides transit personnel with relevant words and phrases that would be useful in encounters with customers (more information on this resource is included in Section IV of this handbook).

Transit station managers who encounter LEP persons requesting assistance may be able to provide the above resources and, in addition, may have telephone access to a language line in order to provide assistance.

### **Task 3: Training Staff**

#### **What the Guidance Says**

*“Staff members should know their obligations to provide meaningful access to information and services for LEP persons, and all employees in public contact positions should be properly trained. An effective LEP plan would likely include training to ensure that:*

- *Staff knows about LEP policies and procedures.*
- *Staff having contact with the public (or those in a recipient’s custody) is trained to work effectively with in-person and telephone interpreters.*

*Recipients may want to include this training as part of the orientation for new employees. Recipients have flexibility in deciding the manner in which the training is provided, and the more frequent the contact with LEP persons, the greater the need will be for in-depth training. However, management staff, even if they do not interact regularly with LEP persons, should be fully aware of and understand the plan so they can reinforce its importance and ensure its implementation by staff.” (DOT LEP Guidance Section VII (3)).*

#### **Suggestions on Implementing this Guidance**

In this part of the language assistance plan, agencies should describe the training that is conducted to ensure that appropriate staff members know about LEP policies and procedures and are ready to provide assistance.

#### **Task 3, Step 1: Identify agency staff that are likely to come into contact with LEP persons as well as management staff.**

This handbook recommends that agencies identify those members of their staff—or job positions—that have frequent contact with LEP persons in order to target training to the appropriate staff. Management staff, even if they do not interact regularly with LEP persons, should be included on the list to ensure they are fully aware of the language assistance plan.

#### **Task 3, Step 2: Identify existing staff training opportunities**

It may be cost-effective to integrate training on their responsibilities to persons with limited English proficiency into agency training that occurs on an ongoing basis. The DOT LEP Guidance suggests that recipients consider including this training as part of the orientation for new employees. Existing employees, especially managers and those who work with the public may periodically take part in re-training or new training sessions to keep up to date on their responsibilities to LEP persons.

#### **Task 3, Step 3: Design and implement LEP training for agency staff**



Agencies are encouraged to develop a standard presentation concerning recipients' responsibilities to persons with limited English proficiency that could be used at multiple agency trainings. While agencies have flexibility in designing language assistance training, FTA recommends that such training include the following information:

- A summary of the transit agency's responsibilities under the DOT LEP Guidance;
- A summary of the agency's language assistance plan;
- A summary of the number and proportion of LEP persons in the agency's service area, the frequency of contact between the LEP population and the agency's programs and activities, and the importance of the programs and activities to the population;
- A description of the type of language assistance that the agency is currently providing and instructions on how agency staff can access these products and services; and
- A description of the agency's cultural sensitivity policies and practices.

Transit agencies designing their staff training may want to take advantage of the following resources:

- "Breaking Down the Language Barrier: Translating Limited English Proficiency into Practice." This video, which is available on DVD and as a streaming video link on [www.lep.gov](http://www.lep.gov), explains the language access requirements of Title VI and Executive Order 13166 through vignettes that expose the problems resulting from the absence of language assistance. The video goes on to show how these same situations could have been handled more appropriately if the service provider took reasonable steps to provide meaningful access.
- "Providing Language Access for Persons with Limited English Proficiency," a PowerPoint presentation produced by the FTA Office of Civil Rights and available at [http://www.fta.dot.gov/civilrights/title6/civil\\_rights\\_5102.html](http://www.fta.dot.gov/civilrights/title6/civil_rights_5102.html).
- "How to Engage Low-Literacy and Limited English Proficient Populations in Transportation Decisionmaking," available at <http://www.fhwa.dot.gov/hep/lowlim>. This report documents "best practices" in identifying and engaging low-literacy and LEP populations in transportation decisionmaking. These "best practices" were collected during telephone interviews with individuals in 30 States.
- "Basic Spanish for Transit Employees" this flip guide was produced by the Roaring Fork Transit Authority and the Colorado Mountain College. It includes

requests and commands that vehicle operators use every day in English and in Spanish and written phonetically in English. Copies of this guide can be obtained by calling 970-945-8691.

- “Guidelines for Developing Traffic Safety Educational Materials for Spanish-Speaking Audiences,” a manual developed by the Education in Traffic Safety project, Education Development Center, Inc., with funding from the National Highway Traffic Safety Administration. The manual is organized into three sections: research and planning, creating materials, and dissemination and evaluation. Available at <http://www.nhtsa.dot.gov/people/injury/airbags/TESM/index.htm>.

These and additional resources are listed in Section V of this manual.

#### **Task 4: Providing Notice to LEP Persons**

##### **What the Guidance Says**

*“Once an agency has decided, based on the four factors, that it will provide language services, it is important that the recipient notify LEP persons of services available free of charge (emphasis added). Recipients should provide this notice in languages LEP persons would understand. Examples of notification that recipients should consider include:*

- *Posting signs in intake areas and other entry points. This is important so that LEP persons can learn how to access those language services at initial points of contact. This is particularly true in areas with high volumes of LEP persons seeking access to certain transportation safety information, or other services and activities run by DOT recipients*

*For instance, signs in intake offices could state that free language assistance is available. The signs should be translated into the most common languages encountered and should explain how to get the necessary language assistance. The Social Security Administration has made such signs available at <http://www.ssa.gov/multilanguage/langlist1.htm>. DOT recipients could, for example, modify these signs for use in programs, activities, and services.*

- *Stating in outreach documents that language services are available from the agency. Announcements could be in, for instance, brochures, booklets, and in outreach and recruitment information. These statements should be translated into the most common languages and could be “tagged” onto the front of common documents.*
- *Working with community-based organizations and other stakeholders to inform LEP individuals of the recipients’ services, including the availability of language assistance services.*

- *Using an automated telephone voice mail attendant or menu system. The system could be in the most common languages encountered. It should provide information about available language assistance services and how to get them.*
- *Including notices in local newspapers in languages other than English.*
- *Providing notices on non-English-language radio and television stations about the available language assistance services and how to get them.*
- *Providing presentations and/or notices at schools and religious organizations.” (DOT LEP Guidance Section VII (4)).*

### **Suggestions on Implementing this Guidance**

This part of the plan should identify how the agency will advertise its language services to the LEP community.

#### **Task 4, Step 1: Inventory the existing public service announcements and community outreach the agency currently performs.**

Transit agencies typically communicate to the public through one or more of the following methods:

- Signs and handouts available in vehicles and at stations
- Announcements in vehicles and at stations
- Agency websites
- Customer service lines
- Press releases
- Newspaper, radio, and television advertisements
- Announcements and community meetings.
- Information tables at local events.

Some of these communications tools are geared towards riders who are using the system, while other methods are intended to reach members of the public at large, who may or may not use the transit system. Both methods can be used to inform people of the availability of language assistance.

#### **Task 4, Step 2: Incorporate notice of the availability of language assistance into existing outreach methods**

Agencies should consider developing non-English outreach documents that notify people of the availability of language assistance and incorporating this outreach into the public relations materials routinely disseminated by the agency. Agencies should provide notice of the availability of language assistance on a regular basis, in order to reach the greatest number of potential riders.

Agencies might, for example, decide to specify in their plan that where documents are available in languages other than English, the English version will include a notice of such availability translated into other languages in which the document is available.

#### **Task 4, Step 3: Conduct targeted community outreach to LEP populations.**

Targeted community outreach can consist of meeting with agencies that serve LEP populations and attending community meetings and events to inform people of the agency's service in general and that language assistance is available. Your agency may wish to partner with its existing community contacts and other agencies that are seen by your audience as credible and trusted to notify the LEP population of the availability of language services. Notification can also be distributed through programs used by LEP persons, such as English classes for speakers of other languages.

#### **Task 5: Monitoring and Updating the LEP Plan**

Evaluation can help you track your outreach efforts, discover dissemination problems early, make corrections, and find out whether your language services have impacted your ridership and/or relations with local immigrant communities. The results can help you improve future efforts. Regardless of your budget, some level of evaluation can be done.

#### **What the Guidance Says**

*"Recipients should, where appropriate, have a process for determining, on an ongoing basis, whether new documents, programs, services, and activities need to be made accessible for LEP individuals, and they may want to provide notice of any changes in services to the LEP public and to employees.*

*In addition, recipients should consider whether changes in demographics, types of services, or other needs require annual reevaluation of their LEP plan. Less frequent reevaluation may be more appropriate where demographics, services, and needs are more static. One good way to evaluate the LEP plan is to seek feedback from the community.*

*In their reviews, recipients may want to consider assessing changes in:*

- *Current LEP populations in the service area or population affected or encountered.*
- *Frequency of encounters with LEP language groups.*
- *Nature and importance of activities to LEP persons.*
- *Availability of resources, including technological advances and sources of additional resources, and the costs imposed.*
- *Whether existing assistance is meeting the needs of LEP persons.*
- *Whether staff knows and understands the LEP plan and how to implement it.*
- *Whether identified sources for assistance are still available and viable.*

*In addition to these five elements, effective plans set clear goals, management accountability, and opportunities for community input and planning throughout the process.”(DOT LEP Guidance Section VII (5)).*

### **Suggestions on Implementing this Guidance**

Transit agencies can implement this portion of the DOT LEP Guidance by undertaking the following steps:

#### **Task 5, Step 1: Establish a process to obtain feedback on your agency’s language assistance measures.**

How frequently an agency should consult with community organizations representing LEP persons as well as the staff that is responsible for providing language assistance will depend on the size and complexity of the agency’s LEP program as well as the resources available to the transit provider. Agency staff can combine meetings to obtain feedback on its language assistance program with regularly scheduled community outreach events as well as regularly scheduled staff meetings.

#### **Task 5, Step 2: Obtain feedback from community members and from agency staff.**

Transit agencies should consider conducting follow-up meetings and focus groups or surveys with the community organizations and individuals they contacted in order to develop their needs assessment. This outreach would allow agency staff to determine if there have been any noticeable changes in the demographics of the LEP population in their service area, to receive input on whether their language assistance measures and efforts to inform the LEP community of the availability of language assistance are working, and to continue to inform the LEP community of new or updated language assistance.

Agencies should also meet with staff that are in contact with LEP persons to determine whether the written and oral assistance measures are effective. Agency staff may also be in a position to comment on whether the numbers of LEP persons they have encountered are increasing or decreasing and whether they are interacting more frequently with members of a particular language group.

#### **Task 5, Step 3: Conduct internal monitoring**

Agencies can conduct internal monitoring of their system to determine whether language assistance measures and staff training programs are working. Such monitoring might be best accomplished if the monitors pose as riders and observe how agency staff respond to their requests. Agencies can work with multilingual staff or community members to determine if employees are responding appropriately to requests made with limited English or in a language other than English. Section 4 of Section IV provides an internal monitoring template.

**Task 5, Step 4: Make changes to the language assistance plan based on feedback received**

Based on the feedback received from community members and agency employees, agencies will likely need to make incremental changes to the type of written and oral language assistance provided as well as to their staff training and community outreach programs. Agencies may take into account the cost of proposed changes and the resources available to them. Depending on their evaluation, agencies may choose to disseminate more widely those language assistance measures that are particularly effective or modify or eliminate those measures that have not been effective.

**Task 5, Step 5: Consider new language assistance needs when expanding service**

Transit agencies that are expanding service into areas with high concentrations of LEP persons should consider modifying their implementation plan to provide language assistance measures to areas not previously served by the agency.

**SECTION IV  
LANGUAGE ASSISTANCE CHECKLISTS**

## 1. QUESTIONS TO ASK COMMUNITY GROUPS SERVING LEP PERSONS

The DOT LEP Guidance states that the nature of language assistance an agency provides should be based in part on the number and proportion of LEP persons served by the recipient, the frequency of contact between the recipient and the LEP population, and the importance of the service provided by the recipient to the LEP population.

In order to better analyze these factors, transit agencies are encouraged to consult with community organizations serving LEP persons and ask some or all of the following questions:

- What geographic area does your agency serve?
- How many people does your agency provide services to?
- Has the size of the population you serve increased, stayed the same, or decreased over the past five years?
- What are the countries of origin from which your population has immigrated?
- Does your population come from an urban or rural background?
- What are the languages spoken by the population you serve?
- What is the age and gender of your population?
- What is the education and literacy level of the population you serve?
- What needs or expectations for public services has this population expressed?
- Has the population inquired about how to access public transportation or expressed a need for public transportation service?
- What are the most frequently traveled destinations?
- Are there locations that the population has expressed difficulty accessing via the public transportation system?
- Do the transit needs and travel patterns of the population vary depending on the age or gender of the population members?
- What is the best way to obtain input from the population?
- Who would the population trust most in delivering language appropriate messages?



## 2. LEP SURVEY/FOCUS GROUP QUESTIONS

Transit agencies implementing the four-factor analysis described in the DOT LEP Guidance are encouraged to consult directly with LEP persons to determine how frequently these persons use the agency's service and the importance of the service to LEP persons.

Section II of this handbook recommends that agencies gather input from LEP persons using focus groups and surveys. Agencies using these methods should consider asking some or all of the following questions:

- Do you use public transportation?

If a person answers "yes," ask the following questions:

- How often do you use public transportation?
- What kinds of public transportation do you use—trains, buses, the city subway?
- When do you use public transportation? For what purpose?
- Are you satisfied with the transportation you use?
- Do you have any suggestions how the people who run the transportation services could improve it to make it work better for you? Please be as specific as you can.

If a person answers "no" to the first question, ask the following questions:

- How do you travel if you have to go somewhere in your area?
- Would you use public transportation if the trains or buses were set up differently?
- If the person answers "yes," to this question, then ask:
- Which transit systems would you use?
- How can the people who run that system improve it to make it work better for you?<sup>2</sup>

When possible, survey or focus group questions should be provided to advocacy groups and other interested organizations so that they may provide feedback on the instrument and offer additional suggestions.

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<sup>2</sup> These questions are adopted from "Mobility Information Needs of Limited English Proficiency (LEP) Travelers in New Jersey" a report produced by the New Jersey Institute of Technology for the New Jersey Department of Transportation

### 3. LANGUAGE ASSISTANCE MEASURES CURRENTLY BEING OFFERED BY TRANSIT PROVIDERS

The Government Accountability Office and the New Jersey Department of Transportation have identified the following language assistance measures that have been deployed by public transportation providers. Each agency should determine its appropriate mix of services after conducting the DOT LEP Guidance's four-factor analysis.

More information about these assistance measures, including which measures are most frequently used, can be found in the GAO report, "Transportation Services: Better Dissemination and Oversight of DOT's Guidance Could Lead to Improved Access for Limited English-Proficient Populations," and the New Jersey Department of Transportation report, "Mobility Information Needs of Limited English Proficiency (LEP) Travelers in New Jersey." Web links to these documents are available in Section V of this handbook.

#### I—Written Language Assistance (check all that applies):

Bilingual or multilingual versions of the following information:

- "How to ride" brochures
- Fare payment instructions
- System maps and timetables
- Public service announcements
- Safety and security announcements
- Service change announcements
- Notices pertaining to upcoming events
- Complaint/commendation forms
- Pictographs in stations and in vehicles
- Ticket vending machines with multilingual functions
- "I Speak" cards to be used by station managers
- Translated information on agency websites
- Translated electronic signs

#### II--Oral language Assistance (check all that applies)

- Hiring permanent, full-time staff interpreters
- Contracting for interpreters on an "as needed" basis
- Using community volunteers to interpret information
- Using bilingual staff to interpret information on an "as needed" basis
- Using telephone interpreter services
- Translated recorded announcements in stations and in vehicles

#### III-Community Outreach (check all that applies)

- Translated TV advertisements

- \_\_\_ Translated radio advertisements
- \_\_\_ Translated newspaper advertisements
- \_\_\_ Advertisements in ethnic media

#### 4. LANGUAGE ASSISTANCE MONITORING CHECKLIST

Periodic monitoring of language assistance measures that have been implemented can help an agency determine if assistance is being provided competently and effectively. Agencies can use the following checklist to monitor their services. Actual monitoring should be tailored to what services the agency has implemented. Depending on the language assistance provided, the following questions could be answered by periodic monitoring:

##### Stations

- Are translated instructions on how to make fare payments available?
- Are translated schedules, route maps, or information on how to use the system available?
- Has the information been placed in a visible location?
- How many units of the material have been distributed?
- If such information is available, are station managers aware that they have this information?
- Are announcements audible?
- Are any announcements, such as security awareness announcements, made in languages other than English?
- Does the station display information or instructions using pictographs?
- Can a person who speaks limited English or another language receive assistance from a station manager when asking for directions? How is this assistance provided?

##### Vehicles

- Are translated instructions on how to make fare payments available?
- Are translated schedules, route maps, or information on how to use the system available?
- Has the information been placed in a visible location?
- How many units of the material have been distributed?

\_\_\_ If such information is available, are vehicle operators aware that they have this information?

\_\_\_ Are announcements audible?

\_\_\_ Are any announcements, such as security awareness announcements, made in languages other than English?

\_\_\_ Can a person who speaks limited English or another language receive assistance from a bus operator when asking about the destination of the vehicle? How is this assistance provided?

### Customer Service

\_\_\_ Is the customer service telephone line equipped to handle callers speaking languages other than English?

\_\_\_ Can customer service representatives describe to a caller what language assistance the agency provides and how to obtain translated information or oral interpretation?

\_\_\_ Can a person speaking limited English or a language other than English request information from a customer service representative?

### Community Outreach

\_\_\_ Are translators present at community meetings?

\_\_\_ Are translated versions of any written materials that are handed out at a meeting provided?

\_\_\_ Can members of the public provide oral as well as written comments?

### Press/Public Relations

\_\_\_ Are meeting notices, press releases, and public service announcements translated into languages other than English?

\_\_\_ Does the agency website have a link to translated information on its home page?

**SECTION V  
LANGUAGE ASSISTANCE RESOURCES**

## LANGUAGE ASSISTANCE RESOURCES

### 1. Policy and Guidance Documents

**Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.** Executive Order 13166 was signed by President Clinton in 2000. It clarifies federal agencies' and their grant recipients' responsibilities to make their services available to LEP populations. A link to this executive order can be found at FTA's Title VI web page, [http://www.fta.dot.gov/civilrights/civil\\_rights\\_5088.html](http://www.fta.dot.gov/civilrights/civil_rights_5088.html).

**DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons.** DOT's Guidance was issued in 2001 and updated in 2005. It discusses strategies for providing services to LEP persons and outlines a framework for providing an effective language assistance program. A link to this document can be found at FTA's Title VI web page, [http://www.fta.dot.gov/civilrights/civil\\_rights\\_5088.html](http://www.fta.dot.gov/civilrights/civil_rights_5088.html).

**FTA Circular 4702.1A, "Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients."** This document provides recipients and subrecipients of FTA financial assistance with guidance and instructions necessary to carry out the U.S. Department of Transportation's Title VI regulations (49 CFR part 21) and to integrate into their programs and activities considerations expressed in the Department's Order on Environmental Justice (Order 5610.2), and Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient ("LEP") Persons (70 FR 74087, December 14, 2005). A link to this document can be found at FTA's Title VI web page, [http://www.fta.dot.gov/civilrights/civil\\_rights\\_5088.html](http://www.fta.dot.gov/civilrights/civil_rights_5088.html).

### 2. Websites

**Federal Interagency Working Group on Limited English Proficiency,** [www.lep.gov](http://www.lep.gov). LEP.gov promotes a cooperative understanding of the importance of language access to Federal programs and federally assisted programs. The site acts as a clearinghouse, providing and linking to information, tools, and technical assistance regarding limited English proficiency and language services for Federal agencies, recipients of Federal funds, users of Federal programs and federally assisted programs, and other stakeholders.

**The Modern Language Association,** <http://www.mla.org>. The MLA has produced a Language Map intended for use by students, teachers, and anyone interested in learning about the linguistic and cultural composition of the United States. The MLA Language Map uses data from the 2000 Census to display the locations and numbers of speakers of 30 languages and three groups of less commonly spoken languages in the United States. The census data are based on responses to the question, "Does this person speak a language other than English at home?" The Language Map illustrates the concentration of language speakers in zip codes and counties. The MLA's Data Center provides census data on more than 300 languages spoken in the United States.

**The U.S. Census,** <http://www.census.gov>. The “American Fact Finder” link at this website provides a wide range of demographic information collected at the 2000 Census at multiple geographic levels. The Census Bureau’s regional contacts can be found at <http://www.census.gov/field/www>.

**Special Tabulation of LEP Information from Census 2000,** <http://www.doleta.gov/reports/CensusData/>. The Department of Labor has sponsored a special tabulation of Census data on Limited English proficient (LEP) populations as a resource for One Stop Career Centers and other providers of employment and training services. Information is broken out for 39 Census languages and language clusters, and the tabulations are designed to match the service areas of states and local Workforce Investment Areas.

**The FTA’s Title VI Website,** [http://www.fta.dot.gov/civilrights/civil\\_rights\\_5088.html](http://www.fta.dot.gov/civilrights/civil_rights_5088.html). This website includes copies of DOT Title VI policies, guidance, and procedures, links to Title VI compliance reviews conducted of FTA grantees, and sources of technical assistance.

**FTA and FHWA’s Transportation Planning Capacity Building (TPCB) Program,** <http://www.planning.dot.gov>. Information regarding language access services is available at this site.

**FTA’s Innovative Practices to Increase Ridership,** <http://ftawebprod.fta.dot.gov/bpir>. This website serves as a central information resource on innovative strategies that are submitted by transit organizations, reviewed by FTA, and are then made available for other transit organizations to search records, review innovations, and potentially implement similar programs. Innovative practices regarding language access services are available.

### **3. Reports**

**Federal Highway Administration, “How to Engage Low-Literacy and Limited English Proficient Populations in Transportation Decisionmaking,”** available at <http://www.fhwa.dot.gov/hep/lowlim>. This report documents best practices” in identifying and engaging low-literacy and limited-English-proficiency populations in transportation decisionmaking. These “best practices” were collected during telephone interviews with individuals in 30 States.

**Government Accountability Office, “Transportation Services: Better Dissemination and Oversight of DOT’s Guidance Could Lead to Improved Access for Limited English-Proficient Populations,”** GAO-06-52 (November 2005) available at [www.gao.gov](http://www.gao.gov). This report summarizes the language assistance measures implemented by 20 transit agencies and seven metropolitan planning organizations and contains recommendations to the U.S. Department of Transportation.

**New Jersey Department of Transportation, “Mobility Information Needs of Limited English Proficiency (LEP) Travelers in New Jersey,”** available at



[http://www.transportation.njit.edu/nctip/final\\_report/LEP.htm](http://www.transportation.njit.edu/nctip/final_report/LEP.htm). This report surveys the needs of LEP persons in New Jersey, surveys best practices of peer transit agencies in bi- or multilingual populations, and surveys selected transportation providers outside the United States along with various airports, tourism centers, and other locales catering to multilingual clientele. The report includes examples of multilingual web pages, publications and announcements, telephone lines, pictograms, visual aids and personal assistance.

U.S. Department of Education, **“The State of Literacy in America (2003),”** available at <http://www.nifl.gov/readers/reder.htm>. This report provides the first assessment of the nation’s progress in adult literacy since 1992. In addition to describing the status and progress of literacy in the nation and in each of the six participating states (Kentucky, Maryland, Massachusetts, Missouri, New York, and Oklahoma), the 2003 NAAL provides information about background factors associated with literacy, the skill levels of the least-literate adults, and the application of literacy skills to health-related materials. It seeks to: describe the status of adult literacy in the United States; report on national trends; and identify relationships between literacy and selected characteristics of adults.

#### **4. Presentations, Guides, and Teaching Tools**

**“Breaking Down the Language Barrier: Translating Limited English Proficiency into Practice.”** This video, which is available on DVD and as a streaming video link on [www.lep.gov](http://www.lep.gov) explains the language access requirements of Title VI and Executive Order 13166 through vignettes that expose the problems resulting from the absence of language assistance. The video goes on to show how these same situations could have been handled more appropriately if the service provider took reasonable steps to provide meaningful access.

**“Providing Language Access for Persons with Limited English Proficiency,”** a power point presentation produced by the FTA Office of Civil Rights and available at [http://www.fta.dot.gov/civilrights/title6/civil\\_rights\\_5102.html](http://www.fta.dot.gov/civilrights/title6/civil_rights_5102.html).

**“How to Identify Limited English Proficient (LEP) Populations in Your Locality,”** a presentation given by the Federal Highway Administration at the American Association of State Highway and Transportation Officials (AASHTO) 2004 Civil Rights Conference. The workshop provides information on the LEP Executive Order, DOT’s LEP Guidance, and specific information about what resources can be used to identify LEP populations. The presentation is available at <http://www.fhwa.dot.gov/civilrights/confworkshops04.htm>.

**“Basic Spanish for Transit Employees,”** a flip guide funded by the Colorado Department of Transportation and produced by the Roaring Fork Transit Authority and the Colorado Mountain College. It includes requests and commands that vehicle operators use every day in English and in Spanish and written phonetically in English. Copies of this guide can be obtained by contacting the Colorado Mountain College at 970-945-8691 or [www.coloradomtn.edu](http://www.coloradomtn.edu).

**Guidelines for Developing Traffic Safety Educational Materials for Spanish-Speaking Audiences**, created by the Education Development Center for the National Highway Traffic Safety Administration, These *Guidelines* were developed as part of a larger project, *Educación de seguridad en el tránsito/Education in Traffic Safety (EST)*. The goal of the project was to foster the development of effective traffic safety educational materials to serve the growing Spanish-speaking population in the United States. Although most of the demographic and cultural information in this document is specific to Latinos, the nine steps and much of the expert advice can be used to develop educational materials for other populations or materials that deal with other safety and health topics.

**Language Assistance Self-Assessment and Planning Tool for Recipients of Federal Financial Assistance**, created by the U.S. Department of Justice. This document is intended to assist organizations that receive Federal financial assistance in their strategic planning efforts to ensure that program goals and objectives address meaningful access for all of the people they serve or encounter, including those who are limited English proficient. This tool assists recipients in assessing their current other-than- English language services capabilities and planning for the provision of language services.

**Accessing and Using Language Data from the U.S. Census Bureau**  
**(Adopted from materials provided by the U.S. Census at the March 15, 2007 Federal Interagency Conference on Limited English Proficiency)**

**I. How can I use the American FactFinder to find Census Bureau Language data?**

1. Start at our main Web site, [www.census.gov](http://www.census.gov)
2. On the left-hand side, click on the blue bar for American FactFinder (AFF)
3. On the AFF main site, click on the left-hand side, scroll your mouse over the blue bar DATA SETS.
4. Click on the second bullet that says “American Community Survey.”
5. Click on the radio button for the year you want.
6. On the second bullet labeled “Select a geographic type,” pull the menu down and click on the geography you want.
7. Once your geography is highlighted, click the ADD button, then click the NEXT button.
8. Click on the second tab that says “by keyword.”
9. Type in “language” in the box and click SEARCH (note: you can isolate any other information you’re looking for by typing the word or looking at the “by subject” tab).
10. You’ll get a list of all tables with language data.
11. Highlight the table(s) you want and click the ADD button.
12. Click SHOW RESULTS.

**II. How Can I download tables from American FactFinder**

1. Near the top right side of the page where you have your output table, you’ll see three choices: OPTIONS, PRINT/DOWNLOAD, and RELATED ITEMS.
2. Scroll your mouse over the PRINT/DOWNLOAD choice.
3. Click on DOWNLOAD.
4. On the pop-up window, keep the settings as they are and click OK.
5. Once you have it saved on your hard drive, you can open it up and do whatever tabulations you want.

**III. Where can I find documentation on the Accuracy of the Data, including instructions on how to calculate confidence intervals?**

1. Start on the main Web site, [www.census.gov](http://www.census.gov).
2. On the middle of the page, click on the link for American Community Survey.
3. Inside the Using the Data tab, click on the link for Accuracy of the Data—2005.
4. Click on the document that corresponds with the data of the year you want.

**IV. What are the key ACS language tables that are available from American FactFinder?**

The Detailed Tables are the data products with the most detailed information on language. Two key tables include:

- B16001. Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over. This table gives the most detailed language data available by English –speaking ability.
- B16004. Age by Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over. This table gives the four major language categories by English-speaking ability for the 5-17 year olds, 18-64 year olds, and 65 years and older populations.

## V. Where can I find information about other language-related products?

The Language Use Web page includes a list of Census 2000 products. Use the following directions to find that Web page.

1. Start at main Web site, [www.census.gov](http://www.census.gov)
2. On the top right-hand side, click on Subjects A to Z
3. Click on L for language
4. Click on the link for Language Use Data.

The most detailed language data available are accessible from the Language Use Web site using Census 2000 data. Choose link F---STP 224. Data are not available by English-speaking ability but are available down to the census tract level. Also, under Related Reports, the document How Good is “How Well?” An Examination of the Census English –Speaking Ability Question is available.

## VI. What should I do if I need language information for a small geographic area?

In 2010, the ACS will release 5-year estimates for the smallest geographic areas. The most recent ACS data available at this time are based on one year of sample and cannot support the production of most small area data. You should therefore continue to use Census 2000 data following the step-by-step instructions in section I. You should select “2000 Decennial Census—Summary File 3” as the DATA SET.

## VII. Where can I find information about special tabulations?

1. For Census 2000
  - a. Look at the Language Use Web site at
    - i. [http://www.census.gov/population/www/socdemo/lang\\_use.html](http://www.census.gov/population/www/socdemo/lang_use.html).
    - ii. Those labeled STP indicate special tabulations.
  - b. Go the Gateway to Census 2000 at
    - i. <http://www.census.gov/main/www/cen2000.html>
    - ii. On the left-hand side, under Information Links, click on the link for Special Tabulations.
2. For the ACS
  - a. Please visit the Custom Tabulations Web site to get more information on requesting special tabulations from ACS.

i. [http://www.census.gov/www/Products/psec\\_tabs/](http://www.census.gov/www/Products/psec_tabs/)

### **VIII. Who Can I contact if I have questions?**

For specific questions about the American Community Survey, contact  
Deborah H. Griffin, Special Assistant to the Chief of the American Community Survey  
Office

U.S. Census Bureau

HQ-3H159

Washington, DC 20233

301-763-2855

[Deborah.H.Griffin@census.gov](mailto:Deborah.H.Griffin@census.gov)

For questions about Census 2000 and ACS data on language, contact

Hyon B. Shin, Demographic Statistician

U.S. Census Bureau

Housing and Household Statistics Division

HQ-7H070H

Washington DC 20233

301-763-6169

[Hyon.B.Shin@census.gov](mailto:Hyon.B.Shin@census.gov)

[Federal Register: December 14, 2005 (Volume 70, Number 239)]  
[Notices]  
[Page 74087-74100]  
From the Federal Register Online via GPO Access [wais.access.gpo.gov]  
[DOCID:fr14de05-122]

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. OST-2001-8696]

Policy Guidance Concerning Recipients' Responsibilities to  
Limited English Proficient (LEP) Persons

AGENCY: Office of the Secretary (OST), U.S. Department of  
Transportation (DOT).

ACTION: Notice of guidance with request for comments.

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SUMMARY: The United States Department of Transportation (DOT) is publishing guidance concerning services and policies by recipients of Federal financial assistance from the Department of Transportation related to persons with limited English proficiency. The guidance is based on the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, as it affects limited English proficient persons.

DATES: This guidance is effective immediately. Comments must be received on or before January 13, 2006. Late-filed comments will be considered to the extent practicable. DOT will review all comments and will determine what modifications to the guidance, if any, are necessary. This guidance supplants existing guidance on the same subject originally published at 66 FR 6733 (January 22, 2001).

ADDRESSES: You may submit comments, identified by the docket number [OST-2001-8696], by any of the following methods:

Web Site: <http://frwebgate.access.gpo.gov/cgi-bin/leaving.cgi?from=leavingFR.html&log=linklog&to=http://dms.dot.gov>.  
Follow the instructions for

submitting comments on the DOT electronic docket site.

Fax: (202) 493-2251.

Mail: Docket Management System; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

Hand Delivery: To the Docket Management System; Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Instructions: You must include the agency name and docket number

[OST-2001-8696] or the Regulatory Identification Number (RIN) for this notice at the beginning of your comment. Note that all comments received will be posted without change to <http://frwebgate.access.gpo.gov/cgi-bin/leaving.cgi?from=leavingFR.html&log=linklog&to=http://dms.dot.gov>, including

any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://frwebgate.access.gpo.gov/cgi-bin/leaving.cgi?from=leavingFR.html&log=linklog&to=http://dms.dot.gov>.

Docket: You may view the public docket through the Internet at <http://frwebgate.access.gpo.gov/cgi-bin/leaving.cgi?from=leavingFR.html&log=linklog&to=http://dms.dot.gov> or in person at the Docket Management System office

at the above address.

FOR FURTHER INFORMATION CONTACT: Joseph Austin, Chief, External Policy and Program Development Division, Departmental Office of Civil Rights, Telephone: (202) 366-5992, TTY: (202) 366-9696, E-mail: [joseph.austin@dot.gov](mailto:joseph.austin@dot.gov); or Bonnie Angermann, Attorney-Advisor, Office of

General Law, Office of the General Counsel, Telephone: (202) 366-9166, E-mail: [bonnie.angermann@dot.gov](mailto:bonnie.angermann@dot.gov). Arrangements to receive the policy guidance in an alternative format may be made by contacting the named individuals.

SUPPLEMENTARY INFORMATION: Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance. The purpose of this limited English proficiency policy guidance is to clarify the responsibilities of recipients of Federal financial assistance from the U.S. Department of Transportation (DOT) ('`recipients''), and assist them in fulfilling their responsibilities to limited English proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations.

Executive Order 13166, ``Improving Access to Services for Persons With Limited English Proficiency,' ' reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation.

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Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the Department of Justice's (DOJ's) Policy Guidance entitled ``Enforcement of Title VI of the Civil Rights Act of 1964--National

Origin Discrimination Against Persons With Limited English Proficiency.' See 65 FR 50123 (August 16, 2000) (DOJ's General LEP Guidance).

DOT published its initial guidance regarding its recipients' obligations to take reasonable steps to ensure access by LEP persons on January 22, 2001, and requested public comment on the guidance. See 66 FR 6733. DOT received 21 comments in response to its January 22, 2001, policy guidance. The comments reflected the views of individuals, organizations serving LEP populations, organizations favoring the use of the English language, and recipient agencies. While many comments identified areas for improvement and/or revision, the majority of the comments on the DOT LEP Guidance expressed agreement with its overall goal of ensuring access of LEP individuals to recipients' services. DOT worked closely with DOJ to ensure that recipients' comments were addressed in a consistent fashion.

In the order most often raised, the common areas of comment regarded: cost considerations, especially for smaller recipients serving few LEP persons; increased litigation risk and liability for recipients as a result of the guidance; and use of interpreters and the definition of "qualified interpreter."

A large number of comments focused on cost considerations and suggested that the Department address them as part of its evaluation of the language assistance needs of LEP persons. Particularly, this concern was expressed by state agencies that at the time received Coast Guard grants to administer safe boating courses. But this policy guidance does not require DOT recipients to translate all courses or materials in every circumstance or to take unreasonable or burdensome steps in providing LEP persons access. We have clarified the guidance to better convey its flexibility, based on the four-factor analysis set forth in DOJ's General LEP Guidance.

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\1\ This guidance does not address the extent to which Executive Order 13166 requires language access services in the provision of boating safety courses funded by the Coast Guard, because that agency is no longer a component of the Department of Transportation.

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Several recipients commented that they serve few if any LEP persons and that the cost of interpreting all of their courses and materials would be excessive and unnecessary. While none urged that costs be excluded from consideration altogether, at least one comment expressed concern that a recipient could use cost as a basis for avoiding otherwise reasonable and necessary language assistance to LEP persons. In contrast, a few comments suggested that the flexible fact-dependent compliance standard set forth in the guidance, when combined with the desire of most recipients to avoid the risk of noncompliance, could lead some large recipients to incur unnecessary or inappropriate fiscal burdens in the face of already strained program budgets. The Department is mindful that cost considerations could be inappropriately used to avoid providing otherwise reasonable and necessary language assistance. Similarly, cost considerations could be ignored or minimized to justify the provision of a particular level or type of language service even though effective alternatives exist at a minimal cost. The Department also is aware of the possibility that satisfying the need for language



services might be quite costly for certain types of recipients, particularly if they have not updated their programs and activities to the changing needs of the populations they serve.

The potential for some recipients to assert adverse cost impacts in order to avoid Title VI obligations does not, in the Department's view, justify eliminating cost as a factor in all cases when determining the necessary scope of reasonable language assistance services under DOT's guidance. The Department continues to believe that costs are a legitimate consideration in identifying the reasonableness of particular language assistance measures, and the DOJ Recipient LEP Guidance identifies the appropriate framework through which costs are to be considered. See Department of Justice Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 FR 41455 (June 18, 2002).

The second most common category of comments DOT received expressed concern over increased litigation risk and liability for recipients as a result of the LEP Guidance. As is addressed below in the Introduction, *Alexander v. Sandoval*, 532 U.S. 275 (2001), holds principally that there is no private right of action to enforce Title VI disparate impact regulations. The LEP Guidance is based on Title VI and DOT's Title VI regulations at 49 CFR part 21 and does not provide any private right of action beyond that which exists in those laws. Thus, the LEP Guidance does not increase the risk of recipients' legal liability to private plaintiffs. However, the Department does not dismiss the possibility that individuals may continue to initiate such legal actions.

The third most numerous category of comments DOT received regarded the definition of "qualified interpreter" and expressed commentators' concern with recipients' responsibility to make interpreters available, especially for recipients who serve populations with extremely diverse language needs. Set forth below in section VI are practices to help recipients ascertain that their interpreters are both competent and effective. This section should enable recipients to assess the qualifications of the interpreters they use and identify any improvements that need to be addressed.

Three of the comments urged withdrawal of the guidance, arguing it is unsupported by law. In response, the Department notes that its commitment to implementing Title VI and its regulations to address language barriers is longstanding and is unaffected by recent judicial action precluding individuals from successfully maintaining suits to enforce agencies' Title VI disparate impact regulations. This guidance clarifies existing statutory and regulatory provisions by describing the factors recipients should consider in fulfilling their responsibilities to LEP persons.

The remaining 18 comments were generally supportive of the guidance and DOT's leadership in this area. One recipient commented that constraining LEP persons' access to services may actually hinder their ability to become more proficient in the English language, therefore justifying increased programs for LEP persons. Several comments received addressed areas unique to the provision of transportation services to LEP persons. One recipient discussed the inconsistency between the Federal Motor Carrier Safety Administration's (FMCSA's) regulations requiring all drivers to speak and understand a certain amount of English, and the guidance's requirement that the FMCSA division offices provide information and services in other languages to accommodate LEP persons. Pursuant to 49 CFR 391.11(b)(2), a person is

qualified to drive a motor vehicle if he or she ``[c]an read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records.'' In 1997, following an

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American Civil Liberties Union (ACLU) legal challenge to this requirement, DOT issued an advance notice of proposed rulemaking (ANPRM) to address this issue. On July 24, 2003, FMCSA withdrew this ANPRM, concluding that the information introduced in response to the notice ``does not establish that the current regulation requires an unnecessarily high level of English fluency that has resulted in a discriminatory impact or effect based upon national origin, color, or ethnicity.'' FMCSA determined the regulation ``as written and properly enforced effectively balances issues of civil rights and highway safety.'' 68 FR 43890.

Another recipient, who works with community-based organizations concerned with transportation practices and policies, suggested mandatory LEP Access Assessments be attached to the standard financial assistance Assurance Forms that recipients must execute, to serve as a basis for disqualifying recipients submitting inaccurate or substantially incomplete assessments from Federal grant funding. While providing LEP persons with meaningful access is the law and should be given high priority, DOT advocates a flexible approach in ensuring such access, as outlined below in section V, in order to suit the varying needs of its recipients, and therefore has not adopted this suggestion. As discussed in section VIII, DOT seeks to promote voluntary compliance to meet Title VI's goal of ensuring that Federal funds are not used in a manner that discriminates on the basis of race, color, or national origin. DOT will work with recipients to meet this goal, and will resort to more intrusive administrative remedies only if voluntary compliance cannot be secured and stronger measures become necessary to ensure LEP persons have meaningful access to services from recipients of DOT financial assistance.

This document has been modified based on careful consideration of public comments received by DOT, and the approach DOJ adopted after analyzing the public comments it received following its initial guidance published at 66 FR 3834 (January 16, 2001). This guidance is consistent with: Title VI, implementing regulations, Executive Order 13166, the DOJ General LEP Guidance, and the model DOJ Recipient Guidance issued on June 18, 2002.

With particular emphasis on the concerns mentioned above, the Department proposes this ``Limited English Proficiency Guidance for Department of Transportation Recipients.'' The text of this guidance document appears below.

Because this guidance must adhere to the Federal-wide compliance standards and framework detailed in the model DOJ Recipient Guidance issued on June 18, 2002, DOT specifically solicits comments on the nature, scope, and appropriateness of the DOT-specific examples set out in this guidance explaining and/or highlighting how those consistent Federal-wide compliance standards are applicable to recipients of Federal financial assistance from DOT. This guidance supplants the existing guidance on the same subject published at 66 FR 6733 (January 22, 2001). This guidance does not constitute a regulation subject to the rulemaking requirements of the Administrative Procedure Act, 5

U.S.C. 553.

Dated: December 7, 2005.  
J. Michael Trujillo,  
Director, Departmental Office of Civil Rights.

Guidance to Federal Financial Assistance Recipients Regarding Title VI  
Prohibition Against National Origin Discrimination Affecting Limited  
English Proficient Persons

I. Introduction

Most individuals living in the United States read, write, speak, and understand English. There are many individuals, however, for whom English is not their primary language. For instance, based on the 2000 census, regarding individuals older than age 5, over 26 million individuals speak Spanish and almost 7 million individuals speak an Asian or Pacific Island language at home. If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient, or "LEP."

In a 2001 Supplementary Survey by the U.S. Census Bureau, 33% of Spanish speakers and 22.4% of all Asian and Pacific Island language speakers aged 18-64 reported that they spoke English either "not well" or "not at all."

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\2\ P035. Age by Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over. Cens. Summ. File 3, 2001 Supp. Survey Summ. Tables (SF 3) (based on 12 monthly samples during 2001) Washington: U.S. Dep't of Comm., Bur. of the Census. Viewed 14 September 2004, available at:  
[http://frwebgate.access.gpo.gov/cgi-bin/leaving.cgi?from=leavingFR.html&log=linklog&to=http://factfinder.census.gov/servlet/DTTable?\\_bm=y&-geo\\_id=D&-ds\\_name=D&-lang=en&-redoLog=false&-mt\\_name=DSS\\_2001\\_EST\\_G2000\\_P035](http://frwebgate.access.gpo.gov/cgi-bin/leaving.cgi?from=leavingFR.html&log=linklog&to=http://factfinder.census.gov/servlet/DTTable?_bm=y&-geo_id=D&-ds_name=D&-lang=en&-redoLog=false&-mt_name=DSS_2001_EST_G2000_P035)

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Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. The Federal Government funds an array of services that can be made meaningfully accessible to otherwise eligible LEP persons. The Federal Government is committed to improving the accessibility of these programs and activities to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. Recipients of Federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important government services.\3\  
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\3\ DOT recognizes that many recipients had language assistance programs in place prior to the issuance of Executive Order 13166. This policy guidance provides a uniform framework for a recipient to integrate, formalize, and assess the continued vitality of these existing and possibly additional reasonable efforts based on the nature of its programs and activities, the current needs of the LEP populations it encounters, and its prior experience in providing language services in the community it serves.

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In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally assisted programs and activities may violate the prohibition under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and Title VI regulations against national origin discrimination. The purpose of this policy guidance is to assist recipients in fulfilling their responsibilities to provide meaningful access to LEP persons under existing law. This guidance clarifies existing legal requirements for LEP persons by describing the factors recipients should consider in fulfilling their responsibilities to LEP persons.\4\ These are the same criteria DOT will use in evaluating whether recipients are complying with Title VI and Title VI regulations.

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\4\ This policy guidance is not a regulation but rather a guide. Title VI and its implementing regulations require that recipients take responsible steps to ensure meaningful access by LEP persons. Recipients should use the guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are LEP.

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Executive Order 13166 charges DOJ with the responsibility for providing LEP Guidance to other Federal agencies, such as DOT, and for ensuring consistency among each agency-specific guidance. Consistency among Federal Government agencies is particularly important. Inconsistent or contradictory guidance could confuse recipients of Federal funds and needlessly increase costs without facilitating the meaningful access for LEP persons that this policy guidance is designed to address. As with most government initiatives, this requires balancing several principles.

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While this guidance discusses that balance in some detail, it is important to note the basic principles behind that balance. First, we must ensure that federally assisted programs and activities aimed at the American public do not leave individuals behind simply because they face challenges communicating in English. This is of particular importance because, in many cases, LEP individuals form a substantial portion of those who particularly benefit from federally assisted

programs and activities. Second, we must achieve this goal while finding constructive methods to reduce the costs of LEP requirements on small businesses, small local governments, or small nonprofit organizations that receive Federal financial assistance. There are many productive steps that the Federal Government, either collectively or as individual agencies, can take to help recipients reduce the costs of language services without sacrificing meaningful access for LEP persons. Without these steps, certain smaller recipients may choose not to participate in federally assisted programs or activities, threatening the critical functions that the programs or activities strive to assist. To that end, DOT plans to continue to work with DOJ and other Federal agencies to provide ongoing assistance and guidance in this important area. In addition, DOT plans to work with recipients of Federal financial assistance--for example, with motor vehicle departments, transit authorities, state departments of transportation, and other transportation service providers--and LEP persons, to identify and share model plans, examples of best practices, and cost-saving approaches. Moreover, DOT intends to explore how language assistance measures and cost-containment approaches developed with respect to its own federally conducted programs and activities can be effectively shared or otherwise made available to recipients, particularly small businesses, small local governments, and small nonprofit organizations. An interagency working group on LEP has developed a Web site, <http://frwebgate.access.gpo.gov/cgi-bin/leaving.cgi?from=leavingFR.html&log=linklog&to=http://www.lep.gov>, to assist in disseminating

this information to recipients, Federal agencies, and the communities being served.

Many commentators have noted that some have interpreted the case of *Alexander v. Sandoval*, 532 U.S. 275 (2001), as impliedly striking down the regulations promulgated under Title VI that form the basis for the part of Executive Order 13166 that applies to federally assisted programs and activities. We have taken the position that this is not the case, and will continue to do so. Accordingly, we will strive to ensure that federally assisted programs and activities work in a way that is effective for all eligible beneficiaries, including those with limited English proficiency.

## II. Legal Authority

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, provides that no person shall ``on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.'' Section 602 authorizes and directs Federal agencies that are empowered to extend Federal financial assistance to any program or activity ``to effectuate the provisions of [section 601] \* \* \* by issuing rules, regulations, or orders of general applicability.'' 42 U.S.C. 2000d-1.

Department of Justice regulations promulgated pursuant to section 602 forbid recipients from ``utiliz[ing] criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.'' 28 CFR 42.104(b)(2).

DOT's Title VI regulations include almost identical language in this regard. See 49 CFR 21.5(b)(vii)(2) (portions of these regulations are provided in Appendix A).

The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted regulations promulgated by the former Department of Health, Education, and Welfare, including a regulation similar to that of DOJ, 45 CFR 80.3(b)(2), to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination. In *Lau*, a San Francisco school district that had a significant number of non-English-speaking students of Chinese origin was required to take reasonable steps to provide them with a meaningful opportunity to participate in federally funded educational programs.

On August 11, 2000, Executive Order 13166 was issued. ``Improving Access to Services for Persons With Limited English Proficiency,' ' 65 FR 50121 (August 16, 2000). Under that order, every Federal agency that provides financial assistance to non-Federal entities must publish guidance on how its recipients can provide meaningful access to LEP persons and thus comply with Title VI regulations forbidding recipients from ``restrict[ing] an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program' ' or from ``utiliz[ing] criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.' '

On that same day, DOJ issued a general guidance document addressed to ``Executive Agency Civil Rights Officers' ' setting forth general principles for agencies to apply in developing guidance documents for recipients pursuant to the Executive Order. ``Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons With Limited English Proficiency,' ' 65 FR 50123 (August 16, 2000) (DOJ's General LEP Guidance).

Subsequently, Federal agencies raised questions regarding the requirements of the Executive Order, especially in light of the Supreme Court's decision in *Alexander v. Sandoval*, 532 U.S. 275 (2001). On October 26, 2001, the Assistant Attorney General for Civil Rights issued a memorandum for ``Heads of Departments and Agencies, General Counsels and Civil Rights Directors.' ' This memorandum clarified and reaffirmed the DOJ LEP Guidance in light of *Sandoval*. The Assistant Attorney General stated that because *Sandoval* did not invalidate any Title VI regulations that proscribe conduct that has a disparate impact on covered groups--the types of regulations that form the legal basis for the part of Executive Order 13166 that applies to federally assisted programs and activities--the Executive Order remains in force.\5\

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\5\ The memorandum noted that some commentators have interpreted *Sandoval* as impliedly striking down the disparate impact regulations promulgated under Title VI that form the basis for the part of Executive Order 13166 that applies to federally assisted programs and activities. See, e.g., *Sandoval*, 532 U.S. at 286, 286 n.6 (``[W]e assume for purposes of this decision that section 602

confers the authority to promulgate disparate-impact regulations; \*  
\* \* We cannot help observing, however, how strange it is to say that  
disparate-impact regulations are 'inspired by, at the service of,  
and inseparably intertwined with' Sec. 601 \* \* \* when Sec. 601  
permits the very behavior that the regulations forbid'). The  
memorandum, however, made clear that DOJ disagreed with the  
commentators' interpretation. Sandoval holds principally that there  
is no private right of action to enforce Title VI disparate impact  
regulations. It did not address the validity of those regulations or  
Executive Order 13166 or otherwise limit the authority and  
responsibility of Federal agencies to enforce their own Title VI  
regulations.

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Pursuant to Executive Order 13166, DOT developed its own guidance document for recipients and initially issued it on January 22, 2001. ``DOT Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries.' However, in light of the public comments received and the Assistant Attorney General's October 26, 2001, clarifying memorandum, DOT has revised its LEP guidance to ensure greater consistency with DOJ's revised LEP guidance, published June 18, 2002, and other agencies' revised LEP guidance. 67 FR 117 (June 18, 2002).

### III. Who Is Covered?

Pursuant to Executive Order 13166, the meaningful access requirement of Title VI, the Title VI regulations, and the four-factor analysis set forth in the DOJ's revised LEP Guidance, 67 FR 117 (June 18, 2002), apply to the programs and activities of Federal agencies, including DOT. Federal financial assistance includes grants, cooperative agreements, training, use of equipment, donations of surplus property, and other assistance. Recipients of DOT assistance include, for example:

- State departments of transportation.
- State motor vehicle administrations.
- Airport operators.
- State highway safety programs.
- Metropolitan planning organizations.
- Regional transportation agencies.
- Regional, state, and local transit operators.
- Public safety agencies.\6\

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\6\ Recipients should review DOJ's LEP Guidance for specific examples of how the four-factor analysis applies to interactions between funded law enforcement authorities and first responders.

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Hazardous materials transporters and other first responders.

State and local agencies with emergency transportation responsibilities, for example, the transportation of supplies for natural disasters, planning for evacuations, quarantines, and other similar action.

Subrecipients likewise are covered when Federal funds are passed through from one recipient to a subrecipient.

Coverage extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. This is true even if only one part of the recipient receives the Federal assistance.

Example: DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System. All of the operations of the entire state department of transportation--not just the particular highway program--are covered by the DOT guidance.

Finally, some recipients operate in jurisdictions in which English has been declared the official language. Nonetheless, these recipients continue to be subject to Federal nondiscrimination requirements, including those applicable to the provision of federally assisted services to persons with limited English proficiency.

#### IV. Who Is a Limited English Proficient Individual?

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be limited English proficient, or "LEP," and, therefore, are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter. However, if a Federal agency were to decide to terminate Federal funds based on noncompliance with Title VI or its regulations, only funds directed to the particular program or activity that is out of compliance would be terminated. 42 U.S.C. 2000d-1.

Examples of populations likely to include LEP persons who are served or encountered by DOT recipients and should be considered when planning language services include, but are not limited to:

- Public transportation passengers.

- Persons who apply for a driver's license at a state department of motor vehicles.

- Persons subject to the control of state or local transportation enforcement authorities, including, for example, commercial motor vehicle drivers.

- Persons served by emergency transportation response programs.

- Persons living in areas affected or potentially affected by transportation projects.

- Business owners who apply to participate in DOT's Disadvantaged Business Enterprise program.

#### V. How Does a Recipient Determine the Extent of Its Obligation to Provide LEP Services?

Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee; (2) the frequency



with which LEP individuals come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the recipient to people's lives; and (4) the resources available to the recipient and costs. As indicated above, the intent of this policy guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small businesses, small local governments, or small nonprofit organizations.

After applying the above four-factor analysis to the various kinds of contacts a recipient has with the public, the recipient may conclude that different language assistance measures are sufficient to ensure meaningful access to the different types of programs or activities in which it engages. For instance, some of a recipient's activities will have a greater impact on or contact with LEP persons than others, and thus may require more in the way of language assistance. The flexibility that recipients have in addressing the needs of the LEP populations they serve does not diminish, and should not be used to minimize, the obligation that those needs be addressed. DOT recipients should apply the following four factors to the various kinds of contacts that they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons.

(1) The Number or Proportion of LEP Persons Served or Encountered in the Eligible Service Population

The greater the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population, the more likely language services are needed. Ordinarily, persons ``eligible to be served, or likely to be directly affected, by'' a recipient's programs or activities are those who are in fact, served or encountered in the eligible service population. This population will be program-specific, and includes persons who are in the geographic area that is part of the recipient's service area. However, where, for instance, a motor vehicle office serves a large LEP population, the appropriate service area is that served by the office, and not the entire population served by the department. Where no service area has previously been approved, the relevant service area may be that which is approved by state or local authorities or designated by the recipient itself,

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provided that these designations do not themselves discriminatorily exclude certain populations. When considering the number or proportion of LEP individuals in a service area, recipients should consider LEP parent(s) whose English proficient or LEP minor children and dependents encounter the services of DOT recipients.

Recipients should first examine their prior experiences with LEP individuals and determine the breadth and scope of language services that are needed. In conducting this analysis, it is important to: Include language minority populations that are eligible beneficiaries of recipients' programs, activities, or services but may be underserved because of existing language barriers; and consult additional data, for example, from the census, school systems and community organizations, and data from state and local governments, community agencies, school systems, religious organizations, and legal aid entities.\7\

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    \7\ The focus of the analysis is on lack of English proficiency, not the ability to speak more than one language. Note that demographic data may indicate the most frequently spoken languages other than English and the percentage of people who speak that language but speak or understand English less than well. People who are also proficient in English may speak some of the most commonly spoken languages other than English.  
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(2) The Frequency With Which LEP Individuals Come in Contact With the Program, Activity, or Service

Recipients should assess, as accurately as possible, the frequency with which they have or should have contact with LEP individuals from different language groups seeking assistance, as the more frequent the contact, the more likely enhanced language services will be needed. The steps that are reasonable for a recipient that serves an LEP person on a one-time basis will be very different than those expected from a recipient that serves LEP persons daily. Recipients should also consider the frequency of different types of language contacts, as frequent contacts with Spanish-speaking people who are LEP may require certain assistance in Spanish, while less frequent contact with different language groups may suggest a different and/or less intensified solution. If an LEP individual accesses a program or service on a daily basis, a recipient has greater duties than if the same individual's program or activity contact is unpredictable or infrequent. However, even recipients that serve LEP persons on an unpredictable or infrequent basis should use this balancing analysis to determine what to do if an LEP individual seeks services under the program in question. This plan need not be intricate. It may be as simple as being prepared to use a commercial telephonic interpretation service to obtain immediate interpreter services. Additionally, in applying this standard, recipients should consider whether appropriate outreach to LEP persons could increase the frequency of contact with LEP language groups.

(3) The Nature and Importance of the Program, Activity, or Service Provided by the Program

The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. The obligations to communicate rights to an LEP person who needs public transportation differ, for example, from those to provide recreational programming. A recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual. Decisions by a Federal, state, or local entity to make an activity compulsory, such as requiring a driver to have a license, can serve as strong evidence of the importance of the program or activity.

(4) The Resources Available to the Recipient and Costs

A recipient's level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, ``reasonable steps'' may cease to be reasonable where the costs imposed substantially exceed the benefits. Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns.

Resource and cost issues, however, can often be reduced by technological advances, reasonable business practices, and the sharing of language assistance materials and services among and between recipients, advocacy groups, affected populations, and Federal agencies. For example, the following practices may reduce resource and cost issues where appropriate:

- Training bilingual staff to act as interpreters and translators.

- Information sharing through industry groups.

- Telephonic and video conferencing interpretation services.

- Translating vital documents posted on Web sites.

- Pooling resources and standardizing documents to reduce translation needs.

- Using qualified translators and interpreters to ensure that documents need not be ``fixed'' later and that inaccurate interpretations do not cause delay or other costs.

- Centralizing interpreter and translator services to achieve economies of scale.\8\

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\8\ Small recipients with limited resources may find that entering into a bulk telephonic interpretation service contract will prove cost effective.

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- Formalized use of qualified community volunteers.

Large entities and those entities serving a significant number or proportion of LEP persons should ensure that their resource limitations are well substantiated before using this factor as a reason to limit language assistance. Such recipients may find it useful to be able to articulate, through documentation or in some other reasonable manner, their process for determining that language services would be limited based on resources or costs.

This four-factor analysis necessarily implicates the ``mix'' of LEP services required. Recipients have two main ways to provide language services: Oral interpretation either in person or via telephone interpretation service (hereinafter ``interpretation'') and written translation (hereinafter ``translation''). Oral interpretation can range from on-site interpreters for critical services provided to a high volume of LEP persons to access through commercially available telephonic interpretation services. Written translation, likewise, can range from translation of an entire document to translation of a short description of the document. In some cases, language services should be made available on an expedited basis while in others the LEP individual may be referred to another office of the recipient for language assistance.

The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis. For instance, a motor vehicle department or an emergency hazardous material clean-up team in a largely Hispanic neighborhood may need immediate oral interpreters available and should give serious consideration to hiring bilingual staff (of course, many such departments have already made these arrangements). Additionally, providing public

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transportation access to LEP persons is crucial. An LEP person's inability to utilize effectively public transportation may adversely affect his or her ability to obtain health care, or education, or access to employment. In contrast, there may be circumstances where the importance and nature of the activity and number or proportion and frequency of contact with LEP persons may be low and the costs and resources needed to provide language services may be high--such as in the case of a voluntary general public tour of an airport or train station--in which pre-arranged language services for the particular service may not be necessary. Regardless of the type of language services provided, quality and accuracy of those services can be critical. Recipients have substantial flexibility in determining the appropriate mix.

## VI. Selecting Language Assistance Services

Recipients may provide language services in either oral or written form. Quality and accuracy of the language service is critical in order to avoid potential serious consequences to the LEP person and to the recipient.

### A. Oral Language Services (Interpretation)

Interpretation is the act of listening to something in one language (source language) and orally translating it into another language (target language). Where interpretation is needed and is reasonable, recipients should consider some or all of the options below for providing competent interpreters in a timely manner.

**Competence of Interpreters.** When providing oral assistance, recipients should ensure competency of the language service provider, no matter which of the strategies outlined below are used. Competency requires more than self-identification as bilingual. Some bilingual staff and community volunteers, for instance, may be able to communicate effectively in a different language when communicating information directly in that language, but not be competent to interpret into and out of English. Likewise, they may not be able to do written translations.

Competency to interpret, however, does not necessarily mean formal certification as an interpreter, although certification is helpful. When using interpreters, recipients should ensure that they:

Demonstrate proficiency in and ability to communicate information accurately in both English and in the other language and identify and employ the appropriate mode of interpreting (e.g., consecutive, simultaneous, summarization, or sight translation).

Have knowledge in both languages of any specialized terms or concepts peculiar to the recipient's program or activity and of any particularized vocabulary and phraseology used by the LEP person;\9\

and understand and follow confidentiality and impartiality rules to the same extent as the recipient employee for whom they are interpreting and/or to the extent their position requires.

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\9\ Many languages have ``regionalisms,`` or differences in usage. For instance, a word that may be understood to mean something in Spanish for someone from Cuba may not be so understood by someone from Mexico. In addition, because there may be languages that do not have an appropriate direct interpretation of certain legal terms, the interpreter should be able to provide the most appropriate interpretation. The interpreter should make the recipient aware of the issue and the interpreter and recipient can then work to develop a consistent and appropriate set of descriptions of these terms in that language that can be used again, when appropriate.

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Understand and adhere to their role as interpreters without deviating into a role as counselor, legal advisor, or other roles.

Additionally, some recipients may have their own requirements for interpreters, as individual rights may depend on precise, complete, and accurate interpretations or translations. In some cases, interpreters may be required to demonstrate that their involvement in a matter would not create a conflict of interest.

While quality and accuracy of language services are critical, they are nonetheless part of the appropriate mix of LEP services required. The quality and accuracy of language services as part of disaster relief programs, or in the provision of emergency supplies and services, for example, must be extraordinarily high, while the quality and accuracy of language services in a bicycle safety course need not meet the same exacting standards.

Finally, when interpretation is needed and is reasonable, it should be provided in a timely manner in order to be effective. Generally, to be ``timely,`` the recipient should provide language assistance at a time and place that avoids the effective denial of the service, benefit, or right at issue or the imposition of an undue burden on or delay in important rights, benefits, or services to the LEP person. For example, when the timeliness of services is important, such as when an LEP person needs access to public transportation, a DOT recipient does not provide meaningful LEP access when it has only one bilingual staff member available one day a week to provide the service.

Hiring Bilingual Staff. When particular languages are encountered often, hiring bilingual staff offers one of the best, and often most economical, options. Recipients can, for example, fill public contact positions, such as transit station managers, department of motor vehicle service representatives, security guards, or program directors, with staff that are bilingual and competent to communicate directly with LEP persons in their language. If bilingual staff members are also used to interpret between English speakers and LEP persons, or to orally interpret written documents from English into another language, they should be competent in the skill of interpreting, as discussed above. Effective management strategies, including any appropriate adjustments in assignments and protocols for using bilingual staff, can ensure that bilingual staff members are fully and appropriately

utilized. When bilingual staff cannot meet all of the language service obligations of the recipient, the recipient should turn to other options.

**Hiring Staff Interpreters.** Hiring interpreters may be most helpful where there is a frequent need for interpreting services in one or more languages. Depending on the facts, sometimes it may be necessary and reasonable to provide on-site interpreters to facilitate accurate and meaningful communication with an LEP person.

**Contracting for Interpreters.** Contract interpreters may be a cost-effective option when there is no regular need for a particular language skill. In addition to commercial and other private providers, many community-based organizations and mutual assistance associations provide interpretation services for particular languages. Contracting with interpreters and providing training regarding the recipient's programs and processes to these organizations can be a cost-effective option for providing language services to LEP persons from those language groups.

**Using Telephone Interpreter Lines.** Telephone interpreter service lines often offer prompt interpreting assistance in many different languages. They may be particularly appropriate where the mode of communicating with an English proficient person would also be over the phone. Although telephonic interpretation services are useful in many situations, it is important to ensure that, when using such services, the interpreters are competent to interpret any technical or legal terms specific to a particular program that may be important parts of the conversation. Nuances in language and non-verbal communication can often assist an

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interpreter and cannot be recognized over the phone. The issues discussed above regarding interpreter competency are also relevant to telephonic interpreters. Video conferencing and allowing interpreters to review relevant documents in advance may also be helpful.

**Using Community Volunteers.** In addition to consideration of bilingual staff, staff interpreters, or contract interpreters (either in-person or by telephone) as options to ensure meaningful access by LEP persons, use of recipient-coordinated community volunteers may provide a cost-effective supplemental language assistance strategy under appropriate circumstances. They may be particularly useful in providing language access for a recipient's less critical programs and activities. To the extent the recipient relies on community volunteers, it is often best to use volunteers who are trained in the information or services of the program and can communicate directly with LEP persons in their language. Just as with all interpreters, community volunteers used to interpret between English speakers and LEP persons, or to orally translate documents, should be competent in the skill of interpreting and knowledgeable about applicable confidentiality and impartiality rules. Recipients should consider formal arrangements with community-based organizations that provide volunteers to address these concerns and help ensure that services are available more regularly.

**Use of Family Members, Friends, Other Customers/Passengers as Interpreters.** Although recipients should not plan to rely on an LEP person's family members, friends, or other informal interpreters to provide meaningful access to important programs and activities, where LEP persons so desire, they should be permitted to use an interpreter

of their choice at their own expense (whether a professional interpreter, family member, or friend) in place of or as a supplement to the free language services expressly offered by the recipient. LEP persons may feel more comfortable when a trusted family member or friend acts as an interpreter. In addition, in exigent circumstances that are not reasonably foreseeable, temporary use of interpreters not provided by the recipient may be necessary. However, with proper planning and implementation, recipients should be able to avoid most such situations.

Recipients, however, should take special care to ensure that family members, legal guardians, caretakers, and other informal interpreters are appropriate in light of the circumstances and subject matter of the program, service or activity, including protection of the recipient's own administrative, mission-related, or enforcement interest in accurate interpretation. In many circumstances, family members (especially children) or friends are not competent to provide quality and accurate interpretations. Issues of confidentiality, privacy, or conflict of interest may also arise. LEP individuals may feel uncomfortable revealing or describing sensitive or confidential information to a family member, friend, or member of the local community. In addition, such informal interpreters may have a personal connection to the LEP person or an undisclosed conflict of interest, such as the desire to obtain an LEP person's personal identification information, for example, in the case of an LEP person attempting to apply for a driver's license. Thus, DOT recipients should generally offer free interpreter services to the LEP person. This is particularly true in situations in which health, safety, or access to important benefits and services are at stake, or when credibility and accuracy are important to protect an individual's rights and access to important services.

An example of such a case is when no interpreters, or bilingual or symbolic signs are available in a state department of motor vehicles. In an effort to apply for a driver's license, vehicle registration, or parking permit, an LEP person may be forced to enlist the help of a stranger for translation. This practice may raise serious issues of competency or confidentiality and may compromise the personal security of the LEP person, as the stranger could have access to the LEP person's personal identification information, such as his or her name, phone number, address, social security number, driver's license number (if different from the social security number), and medical information. However, there are situations where proper application of the four factors would lead to a conclusion that recipient-provided services are not necessary. An example of this is a voluntary educational tour of an airport, or a train or bus station. There, the importance and nature of the activity may be relatively low and unlikely to implicate issues of confidentiality, conflict of interest, or the need for accuracy. In addition, the resources needed and costs of providing language services may be high. In such a setting, an LEP person's use of family, friends, or others to interpret may be appropriate.

If the LEP person voluntarily chooses to provide his or her own interpreter, a recipient should consider whether a record of that choice and of the recipient's offer of assistance is appropriate. Where precise, complete, and accurate interpretations or translations of information and/or testimony are critical, or where the competency of the LEP person's interpreter is not established, a recipient might decide to provide its own, independent interpreter, even if an LEP

person wants to use his or her own interpreter as well. Extra caution should be exercised when the LEP person chooses to use a minor as the interpreter. While the LEP person's decision should be respected, there may be additional issues of competency, confidentiality, or conflict of interest when the choice involves using children as interpreters. The recipient should take care to ensure that the LEP person's choice is voluntary, that the LEP person is aware of the possible problems if the preferred interpreter is a minor child, and that the LEP person knows that a competent interpreter could be provided by the recipient at no cost.

#### B. Written Language Services (Translation)

Translation is the replacement of a written text from one language (source language) into an equivalent written text in another language (target language).

What Documents Should be Translated? After applying the four-factor analysis, a recipient may determine that an effective LEP plan for its particular program or activity includes the translation of vital written materials into the language of each frequently encountered LEP group eligible to be served and/or likely to be affected by the recipient's program. Such written materials could include, for example:

- Driver's license, automobile registration, and parking permit forms.

- Parking tickets, citation forms, and violation or deficiency notices, or pertinent portions thereof.

- Emergency transportation information.

- Markings, signs, and packaging for hazardous materials and substances.

- Signs in bus and train stations, and in airports.

- Notices of public hearings regarding recipients' proposed transportation plans, projects, or changes, and reduction, denial, or termination of services or benefits.

- Signs in waiting rooms, reception areas, and other initial points of entry.

- Notices advising LEP persons of free language assistance and language identification cards for staff (i.e., "I speak" cards).

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Statements about the services available and the right to free language assistance services in appropriate non-English languages, in brochures, booklets, outreach and recruitment information, and other materials routinely disseminated to the public.

Written tests that do not assess English-language competency, but test competency for a particular license, job, or skill for which knowing English is not required.

Applications, or instructions on how to participate in a recipient's program or activity or to receive recipient benefits or services.

- Consent forms.

Whether or not a document (or the information it solicits) is "vital" may depend upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not accurate or timely. For instance, applications for bicycle safety courses should not generally be considered vital, whereas access to safe driving handbooks could be



considered vital. Where appropriate, recipients are encouraged to create a plan for consistently determining, over time and across their various activities, what documents are ``vital'' to the meaningful access of the LEP populations they serve.

Classifying a document as vital or non-vital is sometimes difficult, especially in the case of outreach materials like brochures or other information on rights and services. Awareness of rights or services is an important part of ``meaningful access,'' as lack of awareness may effectively deny LEP individuals meaningful access. Thus, where a recipient is engaged in community outreach efforts in furtherance of its programs and activities, it should regularly assess the needs of the populations frequently encountered or affected by the program or activity to determine whether certain critical outreach materials should be translated. Community organizations may be helpful in determining what outreach materials may be most helpful to translate, and some such translations may be made more effective when done in tandem with other outreach methods, including utilizing the ethnic media, schools, and religious and community organizations to spread a message.

Sometimes a very large document may include both vital and non-vital information. This may also be the case when the title and a phone number for obtaining more information on the contents of the document in frequently encountered languages other than English is critical, but the document is sent out to the general public and cannot reasonably be translated into many languages. Thus, vital information may include, for instance, providing information in appropriate languages regarding where an LEP person might obtain an interpretation or translation of the document.

Into What Languages Should Documents be Translated? The extent of the recipient's obligation to provide written translations of documents should be determined by the recipient on a case-by-case basis, looking at the totality of the circumstances in light of the four-factor analysis. Because translation is a one-time expense, consideration should be given to whether the upfront cost of translating a document (as opposed to oral interpretation) should be amortized over the likely lifespan of the document when applying this four-factor analysis.

The languages spoken by the LEP individuals with whom the recipient has frequent contact determine the languages into which vital documents should be translated. However, because many DOT recipients serve communities in large cities or across an entire state and regularly serve areas with LEP populations that speak dozens and sometimes more than 100 languages, it would be unrealistic to translate all written materials into each language. Although recent technological advances have made it easier for recipients to store and share translated documents, such an undertaking would incur substantial costs and require substantial resources. However, well-substantiated claims of lack of resources to translate all such documents into dozens or more than 100 languages do not necessarily relieve the recipient of the obligation to translate vital documents into at least several of the more frequently encountered languages. The recipient should then set benchmarks for continued translations into the remaining languages over time.

Safe Harbor. Many recipients would like to ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English. Paragraphs (a) and (b) below outline the circumstances that can provide a ``safe harbor'' for recipients regarding the requirements for translation of written

materials. A ``safe harbor'' means that if a recipient provides written translations under these circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

The failure to provide written translations under the circumstances outlined in paragraphs (a) and (b) does not mean there is noncompliance. Rather these paragraphs merely provide a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Safe Harbor. The following actions will be considered strong evidence of compliance with the recipient's written-translation obligations:

(a) The DOT recipient provides written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

(b) If there are fewer than 50 persons in a language group that reaches the 5% trigger in (a), the recipient does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Competence of Translators. As with oral interpreters, translators of written documents should be competent. Many of the same considerations apply. However, the skill of translating is very different from the skill of interpreting, and a person who is a competent interpreter may or may not be competent to translate, and vice versa.

Particularly where vital documents are being translated, competence can often be achieved by use of certified translators. Certification or accreditation may not always be possible or necessary. \10\ Competence can often be ensured by having a second, independent translator check the work of the primary translator. Alternatively, one translator can translate the document, and a second, independent

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translator could translate it back into English to check that the appropriate meaning has been conveyed. This is called ``back translation.''

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\10\ For those languages in which no formal accreditation exists, a particular level of membership in a professional translation association can provide some indicator of professional competence.

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Translators should understand the expected reading level of the audience and, where appropriate, have fundamental knowledge about the target language group's vocabulary and phraseology. Sometimes direct translation of materials results in a translation that is written at a much more difficult level than the English-language version or has no relevant equivalent meaning. Community organizations may be able to help consider whether a document is written at an appropriate level for the audience. Likewise, consistency in the words and phrases used to translate terms of art, legal, or other technical or programmatic terms helps avoid confusion by LEP individuals and may reduce costs. Creating or using already created glossaries of commonly used terms may be useful for LEP persons and translators and cost effective for the recipient. Providing translators with examples of previous accurate translations of similar material by other recipients or Federal agencies may also be helpful.  
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Community organizations may be able to help consider whether a document is written at an appropriate level for the audience. Likewise, consistency in the words and phrases used to translate terms of art, legal, or other technical or programmatic terms helps avoid confusion by LEP individuals and may reduce costs. Creating or using already created glossaries of commonly used terms may be useful for LEP persons and translators and cost effective for the recipient. Providing translators with examples of previous accurate translations of similar material by other recipients or Federal agencies may also be helpful.

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While quality and accuracy of translation services are critical, they are nonetheless part of the appropriate mix of LEP services required. For instance, documents that are simple and have no important consequences for LEP persons who rely on them may be translated by translators who are less skilled than important documents with legal or other information upon which reliance has important consequences (including, e.g., driver's license written exams and documents regarding important benefits or services, or health, safety, or legal information). The permanent nature of written translations, however, imposes additional responsibility on the recipient to ensure that the quality and accuracy permit meaningful access by LEP persons.

#### VII. Elements of an Effective Implementation Plan on Language Assistance for LEP Persons

After completing the four-factor analysis and deciding what language assistance services are appropriate, a recipient should develop an implementation plan to address the identified needs of the LEP populations it serves. Although recipients have considerable flexibility in developing such a plan, maintaining a periodically updated written plan on language assistance for LEP persons ("LEP plan") for use by recipient employees serving the public would be an appropriate and cost-effective means of documenting compliance and providing a framework for the provision of timely and reasonable language assistance. Such written plans may also provide additional benefits to a recipient's managers in the areas of training,

administration, planning, and budgeting. Thus, recipients may choose to document the language assistance services in their plan, and how staff and LEP persons can access those services. Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan. However, the absence of a written LEP plan does not obviate the underlying obligation to ensure meaningful access by LEP persons to a recipient's program or activities. In that event, a recipient should consider alternative ways to reasonably articulate a plan for providing meaningful access. Early input from entities such as schools, religious organizations, community groups, and groups working with new immigrants can be helpful in forming this planning process. The following five steps may be helpful in designing an LEP plan and are typically part of effective implementation plans.

#### (1) Identifying LEP Individuals Who Need Language Assistance

There should be an assessment of the number or proportion of LEP individuals eligible to be served or encountered and the frequency of encounters pursuant to the first two factors in the four-factor analysis.

One way to determine the language of communication is to use language identification cards (or "I speak cards"), which invite LEP persons to identify their language needs to staff. Such cards, for instance, might say, "I speak Spanish" in both Spanish and English, or "I speak Vietnamese" in both English and Vietnamese. To reduce costs of compliance, the Federal Government has made a set of these cards available on the Internet. The Census Bureau's "I speak card" can be found and downloaded at <http://frwebgate.access.gpo.gov/cgi-bin/leaving.cgi?from=leavingFR.html&log=linklog&to=http://www.usdoj.gov/crt/cor/13166.htm>.

When records are normally kept of past interactions with members of the public, the language of the LEP person can be included as part of the record. In addition to helping employees identify the language of LEP persons they encounter, this process will help in future applications of the first two factors of the four-factor analysis. In addition, posting notices in commonly encountered languages notifying LEP persons of language assistance will encourage them to self-identify.

#### (2) Language Assistance Measures

An effective LEP plan would likely include information about the ways in which language assistance will be provided. For instance, recipients may want to include information on at least the following:

- Types of language services available.
- How recipient staff can obtain those services.
- How to respond to LEP callers.
- How to respond to written communications from LEP persons.
- How to respond to LEP individuals who have in-person contact with recipient staff.
- How to ensure competency of interpreters and translation services.

#### (3) Training Staff

Staff members should know their obligations to provide meaningful access to information and services for LEP persons, and all employees in public contact positions should be properly trained. An effective LEP plan would likely include training to ensure that:

Staff knows about LEP policies and procedures.

Staff having contact with the public (or those in a recipient's custody) is trained to work effectively with in-person and telephone interpreters.

Recipients may want to include this training as part of the orientation for new employees. Recipients have flexibility in deciding the manner in which the training is provided, and the more frequent the contact with LEP persons, the greater the need will be for in-depth training. However, management staff, even if they do not interact regularly with LEP persons, should be fully aware of and understand the plan so they can reinforce its importance and ensure its implementation by staff.

#### (4) Providing Notice to LEP Persons

Once an agency has decided, based on the four factors, that it will provide language services, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand. Examples of notification that recipients should consider include:

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Posting signs in intake areas and other entry points. This is important so that LEP persons can learn how to access those language services at initial points of contact. This is particularly true in areas with high volumes of LEP persons seeking access to certain transportation safety information, or other services and activities run by DOT recipients.\12\  
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\12\ For instance, signs in intake offices could state that free language assistance is available. The signs should be translated into the most common languages encountered and should explain how to get the necessary language assistance. The Social Security Administration has made such signs available at <http://frwebgate.access.gpo.gov/cgi-bin/leaving.cgi?from=leavingFR.html&log=linklog&to=http://www.ssa.gov/multilanguage/langlist1.htm>.

DOT recipients could, for example, modify these signs for use in programs, activities, and services.  
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Stating in outreach documents that language services are available from the agency. Announcements could be in, for instance, brochures, booklets, and in outreach and recruitment information. These statements should be translated into the most common languages and could be ``tagged'' onto the front of common documents.

Working with community-based organizations and other stakeholders to inform LEP individuals of the recipients' services,

including the availability of language assistance services.

Using an automated telephone voice mail attendant or menu system. The system could be in the most common languages encountered. It should provide information about available language assistance services and how to get them.

Including notices in local newspapers in languages other than English.

Providing notices on non-English-language radio and television stations about the available language assistance services and how to get them.

Providing presentations and/or notices at schools and religious organizations.

#### (5) Monitoring and Updating the LEP Plan

Recipients should, where appropriate, have a process for determining, on an ongoing basis, whether new documents, programs, services, and activities need to be made accessible for LEP individuals, and they may want to provide notice of any changes in services to the LEP public and to employees.

In addition, recipients should consider whether changes in demographics, types of services, or other needs require annual reevaluation of their LEP plan. Less frequent reevaluation may be more appropriate where demographics, services, and needs are more static. One good way to evaluate the LEP plan is to seek feedback from the community.

In their reviews, recipients may want to consider assessing changes in:

Current LEP populations in the service area or population affected or encountered.

Frequency of encounters with LEP language groups.

Nature and importance of activities to LEP persons.

Availability of resources, including technological advances and sources of additional resources, and the costs imposed.

Whether existing assistance is meeting the needs of LEP persons.

Whether staff knows and understands the LEP plan and how to implement it.

Whether identified sources for assistance are still available and viable.

In addition to these five elements, effective plans set clear goals, management accountability, and opportunities for community input and planning throughout the process.

#### VIII. Voluntary Compliance Effort

The goal for Title VI and Title VI regulatory enforcement is to achieve voluntary compliance. DOT enforces Title VI as it applies to recipients' responsibilities to LEP persons through the procedures provided for in DOT's Title VI regulations (49 CFR part 21, portions of which are provided in Appendix A).

The Title VI regulations provide that DOT will investigate whenever it receives a complaint, report, or other information that alleges or indicates possible noncompliance with Title VI or its regulations. If the investigation results in a finding of compliance, DOT will inform the recipient in writing of this determination, including the basis for the determination. DOT uses voluntary mediation to resolve most

complaints. However, if a case is fully investigated and results in a finding of noncompliance, DOT must inform the recipient of the noncompliance through a Letter of Findings that sets out the areas of noncompliance and the steps that must be taken to correct the noncompliance. It must attempt to secure voluntary compliance through informal means. If the matter cannot be resolved informally, DOT must secure compliance through the termination of Federal assistance after the DOT recipient has been given an opportunity for an administrative hearing and/or by referring the matter to DOJ with a recommendation that appropriate proceedings be brought to enforce the laws of the United States. In engaging in voluntary compliance efforts, DOT proposes reasonable timetables for achieving compliance and consults with and assists recipients in exploring cost-effective ways of coming into compliance. In determining a recipient's compliance with the Title VI regulations, DOT's primary concern is to ensure that the recipient's policies and procedures provide meaningful access for LEP persons to the recipient's programs, activities, and services.

While all recipients must work toward building systems that will ensure access for LEP individuals, DOT acknowledges that the implementation of a comprehensive system to serve LEP individuals is a process and that a system will evolve over time as it is implemented and periodically reevaluated. As recipients take reasonable steps to provide meaningful access to federally assisted programs and activities for LEP persons, DOT will look favorably on intermediate steps recipients take that are consistent with this guidance, and that, as part of a broader implementation plan or schedule, move their service delivery system toward providing full access to LEP persons. This does not excuse noncompliance but instead recognizes that full compliance in all areas of a recipient's activities and for all potential language minority groups may reasonably require a series of implementing actions over a period of time. However, in developing any phased implementation schedule, DOT recipients should ensure that the provision of appropriate assistance for significant LEP populations or with respect to activities having a significant impact on the health, safety, legal rights, or livelihood of beneficiaries is addressed first. Recipients are encouraged to document their efforts to provide LEP persons with meaningful access to federally assisted programs and activities.

#### IX. Promising Practices

The following examples are provided as illustrations of the responses of some recipients to the need to provide services to LEP persons, and are meant to be interesting and useful examples of ways in which LEP recipients can provide language services. Recipients are responsible for ensuring meaningful access to all portions of their program or activity, not just the portions to which DOT assistance is targeted. So long as the language services are accurate, timely, and appropriate in the manner outlined in this guidance, the types of promising practices summarized below can assist recipients in moving toward

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meeting the meaningful access requirements of Title VI and the Title VI regulations. These examples do not, however, constitute an endorsement by DOT, which will evaluate recipients' situations on a case-by-case basis using the factors described elsewhere in this guidance.

Language Banks. In several parts of the country, both urban and rural, community organizations and providers have created language banks that dispatch competent interpreters, at reasonable rates, to participating organizations, reducing the need to have on-staff interpreters for low-demand languages. This approach is particularly appropriate where there is a scarcity of language services or where there is a large variety of language needs but limited demand for any particular language.

Language Support Offices. A state social services agency has established an "Office for Language Interpreter Services and Translation." This office tests and certifies all in-house and contract interpreters, provides agency-wide support for translation of forms, client mailings, publications, and other written materials into non-English languages, and monitors the policies of the agency and its vendors that affect LEP persons.

Some recipients have established working liaisons with local community colleges to educate the LEP community in transportation matters. One city formed a multilingual/multi-agency task force to address language barriers and the concerns of the affected communities. The task force completed a survey of city staff with multilingual skills in order to identify employees willing to serve as interpreters and is preparing lists of community and cultural organizations.

Use of Technology. Some recipients use their Internet and/or intranet capabilities to store translated documents online, which can be retrieved as needed and easily shared with other offices. For example, a multilanguage gateway on a Web page could be developed for LEP persons and the public to access documents translated into other languages.

Telephone Information Lines and Hotlines. Recipients have subscribed to telephone-based interpretation services and established telephone information lines in common languages to instruct callers on how to leave a recorded message that will be answered by someone who speaks the caller's language. For example, a recipient may choose to adopt a program similar to the National Highway Traffic Safety Administration's (NHTSA's) Auto Safety Hotline, which has four representatives who speak Spanish and are available during normal hotline business hours (Mon.-Fri., 8 a.m.-10 p.m. eastern time).\13\  
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\13\ The evening hours permit people from the West Coast (where a significant number of LEP persons reside) to call after work, providing an option for instructions in Spanish, a separate queue, and Spanish-speaking operators.  
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Signage and Other Outreach. Recipients have provided information about services, benefits, eligibility requirements, and the availability of free language assistance, in appropriate languages by (a) posting signs and placards with this information in public places such as grocery stores, bus shelters, and subway stations; (b) putting notices in print media and on radio and television stations that serve LEP groups or broadcasting in languages other than English;\14\ (c) airing videos and public service announcements for non-English-speaking residents; (d) placing flyers and signs in the offices of community-based organizations that serve large populations of LEP persons; (e)



distributing information at places of worship, ethnic shopping areas, and other gathering places for LEP groups; (f) using posters with appropriate languages designed to reach potential beneficiaries; and (g) developing pictures, images, figures, or icons that could be understandable alternatives to written words.

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\14\ Notifications should be delivered in advance of scheduled meetings or events to allow time for persons to request accommodation and participate.

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DOT agencies and recipients have implemented numerous language access services:

DOT's Pipeline and Hazardous Materials Safety Administration (formerly known as the Research and Special Programs Administration), at 49 CFR Sec. Sec. 192.616 and 195.440, requires pipeline officers to establish a program for effective reporting by the public of gas pipeline emergencies to the operator or public officials, also providing that the program must be conducted in English and other common languages.\15\ We recommend that recipients consider the appropriateness of such an approach to meet their individual service provision needs.

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\15\ ``Each [pipeline] operator shall establish a continuing educational program to enable customers, the public, appropriate government organizations, and persons engaged in excavation related activities to recognize a gas pipeline emergency for the purpose of reporting it to the operator or the appropriate public officials. The program and the media used should be as comprehensive as necessary to reach all areas in which the operator transports gas. The program must be conducted in English and in other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator's area.' ' 49 CFR Sec. 192.616. Section 195.440 of title 49, Code of Federal Regulations, imposes similar requirements in the case of hazardous liquid or carbon dioxide pipeline emergencies.

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DOT's National Highway Traffic Safety Administration (NHTSA) has translated the National Standardized Child Passenger Safety Training Program curriculum into Spanish. The course, designed to help communities work with parents and caregivers on the proper installation of child safety seats, has been pilot tested and is scheduled to be available to the public by early 2006 through many national Latino organizations and State Highway Safety Offices.

DOT's Federal Motor Carrier Safety Administration (FMCSA) division offices in California, Arizona, New Mexico, Texas, and Puerto Rico employ personnel conversant in Spanish to communicate the agency's critical safety regulations.

The Del Rio, Texas, Police Department implemented the El Protector program in Del Rio and developed public service broadcasts in

Spanish about traffic safety issues such as loading and unloading school buses, drinking and driving, and pedestrian safety.

Emergency Medical Services (EMS) staff in Los Angeles reported that their system is equipped to receive calls in more than 150 languages, although Spanish is the most frequent language used by 911 callers who do not speak English.

District of Columbia DMV information, forms, and support material are available in German, Spanish, French, Russian, Dutch, and Portuguese and can be downloaded from the division's Web site. The DC DMV also provides a ``City Services Guide'' in Chinese, Korean, Spanish, and Vietnamese. DC's ``Click It or Ticket'' program material and information on child safety seat loaner programs and fitting station locations are available in Spanish.

The New Jersey Department of Motor Vehicles administers driver's license tests in more than 15 languages, including Arabic, French, Greek, Korean, Portuguese, and Turkish.\16\  
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\16\ DOT recommends that state agencies share such information, to avoid the necessity of each agency performing every translation.  
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In North Dakota, while the Traffic Safety Office acknowledges a limited minority population requiring assistance with translation, the Driver Licensing Unit offers the option of an oral test in Spanish.

The Iowa Department of Transportation (IDOT) provides a Spanish version of the Commercial

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Driver's License knowledge test using a touch screen computer, and study guides of the Iowa Driver's Manual in Albanian, Bosnian, Russian, Vietnamese, and Korean. IDOT established a liaison with a local community college to provide education for Bosnian refugees concerning the Commercial Motor Vehicle driving course.\17\  
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\17\ DOT especially recommends the idea of working with local community colleges to educate the LEP community in transportation matters.  
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The Wisconsin DOT created a 3rd grade level study guide, the Motorist Study Manual Easy Reader, which was translated by the Janesville Literacy Council into Spanish. Wisconsin DOT also provides the regular 6th grade level version of the Reader in English, Spanish, and Hmong; a Motorcycle Study Manual in English and Spanish; and a CDL (Commercial Driver's License) Study Manual in English and Spanish. In addition, Knowledge and Highway Sign Tests are written in 13 languages other than English, recorded on audiocassette tapes in English and Spanish, or orally interpreted by bilingual staffers obtained from a roster of Wisconsin DOT employees who speak, read, or write foreign

languages.

The Idaho Office of Traffic and Highway Safety implemented a Spanish-language safety belt media campaign to educate its Hispanic community on the statewide ``Click It, Don't Risk It!'' program to boost seat belt use. Information appears in *Unido*, Idaho's largest Spanish-language newspaper, and warns all motorists to buckle up or risk receiving a safety belt citation.

The New Mexico State Highway and Transportation Department, with Federal Highway Administration (FHWA) support, provides Spanish-language translations of its Right-of-Way Acquisition and Relocation brochures and also employs bilingual right-of-way agents to discuss project impacts in Spanish.

The State of Oregon developed a report on multilingual services provided by state agencies. State agencies will use the final document to enhance their existing programs, including expanding communication efforts to serve and protect all Oregonians.

The Texas DOT utilizes bilingual employees in its permit office to provide instruction and assistance to LEP Spanish-speaking truck drivers when providing permits to route overweight trucks through Texas. In its ``On the Job Training Supportive Services Program'' Texas DOT has used Spanish-language television to inform people who have difficulty reading English of opportunities in the construction industry.

When the Virginia DOT (VDOT) became aware that several Disadvantaged Business Enterprise (DBE) firms were about to be removed from construction projects in Northern Virginia because they required certified concrete inspectors, and that they could not comply because the concrete inspection test was only offered in English, it used supportive services funding from the Federal Highway Administration to translate the training manual and test material into Spanish. VDOT also provides tutoring for the DBE firms. The Virginia State Police maintains a written list of interpreters available statewide to troopers through the Red Cross Language Bank, as well as universities and local police departments.

The Colorado State Patrol produced safety brochures in Spanish for farmers and ranchers. It has also printed brochures in Spanish pertaining to regulatory requirements for trucking firms.

In preparation of its 20-year planning document, the Transportation Concept Report, the California DOT (Caltrans) held a public meeting titled ``Planning the Future of Highway 1'' in the largely Hispanic city of Guadalupe, through which Highway 1 runs. The meeting was broadcast on the local public access channel since many of the Spanish-speaking residents potentially affected by Highway 1 projects rely on the channel to receive public affairs information. Caltrans provided a Spanish-language interpreter during the meeting and also made its Spanish-speaking public affairs officer available to meet with participants individually.

During project planning for interstate improvements along Interstate 710 in California, engineers presented ``good'' alternatives to the affected communities; however, the proposed highway expansion would have removed low-income homes in communities that are 98% Spanish speaking. To ensure that their concerns were heard, California identified the affected communities and facilitated the establishment of Community Advisory Committees that held bilingual workshops between engineers and the public.

The Minnesota DOT authored a manual detailing its requirements to provide access to all residents of Minnesota under

environmental justice standards, which included ideas such as publishing notices in non-English newspapers, printing notices in appropriate languages, and providing interpreters at public meetings.

In New Mexico, the Zuni Entrepreneurial Enterprises, Inc. (ZEE) Public Transportation Program designed the Zuni JOBLINKS program to develop, implement, and maintain a transportation system to link Native Americans and other traditionally unserved/underserved persons in the service area to needed vocational training and employment opportunities. Outreach for the program included radio announcements and posting of signs in English and Zuni that described ZEE's services and provided ZEE's phone number.

Washington, DC's Metropolitan Area Transit Authority (WMATA) publishes pocket guides regarding its system in French, Spanish, German, and Japanese, and has a multilanguage website link.

In North Dakota, Souris Basin Transportation (SBT) started using visual logos on the sides of the vehicles to help illiterate passengers identify the bus on which they were riding. Although the illiteracy rate has dropped among seniors, SBT kept the logos on its vehicles for use by the growing LEP population and also added volunteers who speak languages other than English (such as Spanish, German, Norwegian, Swedish, and French) available by phone to drivers and staff.

New York City Transit MetroCard vending machines are located in every station and contain software that allows them to be programmed in three languages in addition to English, based upon area demographics. Currently, these machines are capable of providing information in Spanish, French, French Creole, Russian, Chinese, Japanese, Italian, Korean, Greek, and Polish.

The Metropolitan Atlanta Rapid Transit Authority (MARTA) advertises upcoming service and fare changes in Spanish, Korean, Vietnamese, and Chinese language newspapers. MARTA also produces a bilingual (Spanish/English) service modifications booklet.

The Fort-Worth Transportation Authority communicates information about service and fare changes in Spanish and English. It recruits Spanish-speaking customer service representatives and bus operators and has a community outreach liaison who is bilingual. The transit provider also provides a Spanish-language interpreter at all public meetings.

The Salt Lake City International Airport maintains a list of 35 bilingual and multilingual employees who speak one of 19 languages (including three dialects of Chinese) and their contact information. The list is published in the

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Airport Information Handbook and provided to all airport employees. The airport also contracts with a telephonic interpretation service to provide on-demand telephone interpretation services to beneficiaries.

The Port of Seattle has 16 "Pathfinders" on staff who act as guides and information sources throughout the Seattle Tacoma International Airport. A key selection criterion for Pathfinders is multilingual ability. The Pathfinders collectively speak 15 languages and are often called on to act as interpreters for travelers who do not speak English. Pathfinders greet all international flights and are assigned to do so based on language skills.

Seattle Tacoma International Airport's trains carry announcements in English, Japanese, and Korean. The Port of Seattle

contributed \$5,000 to the creation of the City of Tukwila's ``Newcomers Guide,' which is published in six languages and includes information about the airport and Airport Jobs, a referral service for employment at the airport.

The following is a sample notice that would be useful for recipients to add to the publications or signs for their programs, services, or activities, in order to notify LEP individuals of the availability of materials and services in other languages.

#### Sample Notice of Availability of Materials and Services

FOR FURTHER INFORMATION CONTACT: For hearing-impaired individuals or non-English-speaking attendees wishing to arrange for a sign language or foreign language interpreter, please call or fax [name] of [organization] at Phone: xxx-yyy-zzzz, TTY: xxx-yyy-zzzz, or Fax: xxx-yyy-zzzz.' \18\  
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\18\ If there is a known and substantial LEP population that may be served by the program discussed in the notice, the notice should be in the appropriate non-English language.  
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#### Appendix A to DOT Guidance

DOT's Title VI regulation (49 CFR part 21) states the following, in relevant part:

##### Sec. 21.5 Discrimination prohibited.

(a) General. 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 otherwise subjected to discrimination under, any program to which this part applies.

##### (b) Specific discriminatory actions prohibited:

(1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on the grounds of race, color, or national origin.

(i) Deny a person any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(vi) Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program; or

(vii) Deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.

(2) A recipient, in determining the types of services, financial

aid, or other benefits, or facilities which will be provided under any such program, or the class of person to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of persons to be afforded an opportunity to participate in any such program; may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

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(5) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

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(7) This part does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin.

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# Executive Order 12898

FEDERAL REGISTER

VOL. 59, No. 32

Presidential Documents

PRESIDENT OF THE UNITED STATES

## Executive Order 12898 of February 11, 1994

Title 3-

The President

### **Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations**

59 FR 7629

DATE: Wednesday, February 16, 1994

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1-1. Implementation.

#### *1-101. Agency Responsibilities.*

To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

#### *1-102. Creation of an Interagency Working Group on Environmental Justice.*

- a) Within 3 months of the date of this order, the Administrator of the Environmental Protection Agency ("Administrator") or the Administrator's designee shall convene an interagency Federal Working Group on Environmental Justice ("Working Group"). The Working Group shall comprise the heads of the following executive agencies and offices, or their designees: (a) Department of Defense; (b) Department of Health and Human Services; (c) Department of Housing and Urban Development; (d) Department of Labor; (e) Department of Agriculture; (f) Department of

Transportation; (g) Department of Justice; (h) Department of the Interior; (i) Department of Commerce; (j) Department of Energy; (k) Environmental Protection Agency; (l) Office of Management and Budget; (m) Office of Science and Technology Policy; (n) Office of the Deputy Assistant to the President for Environmental Policy; (o) Office of the Assistant to the President for Domestic Policy; (p) National Economic Council; (q) Council of Economic Advisers; and (r) such other Government officials as the President may designate. The Working Group shall report to the President through the Deputy Assistant to the President for Environmental Policy and the Assistant to the President for Domestic Policy.

(b) The Working Group shall:

1. provide guidance to Federal agencies on criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;
2. coordinate with, provide guidance to, and serve as a clearinghouse for, each Federal agency as it develops an environmental justice strategy as required by section 1-103 of this order, in order to ensure that the administration, interpretation and enforcement of programs, activities and policies are undertaken in a consistent manner;
3. assist in coordinating research by, and stimulating cooperation among, the Environmental Protection Agency, the Department of Health and Human Services, the Department of Housing and Urban Development, and other agencies conducting research or other activities in accordance with section 3-3 of this order;
4. assist in coordinating data collection, required by this order; 59 FR 7630
5. examine existing data and studies on environmental justice;
6. hold public meetings as required in section 5-502(d) of this order; and
7. develop interagency model projects on environmental justice that evidence cooperation among Federal agencies.

*1-103. Development of Agency Strategies.*

(a) Except as provided in section 6-605 of this order, each Federal agency shall develop an agency-wide environmental justice strategy, as set forth in subsections (b)-(e) of this section that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement, and/or rulemakings related to human health or the environment that should be revised to, at a minimum:

- (1) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations;
- (2) ensure greater public participation;
- (3) improve research and data collection relating to the health of and environment of minority populations and low-income



populations; and

(4) identify differential patterns of consumption of natural resources among minority populations and low-income populations. In addition, the environmental justice strategy shall include, where appropriate, a timetable for undertaking identified revisions and consideration of economic and social implications of the revisions.

(b) Within 4 months of the date of this order, each Federal agency shall identify an internal administrative process for developing its environmental justice strategy, and shall inform the Working Group of the process.

(c) Within 6 months of the date of this order, each Federal agency shall provide the Working Group with an outline of its proposed environmental justice strategy.

(d) Within 10 months of the date of this order, each Federal agency shall provide the Working Group with its proposed environmental justice strategy.

(e) Within 12 months of the date of this order, each Federal agency shall finalize its environmental justice strategy and provide a copy and written description of its strategy to the Working Group. During the 12 month period from the date of this order, each Federal agency, as part of its environmental justice strategy, shall identify several specific projects that can be promptly undertaken to address particular concerns identified during the development of the proposed environmental justice strategy, and a schedule for implementing those projects.

(f) Within 24 months of the date of this order, each Federal agency shall report to the Working Group on its progress in implementing its agency-wide environmental justice strategy.

(g) Federal agencies shall provide additional periodic reports to the Working Group as requested by the Working Group.

*1-104. Reports to the President.*

Within 14 months of the date of this order, the Working Group shall submit to the President, through the Office of the Deputy Assistant to the President for Environmental Policy and the Office of the Assistant to the President for Domestic Policy, a report that describes the implementation of this order, and includes the final environmental justice strategies described in section 1-103(e) of this order.

**Sec. 2-2. Federal Agency Responsibilities for Federal Programs.**

Each Federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such programs, policies, and activities, because of their race, color, or national origin. 59 FR 7631

Sec. 3-3. Research, Data Collection, and Analysis.

*3-301. Human Health and Environmental Research and Analysis.*

(a) Environmental human health research, whenever practicable and appropriate, shall include diverse segments of the population in epidemiological and clinical studies, including segments at high risk from environmental hazards, such as minority populations, low-income populations and workers who may be exposed to substantial environmental hazards.

(b) Environmental human health analyses, whenever practicable and appropriate, shall identify multiple and cumulative exposures.

(c) Federal agencies shall provide minority populations and low-income populations the opportunity to comment on the development and design of research strategies undertaken pursuant to this order.

*3-302. Human Health and Environmental Data Collection and Analysis.*

To the extent permitted by existing law, including the Privacy Act, as amended (5 U.S.C. section 552a):

(a) each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information assessing and comparing environmental and human health risks borne by populations identified by race, national origin, or income. To the extent practical and appropriate, Federal agencies shall use this information to determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(b) In connection with the development and implementation of agency strategies in section 1-103 of this order, each Federal agency, whenever practicable and appropriate, shall collect, maintain and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding facilities or sites expected to have a substantial environmental, human health, or economic effect on the surrounding populations, when such facilities or sites become the subject of a substantial Federal environmental administrative or judicial action. Such information shall be made available to the public, unless prohibited by law; and

(c) Each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding Federal facilities that are:

1. 1) subject to the reporting requirements under the

Emergency Planning and Community Right-to-Know Act, 42 U.S.C. section 11001-11050 as mandated in Executive Order No. 12856; and

2) expected to have a substantial environmental, human health, or economic effect on surrounding populations. Such information shall be made available to the public, unless prohibited by law.

(d) In carrying out the responsibilities in this section, each Federal agency, whenever practicable and appropriate, shall share information and eliminate unnecessary duplication of efforts through the use of existing data systems and cooperative agreements among Federal agencies and with State, local, and tribal governments.

#### **Sec. 4-4. Subsistence Consumption of Fish and Wildlife.**

##### *4-401. Consumption Patterns.*

In order to assist in identifying the need for ensuring protection of populations with differential patterns of subsistence consumption of fish and wildlife, Federal agencies, whenever practicable and appropriate, shall collect, maintain, and analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence. Federal agencies shall communicate to the public the risks of those consumption patterns. 59 FR7632

##### *4-402. Guidance.*

Federal agencies, whenever practicable and appropriate, shall work in a coordinated manner to publish guidance reflecting the latest scientific information available concerning methods for evaluating the human health risks associated with the consumption of pollutant-bearing fish or wildlife. Agencies shall consider such guidance in developing their policies and rules.

#### **Sec. 5-5. Public Participation and Access to Information.**

(a) The public may submit recommendations to Federal agencies relating to the incorporation of environmental justice principles into Federal agency programs or policies. Each Federal agency shall convey such recommendations to the Working Group.

b) Each Federal agency may, whenever practicable and appropriate, translate crucial public documents, notices, and hearings relating to human health or the environment for limited English speaking populations.

(c) Each Federal agency shall work to ensure that public documents, notices, and hearings relating to human health or the environment are concise, understandable, and readily accessible to the public.

(d) The Working Group shall hold public meetings, as appropriate, for the purpose of fact-finding, receiving public comments, and conducting inquiries concerning environmental justice. The Working Group shall prepare for public review a summary of the comments and recommendations discussed at the public meetings.

## **Sec. 6-6. General Provisions.**

### *6-601. Responsibility for Agency Implementation.*

The head of each Federal agency shall be responsible for ensuring compliance with this order. Each Federal agency shall conduct internal reviews and take such other steps as may be necessary to monitor compliance with this order.

### *6-602. Executive Order No. 12250.*

This Executive order is intended to supplement but not supersede Executive Order No. 12250, which requires consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving Federal financial assistance.

Nothing herein shall limit the effect or mandate of Executive Order No. 12250.

### *6-603. Executive Order No. 12875.*

This Executive order is not intended to limit the effect or mandate of Executive Order No. 12875.

### *6-604. Scope.*

For purposes of this order, Federal agency means any agency on the Working Group, and such other agencies as may be designated by the President, that conducts any Federal program or activity that substantially affects human health or the environment. Independent agencies are requested to comply with the provisions of this order.

### *6-605. Petitions for Exemptions.*

The head of a Federal agency may petition the President for an exemption from the requirements of this order on the grounds that all or some of the petitioning agency's programs or activities should not be subject to the requirements of this order.

### *6-606. Native American Programs.*

Each Federal agency responsibility set forth under this order shall apply equally to Native American programs. In addition, the Department of the Interior, in coordination with the Working Group, and, after consultation with tribal leaders, shall coordinate steps to be taken pursuant to this order that address Federally-recognized Indian Tribes.

### *6-607. Costs.*

Unless otherwise provided by law, Federal agencies shall assume the financial costs of complying with this order.

*6-608. General.*

Federal agencies shall implement this order consistent with, and to the extent permitted by, existing law.

*6-609. Judicial Review.*

This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it create any right, benefit, or trust responsibility, substantive or procedural, [\*7633] enforceable at law or equity by a party against the United States, its agencies, its officers, or any person. This order shall not be construed to create any right to judicial review involving the compliance or noncompliance of the United States, its agencies, its officers, or any other person with this order.

WILLIAM J. CLINTON

THE WHITE HOUSE,

February 11, 1994.

**Recommended Title VI, Environmental Justice, and Limited English Proficiency  
Analysis of Proposed Service and Fare Changes**

- 1) **What service and/or fare changes does [redacted] propose? Please describe the nature of the change, the bases or rationale for the change, the modes of service impacted, and the communities affected by the change.**

Service changes can include, but are not limited to, route extensions, route deletions, route additions, changes in hours or days of operation, changes due to contracting out transit services, and changes in headways.

Fare changes can include, but are not limited to, across-the-board fare increases or decreases on all modes of transit provided by an agency, or fare changes provided on some of the agency's transit modes or made by some of the agency's fare payment media or fare payment types.

- 2) **What are the impacts of the service changes on minority and/or low income communities?**

Route changes. For proposed major service changes that would reduce or expand frequency of service or add or eliminate routes, the recipient should produce maps of the routes that would be eliminated, reduced, added, or expanded, overlaid on a demographic map of the service area, that highlights those Census tracts or traffic analysis zones where the total minority and low-income population is greater than the service area average.

Span of service. For proposed changes that would reduce or expand hours and days of service, the recipient should analyze any available information generated from ridership surveys that indicates whether minority and low-income riders are more likely to use the service during the hours and/or days that would be eliminated or expanded.

Fare changes. For proposed changes that would increase or decrease fares on certain transit modes or by fare payment type or payment media, the recipient should analyze any available information generated from ridership surveys indicating whether minority and low-income riders are more likely to use the mode of service, payment type, or payment media that would be subject to the fare change.

- 3) **What are the transit alternatives available for riders who would be impacted by proposed service changes?**

Service changes. For proposed service changes, the recipient should analyze what, if any, modes of transit or transit routes are available for people affected by the service expansions or reductions. This analysis should compare the travel time

and cost of the current route with the travel time and cost to the rider of the alternatives.

Fare changes. For proposed fare changes, the recipient should analyze what, if any, alternative transit modes, fare payment types, or fare payment media are available for people affected by the fare change. This analysis should compare the fares paid under the change with fares that would be paid through available alternatives.

- 4) **What, if any measures would [redacted] take to avoid, minimize, or mitigate any adverse effects of the service and/or fare change on minority populations and/or low-income populations? What, if any enhancements or offsetting benefits would [redacted] implement in conjunction with the service and/or fare change?**
- 5) **Would the proposed service and/or fare change have a disproportionately high and adverse effect on minority populations and/or low-income populations?**

A disproportionately high and adverse effect is one that (1) is predominately borne by a minority population and/or a low-income population, or (2) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

In making determinations regarding disproportionately high and adverse effects on minority and low-income populations, mitigation and enhancements measures that will be taken and all offsetting benefits to the affected minority and low-income populations may be taken into account.

Recipients can implement a service reduction or fare increase that would have disproportionately high and adverse effects provided that the recipient demonstrates that the action meets a substantial need that is in the public interest and that other alternatives would have more severe adverse effects than the preferred alternative.

- 9) **What steps does [redacted] plan to take to seek out and consider the viewpoints of minority and low-income populations in the course of conducting public outreach and involvement activities?**

In general, an agency should have a public participation process that offers early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions. Agencies have wide latitude to determine how, when, and how often specific public involvement measures should take place, and what specific measures are most appropriate. Agencies should make these determinations based on the composition of the population affected by the recipient's action, the

type of public involvement process planned by the recipient, and the resources available to the agency. Efforts to involve minority and low-income people in public involvement activities can include both comprehensive measures, such as placing public notices at all stations and in all vehicles, and measures targeted to overcome linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and low-income populations from effectively participating in a recipient's decision-making.

- 10) Does [redacted] believe that it is necessary to disseminate information on the service changes/fare increases that is accessible to Limited English Proficient persons? If so, what steps to provide information in languages other than English does [redacted] propose?**

Title VI and its implementing regulations require that FTA recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP). What steps a recipient decides to take should depend on the number and proportion of LEP persons served by the recipient, the frequency with which LEP individuals come into contact with the program, activity, or service, the nature and importance of the program, activity or service, and the resources available to the recipient and costs of providing language assistance.



U.S. Department of Transportation  
**Federal Highway Administration**  
**Federal Transit Administration**

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Subject: **ACTION:** Implementing Title VI Requirements  
in Metropolitan and Statewide Planning

Date: October 7, 1999

From: (Original signed by)  
Kenneth R. Wykle  
Administrator, FHWA  
(Original signed by)  
Gordon J. Linton  
Administrator, FTA

Reply to  
Attn. of: TOA-1/HEPH-1

To: FHWA Division Administrators  
FTA Regional Administrators

### **Background**

The purpose of this memorandum is to issue clarification to you in implementing Title VI of the 1964 Civil Rights Act (42 U.S.C. 2000d-1) and related regulations, The President's Executive Order on Environmental Justice, the U.S. DOT Order, and the FHWA Order.

Title VI states that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Title VI bars intentional discrimination as well as disparate impact discrimination (i.e., a neutral policy or practice that has a disparate impact on protected groups).

The Environmental Justice (EJ) Orders further amplify Title VI by providing that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."

Increasingly, concerns for compliance with provisions of Title VI and the EJ Orders have been raised by citizens and advocacy groups with regard to broad patterns of transportation investment and impact considered in

metropolitan and statewide planning. While Title VI and EJ concerns have most often been raised during project development, it is important to recognize that the law also applies equally to the processes and products of planning. The appropriate time for FTA and FHWA to ensure compliance with Title VI in the planning process is during the planning certification reviews conducted for Transportation Management Areas (TMAs) and through the statewide planning finding rendered at approval of the Statewide Transportation Improvement Program (STIP).

This memorandum serves as clarification pending issuance of revised planning and environmental regulations.

### *Requested Action*

We request that during certification reviews you raise questions that serve to substantiate metropolitan planning organization (MPO) self-certification of Title VI compliance. Suggested questions are attached. Also attached are a series of actions that could be taken to support Title VI compliance and EJ goals, improve planning performance, and minimize the potential for subsequent corrective action and complaint.

Statewide planning is also subject to the same Title VI legislative requirements as the metropolitan planning process. The FHWA division offices, jointly with FTA regional offices, should review and document Title VI compliance when making the TEA-21 required finding that STIP development and the overall planning process is consistent with the planning requirements.

In part, the purpose of asking the questions attached to this memorandum is to review the basis upon which the annual self-certification of compliance with Title VI is made. The metropolitan planning certification reviews in TMAs and STIP findings offer an opportunity to FHWA and FTA staff to verify the procedures and analytical foundation upon which the self-certification is made. If it becomes evident that the self-certification was not adequately supported, a corrective action is to be included in their certification report to rectify the deficiency.

The FHWA's and FTA's Division and Regional Administrators should involve their respective civil rights staffs in the EJ and Title VI portions of the metropolitan planning certification reviews in TMAs and statewide planning findings.

### *Forthcoming Planning Regulations*

As you know, FHWA and FTA are preparing to revise the planning (23 CFR 450 and 49 CFR 619) and environmental (23 CFR 771 and 49 CFR

622) regulations. In these rulemakings and subsequent documents, we will propose clarifications and appropriate procedural and analytical approaches for more completely complying with the provisions of Title VI and the Executive Order on Environmental Justice. Specifically, the proposals will focus on public involvement strategies for minority and low-income groups and assessment of the distribution of benefits and adverse environmental impacts at both the plan and project level.

If you have questions on metropolitan applications of this memorandum, please contact Sheldon M. Edner, Team Leader, Metropolitan Planning and Policies, FHWA (202) 366-4066 or Charlie Goodman, Division Chief, Metropolitan Planning, FTA (202) 366-1944. On statewide applications, please contact Dee Spann, Team Leader, Statewide Planning, FHWA (202) 366-4086 or Paul Verchinski, Chief, Statewide Planning, FTA (202) 366-1626.

[Attachment 1](#)

[Attachment 2](#)

cc:  
FHWA Resource Center Directors  
FHWA CBU and SBU Leaders  
TOA-1,2  
TCR-1  
FHWA/FTA Metro Offices

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## **Assessing Title VI Capability – Review Questions September 1999**

Discussion of these important issues will be held as part of planning certification reviews, and the discussion will be held as part of statewide planning findings that are made as part of Statewide Transportation Improvement Program (STIP) approval. These questions are offered as an aid to reviewing and verifying compliance with Title VI requirements:

### *1. Overall Strategies and Goals:*

- What strategies and efforts has the planning process developed for ensuring, demonstrating, and substantiating compliance with Title VI? What measures have been used to verify that the multi-modal

system access and mobility performance improvements included in the plan and Transportation Improvement Program (TIP) or STIP, and the underlying planning process, comply with Title VI?

- Has the planning process developed a demographic profile of the metropolitan planning area or State that includes identification of the locations of socio-economic groups, including low-income and minority populations as covered by the Executive Order on Environmental Justice and Title VI provisions?
- Does the planning process seek to identify the needs of low-income and minority populations? Does the planning process seek to utilize demographic information to examine the distributions across these groups of the benefits and burdens of the transportation investments included in the plan and TIP (or STIP)? What methods are used to identify imbalances?

## 2. *Service Equity:*

- Does the planning process have an analytical process in place for assessing the regional benefits and burdens of transportation system investments for different socio-economic groups? Does it have a data collection process to support the analysis effort? Does this analytical process seek to assess the benefit and impact distributions of the investments included in the plan and TIP (or STIP)?
- How does the planning process respond to the analyses produced? Imbalances identified?

## 3. *Public Involvement:*

- Does the public involvement process have an identified strategy for engaging minority and low-income populations in transportation decisionmaking? What strategies, if any, have been implemented to reduce participation barriers for such populations? Has their effectiveness been evaluated? Has public involvement in the planning process been routinely evaluated as required by regulation? Have efforts been undertaken to improve performance, especially with regard to low-income and minority populations? Have organizations representing low-income and minority populations been consulted as part of this evaluation? Have their concerns been considered?
- What efforts have been made to engage low-income and minority populations in the certification review public outreach effort? Does the public outreach effort utilize media (such as print, television, radio, etc.) targeted to low-income or minority populations? What issues were raised, how are their concerns documented, and how do they reflect on the performance of the planning process in

- relation to Title VI requirements?
- What mechanisms are in place to ensure that issues and concerns raised by low-income and minority populations are appropriately considered in the decisionmaking process? Is there evidence that these concerns have been appropriately considered? Has the metropolitan planning organization (MPO) or State DOT made funds available to local organizations that represent low-income and minority populations to enable their participation in planning processes?

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Guidance:

## **Assessing Title VI Capability – FTA/FHWA Actions**

*Environmental Justice in State Planning and Research (SPR) and Unified Planning Work Programs (UPWPs) Efforts During Certification Reviews for Title VI Consistency*

At a minimum, FHWA and FTA should review with States, MPOs, and transit operators how Title VI is addressed as part of their public involvement and plan development processes. Since there is likely to be the need for some upgrading of activity in this area, a work element to assess and develop improved strategies for reaching minority and low-income groups through public involvement efforts and to begin developing or enhancing analytical capability for assessing impact distributions should be considered in upcoming SPRs and UPWPs.

### *Review Public Involvement*

In many areas, room for improvement exists in public involvement processes regarding engagement of minority and low-income individuals. It is appropriate to review the extent to which MPOs and States have made proactive efforts to engage these groups through their public involvement programs. Further, FHWA and FTA should review the record of complaints or concerns raised regarding Title VI in the planning process under review. During the on-site element of the metropolitan certification review, the public involvement process, now required by statute, should make a special effort to engage and involve representatives of minority and low-income groups to hear their views regarding changes to and performance of the planning process.

### *Options for FHWA/FTA Metropolitan Certification Review Actions*

1. FHWA and FTA should seek to determine what, if any, processes are in place to assess the distribution of impacts on different socio-economic groups for the investments identified in the transportation plan and TIP. If the planning process has no such capability in place, there needs to be further investigation as to how the MPO is able to annually self-certify its compliance with the provisions of Title VI.
2. If no documented process exists for assessing the distributional effects of the transportation investments in the region, the planning certification report should include a corrective action directing the development of a process for accomplishing this end. This will serve to put the process on notice regarding existing requirements and prepare it for future regulatory requirements. If a minimal effort is in place, FHWA and FTA should encourage the planning process participants to become familiar with the provisions of the Executive Order on Environmental Justice and identify needed improvements based on the Order.
3. If no formal evaluation of the public involvement process has been conducted per the requirement for periodic assessment (see 23 CFR 450.316(b)), a corrective action to conduct an evaluation should be included in the certification report. The formal evaluation should, at a minimum, assess the effectiveness of efforts to engage minority and low-income populations through the local public involvement process. If the MPO or State has conducted a public involvement evaluation, FHWA and FTA should determine whether the involvement of minorities and low-income individuals has been addressed and what strengths and deficiencies were identified. Recommended improvements or corrective actions for the certification report or STIP findings can be tied to the results of the MPO's or State's public involvement evaluation.

Federal Transit Administration  
Office of Civil Rights  
Complaint Form

**Section I**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Numbers:

(Home) \_\_\_\_\_ (Work) \_\_\_\_\_

Electronic Mail Address: \_\_\_\_\_

Accessible Format Requirements?

Large Print \_\_\_\_\_ Audio tape \_\_\_\_\_

TDD \_\_\_\_\_ Other \_\_\_\_\_

**The Federal Transit Administration (FTA) Office of Civil Rights is responsible for civil rights compliance and monitoring, which includes ensuring that providers of public transportation properly abide by Title VI of the Civil Rights Act of 1964, Executive Order 12898, "Federal Actions To Address Environmental Justice in Minority Populations and Low Income Populations," and the Department of Transportation's Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries.**

**In the FTA complaint investigation process, we analyze the complainant's allegations for possible Title VI and related deficiencies by the transit provider. If deficiencies are identified they are presented to the transit provider and assistance is offered to correct the inadequacies within a predetermined timeframe. FTA also may refer the matter to the U.S. Department of Justice for enforcement.**

**Section II**

Are you filing this complaint on your own behalf?

Yes \_\_\_\_\_ No \_\_\_\_\_

[If you answered "yes" to this question, go to Section III.]

If not, please supply the name and relationship of the person for whom you are complaining:

\_\_\_\_\_

Please explain why you have filed for a third party. \_\_\_\_\_

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Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.

Yes \_\_\_\_ No \_\_\_\_

**Section III**

Have you previously filed a Title VI complaint with FTA? Yes \_\_\_\_ No \_\_\_\_

If yes, what was your FTA Complaint Number? \_\_\_\_\_

[Note: This information is needed for administrative purposes; we will assign the same complaint number to the new complaint.]

Have you filed this complaint with any of the following agencies?

Transit Provider \_\_\_\_ Department of Transportation \_\_\_\_

Department of Justice \_\_\_\_ Equal Employment Opportunity Commission \_\_\_\_

Other \_\_\_\_\_

Have you filed a lawsuit regarding this complaint? Yes \_\_\_\_ No \_\_\_\_

If yes, please provide a copy of the complaint form.

**[Note: This above information is helpful for administrative tracking purposes. However, if litigation is pending regarding the same issues, we defer to the decision of the court.]**

**Section IV**

Name of public transit provider complaint is against:

\_\_\_\_\_

Contact person: \_\_\_\_\_ Title: \_\_\_\_\_

Telephone number: \_\_\_\_\_

**On separate sheets, please describe your complaint. You should include specific details such as names, dates, times, route numbers, witnesses, and any other information that would assist us in our investigation of your allegations. Please also provide any other documentation that is relevant to this complaint.**

**Section V**



May we release a copy of your complaint to the transit provider?

Yes \_\_\_\_ No \_\_\_\_

May we release your identity to the transit provider?

Yes \_\_\_\_ No \_\_\_\_

Please sign here: \_\_\_\_\_

Date: \_\_\_\_\_

[Note - We cannot accept your complaint without a signature.]

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**Please mail your completed form to: Title VI Program Coordinator, FTA Office of Civil Rights, East Building, 5<sup>th</sup> Floor – TCR, 1200 New Jersey Ave., S.E., Washington, D.C. 20590**

**Notice on Civil Rights Obligations Applicable  
to the Distribution of Funds under the  
American Recovery and Reinvestment Act of 2009**

**Federal Agency Obligations**

Federal agencies will shortly begin distributing funding from the American Recovery and Reinvestment Act of 2009 (Recovery Act). They must do so in accordance with all nondiscrimination and equal opportunity statutes, regulations, and Executive Orders that apply to the distribution of funds under the Recovery Act. Agencies that grant funds also must ensure that their recipients and subrecipients comply with Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination including language access for limited English proficient persons), Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination), Title IX of the Education Amendments of 1972 (prohibiting sex discrimination in education and training programs), the Age Discrimination Act of 1975 (prohibiting age discrimination in the provision of services), and a variety of program-specific statutes with nondiscrimination requirements.

**Recipient and Subrecipient Obligations**

Recipients and subrecipients of Recovery Act funds or other Federal financial assistance must comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and a variety of program-specific statutes with nondiscrimination requirements.

Other civil rights laws may impose additional requirements on recipients and subrecipients. These laws include, but are not limited to, Title VII of the Civil Rights Act of 1964 (prohibiting race, color, national origin, religion, and sex discrimination in employment), the Americans with Disabilities Act (prohibiting disability discrimination in employment and in services provided by State and local governments, businesses, and non-profit agencies), and the Fair Housing Act (prohibiting race, color, national origin, age, family status, and disability discrimination in housing), as well as any other applicable civil rights laws.

FTA is currently developing a toll-free hotline and e-mail address for civil rights-related ARRA inquiries. When available, the e-mail address and ARRA toll-free number will be posted here.



U.S. Department of Justice

Civil Rights Division

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*Assistant Attorney General  
950 Pennsylvania Avenue, NW - RFK  
Washington, DC 20530*

March 4, 2009

TO: Agency Senior Accountable Officials for Recovery Act Activities  
Agency Civil Rights Directors for Federally Assisted Programs

FROM: Loretta King *Loretta King*  
Acting Assistant Attorney General for Civil Rights  
United States Department of Justice

SUBJECT: The American Recovery and Reinvestment Act of 2009:  
Civil Rights Compliance Responsibilities of Federal Agencies and  
Recipients of Federal Financial Assistance

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I am writing to offer assistance from the Department of Justice as your agency prepares for and carries out the mission of the American Recovery and Reinvestment Act of 2009 (Recovery Act).

Federal agencies will shortly begin distributing Recovery Act funds. It is important to note that they must do so in accordance with all nondiscrimination and equal opportunity statutes, regulations, and Executive Orders that apply to the distribution of funds under the Recovery Act. Agencies that grant funds also must ensure that their recipients and subrecipients comply with Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination including language access for limited English proficient persons), Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination), Title IX of the Education Amendments of 1972 (prohibiting sex discrimination in education and training programs), the Age Discrimination Act of 1975 (prohibiting age discrimination in the provision of services), and a variety of program-specific statutes with nondiscrimination requirements.

Other civil rights laws may impose additional requirements on recipients and subrecipients. These laws include, but are not limited to, Title VII of the Civil Rights Act of 1964 (prohibiting race, color, national origin, religion, and sex discrimination in employment), the Americans with Disabilities Act (prohibiting disability discrimination in employment and in services provided by State and local governments, businesses, and non-profit agencies), and the Fair Housing Act (prohibiting race, color, national origin, age, family status, and disability discrimination in housing), as well as any other applicable civil rights laws.

Attached is a brief notice containing a summary of civil rights obligations of Federal agencies providing assistance and of the recipients and subrecipients of that assistance. Please post this notice on your agency's website(s) that applicants and recipients will use to apply for Recovery Act funds and on all other relevant websites. We also ask that you add to your posting contact information for your agency's external civil rights office(s) to help ensure that your agency's employees, as well as current and potential recipients and subrecipients, understand and comply with these laws. The notice should also be available to members of the public. This memorandum and the attachment are being sent to you in both pdf and fully accessible text format.

If you or your staff have any questions, please feel free to contact John Wodatch, Section Chief, Disability Rights Section, at (202) 307-0663, (202) 514-0301 (TDD), for information concerning disability-related questions. Information may also be found at: [www.ada.gov](http://www.ada.gov). For all other civil rights questions, please contact Merrily Friedlander, Section Chief, Coordination and Review Section, at (202) 307-2222, (202) 307-2678 (TDD). The Coordination and Review Section's website may be found at: [www.usdoj.gov/crt/cor](http://www.usdoj.gov/crt/cor).

We look forward to working with you to ensure that your recipients of Federal financial assistance through the Recovery Act operate their programs in a nondiscriminatory manner.

Attachment

# APPENDIX C

## Designation of Title VI Contact

### Local System

- Maryland – Civil Rights Contact Sheet from Annual Grant Application

**Annual Transportation Plan for Fiscal Year 2010**

**Jurisdiction/Program:**  
**Legal Applicant**

0  
0

**Form 1B: CIVIL RIGHTS CONTACTS**

**EEO CONTACT**

Applicant

Contractor

Name

Title

Department/Organization

Phone

E-Mail

Address

City, State ZIP

**MBE/DBE CONTACT**

Applicant

Contractor

Name

Title

Department/Organization

Phone

E-Mail

Address

City, State ZIP

**Title VI CONTACT**

Applicant

Contractor

Name

Title

Department/Organization

Phone

E-Mail

Address

City, State ZIP

# APPENDIX D

## Notification of Rights

### Title VI Programs on the Internet

- Michigan – MDOT Responsibilities under Title VI of the Civil Rights Act of 1964.
- Tennessee – TDOT Title VI Program Website
- Minnesota – MnDOT Office of Civil Rights Programs – Title VI
- Hawaii – Title VI Program
- Maryland – Maryland Transit Administration Fair Practice Policy
- Indiana – DBE Program and Title VI Information Site
- Oregon – Title VI Program
- California – Title VI Program Overview and Goals

### Title VI Brochures

- Tennessee – Title VI Brochures (English and Spanish)
- Maryland – Information on Your Civil Rights
- District of Columbia – Your Rights under Title VI of the Civil Rights Act of 1964
- Hawaii – You and HDOT – Your Rights under Title VI of the Civil Rights Act of 1964


### Outreach

- Tennessee State University – Summer Transportation Institute



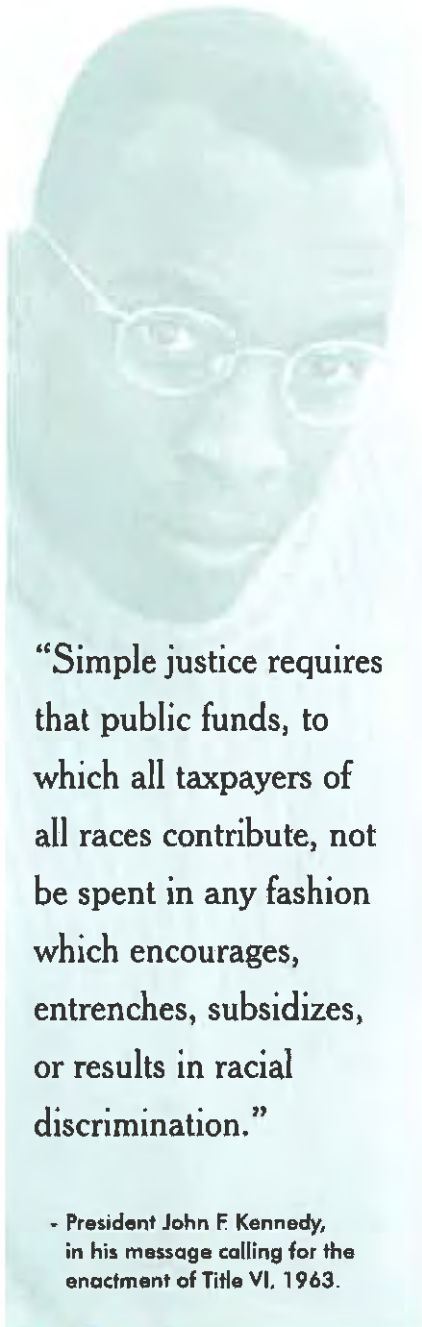
...

MDOT Responsibilities Under  
**Title VI**  
of the Civil Rights Act of 1964



Michigan Department of Transportation





“Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination.”

- President John F. Kennedy,  
in his message calling for the  
enactment of Title VI, 1963.



## WHAT IS TITLE VI?

Title VI of the Civil Rights Act of 1964, is the Federal law that protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive Federal financial assistance.

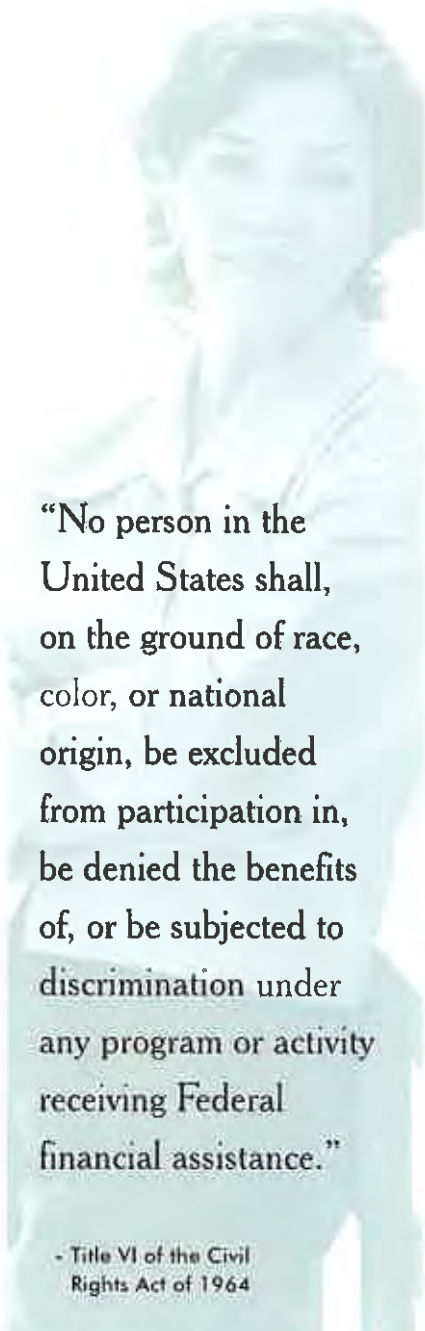
### What discrimination is prohibited by Title VI?

There are many forms of illegal discrimination based on race, color and national origin that can limit the opportunity of minorities to gain equal access to services and programs. A recipient cannot, on the bases of race, color, or national origin, either directly or through contractual means:

- Deny program services, aids, or benefits;
- Provide a different service, aid, or benefit, or provide them in a manner different than what is provided to others;
- Segregate or separately treat individuals in any matter related to the receipt of any service, aid, or benefit.

## MDOT WILL NOT:

- Discriminate in its selection and retention of contractors to perform duties and services related to construction, planning, research, engineering, property management and other commitments related to highway construction on the bases of their race, color, national origin, or sex.
- Locate or design a highway in a manner that requires the relocation of individuals on the bases of their race, color, national origin, or sex.
- Locate, design or construct a highway in a manner that denies reasonable access or use to any person on the bases of race, color, national, origin, or sex.
- Discriminate against eligible persons in relocation payments and in providing relocation advisory assistance where relocation is necessitated by highway right-of-way acquisitions on the bases of their race, color, national origin, or sex.
- Discriminate against the traveling public and commercial users of highways in providing access to and use of facilities and services provided for public accommodations on the bases of race, color, national origin, or sex.
- Distribute federal funds to sub-recipients, i.e., universities, counties, cities, transit agencies, etc. without proper assurances of non-discrimination and Title VI compliance.
- Conduct aeronautic activities, i.e. runway locations or airport operations in a discriminatory manner.
- Deny the public proper participation in MDOT activities in compliance with Title VI.



“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

- Title VI of the Civil Rights Act of 1964

**3** ■ ■ ■ ■

## MONITORING

Title VI compliance requires the monitoring of all program areas to ensure that all MDOT activities are conducted in a nondiscriminatory manner and appropriate procedures are in place for the collection of related data. Program areas throughout MDOT will be monitored to ensure compliance on an annual basis. Management and appropriate authorities are required to cooperate in these efforts. It is important that all of us play our part in Title VI compliance in order to ensure the continued receipt of federal funds.

## WHAT ACTIVITIES ARE MONITORED

In accordance with CFR 23 § 200.9(b) (10) & (11), an annual report of MDOT's Title VI accomplishments for each year and goals for the next year are submitted to the Federal Highway Administration (FHWA). This report contains information that is used to evaluate the State's Title VI program. Therefore, major program areas throughout MDOT are monitored by the Title VI Staff Specialist to ensure that procedures and processes are in compliance with Title VI and that appropriate data is collected for proper reporting to FHWA. Annually, MDOT's Title VI findings and efforts initiated toward compliance are reported to FHWA. The following information, if applicable, will be reviewed with assistance from Title VI coordinators representing each area.

*The information provided is a representation of the type activities that may be monitored in each area, although some program areas may not be involved in every activity:*

- Information related to studies conducted that provided data relative to minority persons, neighborhoods, income levels, physical environment and travel habits.
- The number of public meetings and hearings held during the reporting period.
- Efforts used to ensure citizen participation in public meetings and hearings, particularly minorities, women, elderly, disabled and low-income persons.

- Title VI training provided by your area.
- Major accomplishments made regarding Title VI during the year. Include instances where Title VI issues were identified and discrimination was prevented.
- The number of pre-draft Environmental Impact Statements (EIS) reviewed.
- Issues addressed in EIS's where minorities, women, elderly, disabled and low-income persons were adversely impacted.
- Whether there was a need to utilize bilingual or non-English advertisements, announcements, notices, etc. to meet Limited English Proficiency (LEP) needs.
- Whether interpreters were present when needed to assist with LEP needs.
- Whether negotiation reports related to real estate transactions indicated a disparity in negotiation procedures between minorities and non-minorities.
- Mechanisms used to identify what communities (minorities, women, elderly, disabled, and low-income) were represented in the negotiation phase.
- The number of relocations during the reporting period.
- The number of construction projects initiated in the reporting period.
- Procedures in place to monitor Title VI compliance as it relates to special emphasis programs such as the Disadvantaged Business Enterprise program, On the Job Training program, etc.
- The number of Title VI complaints received, status of complaints, resolution of complaints, etc.





## LIMITED ENGLISH PROFICIENCY (LEP)

### What is Limited English Proficiency?

Limited English Proficiency is a term used to describe individuals who are not proficient in the English language. Michigan is home to many individuals who are not proficient in the English language. *Executive Order (E.O.) 13166, Improving Access to Services for Persons With Limited English Proficiency, August 2000*, is directed at implementation of protections afforded by Title VI of the Civil Rights Act of 1964. MDOT is committed to affording individuals affected by a MDOT activity(s) with meaningful access to programs and services by:

- Advertising meetings, hearings, conferences, etc., in appropriate languages
- Requesting the participants to inform us of needed accommodations in order to meet reasonable needs.
- Having written materials printed in languages that meet LEP requirements.
- Providing interpreters to verbally translate and perform sign language translation when necessary.

**Note:** *Generally, if a MDOT activity will have an impact on an area where 5% or more of the individuals in that area speak a language other than English, materials advertising the project, hearings, meeting, radio and/or TV advertisements, etc. should be translated into the language spoken in the affected area. Translators should be available to assist individuals at public meetings, hearings, etc. Reasonable efforts should be put forth to meet LEP needs when less than 5% of the MDOT affected population has LEP needs. However, reasonable accommodations for the disabled should be provided as appropriate on case by case basis.*

## ENVIRONMENTAL JUSTICE (EJ)

### What is Environmental Justice?

A 1994 Presidential Executive Order directed every Federal agency to make environmental justice part of its mission by identifying and addressing the effects of all programs, policies and activities on “minority populations and low-income populations.” In order to comply with this order, MDOT under the FHWA must appropriately address the concerns of individuals potentially affected by our activities. Those individuals must appropriately be involved in the development of projects that fit harmoniously within their communities without sacrificing safety or mobility.

*Three fundamental principles of environmental justice include but are not limited to the following:*

- Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

### MDOT'S TITLE VI PLAN

According to 23 C.F.R. 200.9 MDOT submitted its Title VI Plan March 2003. The Department is currently waiting for final approval of that plan. The plan provides details of MDOT's Title VI program and goals.





## **MDOT'S TITLE VI INTERDISCIPLINARY TEAM**

In order to provide interaction between the Department's program areas and regions in regard to Title VI compliance, MDOT has implemented a Title VI Interdisciplinary Team. This team consists of individuals from the program areas and each MDOT region. This interdisciplinary approach to Title VI compliance helps to provide interaction and systematic communication throughout the Department and offers an opportunity for the Title VI Staff Specialist to work with the members toward Title VI compliance. Members of the team are involved in making MDOT's Title VI program a success. Please visit our web site at <http://interchange/teams/titleVI>

## **SANCTIONS**

In the event MDOT as a recipient of federal funds fails or refuses to comply with Title VI, the FHWA may take any or all of the following sanctions:

- Cancel, terminate, or suspend nondiscrimination agreements between the recipient and FHWA in whole or in part.
- Refrain from extending, any further assistance to MDOT under the program in noncompliance until satisfactory assurance of future compliance has been assured by the recipient.
- Take other actions deemed appropriate under the circumstances, until the recipient has accomplished compliance or remedial action
- Refer the case to the U.S. Department of Justice for appropriate legal proceedings.

## WHO MAY FILE A TITLE VI COMPLAINT?

Complaints may be filed by any individual or group who believes **that**:

- Their rights, under Title VI have been violated in a discriminatory manner.
- The Department's programs or activities do not comply with federal civil rights laws.
- They have been treated in a disparate manner.

**Note:** Filing a complaint with MDOT does not prevent an individual from seeking remedy through other sources.

### Refer the following to MDOT Title VI Staff Specialist:

Verna Miller  
25900 Greenfield Road, Suite 245  
Oak Park, MI 48237  
(248)967-0570 ext. 17  
millerve@michigan.gov

- **Title VI complaints:** Generally, a signed, written complaint should be filed within 180 days of the date of the alleged discrimination.
- **Questions regarding Title VI and monitoring**
- **LEP needs, if no one is available in your area:** The Specialist may be able to provide someone to interpret from a list of MDOT employees who speak foreign languages and have volunteered to assist with LEP.
- **Title VI training needs**







## DEFINITIONS

**Authority:** The Civil Rights Restoration Act of 1987 (CRRRA) and the Civil Rights Act of 1964 are the legal statutes for Title VI compliance/enforcement.

**Complaints:** Discrimination under Title VI has been closely defined as the denial of participation in and the denial of receiving benefits from programs or activities that are federally funded.

**Discrimination:** An act (or action) whether intentional or unintentional through which a person in the United States, solely because of race, color, religion, gender, or national origin, has been subjected to unequal treatment under any program or activity receiving financial assistance from the FHWA under Title 23 U.S.C.

**Disparate Treatment:** Inconsistent application of rules and policies to one group of people over another. Discrimination may result when rules and policies are applied differently to members of protected classes.

**Explanation:** Title VI is the portion of the Civil Rights Act that prohibits discrimination in federally assisted programs.

**Federal Aid Recipient:** Individuals or groups who receive federal aid funds.

**Title VI Compliance:** The implementation of all the Title VI requirements or demonstrating that every good faith effort has been made toward achieving this end.

**Programs:** Transportation projects or activities that provide service, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the Federal government or by MDOT or its agents through contracts or other arrangements.



**Business & Administrative Services Division  
Small Business Liaison Section  
Patricia Collins, Administrator  
P.O. Box 30050  
Lansing, Michigan 48909**






*MDOT is improving Michigan's total transportation system by efficiently delivering transportation products, services and information.*




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Summer Transportation Institute
- Title VI Brochures (English & Spanish)
- Title VI Program WebSite ←






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*Gerald Nicely, Commissioner*

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- Sub-Recipient Information**
- Complaint Information**
- Title VI Training**
- Title VI Online Training**
- Title VI Home**
- Civil Rights Staff**
- Civil Rights Home**

## Civil Rights Office

**Title VI Program**  
Phone: (615) 741-3681



The Tennessee Department of Transportation Title VI Program's primary goal is to ensure all management staff, contractees, and service beneficiaries are aware of the provisions of Title VI and the responsibilities associated with Title VI of the Civil Rights Act of 1964. We are readily available to provide you with high quality technical assistance, resources, guidance, and any other information in regards to Title VI. Please do not hesitate to call our office for further assistance.

### New Information is Available on:

- [TDOT Title VI Nondiscrimination Statement](#)
- [2008 Title VI Implementation Plan](#)
- [Environmental Justice](#)
- [Limited English Proficiency](#)

### Title VI Mission

To ensure all management staff, contractees and service beneficiaries are informed, educated and assisted with the provision of Title VI of the Civil Rights Act of 1964.

The Title VI Program ensures no person shall be excluded from participation in, or is denied the benefits of, or is subjected to discrimination under any program or activity receiving federal financial assistance from the Department of Transportation on the grounds of race, color, age, sex, disability or national origin.

### What is Title VI?

Title VI of the 1964 Civil Rights Act says, "No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving federal financial assistance." 42 U.S.C. §2000d

### What is Federal Financial Assistance?

Federal financial assistance means more than just money. It is also aid that enhances the ability to improve or expand allocation of a recipient's own resources. Examples:

- Student aid (releases recipient's funds for other uses)
- Training of employees (permits better use of the employer)
- Grants and Loans, tax-exempt bonds
- Property
- Loan of Personnel
- Tax incentives and tax-exempt status
- Technical assistance, etc.

Title VI, not just that particular program. Example: The Harriet Tubman Express program receives money from HUD, the agency /division that Harriet Tubman Express programs are under ( Health Services) must also be in compliance with Title VI rules and regulations.

#### How does Title VI apply to Public Policy?

Title VI is a mechanism that directs the federal financial assistance, which drives or promotes economic development. By legislative mandate, Title VI examines the following public policy issues:

Accessibility for all persons	Infrastructure development
Accountability in public funds expenditures	Minority participation in decision making
Disparate impact	Program service delivery
Economic empowerment	Public-Private partnerships in part or who with public funds
Environmental Justice	Site and location of facilities

#### Who must comply?

- State and local government: Agency distributing federal assistance or entity distributing federal assistance to the state or local government entity.
- Higher education: college, university, or other post-secondary institution
- Local education agency or system of vocational education, or other school system
- An entire corporation, partnership, or other private organization, or an entire sole proprietorship
- The entire plant or private corporation or other organization which is a geographically separate facility to which federal financial assistance is extended.

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Department of Transportation  
James K. Polk Building, Suite 700  
Nashville, TN 37243-0349  
615.741.2848

## PUBLIC NOTIFICATION

The Title VI Director will assist the TDOT Information Office in disseminating Title VI information to the general public. Brochures, posters, and other pertinent materials will be distributed to departmental staff, contractees, and the general public in an effort to augment their knowledge of Title VI. Also, all TDOT publications will include a non-discrimination language statement. This statement will read as follows:


Pursuant to the State of Tennessee's policy of non-discrimination, the Tennessee Department of Transportation does not discriminate on the basis of race, age, sex, religion, color, disability, or national origin.

The TDOT Title VI policy statement is posted on all major TDOT facilities. This poster provides the name, address, and telephone number of the office to be contacted should any person believe that they have been discriminated against because of race, age, color, religion, sex, disability, or national origin. Also, in an effort to increase the public's knowledge of third party challenges, the following notice is disseminated to all DBE certified firms, as well as, distributed during on site compliance reviews.

**The Disadvantaged Business Enterprise (DBE) Program is designed to help disadvantaged business enterprises participate in the contract activities of the TDOT. Disadvantaged business enterprises include those that are owned and controlled by individuals who are presumed to be socially and economically disadvantaged because they are women, Black Americans, Hispanic Americans, Native Americans, Asian-Indian Americans, or Asian-Pacific Americans and any other minorities or individuals found to be disadvantaged pursuant to the Small Business Act. This presumption that an individual is socially and economically disadvantaged may be challenged. This is called the Third Party Challenge.**

**If you believe there is sufficient cause to challenge the disadvantaged status of a DBE-certified firm or a firm seeking DBE certification, or for more information, contact the Director, Contract Compliance Office, TDOT, 505 Deaderick St., Fourth Floor, Nashville, TN 37243-0347, or call (615) 741-3681.**


***Information to beneficiaries and participants.*** Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of Title VI and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the TDOT Title VI Director finds necessary to apprise such persons of the protections against discrimination.



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Department of Transportation  
*Gerald Nicely, Commissioner*

*The Official Web Site of the State of Tennessee*



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**Civil Rights Office**

**Title VI Program**  
 505 Deaderick Street, Suite 1800  
 Nashville, TN 37243  
 Phone: 615.741.3681  
 Fax: 615.741.3169  
 Toll-Free: 888.370.3647

<p><b>Vacant</b> Title VI Program Director</p>	
<p><b>Sylvia Odum</b> Title VI Program Coordinator Headquarters &amp; Region 4</p>	<p><a href="mailto:Sylvia.Odum@state.tn.us">Sylvia.Odum@state.tn.us</a></p>
<p><b>Kelsey Finch</b> Title VI Specialist Regions 1 &amp; 2</p>	<p><a href="mailto:Kelsey.Finch@state.tn.us">Kelsey.Finch@state.tn.us</a></p>
<p><b>Pam Sharp</b> Title VI Specialist Region 3</p>	<p><a href="mailto:Pamela.Sharp@state.tn.us">Pamela.Sharp@state.tn.us</a></p>
<p><b>Peggy Nolan</b> Administrative Assistant</p>	<p><a href="mailto:Peggy.Nolan@state.tn.us">Peggy.Nolan@state.tn.us</a></p>

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 615.741.2848

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Reference Materials for State DOT Title VI Compliance: Appendices to NCHRP Research Results Digest 340





Office of Civil Rights

Using this Web...

Civil Rights Programs

EEO Program  
EEO Policy

DBE Program  
DBE Policy  
Newsletter

- January 2004
- April 2004
- July 2004
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- January 2005
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Title VI Program  
Title VI Policy

WITI

Calendar of Events

Vendor Search  
UCP Web Reports User Guide

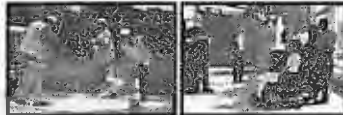
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TITLE VI



The Minnesota Department of Transportation (Mn/DOT) ensures that all programs, services, activities and benefits are implemented without discrimination and with active inclusion of minority and protected class interests through its Title VI Program. Mn/DOT has a Title VI Coordinator who manages the application of Title VI to all areas of Mn/DOT work.

Title VI is a section of the 1964 Civil Rights Act. It requires that recipients of federal funding operate all programs without discrimination and with affirmative inclusion of all persons. Mn/DOT actively monitors the inclusions of protected class members and small business enterprises as it provides service to the public. Members of protected classes are defined by the United States Congress and include minorities and women. Under Title VI Mn/DOT also evaluates the impact of its actions on protected class members. Title VI also covers matters related to Environmental Justice. Environmental Justice includes evaluating impacts of Mn/DOT activities on low-income individuals and families.

The Mn/DOT Title VI Program is not limited only to Title VI and the 1964 Civil Rights Act. It includes civil rights provisions of other federal statutes that prohibit discrimination on the ground of race, color, sex, national origin, age, religion, and disability in programs receiving federal financial assistance. The Title VI Program is implemented by federal regulations (23 CFR 200) and (49 CFR 21).

"No person in the United States shall, on the ground of race, color, national origin, (or sex, added in 1973) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance."

(Civil Rights Act of 1964, Pub. L. 88-352, title VI, Sec. 601, July 2, 1964, 78 State. 252.)

## Minnesota Department of Transportation

### Title VI Policy Statement

IT IS THE POLICY OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION (Mn/DOT) to ensure compliance with Title VI of the Civil Rights Act of 1964 and related statutes and regulations. To this end, Mn/DOT will provide equal access to all persons regardless of race, color, national origin, gender or disability. Mn/DOT will not subject such persons to discrimination or exclude them from participating in, or deriving the benefits of, any federally-funded program or activity it administers. Mn/DOT will not discriminate in the selection and retention of consultants, contractors, subcontractors and material suppliers.

As Commissioner of the Minnesota Department of Transportation, I am personally committed to this policy and will expect agency-wide adherence to it. Any person who feels he or she has been discriminated against, or been denied equal access to, any federally-funded program or activity administered by Mn/DOT is encouraged to report the alleged violation to Mn/DOT's Office of Civil Rights, Director, Hope Jensen at 651-

## Title VI Program

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### Title VI Specialist

**VOICE: (808) 587-2022**

**FAX: (808) 587-2025**

**TTY: (808) 587-2010**

Through its Title VI/Environmental Justice Programs in the Office of Civil Rights (OCR), the Hawaii Department of Transportation (HDOT) must ensure compliance under Title VI of the Civil Rights Act of 1964, as amended, and Executive Order 12898, so that no person in the State of Hawaii shall, on the grounds of race, color, gender, age, national origin or low income, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving financial assistance from HDOT.

These programs create an umbrella that protects any HDOT program participant or beneficiary against discrimination in activities such as contracting, employment and training, as it relates to federal-aid construction. Each one of those activities has a Title VI/Environmental Justice program component that regulates and enforces civil rights compliance. These program components are known as Disadvantaged Business Enterprises (DBE) and Equal Employment Opportunity (EEO).

#### Title VI enforcement is conducted through the following activities:

- Conducting internal and external compliance reviews.
- Conducting Title VI/Environmental Justice Program Implementation training to HDOT managers and program officers, suppliers, vendors, contractors, local governments and other HDOT sub-recipients of federal funds.
- Developing Title VI/Environmental Justice compliance information for internal and external dissemination.
- Processing the disposition of Title VI complaints received by HDOT.
- Providing technical support to sub-recipients developing Title VI/Environmental Justice Programs.
- Approving sub-recipients' Title VI Policy, Assurances and Plans.

#### Title VI Investigations and Complaint Procedures:

The OCR conducts Title VI investigations of alleged discrimination based on race, color, national origin gender, and sex, as it relates to the provision of benefits and services resulting from federally assisted programs and activities. Title VI jurisdiction covers issues of discrimination in the DBE and EEO.

An investigation is the process used to determine the facts to support or disprove a complaint or report of an alleged incident. The investigation seeks to gather and report the truth and all the facts.

If beneficiaries and/or contractors believe that they have been subjected to discrimination or harassment in violation of their civil rights, they may file a complaint with OCR.

All investigations are conducted under the guidelines provided in HDOT's Title VI Plan. Retaliation will not be tolerated against any person who reports alleged discrimination, harassment or policy violations or participates as witness in an investigation. The investigator will submit an independent and impartial report with respect to the established facts of the case.

OCR STAFF

Title VI Brochure (PDF 212KB)



John D. Porcari  
Secretary

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Martin O'Malley  
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Anthony G. Brown  
Lt. Governor



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### MTA Fair Practice Policy

#### Title VI of the Civil Rights Act of 1964

What is Title VI of the Civil Rights Act of 1964?

Title VI prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving Federal financial assistance.

The Maryland Transit Administration (MTA) is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin, as protected by Title VI of the Civil Rights Act of 1964. If you believe you have been subjected to discrimination under Title VI, you may file a complaint.

How to file a Title VI Complaint?

You may file a signed, written complaint one hundred and eighty (180) days to the date of alleged discrimination. The complaint should include the following information:

- Your name, address, and how to contact you (i.e., telephone number, email address, etc.)
- How, when, where, and why you believe you were discriminated against. Include the location, names and contact information of any witnesses.

The complaint may be filed in writing with the MTA Office of Customer Information as follows:

Office of Customer Information  
Maryland Transit Administration (MTA)  
6 Saint Paul Street, Suite 303  
Baltimore, Maryland 21202

Complainants may also use the following to initiate the filing of a complaint:

**Resources / Transit Links**

**Seniors**

**Sports/Special Event**

**Services**

**Students / Youth**

**Transit Maps**

**Transit Police**

**Visitors**

By e-mail on MTA's website: <http://www.mta.com/resources/contactmta/>

By telephone:

Transit Information Center  
410-539-5000  
1-866-RIDE-MTA (toll free)

TTY for people who are hearing and/or speech impaired 410-539-3497

The Office of Customer Information will assist with writing a complaint if the complainant is unable to do so.

What happens to my complaint after it is submitted to MTA?

All complaints alleging discrimination based on race, color or national origin in a service or benefit provided by MTA will be recorded on the Customer Comment Database Program Form Computer Screen and immediately assigned a complaint number by the Office of Customer Information.

The MTA Office of Customer Information will forward the Title VI complaint to the MTA Minority Business Enterprise and Equal Employment Opportunity Office (MBE/EEO). The Office of Customer Information will provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English.

In instances where additional information is needed for assessment or investigation of the complaint, the MTA MBE/EEO Office will contact the complainant in writing within 15 working days. Failure to provide the requested information by a certain date may result in the administrative closure of the complaint.

The MTA MBE/EEO Office will investigate the complaint and prepare a draft written response subject to review by the Office of General Counsel and the MTA Administrator. If appropriate, the MTA MBE/EEO Office may administratively close the complaint.

How will I be notified of the outcome of my complaint?

The MTA MBE/EEO Office will send a final written response to the complainant and advise the complainant of his or her right to file a complaint externally. The MTA MBE/EEO Office will use its best efforts to respond to Title VI complaints within 60 workdays of its receipt of such complaints.

In addition to the complaint process at MTA, a complainant may file a Title VI complaint with the U.S. Department of Transportation, Federal Transit Administration, Office of Civil Rights, Region III, Philadelphia, Pennsylvania 19103.

Please [click here](#) for more information about MTA's Office of Fair Practices Title VI Policy.

# Disadvantaged Business Enterprise (DBE) and Title VI Resources

Welcome to the Indiana Department of Transportation DBE Program and Title VI Information Site. The State of Indiana DBE Program and Title VI information is administered by the Indiana Department of Transportation, Division of Economic Opportunity.

The mission of the Economic Opportunity Division (EOD) is to:

- Maximize contracting opportunities for disadvantaged businesses by certifying qualifying firms as Disadvantaged Business Enterprises (DBE);
- Monitor INDOT contracts for EEO contract compliance with state and federal laws;
- Increase the number of journey-level women and minorities in Indiana's construction industry through the OJT Program;
- Provide education about and ensure enforcement of state and federal Civil Rights laws.

## Quick Links:

[Listing of Certified Disadvantaged Business Enterprises \(DBE\)](#)

[MBE/WBE vs. DBE: What's the Difference?](#)

[Contractor Compliance Assistance Guide](#)

[DBE Affirmative Action Certification Form for Consultants](#)

[DBE Affirmative Action Certification Form for Contractors](#)

[Subcontractor Payment Tracking Application](#)

[Title VI Complaint Form](#)

[Contact Information](#)

## EOD Sections

[DBE Certification and Supportive Services](#)

[Contract Compliance](#)

[Title VI](#)

# Title VI Resources

[Welcome](#)

[Title VI Facts \(English and Spanish\)](#)

[Title VI Policy Statement](#)

[Title VI Complaints](#)

[Contact Us](#)

## Welcome

Thank you for your interest in the Title VI Program Web Page. Title VI is a statutory provision of the Civil Rights Act of 1964 that prohibits discrimination in federally funded programs. The following web pages contain INDOT's Title VI Mission Statement and important information regarding Title VI.

## Title VI Mission Statement:

The Indiana Department of Transportation will implement compliance with Title VI of the Civil Rights Act of 1964; 49 CFR § 26; and related statutes and regulations to ensure that no person be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation on the grounds of race, color, age, sex, disability, religion or national origin.

## En Español:

### Recepción:

Gracias por su interés en la página del web del Programa del Título VI. El Título VI es una disposición estatutaria del acto de las derechas civiles de 1964 que prohíba la discriminación en programas federal financiados. Las web paginas siguientes contienen la declaración de la misión del Título VI de INDOT y la información importante con respecto al Título VI.

### Declaración De la Misión Del Título VI:

El departamento de Indiana del transporte pondrá conformidad en ejecución con el Título VI del acto de las derechas civiles de 1964; § 26 de 49 CFR; y estatutos relacionados y regulaciones para asegurarse de que no se excluya de la participación adentro, esté negado las ventajas de, o sujetao a ninguna persona a la discriminación bajo cualquier programa o actividad que recibe ayuda financiera federal del departamento de ESTADOS UNIDOS del transporte sobre la base de la raza, del color, de la edad, del sexo, de la inhabilidad, de la religión o del origen nacional.

## Title VI Facts

### What is Title VI?

Title VI is a statutory provision of the Civil Rights Act of 1964 that 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 otherwise be subjected to discrimination under any program or activity receiving federal financial assistance." 42 U.S.C. § 2000d. The full version of Title VI including all provisions can be found at: <http://www.usdoj.gov/crt/cor/coord/titlevlstat.htm>

### What is Federal Financial Assistance?

Federal financial assistance is more than just money. Federal financial assistance includes aid that enhances the ability to improve or expand allocation of a recipient's resources. Examples are:

- Student aid
- Training of employees
- Grants, loans, tax exempt bonds
- Property or land

nacional, ser excluido de la participación adentro, se niegue las ventajas de, o se sujete de otra manera a la discriminación bajo cualquier programa o actividad que recibe ayuda financiera federal." § 2000d de 42 U.S.C.

### **¿Cuál es ayuda financiera federal?**

La ayuda financiera federal es más que apenas el dinero. La ayuda financiera federal incluye la ayuda que realiza la capacidad de mejorar o de ampliar la asignación de los recursos de un recipiente. Los ejemplos son:

- Ayuda del estudiante
- Entrenamiento de empleados
- Concesiones, préstamos, enlaces extensos de impuesto
- Característica o tierra
- Préstamo del personal
- Incentivos fiscales y estado extento de impuesto
- Asistencia técnica.

### **Prohibiciones y requisitos del Título VI**

- Prohíbe entidades de negar a un individuo cualquier servicio o ventaja financiera de la ayuda porque de la raza, del color o del origen nacional. (La aplicación de INDOT también incluye prohibiciones contra la negación basada en el sexo, de la ascendencia, de la edad, de la religión y de la inhabilidad.)
- Prohíbe entidades de requerir diversos estándares o condiciones como requisitos previos para los individuos de la porción.
- Prohíbe actividad discriminatoria en una facilidad que se construya en entero o en parte con los fondos federales.
- Requiere la información y los servicios que se proporcionarán en idiomas con excepción de inglés cuando los números significativos de beneficiarios están de capacidad de discurso inglesa limitada.
- Prohíbe el localizar de instalaciones en cualquier manera que limite o impida el acceso a los servicios o a las ventajas federal financiados.
- Requiere el aseguramiento del nondiscrimination en comprar de servicios.

### **Programas o actividades cubiertos por Título VI**

- La agencia departamental, el distrito especial del propósito, o el otro instrumentality de un estado o de un gobierno local.
- La entidad de tal estado o gobierno local que distribuye la ayuda y cada tal departamento o agencia a los cuales la ayuda es extendida, en el caso de la ayuda de un estado o de un gobierno local.
- La universidad, la universidad o la otra institución postsecondary, o la educación pública, la educación vocacional o el otro sistema escolar.
- El Título VI se aplica a los contratos y fijo' -a un lado los programas y cualquier actividad relacionados con tales contratos y fijo' -a un lado programas.
- El Título VI se aplica al nondiscrimination a través de una agencia, no apenas a las acciones con respecto a programas federal asistidos. Así, si una agencia recibe alguna ayuda federal para cualquier programa o actividad, la agencia entera se requiere conformarse con los requisitos del Título VI, no apenas que programa particular.

### **Programas o actividades no cubiertos por Título VI**

- El Título VI no se aplica a los programas de ventajas directos, tales como Seguridad Social.
- El Título VI no se aplica a los programas que no tienen fondos federales implicados.

### **¿Quién deben conformarse y quién puede ser encontrado en la violación?**

- Estado y gobiernos locales;
- Una educación más alta (universidades, universidades u otras instituciones post-secondary);
- Agencias de los educations o sistemas escolares locales.

Todos los programas y operaciones de las entidades mencionadas que reciben ayuda del gobierno federal deben conformarse y se pueden encontrar en la violación.

### **¿Quién puede archivar una queja del Título VI?**



## Title VI Policy Statement

The Indiana Department of Transportation (INDOT) values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens of this state. As a recipient of federal funds, INDOT is required to conform with Title VI of the Civil Rights Act of 1964. Title VI provides that no person be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation on the grounds of race, color, age, sex, disability, religion or national origin. INDOT has expanded its Title VI enforcement to include sex, ancestry, age, religion and disability.

## Title VI Complaints

If you feel you have been discriminated against, you may file a Complaint with INDOT, Economic Opportunity Division. The signed complaint should be filed within 180 days of the date of the alleged discrimination. Complaints can be filed in three ways:

1. Print a [Title VI Complaint Form](#) (Acrobat PDF), complete it, sign it, date it, and return it to: Christine D. Cde Baca, INDOT Title VI/ADA Administrator, 100 N Senate N750, Indianapolis, IN 46204.
2. Fill out the [web complaint form](#).
3. Write out the complaint in your own words and include:
  - o Your name, address and telephone number. If you are filing on behalf of another person, include their name, address, telephone number and your relationship to that person.
  - o The name and address of the agency, institution or department you believe discriminated against you.
  - o Your signature.
  - o A description of how, why, and when you believe you were discriminated against. Include as much background information as possible about the alleged acts of discrimination.
  - o The names, addresses and phone numbers of individuals whom you allege discriminated against you, if you know this information.
  - o The names of any persons that can be contacted for additional information to support or clarify your allegations.

Develop and deliver Title VI and Environmental Justice training.  
Review Environmental Impact Statements for Title VI compliance.

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**Most Affected by Title VI**

- [Planning](#)
- [Arranging for credit and bonding](#)
- [Design](#)
- [Right of Way](#)
- [Construction Contracts](#)
- [Motor Carrier Safety](#)
- [Project Selection](#)
- [Environmental](#)
- [Research](#)
- [Education and Training](#)
- [Administration](#)

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**Title VI Plan 2005-2006**

*→ printed*

Title VI Update for ODOT; [July 1, 2005-June 30, 2006](#) [Select to view](#)

This plan can be used as a template for ODOT's sub recipients when creating their own plan or a letter can be signed in agreement to follow ODOT's plan.

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**Resources**

- [Sample Title VI Complaint Form \(doc\)](#)
- [State highway agency responsibilities for Title VI \(pdf\)](#) [\(txt\)](#)

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**Contact Information**

For more information about the Title VI and LEP Program, contact our [Title VI - Environmental Justice/LEP Officer](#)

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CALIFORNIA DEPARTMENT OF  
**TRANSPORTATION**

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## Title VI Program Overview and Goals

Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color or national origin in programs or activities receiving federal financial assistance. Presidential Executive Order 12898 addresses environmental justice in minority and low-income populations. Presidential Executive Order 13166 addresses services to those individuals with limited English proficiency. The rights of women, the elderly and the disabled are protected under related statutes. These Presidential Executive Orders and the related statutes fall under the umbrella of Title VI.

Federal-aid recipients, sub recipients and contractors are required to prevent discrimination and ensure nondiscrimination in all of their programs, activities and services whether these programs, activities and services are federally funded or not. The California Department of Transportation (Department) Civil Rights Title VI Coordinator is responsible for providing leadership, direction and policy to ensure compliance with Title VI of the 1964 Civil Rights Act and environmental justice principles. The Department is proud of its longstanding policy to ensure that social impacts to communities and people are recognized early and continually throughout the transportation decision-making process—from the very first thought about a transportation discrimination and ensure nondiscrimination in all of their programs, activities and services whether those programs, activities and services are federally funded or not.

The plan to post-construction operations and maintenance.

**Five Title VI goals for preventing discrimination in a Federal-Aid Program are:**

### Goal 1

Create, implement and maintain a Title VI Interdisciplinary Team. The Title VI Interdisciplinary Team is a coordinated and cooperative effort by functional programs and civil rights specialists to ensure Title VI and related statute requirements are identified and considered in advance of any decision-making activity.

### Goal 2

Create awareness of statutory non-discriminatory requirements. This goal is accomplished by disseminating statutes/regulations via a Title VI Resource Directory and educating staff through training and presentations statewide.

### Goal 3

Establish a systematic and ongoing public involvement process that engages communities affected by transportation projects.

### Goal 4

Identify potential discriminatory impacts early. Early detection can often minimize and reduce negative impacts to minority and low-income populations and delays to project delivery.

### Goal 5

Avoid, eliminate or minimize adverse impacts. Transportation agencies may encounter some situations where negative impacts are unavoidable. In these situations, transportation agencies must work with communities to develop mitigation measures to minimize impact.

The Department, as the recipient of Federal aid, established its Title VI Program goals and measurements to attain nondiscrimination in all of its operations.

Please refer to Publications in this web site for a copy of the Civil Rights Title VI Program Plan, Annual Title VI Element Update and Brochures and Resource Directory or Guidelines, or call (916) 324-0817.

If you need this information in an alternative format or language (such as large print or Spanish), please contact the [Weblearn Coordinator](#).

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## Title VI Training Videos

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### CALIFORNIA DEPARTMENT OF TRANSPORTATION

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Title VI has statewide program responsibilities and is required to provide training to all departmental employees, and by posting these training videos on our website, it will assist us in complying with our federal regulatory responsibilities to provide Title VI training to our departmental employees. (23 CFR 200.9 (b) (9)).



[Understanding & Abiding by Title VI of the Civil Rights Act of 1964](#)



[Language Assistance for Limited-English Proficient \(LEP\) Persons Your Responsibilities under the Dymally-Alatorre Bilingual Services Act"](#)



[Environmental Justice in Transportation for California Tribes](#)

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## Title VI Publications

<p><b>Caltrans and You, Your Rights Under Title VI</b></p> <p><i>[This brochure informs the reader of his/her rights to receive the same benefits from the activities and services provided by the California Department of Transportation (Department) and from those receiving federal dollars through the Department. How to file a Title VI related complaint is also included.]</i></p>	<p><b>Adobe PDF Version</b></p> <p><b>Language:</b></p> <ul style="list-style-type: none"> <li>● <a href="#">English</a></li> <li>● <a href="#">Armenian</a></li> <li>● <a href="#">Chinese</a></li> <li>● <a href="#">Cambodian</a></li> <li>● <a href="#">Hmong</a></li> <li>● <a href="#">Japanese</a></li> <li>● <a href="#">Korean</a></li> <li>● <a href="#">Portuguese</a></li> <li>● <a href="#">Russian</a></li> <li>● <a href="#">Spanish</a></li> <li>● <a href="#">Vietnamese</a></li> </ul>
<p><b>Caltrans and You - Your Rights Under Title VI and Related Statutes</b></p> <p><i>[This document in English briefly describes Title VI and related laws. It explains what the law means, its benefits and who is responsible for implementing it.]</i></p>	<p><b>Language:</b></p> <ul style="list-style-type: none"> <li>● <a href="#">English</a></li> </ul>
<p><b>Title VI Program Plan Simple Justice</b></p> <p><i>[This document outlines <u>how</u> the Department's divisions and districts will practice Title VI.]</i></p>	<p><b>Language:</b></p> <ul style="list-style-type: none"> <li>● <a href="#">English</a></li> </ul>
<p><b>Title VI Annual Element Update</b></p> <p><i>[This document reports yearly to the Federal Highway Administration the Department's divisions and districts Title VI accomplishments for the year ending and goals for the upcoming year.]</i></p>	<p><b>Federal Fiscal Year:</b></p> <ul style="list-style-type: none"> <li>● <a href="#">2001-2002</a></li> <li>● <a href="#">2002-2003</a></li> <li>● <a href="#">2003-2004</a></li> <li>● <a href="#">2004-2005</a></li> <li>● <a href="#">2005-2006</a></li> </ul>
<p><b>Title VI Program Guidelines and Appendices</b></p> <p><i>[This document provides guidance to Title VI Program customers to assist in meeting compliance with nondiscrimination law. The guidelines focus on process and delivery of activities, products and services, to whom and when, whether the outcome is a benefit or burden to the eligible population, what was done to mitigate any disparate or disproportionate impacts and whether the actions were documented.]</i></p>	<p><b>Adobe PDF Version:</b></p> <ul style="list-style-type: none"> <li>● <a href="#">Guidelines (PDF)</a></li> </ul> <p><b>Word Version:</b></p> <ul style="list-style-type: none"> <li>● <a href="#">Guidelines (Word)</a></li> </ul>

Reference Materials for State DOT Title VI Compliance Appendices to NCHRP Research Results Digest 340

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CALIFORNIA DEPARTMENT OF  
**TRANSPORTATION**

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## Title VI Program Calendar and Due dates for Reports

Activity / Event	Date(s)
District 10 Compliance Review at Stockton District Office	February 14-17, 2005
Annual <b>Planned Awards Report</b> for Historically Black Colleges and Universities (HBCUs) and Other Minority Institutions of Higher Education (MIHEs)	Due to Civil Rights Title VI Program by June 15, 2005
Annual <b>Accomplishments &amp; Goals Report</b> due to Civil Rights, Title VI Program (Annual Element Update for FFY 2005-2006) For report formats click on the following link: <a href="#">Annual Report Templates</a>	Due to Civil Rights Title VI Program by September 6, 2005
Annual <b>Performance Awards Report</b> for Historically Black Colleges and Universities (HBCUs) and Other Minority Institutions of Higher Education (MIHEs)	Due to Civil Rights Title VI Program by August 15, 2005

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# CALIFORNIA DEPARTMENT OF TRANSPORTATION

[Caltrans](#) > [Business](#) > [Civil Rights](#) > [Title VI](#) > [Rights](#)

## Have Your Rights Been Violated?

If your answer is yes, you have a right to file a formal complaint in writing. Send your complaint to:

Civil Rights, Equal Employment Opportunity Discrimination Complaint Investigation Unit

1823 14th Street, MS 79  
Sacramento, California 95811

Toll Free: (866) 810-6346  
TTY: 711

Flowchart of the Discrimination Complaint Process

[Flowchart in Word \(.doc\) format](#)



[Flowchart in Adobe Reader \(.pdf\) format](#)



Understanding the Discrimination Complaint

[Understanding the Process in Word \(.doc\) format](#)



[Understanding the Process in Adobe Reader \(.pdf\) format](#)



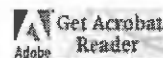
if you need the reader, click the appropriate choice below.

**WIN 2000 & ME**

**WIN 98**

**MAC OS/9-10.2.1+**

**MAC OS/10.2+**



Reference Materials for State DOT Title VI Compliance: Appendices to NCHRP Research Results Digest 340

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# Otreach

- Tennessee State bliversity  
Summer Transportation Institute
- Title VI Brochures (English & Spanish) ←
- Title VI Program WebSite



### Discrimination prohibited by Title VI

There are many forms of illegal discrimination based on race, color, or national origin that limited the opportunity of minorities to gain equal access to services and programs. Among other things, in operating a federally assisted program, a recipient cannot, on the basis of race, color, or national origin, either directly or indirectly:

- Deny program services, aids, or benefits in a manner different than they are provided to others; or
- Segregate or separately treat individuals in any matter related to the receipt of any services, aid, or benefit




### Programs or services include but are not limited to:

- Transportation
- Construction
- The distribution of benefits and services
- Tax benefits enjoyed by private agencies, fraternal and non-profit organizations (i.e. 501 (c)3) as well as education institutions
- Location of facilities
- Law enforcement
- Program effects on people in applicable communities
- Healthcare (i.e. Medicare, Medicaid, TennCare), social services and public welfare
- Natural resources and the environment
- Employment and job training
- Housing and community development
- Agriculture

### Title VI Federal-aid Contract Provisions:


All Federal-aid contracts must include Title VI contract assurance language which requires compliance with Title VI of the Civil Rights Act of 1964. Federal-aid contractors may not discriminate in selection & retention of first-tier subcontractors; subcontractors may not discriminate in the selection & retention of second-tier subcontractors who participate in Federal-Aid Highway construction; and contractors and subcontractors cannot discriminate in their employment practices in connection with highway construction projects or projects assisted by Federal Highway Administration.

## How to file a complaint

**You may file a signed, written complaint 180 days to the date of the alleged discrimination. The complaint should include:**

- Your name, address and telephone number.
- The name and address of the agency, institution, or department you believe discriminated against you.
- How, why, and when you believe you were discriminated against. Include as much specific, detailed information as possible about the alleged acts of discrimination, and any other relevant information.
- The names of any persons, if known, who the TDO Title VI Division could contact for clarity of your allegations.


**Your complaint must be signed and dated.**



## Please submit your complaint to the address stipulated below:

Tennessee Department of Transportation  
 Title VI Director  
 505 Deaderick Street, Suite 1800  
 Nashville, TN 37243-0347  
 Telephone: (615) 741-3681  
 Fax: (615) 741-3169  
 Toll Free: 1-888-370-3647  
 TTY Relay: 1-800-848-0298

For a printable complaint form visit our website:  
[WWW.TENNESSEE.GOV/TDOT/CIVIL-RIGHTS/TITLEVI](http://WWW.TENNESSEE.GOV/TDOT/CIVIL-RIGHTS/TITLEVI)



Tennessee Department of Transportation, Authorization No. 401407, 10/940 copies, November 2004. This public document was promulgated at a cost of \$1.069 per copy.




Tennessee Department of Transportation

# CIVIL RIGHTS OFFICE

# Title VI Program

Title VI of the Civil Rights Act of 1964  
 Environmental Justice  
 Limited English Proficiency

Title VI Implementation Plan Update

[WWW.TENNESSEE.GOV/TDOT/CIVIL-RIGHTS/TITLEVI](http://WWW.TENNESSEE.GOV/TDOT/CIVIL-RIGHTS/TITLEVI)



### Title VI Program Commitment

The Tennessee Department of Transportation Title VI Program's primary goal is to ensure all management staff, contractors, and service beneficiaries are aware of the provisions of Title VI and the responsibilities associated with Title VI of the Civil Rights Act of 1964. We are readily available to provide you with high quality technical assistance, resources, guidance, and any other information in regards to Title VI. Please do not hesitate to call our office for further assistance.



### Title VI & Environmental Justice

On February 11, 1994, President Clinton signed Executive Order 12898: *Federal Action to Address Environmental Justice in Minority Populations and Low-Income Populations*. The Executive Order focused attention on Title VI by providing that, "each agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations." In support of Executive Order 12898, the US DOT issued an Order on Environmental Justice (DOT Order 5610.2). This order clarifies and reinforces Title VI responsibilities as well as addresses the effects on low-income populations.

**Adverse Impacts may include:**

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

### What is Title VI of the Civil Rights Act of 1964?



It is the policy of the Tennessee Department of Transportation to ensure 42. U.S.C. 2000d, "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 a program or activity receiving federal financial assistance from the Department of Transportation." Title VI covers all forms of federal aid except those federally funded contracts of insurance and guaranty. It does cover employment practices resulting in discrimination against program beneficiaries or where the purpose of federal assistance is to provide employment.

### Public involvement

is an integral part of transportation planning and project development decision making. The DOT Order (5610.2) on Environmental Justice directs the departments to provide minority populations and low-income populations greater access to information on, and opportunities for public participation in matters that may impact human health and environment.



### Title VI & Limited English Proficiency (LEP)

The federal government and those receiving assistance from the federal government must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information those entities provide. This will require agencies to think "outside the box" for creative solutions to address the needs of this ever growing population of individuals, for whom English is not their primary language.



### Who is a Limited English Proficient Person?

Persons who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English can be limited English proficient, or "LEP." These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

### Who Must Comply and Who Can be Found in Violation?

All programs and operations of entities that receive assistance from the federal government.



**"Simple Justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination." President John F. Kennedy**

**¿Qué discriminación está prohibida por El Título VI?**



Existen muchas formas de discriminación ilegal basadas en raza, color u origen nacional que limitan la oportunidad de las minorías de obtener igual acceso a servicios y programas. Entre otras cosas, en la obtención de un programa asistido federalmente, un destinatario no puede, con base en raza, color, origen nacional, bien sea directa o indirectamente:

- Negar programas, servicios o beneficios prestados de un modo diferente al proveído a otros; o
- Segregar o tratar separadamente individuos en algún asunto relacionado a recibir cualquier servicio, ayuda o beneficio.



**Programas o servicios incluyen pero no están limitados a:**

- Transporte
- Construcción
- Beneficios de impuestos disfrutados por agencias privadas, organizaciones fraternales y sin ánimo de lucro (por ejemplo 501 (c) 3) así como instituciones de educación
- Ubicación de locaciones o centros de servicios
- Cumplimiento de la ley
- Efectos del programa en la gente en comunidades aplicables
- Cuidado de salud (por ejemplo Medicare, Medicaid, TennCare), servicios sociales y bienestar público
- Recursos naturales y el medio ambiente
- Empleo y entrenamiento de trabajo
- Vivienda y desarrollo de la comunidad
- Agricultura

**Provisiones De Contratos De Asistencia Financiera Federal Del Título VI:**

Todos contratos de la Ayuda-Federal deben incluir el idioma de la certeza del contrato del Título VI que requiere la conformidad con el Título VI del Acta de los Derechos Civiles de 1964. Los contratistas de la Ayuda-Federal no pueden discriminar en la selección o la retención de subcontratistas de primero-nivel; subcontratistas no pueden discriminar en la selección o la retención de subcontratistas de segundo nivel que toman parte en la construcción de Carretera de Ayuda-Federal; y los contratistas y los subcontratistas no pueden discriminar en sus prácticas del empleo con respecto a proyectos de construcción de carreteras ni proyectos ayudados por la Administración Federal de la Carretera.

**COMO PRESENTAR UNA QUEJA**  
**Usted puede presentar una queja escrita y firmada 180 días después de la fecha de la pretendida discriminación.**

- **La queja debe incluir:**
  - Su nombre, dirección / domicilio y número de teléfono.
  - El nombre y dirección de la agencia, institución o departamento que usted cree lo discriminó.
  - Cómo, cuándo y dónde cree que se presentó la discriminación. Incluyendo lo más específico posible, detallada información acerca de los actos de discriminación alegados, y cualquier otra información relevante.
  - El nombre de cualquier persona, si las conoce, a quienes la división del título VI de TDOE podrían contactar para clarificar sus alegaciones.
- Su queja debe estar firmada y fechada.**



**Por favor envíe su queja a la dirección estipulada enseguida:**

Tennessee Department of Transportation  
 Title VI Director  
 505 Deaderick Street, Suite 1800  
 Nashville, TN 37243-0347  
 Teléfono: (615) 741-3681  
 Fax: (615) 741-3169  
 Llamada gratuita: 1-888-370-3647  
 TTY Relay: 1-800-848-0298

Para un formulario de quejas impreso visite nuestra página de Internet:  
[www.tennessee.gov/tdot/civil-rights/titlevi](http://www.tennessee.gov/tdot/civil-rights/titlevi)



Tennessee Department of Transportation, Ambassadors  
 No. 401408, 5,650 copies, November 2004. The public document was promulgated at a cost of \$1,362 per copy.

El Departamento de Transporte de Tennessee

**Oficina de los Derechos Civiles**

**Programa del Título VI**

Título VI Del Acta De Los Derechos Civiles De 1964  
 Justicia - Ambiental  
 Capacidad Limitada de Inglés



WWW.TENNESSEE.GOV/TDOT/CIVIL\_RIGHTS/TITLEVI



### Compromiso Del Título VI

La meta más importante del programa del Título VI del departamento de Transporte de Tennessee es asegurar que el equipo gerencial, contratistas y beneficiarios de servicios estén enterados de las provisiones del Título VI y las responsabilidades asociadas con el Título VI del Acta de los Derechos Civiles de 1964. Tenemos la mejor disposición para proveerle asistencia de la más alta calidad técnica, recursos, orientación y cualquier otra información con respecto al Título VI. Por favor no dude en llamar a nuestra oficina si necesita ayuda adicional.



### Título VI Y Justicia Ambiental

En Febrero 11, 1994 el presidente Clinton firmó la orden ejecutiva 12898: *Acción Federal para dirigir la Justicia Ambiental a las Poblaciones Minoritarias y a las Poblaciones de Bajos Ingresos*. La orden ejecutiva centró su atención en el Título VI previendo que "cada

agencia hará esfuerzos en Justicia Ambiental como parte de su misión identificando y dirigiendo, como sea apropiado, efectos ambientales o de salud humana desproporcionadamente altos de sus programas, políticas y actividades en las minorías y poblaciones de bajos recursos. En apoyo a la orden ejecutiva (orden DOT 5610.2). Esta orden clarifica y refuerza las responsabilidades del Título VI así como dirige los efectos en las poblaciones de bajos recursos.



### Efectos adversos pueden incluir:

- Impedimentos corporales, afecciones, enfermedades, o muerte
- Aire, ruido, y contaminación del agua y contaminación de la tierra
- Destrucción o desbaratamiento de los recursos naturales o de los hechos por el hombre
- Destrucción o disminución de los valores estéticos
- Destrucción o desbaratamiento de la cohesión comunitaria o de la vitalidad económica de una comunidad
- Destrucción o desbaratamiento de la disponibilidad de servicios y lugares públicos y privados
- Vibración
- Efectos adversos al empleo
- Desplazamiento de personas, negocios, fincas u organizaciones sin ánimo de lucro
- Congestión de tráfico incrementada, aislamiento, exclusión o separación de las minorías o individuos de bajos recursos dentro de una comunidad dada o desde la comunidad en general.
- La negación de, reducción en, o significancia demora en la recepción de beneficios, programas, políticas o actividades de el Departamento de Transportación.



### ¿Qué Es El Título VI Del Acta De Los Derechos Civiles De 1964?

Es la política del departamento de Transporte de Tennessee para asegurar 42. U.S.C. 2000d. "Ninguna persona en los Estados Unidos será excluida de participación, serán negados beneficios, o estará sujeta a discriminación con razón de su raza, color, u origen nacional, bajo un programa o actividad recibiendo asistencia financiera federal del Departamento de Transporte." Título VI cubre todas las formas de ayuda federal excepto aquellos contratos de seguro y garantía federalmente fundados. Esto cubre prácticas de empleo que resulten en discriminación contra beneficiarios de programas o donde el propósito de la asistencia federal sea proveer empleo.

### El involucramiento público

es parte integral de la toma de decisiones de proyecto de desarrollo y planeación del transporte. La orden DOT (5610.2) en Justicia Ambiental dirige al departamento a proveer a las poblaciones minoritarias y a poblaciones de bajos ingresos en asuntos que puedan impactar la salud humana y el ambiente.



### Título VI y La Capacidad Limitada de Inglés (LEP)

El gobierno federal y esos servicios que reciben asistencia financiera del gobierno federal deben tomar medidas razonables para asegurar que personas LEP tengan un acceso significativo a sus programas, servicios, e información que esas entidades proporcionan. Esto requerirá que las agencias piensen "afuera-de-la-caja" para obtener soluciones ingenieras que puedan resolver las problemas de esa población creciente, para quienes el inglés no es su primer idioma.

### ¿Quién es una persona de Capacidad Limitada de Inglés (LEP)?

LEP es una persona cuyo primer idioma no es el inglés, la cual tiene una capacidad limitada para leer, hablar, escribir o comprender el inglés. Estas personas tienen derecho a recibir asistencia de idioma con respecto a cualquier clase de servicio, beneficio, o situación que se pueda presentar.



### ¿Quién Tiene Obligación De Cumplir Y Quién Puede Encontrarse En Violación Bajo El Título VI?

Todos los programas y operaciones de entidades que reciben ayuda del gobierno federal (ejemplo: beneficiarios), incluyen: Cualquier agencia estatal, agencia local, institución u organización privada. Cualquier entidad que recibe asistencia financiera Federal a través de otro beneficiario / entidad mencionado anteriormente, tiene obligación de cumplimiento.

**"La elemental justicia requiere que los fondos públicos, a los cuales todos los contribuyentes de impuestos de todas las razas aportan, no sean gastados de ninguna manera para, animar, arraigar, subsidiar o resultar en discriminación racial."**

Presidente John F. Kennedy

**"Improving Access To Services For Persons With Limited English Proficiency" Executive Order 13166**

SHA is committed to improving the accessibility of services to eligible Limited English Proficiency (LEP) persons. To this end, SHA shall develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the SHA. SHA shall ensure meaningful access to applicants and beneficiaries. To ensure that the programs and activities normally provided in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of Title VI of the Civil Rights Act of 1964, as amended, and it implementing regulations.

Any person or group that believes they have been discriminated against by the Maryland State Highway Administration, may file a charge of discrimination with the Maryland Department of Transportation, the U.S. Department of Administration or any other such agency having authority to investigate complaints of discrimination.

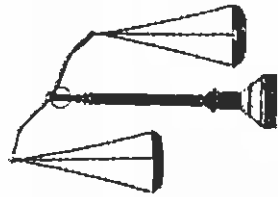
In addition, any person who believes the Maryland State Highway Administration, in its operation, is discriminatory in any way is entitled to lodge his or her complaint, via telephone, or in writing, with the following State Highway Official:

**Mr. Troy Parham,**  
Manager of Employment  
and Program Equity  
Office of Equal Opportunity  
211 Madison Street, Training Room 1  
Baltimore, Maryland 21202  
(410) 545-0338

-or-  
**Toll-free 1-888-545-0098**



Maryland Department of Transportation  
STATE HIGHWAY ADMINISTRATION  
Mail Stop C-406  
707 N. Calvert Street  
Baltimore, MD 21202



**INFORMATION  
ON  
YOUR  
CIVIL RIGHTS**

**TITLE VI PROGRAMS**

**ENVIRONMENTAL JUSTICE ACT**  
(Executive Order 12898)

**LIMITED ENGLISH PROFICIENCY**  
(13166)

**STATE HIGHWAY ADMINISTRATION**



*Maryland Department of Transportation*

**Martin O'Malley, Governor**  
**Anthony Brown, Lieutenant Governor**  
**John D. Porcari, Secretary**  
**Neil J. Pedersen, Administrator**

The Maryland State Highway Administration (SHA) is committed to compliance with the provisions of **Title VI of the Civil Rights Act of 1964** and related statutes and **Executive Order (EO) 12898-Environmental Justice Act**.

**Title VI of the Civil Rights Act of 1964** and supplemental legislation prohibits discrimination in all phases and activities of a federally assisted program on the basis of:

- race
- color
- national origin
- sex
- age
- physical and/or mental handicap

**Executive Order (EO) 12898** requires each Federal Agency (and recipients), to the greatest extent practicable by law, ...to achieve environmental justice as part of its mission by identifying and addressing disproportionately high and adverse effects, of its program, policies and activities on minority populations and low-income populations in the United States.

**Executive Order (EO) 12898** is primarily a reaffirmation of the principles of Title VI of the Civil Rights Act of 1964 and related statutes. It emphasizes the incorporation of those provisions with existing planning and environmental processes. The basic tenets of Title VI and EO 12898 require agencies to ensure that their programs, policies and activities do not have the effect of:

- 1.) excluding persons and populations from participation in,
- 2.) denying persons and populations the benefits of, or
- 3.) subjecting persons and populations to discrimination.

The major differences between **EO 12898** and Title VI is that the EO adds low income populations.

SHA's Title VI Unit monitors compliance with Title VI, EO 12898 and supplemental legislation. The following statement illustrates the application of these requirements. The SHA:

1. shall not discriminate in its selection and retention of contractors; including those contractors whose services are retained for, or incidental to, construction, planning, research or property management, including fee contracts and other commitments for services or expenses incidental to highway right-of-way acquisition.
2. shall not discriminate against eligible persons, in making relocation payment or providing relocation advisory assistance, where relocation is necessitated by highway right-of-way acquisition.
3. shall not discriminate against the traveling public and business users of Federally assisted highways in their access to and use of the facilities and services provided for public accommodations (such as eating, sleeping, rest, recreation, and vehicle servicing) constructed on, over or under the right-of-way of such highways.

4. shall not locate, design or construct a highway in such a manner as to require the relocation of any person(s) because of race, color, religion, sex or national origin.

5. shall not locate, design or construct a highway in such a manner as to deny reasonable access to, and use thereof, to any person(s) on the basis of race, color, religion, sex or national origin.

6. not discriminate in their selection and retention of first-tier subcontractors; and may not discriminate in their selection and retention of second-tier subcontractors, who participate in Federal-aid highway and related projects, including suppliers of materials and lease equipment.

## DEFINITIONS

### Low Income:

Person whose median household income is below the Department of Health and Human Services poverty guidelines.

### Minority:

Person who is Black, Hispanic, Asian American, or American Indian/Alaskan Native.

### Adverse Impacts:

Identify social, economic and environmental effects and determine whether the effects are likely to have adverse impacts on the total population and/or minority or low income populations. Consideration will be given to individual and cumulative effects. Impacts can include noise, water pollution, visual, natural resources, community cohesion, public and private facilities, employment effects, traffic congestion, etc.

### Determination of Disproportionately High and Adverse Effect on Minority or Low-income Populations:

The adverse impact is predominately borne by the minority population and/or low-income population, OR the adverse impact that will be suffered by the minority population and/or low-income population is more severe or greater in magnitude than the adverse impact that will be suffered by the non-minority population and/or non low-income population.

### Mitigation and Enhancement Measures:

Avoid or minimize adverse impacts by reducing the degree or magnitude of the action; repairing, rehabilitating or restoring the affected environment or community resource; compensation for adverse impact, etc.

## How Can I File a Complaint?

If you believe that you have been subjected to discrimination prohibited by Title VI nondiscrimination provisions, you may file a written complaint within 180 days of the date of the alleged discrimination. The complaint should include:

- Your name, address, and telephone number. If you are filing on behalf of another person, include their name, address, telephone number and your relation to that person (e.g., friend, attorney, parent, etc.);
- The name and address of the agency, institution or office you believe discriminated against you;
- Your signature;
- A description of how, why, when you believe that you were subjected to discrimination. Include as much background information as possible about the alleged act(s) of discrimination;
- The names of individuals whom you allege discriminated against you, if you know them;
- The names of any persons, if known, that DDOT could contact for additional information to support or clarify your allegations.

Please send complaint to DDOT at the address on the back of this brochure.

## What will DDOT do with My Complaint?

Once a complaint is filed, DDOT will determine whether the agency has jurisdiction to investigate the issues raised. If DDOT does have jurisdiction, the allegations will be investigated and an attempt will be made to resolve the violations found. If negotiations to correct a violation are unsuccessful, enforcement proceedings may be instituted.

These procedures do not limit or deny your right to file a formal complaint with an outside enforcement agency (US Department of Transportation) or to seek private counsel.

## What if I'm Subjected to Retaliation for Asserting My Rights?

DDOT and its funding recipients are prohibited from retaliating against you or any person because he or she opposed an unlawful policy or practice, or made charges, testified, or participated in any complaint action under Title VI.

If you believe that you have been retaliated against, you should immediately contact DDOT's Civil Rights Division, Office of Integrity and Workforce Relations (OIWR).



For more information or to file a complaint, please contact:

**District Department of Transportation  
Office of Integrity and Workforce Relations  
Civil Rights Division  
2000 14th St, NW 5th FL  
Washington, DC 20009**

**(202) 671-2290  
ddot.dc.gov**

**Simple Justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination.**

- President John F. Kennedy

# Your Rights Under Title VI of the Civil Rights Act of 1964



"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

(42 U.S.C. 2000d)

d.

District Department of Transportation



Government of the District of Columbia  
Adrian M. Fenty, Mayor



## What is Title VI?

Title VI of the Civil Rights Act of 1964 (Title VI) is the Federal law that protects individuals from discrimination on the basis of race, color or national origin in any program receiving Federal assistance.

### What Discrimination Does Title VI Prohibit?

There are many forms of discrimination based on race, color, or national origin that can limit the opportunities of individuals and groups to gain equal access to services, aid or benefits.

In operating a federally assisted program, a recipient (DDOT or its contractors) cannot, on the basis of race, color, or national origin either directly or through contractual means:

- Deny an individual any service, financial aid or benefit provided under the program to which he or she might otherwise be entitled;
- Make distinctions in the quality, quantity, or manner in which the service or benefit is provided; and
- Segregate or separately treat individuals in any matter related to the receipt of any service, aid or benefit.

### Who Must Comply with Title VI?

DDOT staff, contractors, consultants, suppliers, and other recipients of Federal funds must comply with Title VI. Federal-aid contracts must include standard provisions that require compliance with Title VI. DDOT's contractors and subcontractors are prohibited from discriminating in the selection and retention of subcontractors, as well as in their employment practices in connection with Federal-aid highway construction projects or other Federally assisted projects.

## DDOT's Title VI

### Policy and Assurances

DDOT assures that no person shall on the grounds of race, color, national origin, or gender, as provided in Title VI of the Civil Rights Act of 1964 and related statutes be excluded from participation in, or be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which DDOT received Federal financial assistance.



### Public Involvement

DDOT strongly supports ongoing and proactive public involvement at all stages of planning and project development; continuously improving access to information and providing all stakeholders meaningful opportunities for inclusion.

Title VI, along with key environmental and transportation legislation, emphasize the need for early engagement of affected parties during the transportation decision-making process. Special consideration is given to reaching and involving the traditionally underserved, such as minority, low-income, disabled, limited English proficient and other populations facing barriers to access.



d.

## Title VI & Environmental Justice

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, focused attention on Title VI by requiring that agencies achieve environmental justice by identifying and addressing disproportionately high or adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations.

DDOT incorporates the principles of environmental justice into its policies, planning and project development activities to ensure that there are no inequitable impacts on minority groups and low-income groups throughout the city.

## Who is a Limited English Proficient Person?

A Limited English Proficient (LEP) person does not speak English as their primary language and has a limited ability to read, speak, write or understand English.

Executive Order 13166 requires recipients of Federal assistance to ensure that LEP persons are provided meaningful access to services that are normally provided in English.

DDOT provides language assistance services, such as translation and interpretation services, to ensure that all individuals receive access to critical services and benefits regardless of their level of proficiency.



*This brochure has been designed to give you information on HDOT's commitment to nondiscrimination and equal opportunity*

**TITLE VI POLICY**

It shall be the policy of the HDOT that all recipients of Federal assistance, including HDOT divisions, Metropolitan Planning Organizations, and Sub-recipients ensure full compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives in all programs and activities. No person shall on the grounds of race, color, national origin, sex, age, or disability be excluded from participation in, be denied benefits of, or otherwise subjected to discrimination under any HDOT program or activity.

**AUTHORITY**

The primary authorities for Title VI compliance and enforcement are the Civil Rights Act of 1964, as amended, and the Civil Rights Restoration Act of 1987. However, other statutes, laws, regulations and Executive Orders have also provided guidance for the effective implementation of the objectives of Title VI. These include: Federal-aid Highway Act of 1973; Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Age Discrimination Act of 1975; the Uniform Relocation Act of 1970; and Executive Orders 12898 and 13166.



"Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination."

**President John F. Kennedy, in his message for enactment of Title VI, 1963**

**This publication will be made available in an alternative format upon request by contacting the Office of Civil Rights, Title VI Program at:**

**(808) 587-2022**

**or**

**(808) 587-2210 (TTY)**



Linda Lingle,  
Governor



Brennon T. Morioka  
Director



Rey Domingo,  
Civil Rights Coordinator

**YOU and HDOT**

Your Rights Under  
Title VI

of

The Civil Rights Act of 1964



*"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."*

**What is Title VI?**

Title VI of the Civil Rights Act of 1964, as amended, is the federal law that protects individuals from discrimination on the basis of their race, color, national origin, sex, age, or disability in programs that receive federal financial assistance.

**What is Environmental Justice (EJ) Executive Order (EO) 12898?**

To the greatest extent practicable and permitted by law each agency shall make achieving EJ part of its mission by identifying and addressing as appropriate, disproportionate high and adverse human health or environmental effects on its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

**What is Limited English Proficiency (LEP) Executive Order (EO) 13166?**

To improve access to federally conducted and federally assisted programs and activities for persons who as a result of national origin are limited in their English proficiency recipients of federal assistance are required to ensure meaningful access to their programs and activities.

**What does Title VI Cover?**

As a recipient of federal assistance, HDOT must manage programs and deliver benefits and services to individuals (known as "beneficiaries"), in a nondiscriminatory manner to achieve the goals of the federal legislation that authorizes the programs. Title VI

responsibilities are very broad covering such diverse areas as:

- Planning
- Project Development
- Right of Way
- Construction
- Research

**What is Discrimination?**

Discrimination under Title VI of the Civil Rights Act of 1964, as amended, and other nondiscrimination authorities, is an act (action or inaction), whether intentional or unintentional, through which a person solely because of race, color, national origin, sex, age, or disability has been otherwise subjected to unequal treatment or impact, under any program or activity receiving financial assistance.

**What discrimination does Title VI prohibit?**

There are many forms of discrimination based on race, color, national origin, sex, age, or disability that can limit the opportunity of individuals to gain equal access to services and programs. In operating federally assisted programs, a recipient cannot discriminate either directly or through contractual means by:

Denying program services, financial aids, or benefits;

Denying persons opportunity to participate in the program through the provision of services;

Providing a different service, financial aid, or benefit, or provide them in a manner different than they are provided to others; or

Subjecting a person to segregation or separate treatment in any manner related to

the receipt of any service, financial aid, or other benefits under the program.

**Who may file a Title VI complaint?**

Any individual or group that believes that their rights under Title VI have been violated in a discriminatory manner, their departments programs or activities do not comply with federal civil rights laws or they have been treated in a disparate manner may file a complaint.

**How to file a discrimination complaint.**

Each federal agency that provides federal financial assistance is responsible for investigating complaints of discrimination based on race, color, national origin, sex, age, or disability in the use of its funds. If you believe that you or others protected by Title VI have been discriminated against by HDOT, you may file a complaint with the federal agency that provides the respective funding for that program or at HDOT. Complaints filed with HDOT should be directed to:

Hawaii Department of Transportation  
Office of Civil Rights  
869 Punchbowl Street, Room 112  
Honolulu, HI 96813

(808) 587-2022 (Voice)  
(808) 587-2210 (TTY)

**What information should be included in a complaint?**

1. Your name, address and telephone number. If you are filing on behalf of another person, include their name, address, telephone number and your

relations to that person (e.g., friend, attorney, parent, etc.)

2. The name and address of the agency, institution, department and or persons you believe discriminated against you.
3. Your signature.
4. A description of how, why, and when you believe you were discriminated against. Include as much background information as possible about the alleged acts of discrimination.

5. The names of any persons, if known, that the investigative agency could contact for additional information to support or clarify your allegations.

**How will HDOT deal with my complaint?**

Once a complaint is filed, the HDOT OCR will forward the complaint to the federal agency responsible for the area of alleged discrimination if the complaint is against HDOT. If the complaint is against a sub-recipient then the HDOT OCR will investigate the allegations and resolve the issue.

**What happens if there is retaliation for asserting your rights or filing a complaint?**

A sub-recipient is prohibited, as is HDOT, from retaliating against a complainant or any person because they reported an unlawful policy or practice, or made charges, testified, or participated in any complaint action under Title VI.



# Outreach

- Tennessee State University  
Summer Transportation Institute
- Title VI Brochures (English & Spanish)
- Title VI Program Web Site





**Diversity is Power**

**Tennessee State University  
School of Engineering  
2007 Summer Transportation Institute**

Hosted by: TDOT Civil Rights Office Title VI Program

**Agenda**

<b>Jeanne Stevens</b> , Director, TDOT Long Range Planning	Monday, June 25, 2007
<b>Debbi Howard</b> , TDOT Project Planning	Tuesday, June 26, 2007
<b>Lia Prince</b> , TDOT Project Planning	
<b>Lynn Humphrey</b> , TDOT Project Planning	
<b>Marcie Nelson</b> , TDOT Project Planning	
<b>Jason Balthrop</b> , TDOT Project Planning	
<b>Mwafaq Mohammed</b> , TDOT Environmental Division	Wednesday, June 27, 2007
<b>Sampson U. Udeh</b> , TDOT Pavement Design	
<b>Jerry Hatcher</b> , Assistant Director, TDOT Construction	Thursday, June 28, 2007
<b>Stevi Griffin</b> , Marketing Coordinator Regional Transportation Authority	
<b>RTA Sponsored-</b> Field Trip on the Music City Star	Friday, June 29, 2007

**Questions Answers**

**Comments**

[www.tdot.state.tn.us/civil-rights/titlevi](http://www.tdot.state.tn.us/civil-rights/titlevi)



**Diversity is Power**

**Tennessee State University  
School of Engineering**

**2007 Summer Transportation Institute  
Participants Luncheon**

**June 29, 2007**

**Cammie Davenport Woodle**, Executive Director  
TDOT Civil Rights Office (CRO)

Welcome

**Commissioner Gerald F. Nicely**  
TDOT

Speaker

**Sylvia Odum**, Coordinator  
TDOT CRO Title VI Program

Overview of Weekly Activities

Questions & Answers

Comments

**TSU 2007 Summer Transportation Institute Coordinator**

Loretta Green, Assistant to Dean  
Community Out-Reach Program

**2007 TSU Summer Transportation Participants**

- |                    |                      |                       |                     |
|--------------------|----------------------|-----------------------|---------------------|
| 1. Janea Jackson   | 6. A'Yonnika Rodgers | 11. Page Beeler       | 16. Dylan Wilkes    |
| 2. Jaala Brooks    | 7. Labrittany Ridley | 12. William Brown     | 17. Victor Coleman  |
| 3. Lurne Jones     | 8. Cherish Edmundson | 13. Victor Coleman    | 18. Andrew Torrence |
| 4. Alake Myers     | 9. Cameron Williams  | 14. Austin Howell     | 19. Zachery Gooch   |
| 5. Brittany Ridley | 10. Eric Cunningham  | 15. Mackenlie Rollins | 20. Justin Howell   |

**TSU Students (Chaperones)**

1. Darcy Bether
2. Jaala Brooks
3. Kelvin Dunham
4. Chantal Jones
5. Brandy Rodgers

# APPENDIX E

## Training

- Tennessee - Title VI Training Program and Teleconference Initiation
- FHWA Slide Show - Implementing Civil Rights through a Multidisciplinary Approach
- Maryland - MTA Slides for Title VI Training
- California On-Line Training Module and Training Videos on Website  
[http://www.dot.ca.gov/hq/bep/title\\_vi/t6\\_training\\_videos.htm](http://www.dot.ca.gov/hq/bep/title_vi/t6_training_videos.htm)



- Overview and Goals**
- Environmental Justice**
- Limited English Proficiency**
- Publications**
- Resources**
- Contact Title VI**
- Sub-Recipient Information**
- Complaint Information**
- Title VI Home**
- Title VI Training**
- Title VI Online Training**
- Civil Rights Staff**
- Civil Rights Home**

## Civil Rights Office

### Title VI Training

As a direct recipient of federal assistance, the Tennessee Department of Transportation (TDOT) is required to comply with Title VI laws, related statutes and regulations. It is necessary that any agency receiving federal and/or state financial assistance from TDOT, receive training on transportation related Title VI laws and regulations.

The 2008 Title VI training schedule is listed below. You may register your Title VI Coordinator by using the online registration form (link below) or contacting us directly.

Each session consist of three components, which include; Overview & Compliance, Limited English Proficiency (LEP), and Environmental Justice.

#### 2008 TDOT Civil Rights Office Title VI Training Schedule

All sessions will begin at 9:00 am and end at approximately 3:00 pm  
Chattanooga and Knoxville are Eastern Standard Time

Date	Location
October 9	Nashville
November 13	Jackson

#### Locations

<b>Knoxville - TDOT Region 1</b> 7345 Region Lane Knoxville, TN 37914	<b>Chattanooga - TDOT Region 2</b> 4005 Cromwell Rd. Chattanooga, TN 37421
<b>Nashville - TDOT Region 3</b> 6605 Centennial Blvd. Nashville, TN 37243-0360	<b>Jackson - TDOT Region 4</b> 300 Benchmark Place Jackson, TN 38301

**To register for training, [click here](#)**


For more information please contact us at 615-741-3681 or toll free 888-370-3647.

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Department of Transportation  
James K. Polk Building, Suite 700  
Nashville, TN 37243-0349  
615.741.2848





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Department of Transportation  
*Gerald Nicely, Commissioner*

*The Official Web Site of the State of Tennessee*



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- Overview and Goals**
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## Civil Rights Office Title VI Program

### Online Training

Welcome to the Tennessee Department of Transportation (TDOT) Civil Rights Office (CRO) Title VI Program Online Training. One of the requirements for an entity to be in compliance with the TDOT Title VI Program is that the Title VI Coordinator has participated in a TDOT Title VI Training Session within the past three (3) years. This online training option was developed as a way to offer a more timely and expedient way for this requirement to be met.

The training is composed of two (2) parts, a PowerPoint Presentation and a Pass/Fail Test (18 correct answers are required to show Title VI competency and to receive a certificate of completion). Both may be accessed by clicking on the link [Title VI Program Online Training](#). Once the Presentation has been completely navigated, you will be prompted to complete the test at the end (you will need to print it 1st). It is our intention that the PowerPoint will provide you with the necessary competencies to understand and apply the Title VI guidelines as outlined.

After completion of the test, please make a copy, sign and either fax or mail it to:

TDOT Civil Rights Office  
Title VI Program  
505 Deaderick Street, Suite 1800  
Nashville, TN 37423  
Fax: 615.741.3169  
PHONE: 615.741.3681

[Tennessee.gov Home](#) | [Search Tennessee.gov](#) | [A to Z Directory](#) | [Policies](#) | [Survey](#) | [Help](#) | [Site Map](#) | [Contact](#)



Department of Transportation  
James K. Polk Building, Suite 700  
Nashville, TN 37243-0349  
615.741.2848



**STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION  
Civil Rights Ofce**

Suite 1800, James K. Polk Building  
505 Deaderick Street, Nashville, Tennessee 37243  
Telephone No. 615-741-3681, Fax No. 615-741-3169

DATE

TITLE VI COORDINATOR  
ENTITY  
ADDRESS  
CITY, STATE ZIP



Dear COORDINATOR:

Thank you for the recent submittal of information requested to show your commitment to Title VI for the PROJECT DESCRIPTION. Although the information provided supports your effort to comply with Title VI, full compliance cannot be issued until the Title VI Coordinator receives training. These sessions are free of charge and consist of four components which include an overview of the Laws, Compliance Requirements, Environmental Justice and Limited English Proficiency. You may register electronically by visiting our web page at [www.tdot.state.tn.us/civil-rights/titlevi](http://www.tdot.state.tn.us/civil-rights/titlevi). The 2007 Title VI training schedule is enclosed for your review. The ENTITY will be issued a letter of compliance once the required training has been completed.

If you require further assistance, please contact the Title VI Program at 615-741-3681 or toll free 1-888-370-3647. Thank you for your efforts.

Sincerely,

Columba McHale  
Title VI Program Director

CMH/pn

Enclosure



**STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION  
Civil Rights Ofce**

Suite 1800, James K. Polk Building  
505 Deaderick Street, Nashville, Tennessee 37243  
Telephone No. 615-741-3681, Fax No. 615-741-3169

DATE

COORDINATOR  
TITLE  
ENTITY  
ADDRESS  
CITY, STATE ZIP

Dear COORDINATOR:

We would like to invite you to participate in a two day training session on how to use our new Environmental Justice (EJ) Screening Tool. The Civil Rights Office, Informational Technology (IT) and Environment have been working on this joint project for some time now.

The training session will begin at TIME (CST) and end at TIME (CST) on DATE. Day two will begin at TIME (CST) and will end at TIME (CST) on DATE. IT will be available after lunch until TIME on DATE if you need any additional technical assistance.

The three basic components of the screening tool are minority, low-income and household language. Based on the selected roads and specified distance, this tool will find the census unit that overlaps with the specified zone, displays the data, and reports the summary statistics to determine whether any EJ communities exist in a proposed project area.



James K. Polk Building  
A-Level TDOT Training Room  
505 Deaderick Street  
Nashville, Tennessee 37243

Only 15 seats will be available for this training, so call the Civil Rights Office at 615-741-3681 today to confirm your attendance. If you will not be able to attend, please let us know that as well.

The Civil Rights Office Title VI Program Staff looks forward to seeing you.

Sincerely,

Columba McHale  
Title VI Program Director

CMH/CDW/pn

# Title VI E-Report



Published by the TDOT Civil Rights Office Title VI Program

March 2009

## INSIDE THIS ISSUE:

CRO Participates in Construction Schools 2009	2
TDOT Title VI Program Liaison Training	3
Online Training Update	4
Contact Information	5

## Introducing.....



*Cynthia Howard*

Cynthia Howard as the new Title VI Program Director. Ms. Howard contributes past career successes to her love of working with people and words. She is a master communicator whose career path has come full circle (from the military to the state, to the private sector and back again to the state). Although her assignments differed significantly in mission and objective, their requirements were the same—someone who could communicate well orally and in writing.

Ms. Howard's professional career began when she joined the Marine Corps in May 1981, serving as a supply administrative clerk until reaching the rank of Sergeant. At such time, she went on to become a Marine Corps Recruiter and Liaison. While serving in the Marine Corps, Ms. Howard was the recipient of the Navy Achievement Medal and numerous other awards. Her proudest accomplishment was being recognized as Marine Corps Liaison of the Year for three consecutive years, beating out 13 other liaison stationed throughout the southeastern United States.

Following military service, Ms. Howard took over as the Title VI Director at the Tennessee Human Rights Commission (THRC). She served in this role from November 1998 through June 2003. During her tenure, Ms. Howard developed, implemented and monitored the state's Title VI program, ensuring that Tennessee's citizens were educated on their rights under the law and, equally important, that they were protected from discrimination.

From 2003 through 2006, Ms. Howard served as the Communications Officer for the THRC. In this role, utilizing her writing and marketing expertise, She was instrumental in increasing the citizens of Tennessee's knowledge of the THRC and the state and federal housing and employment laws. Additionally, Ms. Howard wrote several proposals, garnering federal funding to assist in promulgating fair housing laws and support outreach activities.

From 2006 through 2008, Ms. Howard served as an Account Executive with AT&T Advertising and Publishing. In this role, she assisted small businesses in developing marketing strategies, utilizing AT&T print and internet products.

Ms. Howard earned her BA in English from East Carolina University in 1997, where she was certified as a Technical Writer.

Ms. Howard resides in Hermitage with her daughter, Brittini, and son, Bryce.

Ms. Howard earned her BA in English from East Carolina University in 1997, where she was certified as a Technical Writer.



# TDOT CRO Title VI Program Liaisons Training

We are excited to announce that over half of the TDOT Title VI Program departmental liaisons have attended the specialized Title VI Program training. The training was conducted by Title VI Program Coordinator Ms. Sylvia Odum. During the training the group had the opportunity to test their knowledge by taking a pre- and post-Title VI test. Related topics included: Title VI Implementation, Complaint Procedures, Limited English Proficiency, Monitoring of Contractors/Consultants and Disadvantaged Business Enterprises (DBEs) utilization. In the near future another training will be held for those who were not able to attend the previous trainings.



*Question and Answer Period during the training*



*Sylvia Odum CRO Title VI Program Coordinator conducting training with Title VI Program Liaisons*



*CRO Title VI Program Liaisons taking the pre training test*

**"Every segment of our population, and every individual has a right to expect from his government a fair deal."**

**~ Harry S. Truman**

# Online Training Update

Several months ago the CRO identified the need for a convenient and cost effective Title VI training tool that would allow the office to fulfill its mandate of providing education and outreach to recipients of federal funding. That's when the online training was conceptualized. The newly launched TDOT CRO Title VI Online Training has proven to be an effective and efficient tool. Since its inception in October 2008, over 70 individuals have taken advantage of the training module.

By all accounts, the online training participants have thoroughly enjoyed the training, and most importantly, they've reaped a wealth of rewards. The CRO has been inundated with positive and sometimes comical remarks regarding individual's online training experiences. Betty wrote, "this online class is wonderful for those of us who have difficulty getting out of the office." Ashley, another participant, commented, "I faxed my test in today. Just let me know how I did. Mark thinks I missed [sic] 5 and 8. I don't know but we have a bet." Although some of the testimonials come in anonymously, the sentiments shared all have the same theme — People have enjoyed the challenges of the course and they've enjoyed the convenience of learning in the privacy of their work stations, too.

Because of the initial success of the training module, the Title VI Program staff has collaborated with the Information Technology (IT) Department to further automate the training. Currently, when a participant has taken the test, they must print off the materials and fax it in to the CRO for grading. Once the test has been graded, a Title VI staff member prepares and forwards a certificate of completion to the participant. This is a timely and less efficient process; subsequently, the CRO Staff has solicited IT's assistance in creating a program that will score the test and if a passing score is achieved, it will produce a printable version of the certificate of completion for the participants. Additionally, the automated system will serve as a tracking system, which will assist the Title VI staff in its collecting and reporting efforts.

If you have questions and/or need immediate assistance with accessing the online training, please contact the Title VI Program at 615-741-3681. Your questions will be answered promptly. The online training can be accessed by visiting the CRO Title VI Program web site at <http://www.tdot.state.tn.us/civil-rights/titlevi/onlinetraining.htm>

Information very useful - first training on the Civil Rights Office Title VI Program.

~ Unknown

I was registered to attend the class in Nashville on Thursday, but just found out I could take the training online which I have done and submitted my test today. This online class is wonderful for those of us who have difficulty getting out of the office.

~Betty Lamb

# Contact Information

**Cammie Davenport Woodle, Executive Director**

*Cammie.DavenportWoodle@tn.gov*

**Cynthia Howard, Title VI Program Director**

*Cynthia.howard@tn.gov*

**Peggy Nolan, Administrative Assistant**

*Peggy.Nolan@tn.gov*

**Sylvia Odum, Title VI Coordinator**

*Sylvia.Odum@tn.gov*

**Kelsey Finch, Title VI Specialist**

*Kelsey.Finch@tn.gov*

**Pamela Sharp, Title VI Specialist**

*Pamela.Sharp@tn.gov*

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**Tennessee Department of Transportation**

**Civil Rights Office Title VI Program**

**505 Deaderick Street, Suite 1800**

Nashville, TN 37243

615-741-3681 (Phone)

615-741-3169 (Fax)

1-888-370-3647 (Toll Free)

[www.tdot.state.tn.us/civilrights/titlevi/](http://www.tdot.state.tn.us/civilrights/titlevi/)



# Tennessee

Title VI Teleconference

## Title VI Teleconference



## Tennessee Title VI Sub-recipients Teleconference

This will be hands on State forum for understanding and implementing Title VI of the Civil Rights Act, as amended.

### Why a Title teleconference?

- Opportunity for Title VI Coordinators to share best practices.
- Opportunity for all to ask relevant questions.
- Receive clear concise understanding of the Title VI Program.
- To discuss Title VI reporting requirements.
- To reduce travel cost for technical assistance.

### Goals to be accomplished

- Sub-recipient Title VI Coordinator will gain knowledge to further understand the core principles of Title VI.
- Guidance to enable the sub-recipient to develop a definite plan of action for their programs.
- The topic of discussion will determine the structure of the goal.

### Title VI Program Goals

- To track progress and direction toward
- To ensure all sub-recipients receives the type of training that they need.
- To develop a listserv (3rd Year) as a supplement to the teleconference where coordinators can ask questions, get answers and upload their Title VI reports.
- Additional goals will be set after each session.

### Performance Measures

- Identify and focus on critical issues
- Track current performance
- Identify areas of improvement in their annual Title VI Reports
- Number of attendees trained on Title VI

# TDOT Civil Rights Office Title VI Program



## 2007 Training Plan

As a direct recipient of federal assistance, the Tennessee Department of Transportation (TDOT) is required by the Civil Rights Act of 1964 and other related statutes to comply with the regulations of Title VI. Title VI assures that state highway agencies guarantee that no person is subjected to discrimination based on race, color or national origin in connection with any activity, including any contract, for which the State receives Federal assistance.

In order to ensure compliance with Title VI of the Civil Rights Act of 1964, it is necessary to provide transportation related Title VI training to TDOT personnel and the various sub-recipients that receive financial assistance through the department. To accomplish this task a training plan has been developed to assist staff with providing the necessary training in a cost effective and efficient manner.

Title VI training sessions will be conducted according to the following schedule:

### 2007 TDOT Title VI Training Schedule

**All sessions will begin at 9am and end at approximately 3pm  
Chattanooga and Knoxville are Eastern Standard Time**

January 11	Region 1
February 15	Region 2
March 13	Region 3
April 19	Region 4
August 23	Region 1
September 6	Region 2
October 18	Region 3
November 13	Region 4

### Locations

**Knoxville - TDOT Region 1 Facility  
7345 Region Lane  
Knoxville, TN 37914**

**Nashville - TDOT Region 3 Facility  
6601 Centennial Blvd.  
Nashville, TN 37243-0360**

**Chattanooga - TDOT Region 2 Facility  
4005 Cromwell Rd.  
Chattanooga, TN 37421**

**Jackson - TDOT Region 4 Facility  
300 Benchmark Place  
Jackson, TN 38301**

Each session will consist of four components: Overview of Title VI laws and regulations; Compliance; Limited English Proficiency; and Environmental Justice. Each staff member has received a training manual which includes the entire curriculum. All training materials are available on the Title VI shared directory.

Participants may register for training through our website, Title VI Specialist, or by calling Headquarters. Participants will be required to validate their attendance by endorsing the participant roster. At the beginning of each session, all participants will receive a packet of information that includes the following:

- Agenda
- Presentations
- Evaluations
- Information Request
- Brochures
- Sample documents (ie – DBE listing, language identification cards, etc.)

Title VI Support staff is responsible for maintaining training rosters, preparing training packets, notification letters and completion certificates. All training materials and attendance rosters should be made available to the Title VI Specialist no later than two weeks prior to the scheduled session. The support staff shall prepare a file for each training session. Headquarters will maintain all training files, one per session. Each file will include:

- Packet of Information
- Original endorsed participant roster
  - Evaluations
  - Information Request Forms

Upon completion of each session, the Title VI Specialist is required to submit the following information to Headquarters Title VI support staff:

- Endorsed participant roster
- Completed evaluations
- All requests for information

# Implementing Civil Rights Through A Multidisciplinary Approach

2005 Southern Transportation  
Civil Rights Training Symposium  
August 4, 2005

Mohamed Sulaiman Dumbuya  
Civil Rights Program Manager  
FHWA Virginia Division

1

## Learning Outcomes

- Define Civil Rights
- Recognize titles of 1964 Civil Rights Act
- Review Title VI and other Nondiscrimination authorities
- Describe and apply the Multidisciplinary approach
- Discuss justifications for Civil Rights being everybody's responsibility

2



## Roadmap

- What are Civil Rights?
- Civil Rights in the United States
- The Civil Rights Act of 1964
- Title VI & Other Nondiscrimination Authorities
- Approaches to Implementing Civil Rights
- How To Establish A Multidisciplinary Approach
- Civil Rights As Everybody's Responsibility

3



## What are Civil Rights?

- Rights, immunities, privileges bestowed on inhabitants of a country by law
- Broader than Political Rights
  - Rights deriving from the franchise and often held by citizens
- Different from Natural Rights
  - Devoid of legal and philosophical basis

4



## What are Civil Rights? contd.

- Beyond Civil Liberties
  - Individual rights and freedoms contained in the Original Bill of Rights
    - Freedom of speech, religion, association, carry arms, etc.
- Part of Human Rights
  - Fundamental rights that all human-beings can claim
  - Not limited to citizenship of a state
  - Not necessarily based on expectations of behavior and treatment to fellow citizens
  - Often used in the context of international law and supranational systems that may or may not have direct effect in a particular country

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## In Sum, Civil Rights are.....

- Enforceable rights, privileges, immunities, liberties, conferred on members of a country that are guaranteed by law, constitution, treaties and agreements
- Interference with or violation of these rights gives rise to action for injury
- Discrimination occurs when these rights are denied or tampered with because of one's membership in a particular group or class
- In effect, Civil Rights is about equal treatment, equal impact, and equal opportunity

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## Civil Rights in the United States

- Since Civil War majority of concerns over Civil Rights focused on efforts to extend civil rights fully to African Americans and later to other minorities
- First legislative attempts to assure equal civil rights were CRA of 1866, 1870, 1871 & 1875
- These early attempts gave African Americans the right to sue and be sued, give evidence and hold real and personal property
- Other statutes have extended equal treatment to other disadvantaged segments of the population

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## The Civil Rights Act of 1964

- The most prominent and comprehensive Civil Rights legislation since reconstruction
- Prohibited discrimination for reason of "race, color, religion, or national origin" in public establishments connected to interstate commerce or supported by the state

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## THE 1964 CIVIL RIGHTS ACT- Titles

- Title I - Voting Rights
- Title II - Public Accommodation
- Title III - Desegregation of Public Facilities
- Title IV - Desegregation of Public Education
- Title V - Commission on Civil Rights
- **Title VI - Nondiscrimination in Federally Assisted Programs & Activities**
- Title VII - Equal Employment Opportunity
- Title VIII - Registration and Voting Statistics
- Title IX - Intervention & Procedure after Removal in Civil Rights Cases
- Title X - Establishment of Community Relations Service
- Title XI - Miscellaneous


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## The Federal-aid Program

- Preventing discrimination is governed by Title VI of the 1964 Civil Rights Act
- FHWA's nondiscrimination program is known as the Title VI Program
- Program not limited to Title VI of the Civil Rights Act of 1964 (23 CFR 200.5(p))

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## Title VI of 1964 Civil Rights Act (42 U.S.C. 200)

- “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.”

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## The 1987 Civil Rights Restoration Act

- Restored the intent of Title VI
- Includes all programs and activities of Federal-aid recipients and contractors whether those programs and activities are federally funded or not

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## OTHER NONDISCRIMINATION AUTHORITIES

- **Expanded the range and scope of Title VI coverage and applicability**
  - The 1970 Uniform Act (42 USC 4601)
  - Section 504 of the 1973 Rehabilitation Act (29 USC 790)
  - The 1973 Federal-aid Highway Act (23 USC 324)
  - The 1975 Age Discrimination Act (42 USC 6101)
  - Implementing Regulations (49 CFR 21 & 23 CFR 200)
  - Executive Order 12898 on Environmental Justice (**EJ**)
  - Executive Order 13166 on Limited English Proficiency (**LEP**)


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## The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4601)

- Prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of Federal and Federal-aid programs & projects


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## Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 790)

- "No QUALIFIED HANDICAPPED PERSON shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance."

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## The 1973 Federal Aid Highway Act (23 U.S.C. 324)

- "No person shall on the grounds of SEX be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title."

16



## The 1975 Age Discrimination Act (42 U.S.C. 6101)

- “No person shall on the basis of AGE, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”


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## Executive Order (EO) 12898

- Entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations”
- Presidential mandate to address equity and fairness toward low income and minority persons/population
- Nondiscrimination authority rooted in Title VI
- Signed by President Clinton on February 11, 1994


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## EO 12898 Directs

- "Each Federal agency shall make achieving EJ part of its mission by **identifying**, and **addressing**, as appropriate, **disproportionately high** and **adverse** human health and environmental effects of its programs, policies, and activities on **minority populations** and **low income populations** in the United States, D.C., Puerto Rico and Marina Islands."

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## Definition of Effect

- **Adverse:** Totality of significant individual or cumulative human health or environmental effects
- **Disproportionately High:** An effect that:
  - Is predominantly borne by a minority or low income persons/population; or
  - Will be suffered by the minority or low income persons/population...appreciably more severely or greater in magnitude than the adverse effect ... suffered by the non-minority or non low income persons/population

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## Minority & Low Income Populations

- **Minority** - Black, Hispanic, Asian American, American Indian and Alaskan Native
- **Minority Population** - Any readily identifiable groups of minority persons living in geographical proximity, and geographically dispersed/transient persons similarly affected by a proposed Federal program, policy or activity
- **Low Income** - Person whose household income (Community or group, whose average household income) is at or below US DHHS poverty guidelines

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## Executive Order (EO) 13166

- Presidential directive to federal agencies to ensure people who are LEP have **meaningful access to services**
- Nondiscrimination authority grounded on Title VI
- Signed by President Clinton on August 11, 2000
- USDOJ's LEP Guidance pursuant to EO 12250
  - General principles in development of guidance
  - The four factors paradigm

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## EO 13166 Directs

- Federal agencies to:
  - Examine their services
  - Develop and implement processes by which LEP persons can meaningfully access those services
  - Establish guidance on how recipients can provide meaningful access to LEPs
  - Prepare a plan with consistent standards and steps to overcome language barriers on programs and activities
  - Ensure stakeholders have "adequate opportunity to provide input"

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## Who is a LEP Person?

- Person who does not speak English as primary language and has limited ability to read, speak, write or understand English
- Failure to provide LEP person services or meaningful access to services [may] constitute national origin discrimination (*Lau v. Nichols, 1974*)

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## What Is Required Of Recipients?

- Sound measures/reasonable steps for meaningful access to programs and activities by LEPs
  - Assessment - Four Factors Analysis
  - Plan of action

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## Assessment: Four Factors

- **Demography** – Number and/or proportion of LEPs served and languages spoken in service area
- **Frequency** - Rate of contact with service or program
- **Importance** – Nature and importance of program/service to peoples lives (transportation)
- **Resources** – Available resources, including Language assistance services (limited or wide-ranging)

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## LEP Plan of Action: Five Elements

- **Identification** of volume and location of LEPs and LEP Communities
- **Language assistance** measures – Types of languages services available; how to respond to LEP callers; how to respond to LEPs in person; how to respond to written communication; types of documents/info to translate
- **Staff** – Knowledge of policy and procedures, linguistic diversity and sophistication, cultural sensitivity and communication skills, training and experience
- **Outreach** measures - Notification methods on special language assistance
- **Monitoring and Evaluation of Efforts**


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## Nondiscrimination Authorities

- Assure equality in Federally assisted programs and activities
- Based on the fundamental principle that all human beings are created equal
- They are rooted in the constitutional guarantee that all human beings are entitled to equal protection of the laws


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## Nondiscrimination Authorities

- **Not threats but opportunities**
  - To give serious attention to the effects of transportation decisions on the human environment, especially those of low income and minority persons
  - To redeem ourselves of oversights, elitism, and negligence regarding past and lingering disparate actions towards disadvantaged persons

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## Nondiscrimination Authorities

- **Reminders**
  - Our professional responsibilities
  - Civic duty
  - Fiduciary obligation
  - Customer service imperative
  - The GOLDEN RULE

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## APPROACHES TO IMPLEMENTING CIVIL RIGHTS

- Traditional Approach
- The Systematic Multidisciplinary Approach


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## Traditional Approach

- Compliance-oriented
- Intra-disciplinary/Single office focus
- Absence of systematic interaction or communication
- Reactive – To Regulation, complaint or issue
- After-the-fact Reviews
- Prone to complaints and potential project delays
- Civil Rights Office and/or Specialist overwhelming responsibility
- Less effective in preventing vulnerability


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## The Multidisciplinary Approach

- Both inter and intra-disciplinary
- Interactive and integrative (Team work)
- Continuous and Systematic Communication
- Preventive not reactive
- Minimizes chances of complaints, project delays and disruptions

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## The Multidisciplinary Approach contd.

- Promotes positive public perception of government agencies and officials - local, state or federal
- Reduces vulnerability
- Generates continuous awareness of civil rights issues
- Allows Program Area personnel to incorporate civil rights issues in daily and routine activities

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## How to Establish A Systematic Multidisciplinary Process

- Secure Chief Administrative Officer's (CAO) support
- Create a **Team** involving every program office including CAO or representative
  - Team meets and establishes objective(s)
  - Identify issue/area of vulnerability or need
  - Analyze issue
  - Prepare plan of action

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## How to Establish A Systematic Multidisciplinary Process contd.

- Formulate strategies & work the plan
- Establish roles and responsibilities
- Assess plan from time to time and make adjustments
- Meet periodically
- Maintain awareness
- Evaluate progress/course of action/results

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## Strategic Decision-making Process

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- Identify and select issue
- Analyze issue
- Generate potential solutions
- Select and plan solutions
- Implement solution
- Evaluate solution

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## Essence of Multidisciplinary Approach

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- Great achievements are not born from a single vision but a combination of many distinctive viewpoints. Diversity challenges assumptions, opens minds and unlocks our potential to solve effectively any problem we may face.

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## Civil Rights is Everybody's Responsibility

- Prescribed by Law
  - *Ignorantia juris neminem excusat*
- Responsibility inherent in nature of Civil Rights
  - A *Right* is a claim that is acknowledged and reciprocated by principals associated with claim
  - For every *Right* there is a corresponding obligation
  - A *Right* must be respected to be meaningful
  - Mutual respect is fundamental in human interaction

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## Civil Rights is Everybody's Responsibility contd.

- Success of programs depend on everyone's participation not just Civil Rights Specialists
  - Fairness and equity cardinal part of professional code of behavior
- Support for Civil Rights allows projects to be completed on time and within budget
- Tribute to those who have died in pursuit of equality and social justice
- Fulfilling America's purpose & mission
  - Custodian of Freedom & Justice

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## Recap of Learning Outcomes

- How would you **define** Civil Rights?
- How many titles of 1964 Civil Rights Act do you **recognize**?
- Can you **review** Title VI and other Nondiscrimination authorities?
- How would you **describe** and **apply** the Multidisciplinary approach?
- **Discuss** some justifications for Civil Rights being everybody's responsibility

41



# THE END

# THANK YOU!!

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# MTA Requirements – Title VI Services

## All LOTS must:

- ❖ Identify responsible party or office
- ❖ Develop written Title VI policy for non-discrimination
  - ◆ Establish procedures for handling and recording Title VI investigations/complaints/lawsuits
  - ◆ Develop written LEP plan (see LOTS Manual/Section 13)
  - ◆ Establish procedures for notifying the public of Title VI rights and how to file a complaint
  - ◆ Establish public outreach and involvement activities
- ❖ During ATP/grant application process:
  - ◆ Certify annually in ATP (by signing certifications and assurances) that Title VI requirements are being met
  - ◆ Report any Title VI investigation/complaint/lawsuit in ATP (notify MTA immediately)

**10**

**1**

## **MTA Requirements – Title VI Services**

**Grantees in areas with 200,000 or more population**

**must *also*:**

- ❖ Prepare and submit a program-specific Title VI program every 3 years reporting results of efforts to:
  - ◆ Collect and analyze demographic data
  - ◆ Set systemwide service standards
  - ◆ Set systemwide service policies
  - ◆ Evaluate service and fare changes
  - ◆ Monitor transit services
- ❖ Submit to MTA Office of Fair Practices for review; they will forward to FTA for approval

# APPENDIX F

## Complaint Procedures

### Complaint Procedures

- Tennessee - Complaint Compliance and Enforcement Procedures
- Virginia Railway Express (VRE) - VRE Title VI Complaint and Investigation Procedures

### Complaint Forms

- Oregon
- Ohio Department of Transportation
- Indiana Department of Transportation

# Title VI Assurances & Compliance



- Title VI Assurances
- Compliance and Enforcement Procedures



## Compliance

The Title VI staff promptly investigates all complaints of alleged discrimination, attempts to resolve such complaints and takes corrective action within thirty (30) days of a finding of a substantiated complaint in a final report. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the Title VI staff will inform every complainant of all avenues of appeal.

While this procedure is directed at the processing of Title VI complaints, as a general proposition, complaints alleging either discriminatory impact or effect in the context of environmental justice will follow the complaint processing described below. It is the policy of the TDOT Title VI Program to encourage the informal resolution of all complaints with the participation of all affected parties.

- ❶ **Acceptance of the Complaint** – Upon receiving a Title VI complaint, staff determines whether the complaint states a valid claim. Complaints filed with TDOT in which it is named the respondent will be forwarded to Federal Highway Administration Headquarters Civil Rights Service Business Unit. However, complaints filed against Federal-aid sub-recipients and contractors shall be investigated by the Title VI staff. If the complaint states a valid claim, it will be accepted for processing immediately upon acknowledgment of its receipt, and the complainant and TDOT and/or the TDOT recipient will be so notified. If the Title office does not accept the complaint, it will be rejected and, if appropriate, referred to a federal /state agency.
- ❷ **Investigation** – Once a complaint is accepted for processing, staff conducts a factual investigation to determine whether the action at issue constitutes discrimination based on race, sex, color, age, national origin, or handicap. If, based on its investigation, staff concludes that there is no discrimination, (or in the case of an environmental justice issue) there is no disparate impact/effect, the complaint will be dismissed. In case of an environmental justice issue where an immediate health issue is alleged, the Title VI staff may make an initial finding of a disparate impact within thirty (30) days after complaint is accepted. In such a case, the Title VI Program will notify the appropriate TDOT program, TDOT recipient and the complainant in an effort to seek a response within a specified time period. Under appropriate circumstances, the staff may seek comment from the recipient, and/or complainant(s) on preliminary data analyses before making an initial finding concerning disparate impacts.
- ❸ **Rebuttal Mitigation** – The finding of the disparate impact provides the recipient the opportunity to rebut the finding, propose a plan for mitigating the disparate impact, or to “justify” the disparate impact. If the recipient successfully rebuts the Title VI Program staff’s finding, or if the recipient elects to submit a plan for mitigating the disparate impact, and based on its review, staff agrees that the disparate impact will be mitigated sufficiently pursuant to the plan, the parties will be so notified. Assuming that assurances are provided regarding implementation of such a mitigation plan, no further action on the complaint will be required.
- ❹ **Justification** – If the recipient can neither rebut the finding of the disparate impact nor develop an acceptable mitigation plan, then the recipient may seek to demonstrate that it

has a substantial, legitimate interest that justifies the decision to proceed with the action notwithstanding the disparate impact. Even where a substantial, legitimate justification is offered, the Title VI Program will need to consider whether it can be shown that there is an alternative that would satisfy the stated interest while eliminating or mitigating the disparate impact.

- ❶ **Finding of Noncompliance** – If the recipient fails to rebut the finding of a disparate impact and can neither mitigate nor justify the disparate impact at Issue, the staff will, within sixty (60) calendar days from the start of the complaint investigation, send the recipient a written notice of finding of noncompliance with a copy to the Legal Office for enforcement action. The notice may include recommendations for the recipient to achieve voluntary compliance and, where appropriate, the recipient’s right to engage involuntary compliance negotiations.
- ❷ **Voluntary Compliance** – The recipient will have thirty (30) calendar days from receipt of the formal determination of noncompliance within which to come into voluntary compliance. If the recipient fails to meet this deadline, the Title VI staff will start procedures to deny, annual, suspend, or terminate TDOT assistance.

**Alternative Courses of Action**

Ultimate sanctions: The ultimate sanctions under Title VI are the refusal to grant an application for assistance and the termination of assistance being rendered. Before these sanctions may be invoked, the Act requires completion of the procedures called for by section 602

- ❶ Available alternatives
  - ❶ Court enforcement compliance with the nondiscrimination mandate of Title VI.
  - ❷ Administrative Action – effective alternative courses not involving litigation.

**Procedures for new applications**

The following procedures are designed to apply in cases of noncompliance involving applications for one-time or non-continuing assistance and initial applications for new or existing programs for continuing assistance. Where an otherwise adequate assurance, statement of compliance, or plan has been filed in connection with an application for assistance, but prior to completion of action on the application, the head of the agency in question has reasonable grounds, based on a substantiated complaint, the agency’s own investigation, or otherwise, to believe that the representation as to compliance are in some material respect untrue or are not being honored, the agency head may defer action on the application pending prompt initiation and completion of section 602 procedures.

**Procedures in Cases of Sub-grantees**

In situations in which applications for federal assistance are approved by some agency other than the federal granting agency, the same rules and procedures would apply. Thus, the federal agency should instruct the approving agency – typically a state agency – to defer approval or refuse to grant funds, in individual cases, such action would be taken by the original granting agency under the above procedures. Provision should be made for appropriate notice of such action to the federal agency that retains responsibility for compliance with section 602 procedure.

## Informal Resolution

Title VI regulations call for TDOT to pursue Informal resolution of administrative complaints wherever practicable. Therefore, TDOT will discuss, at any point during the process outlined above, offers by recipients to reach informal resolution, and will, to the extent appropriate, endeavor to facilitate the informal resolution process and involvement of affected stakeholders. Additionally, in notifying a recipient of acceptance of a complaint for investigation, TDOT will encourage the recipient to engage the complainant(s) in informal resolution in an effort to negotiate a settlement. TDOT will also provide the services of a trained and licensed mediator to facilitate informal settlements of disputes.

## Rejecting or Accepting Complaints for Investigation

It is the general practice of the Title VI Program staff to investigate all administrative complaints that have apparent merit and are complete or properly pleaded. Examples of complaints with no apparent merit might include those which are so insubstantial or incoherent that they cannot be considered to be grounded in fact.

A complete or properly pleaded complaint is:

- ❶ in writing, signed, and provides an avenue for contacting the signatory (e.g., phone numbers, address);
- ❷ describes the alleged discriminatory act(s) that violate Title VI regulations (i.e., an act of Intentional discrimination or one that has the effect of discriminating on the basis of race, color, national origin, sex, age or disability);
- ❸ filed within 180 calendar days of the alleged discriminatory act(s); and
- ❹ identifies the TDOT recipient that took the alleged discriminatory act(s).

The Title VI Program staff will make a determination to accept, reject, or refer (to the appropriate federal/state agency) a complaint within seven (7) calendar days of acknowledgment of its receipt. TDOT will establish whether the person or entity that took the alleged discriminatory act is in fact a TDOT sub-recipient. If the complaint does not specifically mention that the alleged discriminatory actor is a TDOT financial assistance recipient, TDOT may presume so for the purpose of deciding whether or not to accept the complaint for further processing.

## Timelines of Complaints

In order for a complaint against TDOT or a sub-recipient(s) to be considered timely, it must be filed within one hundred and eighty (180) calendar days after the alleged incident has occurred. TDOT will waive the one hundred and eighty (180) day time limit for good cause. TDOT will determine on a case-by-case basis whether to waive the time limit for good cause.

## Processing complaints

- a) TDOT will maintain a log of all complaints and appeals. The complaint will be noted in the log by case number based on year, month and sequence in which complaint was received (Example: A complaint received in December, 1999 and is the second complaint received in 1999 will be case number 99 (year)-12 (month)-002 (sequence)).
- b) TDOT will forward an initial report to FAA/FHWA/FTA within seven (7) working days.
- c) A copy of the complaint will also be forwarded to the alleged discriminatory service or program official including the name and telephone number of the Title VI staff person assigned to investigate the complaint.



- d) The investigating officer will initiate the investigation by first contacting the complainant by telephone within three (3) workdays of receiving the assignment to set up an interview.
- e) The complainant will be informed that they have a right to have a witness or representative present during the interview and can submit any documentation he/she perceives as relevant to proving his/her complaint.
- f) The alleged discriminatory service or program official will be given the opportunity to respond to all aspects of the complainant's allegations.
- g) The investigating officer will determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned.
- h) The investigating officer will contact the complainant at the conclusion of the investigation, but prior to writing the final report and give the complainant an opportunity to give a rebuttal statement only at the end of the investigation process.
- i) The investigation will be completed and a final report will be sent to the FAA/FHWA/FTA, the alleged discriminatory service or program, and the complainant within sixty (60) calendar days of the date the complaint was received by TDOT. The final report will include the following:
  - a. The written complaint containing the allegation, basis, and date of filing
  - b. Summarized statements taken from witnesses
  - c. Finding of facts
  - d. Opinion(s) (based on all evidence in the record) that the incident is substantiated or unsubstantiated
  - e. Remedial action(s) for substantiated cases
- j) If corrective action(s) is recommended the alleged discriminatory agency will be given thirty (30) calendar days to inform the Director for Title VI of the actions taken for compliance.
- k) Corrective actions can be in the form of actions to be taken at a future date after the initial thirty (30) days with projected time period(s) in which action will be completed.
- l) If the recommended corrective action(s) have not been taken within the thirty (30) day time period allowed, the recipient will be found to be in noncompliance with the Title VI and implementing regulations, and a referral will be made to the Legal Office for enforcement action.

### Appeals Procedures

- a) The complainant has the right to appeal all written reports to FAA/FHWA/FTA.
- b) This appeal must be made in writing to the Title VI Director within fourteen (14) days of receipt of the department's final report.
- c) The appeal must specifically cite the portion(s) of the finding with which the complainant disagrees and his/her reason(s) for the disagreement.
- d) The Title VI Director will forward this appeal within seven (7) calendar days to FAA/FHWA/FTA for review.
- e) FAA/FHWA/FTA's review of the finding will be based on the entire record.
- f) FAA/FHWA/FTA will complete the appeal review within thirty (30) calendar days after the receipt of the appeal.
- g) The Board will forward their written findings to the complainant and the TDOT Commissioner.

**The TDOT Title VI complaint procedures will be documented in the TDOT Title VI brochures. These brochures will accompany all contracts and will be used as a public information resource tool.**

# Virginia Railway Express

## About the VRE

### VRE Title VI Policy

VRE is committed to a policy of non-discrimination in the conduct of its business, including its Title VI responsibilities – the delivery of equitable and accessible transportation services. VRE recognizes its responsibilities to the communities in which it operates and to the society it services. It is VRE's policy to utilize its best efforts to assure that no person 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 its program of transit service delivery and related benefits.

Toward this end, VRE embraces the following policy tenets / program:

- A. No person or group of persons will be discriminated against with regard to fares, routing, scheduling or quality of transportation services that VRE furnishes, on the basis of race, color, or national origin.
- B. Frequency of service, age and quality of VRE vehicles assigned to routes and location of routes will not be determined on the basis of race, color, or national origin.
- C. The full and fair participation of all affected populations in transportation decision making shall be promoted.
- D. Disproportionately high adverse impacts of programs and activities on minority and low income populations shall be identified and addressed as appropriate.
- E. Meaningful access to programs and activities by persons with limited English proficiency shall be ensured.

All complaints will be sent to VRE's Manager of Customer Communications, logged into the Title VI database, and forwarded to Title VI staff for investigation. The responsibility for day-to-day operations of this program, including the investigation of Title VI complaints, has been assigned to the Title VI staff of the Potomac and Rappahannock Transportation Commission (PRTC), a co-owner of the VRE. However, all VRE employees share in the responsibility for making VRE's program a success.

#### Helpful Links:



[Complaint and Investigation Procedures](#)

[Title VI and Related Statutes Discrimination Complaint Form](#)

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# Virginia Railway Express

## About the VRE

### VRE Title VI Complaint and Investigation Procedures

These procedures cover all complaints under Title VI of the Civil Rights Act of 1964, Executive Order 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (1994), and Executive Order 13166 "Improving Access to Services for Person with Limited English Proficiency" (2000), for alleged discrimination in any program or activity administered by the Virginia Railway Express (VRE). The complaint and investigation procedures are co-administered by the VRE and Potomac and Rappahannock Transportation Commission (PRTC), one of VRE's owners.

Any individual, group of individuals, or entity that believes they have been subjected to discrimination prohibited under Title VI and the related statutes may file a complaint, completing the [complaint form](#) to the following address:

**Manager of Customer Communications/Title VI Coordinator**  
**Virginia Railway Express**  
**1500 King Street, Suite 202**  
**Alexandria, VA 22314**  
**703-684-1001**

The following measures will be taken to resolve Title VI complaints:

1. A formal complaint must be filed within 180 days of the alleged occurrence. Complaints shall be in writing and signed by the individual or his/her representative, and will include the complainant's name, address and telephone number; name of alleged discriminating person, basis of complaint (race, color, national origin) and the date of the alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany each complaint.
2. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the VRE Manager of Customer Communications. Under these circumstances, the complainant will be interviewed, and the VRE Manager of Customer Communications will assist the Complainant in converting the verbal allegations to writing.
3. When a complaint is received by the VRE Manager of Customer Communications, they will input the complaint in the Title VI database and submit the complaint to the Title VI Coordinator who will then provide written acknowledgement to the Complainant, within ten (10) days by registered mail.
4. If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided thirty (30) business days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
5. Within fifteen (15) business days from receipt of a complete complaint, the Title VI Coordinator will determine whether the complaint has sufficient merit to warrant investigation as a Title VI complaint and within five (5) days of this decision VRE or PRTC will notify the Complainant, by registered mail, that it will either pursue or not a Title VI investigation. If the decision is not to investigate as a Title VI complaint, the notification shall specifically state the reason for the decision.
6. If the complaint has investigative merit a complete investigation will be conducted, and an investigative report will be completed within sixty (60) days from receipt of the complaint. The report will include a narrative description of the incident, summaries of all persons interviewed, a finding with recommendations for remedial steps as appropriate and necessary. The remedial steps, if any, will be implemented as soon as practicable. The Complainant will receive a copy of the final report together with any remedial steps.
7. If no violation is found and the Complainant wishes to appeal the decision, he or she may appeal directly to the Chief Executive Officer of VRE, 1500 King Street, Suite 202, Alexandria, Virginia, 22314.
8. Complaints may also be filed with the Federal Transit Administrations, Office of Civil Rights, no later than 180 days after the date of the alleged discrimination, at 1760 Market Street, Suite 500, Philadelphia, PA 19103, phone: (215) 565-7255.
9. The VRE Manager of Customer Communications shall maintain a log of Title VI complaints received from this process. The log shall include the date the complaint was filed; a summary of the allegations; the status of the

complaint; and actions taken by VRE/PRTC in response to the complaint. Should VRE/PRTC receive a Title VI complaint in the form of a formal charge or lawsuit, the General Counsel shall be responsible for the investigation and maintaining a log as described above.

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## APPENDIX B

### Title VI Complaint Forms

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Selected Title VI complaint forms from around the country.

**Oregon.** This form can be found online at:

[http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/title\\_vi.shtml#Plan](http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/title_vi.shtml#Plan)

**Ohio.** This form can be found online at:

<http://www.dot.state.oh.us/Divisions/ChiefLegal/Policies/TitleVIForm.pdf>

**Indiana.** This form can also be found online at:

<http://www.in.gov/indot/div/legal/dbe/titlesix.htm#complaints>

**OREGON**  
Sample Title VI  
Complaint Form

Complaints must be filed within 180 days of the alleged act of discrimination.

**Section I**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Numbers:

(Home) \_\_\_\_\_ (Work) \_\_\_\_\_

Electronic Mail Address: \_\_\_\_\_

Accessible Format Requirements?

Large Print \_\_\_\_\_ Audio tape \_\_\_\_\_

TDD \_\_\_\_\_ Other \_\_\_\_\_

**Section II**

Are you filing this complaint on your own behalf?

Yes \_\_\_\_\_ No \_\_\_\_\_

[If you answered "yes" to this question, go to Section III.]

If not, please supply the name and relationship of the person for whom you are complaining:

\_\_\_\_\_

Please explain why you have filed for a third party. \_\_\_\_\_

\_\_\_\_\_

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.

Yes \_\_\_\_ No \_\_\_\_

**Section III**

Have you previously filed a Title VI complaint with this agency? Yes \_\_\_\_ No \_\_\_\_

**Section IV**

Name of agency complaint is against:

\_\_\_\_\_

Contact person: \_\_\_\_\_ Title: \_\_\_\_\_

Telephone number: \_\_\_\_\_

**On separate sheets, please describe your complaint. You should include specific details such as names, dates, times, route numbers, witnesses, and any other information that would assist us in our investigation of your allegations. Please also provide any other documentation that is relevant to this complaint. Please include the basis of the complaint; race, color, national origin, sex, age, disability or income status.**

Please sign here: \_\_\_\_\_

Date: \_\_\_\_\_

[Note - We cannot accept your complaint without a signature.]

\_\_\_\_\_

**Please mail your completed form to: *Title VI Coordinator, Agency name, Agency Address***



Ohio Department of Transportation  
**TITLE VI AND RELATED STATUTES DISCRIMINATION COMPLAINT**

FOR OFFICE USE ONLY					
Name of Complainant:		Location: Home Telephone:		Dist./Div.: Work Telephone:	
Mailing Address:					
What is the most convenient time for us to contact you about this complaint?					
Basis of Discriminatory Action(s):					
___ RACE		___ COLOR		___ NATIONAL ORIGIN	
___ SEX		___ AGE		___ DISABILITY	
<small>(Title VI – Civil Rights Act of 1964)</small>					
Date and place of alleged discriminatory actions. Please include earliest date of discrimination and most recent date of discrimination:					
How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status was a factor in the discrimination. Include how other persons were treated differently from you. (Attach additional page(s) if necessary).					
Names of individuals responsible for the discriminatory actions(s):					
Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to investigate your complaint:					
<u>Name</u>		<u>Address</u>		<u>Phone Number</u>	
The law prohibits intimidation or retaliation against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel you have been retaliated against (separate from the discrimination alleged above), please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.					

Ohio Department of Transportation  
TITLE VI AND RELATED STATUTES DISCRIMINATION COMPLAINT

What remedy, or action, are you seeking for the alleged discrimination?

Have you filed, or intend to file, a charge or complaint regarding the matters related in this complaint with any of the following?

- U.S. Equal Employment Opportunity Commission
- Ohio Civil Rights Commission
- Federal or State Court
- Federal Highway Administration/U.S. Department of Transportation

If you have already filed a charge, or complaint, please provide the following information:

Agency/Court: \_\_\_\_\_ Attorney Name: \_\_\_\_\_

Address: \_\_\_\_\_ Address: \_\_\_\_\_

Date Filed: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Case Number: \_\_\_\_\_

Type of trial/hearing: \_\_\_\_\_

Status of Case:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please provide any additional information that you believe would assist with this investigation.

**\*\*We cannot accept an unsigned complaint. Please sign and date this complaint form below.\*\***

Complainant:  
\_\_\_\_\_

Date:  
\_\_\_\_\_



# INDIANA DEPARTMENT OF TRANSPORTATION

*Driving Indiana's Economic Growth*

100 North Senate Avenue  
Room N750  
Indianapolis, Indiana 46204-2216 (317) 233-6511 FAX: (317) 233-0891

Mitchell E. Daniels, Jr., Governor  
Karl B. Browning, Commissioner

## External Complaint of Discrimination

### Complainant Information:

Name:	Telephone Number:	
	W ( )	H ( )
Address:		
City:	State:	Zip Code:

### Name, title and address of person you believe discriminated against you:

Name:	Telephone Number:	
	W ( )	H ( )
Title:		
Address:		
City:	State:	Zip Code:

When was the last alleged discriminatory act? (MM/DD/YEAR) \_\_\_\_\_

The alleged discrimination was based on:

- Race             Color             Age             Gender  
 National Origin    Disability        Ancestry       Religious Affiliation

The issue(s) involved was:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe the alleged act(s) of discrimination. (Use additional pages if necessary)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What corrective action do you want taken on your behalf? \_\_\_\_\_

\_\_\_\_\_

Have you filed a complaint alleging the same discrimination with another state or federal agency?

- Yes                       No

If yes, with what agency? \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

[www.in.gov/dot/](http://www.in.gov/dot/)  
An Equal Opportunity Employer

(Rev. 3/08)

# **APPENDIX G**

## **LEP Implementation Procedures**

- Tri-Met Language Implementation Plan
- Tennessee-Limited English Proficiency Guidelines
- United States Census 2000 Language Identification Flashcard
- United States Census 2010: 2004 Census Test Language Identification Flashcard

## APPENDIX \_\_

The following is a list of items covered in TriMet's Language Implementation Plan that was developed to meet the requirements of Title VI. Some items were already being done, and others were phased in over the next three fiscal years.

### Capital Projects & Facilities

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1. Assess the LEP population in areas affected by construction.
  - Code businesses and residents who are LEP along the project in study TriMet database.
  - Develop an outreach plan targeting LEP residents and businesses in construction areas.
2. Use of in-person interpreter services upon request for public meetings and important events (community relations staff will provide notification to the community about availability of interpretive services).
3. Translate vital documents.
4. Provide notice of right to language assistance, at no cost, on non-vital yet important outreach documents.

### Legal/Human Resources

---

1. Develop/review contract language to ensure all contractors providing goods and services for TriMet are in compliance with Title VI regulations (Title VI of the Civil Rights Act of 1964, "Nondiscrimination under Programs Receiving Federal Financial Assistance through the U.S. Department of Transportation").
2. Rights Act of 1964, "Nondiscrimination under Programs Receiving Federal Financial Assistance through the U.S. Department of Transportation").
3. Determine which TriMet documents meet the definition of "vital documents"; stay aware of new documents that may be considered "vital".
4. Develop curriculum and train frontline and other key staff in:
  - awareness of type of language services available
  - how staff and/or LEP customers can obtain these services
  - how to respond to LEP callers
  - how to respond to correspondence from LEPs
  - how to respond to LEPs in person
  - how to document LEP needs

- how to respond to civil rights complaints

5. Incorporate LEP plan information into the new employee orientation, handbook and TriNet.

## **Marketing & Customer Services**

---

1. Provide telephone interpretation for basic transit questions and trip planning assistance in virtually any language.
2. Establish competency standards for interpreters and translators.
3. Draft a TriMet policy that states that all interpretation and written translation must be performed by approved vendors/individuals whose competency has been established.
4. Add a question to the O&D Survey to assess respondents' English proficiency and primary spoken language.
5. Develop a process for determining:
  - whether a particular document needs to be translated
  - into which languages it should be translated.
6. Establish an agency-wide workflow whereby all written translation requests are routed through and managed by Marketing to ensure consistency.
7. Translate vital documents identified by TriMet's Legal Department, including:
  - signage that communicates hazardous pedestrian access in areas of high LEP concentration
  - signage that indicates prohibited behavior in areas of high LEP concentration
8. Place a notice of right to language assistance, at no cost, on important outreach documents and on TriMet's website.
9. Develop formal procedures for documenting the number of requests by LEPs for ticket/pass purchases at CAO and from LIFT personnel; investigate whether it is possible to track TVM transactions that are completed in Spanish.
10. Provide information in multiple languages about TriMet's complaint process
11. Create sign in multiple languages informing LEP clients about available language services at post at TTO.
12. Identify routes serving areas with high concentrations of LEP individuals.

13. Identify service disruptions in areas with high concentrations of LEP individuals and translate appropriate signage.

14. Create protocol for responding to foreign language correspondence and communication.

15. Day-to-day administration of LEP program, ensuring compliance and correct implementation.

## **Operations**

---

1. Provide training to operators, fare inspectors and other frontline employees in LEP policies and procedures (see Legal/Human Resources section for details).

2. Coordinate training with TriMet's Human Resources and Diversity & Transit Equity departments.

## **Diversity & Transit Equity**

---

1. Identify areas within the service district that have high concentrations of LEP individuals.

2. Conduct an evaluation of TriMet's LEP plan to gauge its effectiveness and determine if updates are needed every two years. Transit Equity staff will lead the evaluation with the help of staff familiar with Title VI language access requirements and the LEP plan.

3. The evaluation will:

- determine the number of LEP individuals in TriMet's service district
- assess whether existing language assistance services are meeting the needs of clients with LEP
- assess whether staff members understand TriMet's LEP policies and procedures, how to carry them out, and whether language assistance resources and arrangements for those resources are still current and accessible
- seek feedback from LEP communities, including customers and community organizations, about the effectiveness of TriMet's LEP plan

## **Additional Services**

---

1. Provide key transit information and online Trip Planner in Spanish on TriMet's website.

2. Provide Transit Tracker by Phone information in Spanish via 238-RIDE.
3. Record MAX announcements in both Spanish and English.  
Place foreign-language ads in publications serving second language populations to demonstrate TriMet's commitment to full information; to share current significant, service-related announcements; to increase comfort levels regarding access to information in a native language.
4. Provide Spanish-language interface for TVM transactions.
5. Provide one-on-one and group travel training to LEPs by working through an interpreter.
6. Establish partnerships and work closely with community organizations that serve LEP populations.
7. Design new pictograms with community input to replace text in signage when possible
8. Offer Spanish classes through TriMet U for key personnel.
9. Identify service changes affecting areas with high concentrations of LEP individuals and develop mitigation strategies.
10. Create one-stop LEP info center for agency.
11. Survey TriMet staff to determine existing bilingual resources.
12. Develop standards to certify TriMet staff as qualified translators and/or interpreters.



## **TriMet Language Implementation Plan**

As part of its application for a cooperative agreement under the FTA's Transportation Equity Research Program (TERP), the Tri-County Metropolitan Transit District of Oregon (TriMet) developed the attached plan in 2006. The plan's contents are consistent with the guidance on an effective language implementation plan expressed in Section VII of the the U.S. Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons [Federal Register: December 14, 2005 (Volume 70, Number 239)]. The attached plan directs a cross-section of departments within the transit agency to undertake language assistance activities including the following activities that are recommended in the DOT LEP Guidance on an implementation plan:

1. Identifying LEP individuals who need language assistance.
2. Providing language assistance measures.
3. Training staff
4. Providing notice to LEP persons of the availability of language assistance
5. Monitoring and updating the LEP plan.

TriMet's plan also takes into account the DOT LEP Guidance on oral language services (interpretation) and written language services (translation).

FTA will publish deliverables pursuant to TriMet's activities as they become available. For more information, contact Yvonne Lyon, Manager of Marketing Analysis with TriMet at 503-962-6430 or the Title VI Coordinator, FTA Office of Civil Rights, 202-366-4018.

The FTA Office of Civil Rights is seeking additional examples of language implementation plans and products that have been developed by transit agencies, metropolitan planning organizations, or state departments of transportation. If your agency is interested in sharing examples of projects that have been developed or will be developed pursuant to the DOT LEP Guidance, please contact the Title VI Coordinator with the FTA Office of Civil Rights at 202-366-4018.

**Capital Projects & Facilities**

ITEM	NOW	FY07	FY08	FY09
Assess the LEP population in areas affected by construction. <ul style="list-style-type: none"> <li>Code businesses and residents who are LEP along the project in TriMet's database.</li> <li>Develop an outreach plan targeting LEP residents and businesses in construction areas.</li> </ul>		X		
Use of in-person interpreter services upon request for public meetings and important events (community relations staff will provide notification to the community about availability of interpretive services).	X			
Translate vital documents.		X		
Provide notice of right to language assistance, at no cost, on non-vital yet important outreach documents.		X		

**Legal/Human Resources**

ITEM	NOW	FY07	FY08	FY09
Develop/review contract language to ensure all contractors providing goods and services for TriMet are in compliance with Title VI regulations (Title VI of the Civil Rights Act of 1964, "Nondiscrimination under Programs Receiving Federal Financial Assistance through the U.S. Department of Transportation").		X		
Determine which TriMet documents meet the definition of "vital documents"; stay aware of new documents that may be considered "vital".	X			
Develop curriculum and train frontline and other key staff in: <ul style="list-style-type: none"> <li>awareness of type of language services available</li> <li>how staff and/or LEP customers can obtain these services</li> <li>how to respond to LEP callers</li> <li>how to respond to correspondence from LEPs</li> <li>how to respond to LEPs in person</li> <li>how to document LEP needs</li> <li>how to respond to civil rights complaints.</li> </ul>		X		
Incorporate LEP plan information into the new employee orientation, handbook and TriNet.			X	

**Marketing & Customer Services**

ITEM	NOW	FY07	FY08	FY09
Provide telephone interpretation for basic transit questions and trip planning assistance in virtually any	X			

ITEM	NOW	FY07	FY08	FY09
language.				
Establish competency standards for interpreters and translators.	X			
Draft a TriMet policy that states that all interpretation and written translation must be performed by approved vendors/individuals whose competency has been established.		X		
Add a question to the O&D Survey to assess respondents' English proficiency and primary spoken language.	X			
Develop a process for determining: <ul style="list-style-type: none"> <li>if a particular document needs to be translated</li> <li>into which languages it should be translated.</li> </ul>		X		
Establish an agency-wide workflow whereby all written translation requests are routed through and managed by Marketing to ensure consistency.		X		
Translate vital documents identified by TriMet's Legal Department, including: <ul style="list-style-type: none"> <li>signage that communicates hazardous pedestrian access in areas of high LEP concentration</li> <li>signage that indicates prohibited behavior in areas of high LEP concentration</li> </ul>		X		
Place a notice of right to language assistance, at no cost, on important outreach documents and on TriMet's website.		X		
Develop formal procedures for documenting the number of requests by LEPs for ticket/pass purchases at CAO and from LIFT personnel; investigate whether it is possible to track TVM transactions that are completed in Spanish.		X		
Provide information in multiple languages about TriMet's complaint process	X			
Create sign in multiple languages informing LEP clients about available language services at post at TTO.		X		
Identify routes serving areas with high concentrations of LEP individuals.		X		
Identify service disruptions in areas with high concentrations of LEP individuals and translate appropriate signage.		X		
Create protocol for responding to foreign language correspondence and communication.		X		
Day-to-day administration of LEP program, ensuring compliance and correct implementation.		X		

**Operations**

ITEM	NOW	FY07	FY08	FY09
Provide training to operators, fare inspectors and other frontline employees in LEP policies and procedures (see Legal/Human Resources section for details).		X		
Coordinate training with TriMet's Human Resources and Diversity & Transit Equity departments.		X		

**Diversity & Transit Equity**

ITEM	NOW	FY07	FY08	FY09
Identify areas within the service district that have high concentrations of LEP individuals.	X			
Conduct an evaluation of TriMet's LEP plan to gauge its effectiveness and determine if updates are needed every two years. Transit Equity staff will lead the evaluation with the help of staff familiar with Title VI language access requirements and the LEP plan. The evaluation will: <ul style="list-style-type: none"> <li>determine the number of LEP individuals in TriMet's service district</li> <li>assess whether existing language assistance services are meeting the needs of clients with LEP</li> <li>assess whether staff members understand TriMet's LEP policies and procedures, how to carry them out, and whether language assistance resources and arrangements for those resources are still current and accessible</li> <li>seek feedback from LEP communities, including customers and community organizations, about the effectiveness of TriMet's LEP plan</li> </ul>				X

**Additional Services**

<b>ITEM</b>	<b>NOW</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
Provide key transit information and online Trip Planner in Spanish on TriMet's website.	X			
Provide Transit Tracker by Phone information in Spanish via 238-RIDE.	X			
Record MAX announcements in both Spanish and English.	X			
Place foreign-language ads in publications serving second language populations to demonstrate TriMet's commitment to full information; to share current significant, service-related announcements; to increase comfort levels regarding access to information in a native language.	X			
Provide Spanish-language interface for TVM transactions.	X			
Provide one-on-one and group travel training to LEPs by working through an interpreter.			X	
Establish partnerships and work closely with community organizations that serve LEP populations.	X			
Design new pictograms with community input to replace text in signage when possible		X		
Offer Spanish classes through TriMet U for key personnel.			X	
Identify service changes affecting areas with high concentrations of LEP individuals and develop mitigation strategies.		X		
Create one-stop LEP info center for agency.		X		
Survey TriMet staff to determine existing bilingual resources.		X		
Develop standards to certify TriMet staff as qualified translators and/or interpreters.		X		

**Tennessee Department of Transportation  
Civil Rights Office  
Title VI Program**



**Limited  
English  
Proficiency  
Guidelines**

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## What is Limited English Proficiency

Limited English Proficiency (LEP) is a term used to describe individuals who are not proficient in the English language. The diversity of Tennessee's population is due to this evolving change. It is critically important that the Tennessee Department of Transportation (TDOT) be innovative and proactive in engaging individuals from different cultures, backgrounds and businesses in planning, project development and other program areas such as: Local Assistance, Aeronautics, Mass Transportation and Rail. According to the 2000 US Census, the race/ethnic mix of Tennessee is White 80.2 percent, Black 16.8 percent, Hispanic 2.2 percent, Asian and Pacific Islander 1.2 percent, and American Indian 0.7 percent.

### Authority:

Executive Order (EO) 13166 - *Improving Access to Services for Persons with Limited English Proficiency* is directed at implementing the protections afforded by Title VI of the Civil Rights Act of 1964 and related regulations. Accordingly, it prohibits recipients of Federal financial assistance from discriminating based on national origin by failing to provide meaningful access to services to individuals who are LEP. This protection requires that LEP persons be provided an equal opportunity to benefit from or have access to services that are normally provided in English (Appendix A).

### How does LEP affect the Department of Transportation?

The following matrix illustrates legal and policy considerations that require TDOT to provide LEP persons with meaningful access to programs, activities, and services.

<b>Title VI of the Civil Rights Act of 1964</b>	<b>Limited English Proficiency Executive Order 13166</b>
Federal law	Federal policy
Enacted July 2, 1964	Signed August 11, 2000
Considers all persons	Considers eligible population
Contains monitoring and oversight compliance review requirements	Contains monitoring and oversight requirements
Factor criteria is required, no numerical or percentage thresholds	Factor criteria is required, no numerical or percentage thresholds
Provides protection on the basis of race, color, and national origin	Provides protection on the basis of national origin
Focuses on eliminating discrimination in federally funded programs	Focuses on providing LEP persons with meaningful access to services using factor criteria
Annual Accomplishment and Upcoming Goals Report to FHWA	Annual Accomplishment and Upcoming Goals Report to FHWA
Provides protection on the basis of sex, gender, age and disability	Provides protection on the basis of sex, gender, age and disability



## Division/Program Responsibility

EO 13166 directs recipients of Federal financial assistance to take reasonable steps to provide LEP individuals with meaningful access to their programs, activities and services.

The following chart, although not exhaustive, illustrates TDOT divisions/programs and Title VI Program activities and responsibilities relative to LEP services.

Activity	Responsibility	
	TDOT Division/Programs	Title VI Program
1. Assessing and addressing the needs of eligible persons	X	
2. Taking reasonable steps or ensuring that responsible steps are taken to ensure meaningful access	X	
3. Developing and implementing monitoring control mechanisms to ensure delivery of service and ongoing compliance	X	
4. Compliance, monitoring, and oversight	X	X
5. Providing technical assistance and guidance		X
6. Reporting accomplishments and goals	X	

The key to providing meaningful access for LEP persons is to ensure that effective communication exists between the service provider and the LEP person. To accomplish effective communication, the following actions and discussions are considered appropriate at a division/program level:

1. Perform a needs assessment.
2. Provide for oral language assistance.
3. Notify LEP customers of the availability of language assistance services.
4. Translate vital documents in languages other than English into appropriate language.
5. Train staff.
6. Develop written procedures.
7. Monitor and evaluate access to language assistance.

**1. *Perform a needs assessment***

Each divisions/programs is to continuously assess language assistance needs of the population to be served by identifying the following:

1. Languages likely to be encountered and number of LEP persons in the eligible population likely to be directly affected by its program.
2. Public contact where language assistance is needed.
3. Resources needed to provide effective language assistance, including location, availability and arrangements necessary for timely use.

**2. *Provide for oral language assistance***

Each division/program is to provide LEP persons with oral language assistance at reception desks or when telephone contact is appropriate. Such assistance may take the form of bilingual staff, contracting with an outside interpreter service or the use of voluntary community interpreters who are skilled and competent in interpreting.

Employment of bilingual staff in divisions and programs is recommended, when feasible, where the percentage of LEP customers or potential customers is statistically significant or where the frequency of contact with such persons will provide for efficient and effective communication. A decision to employ bilingual staff should be based on a needs assessment with consideration given to available resources and in accordance with departmental policy.

**3. *Notify LEP customers of the availability of language assistance services***

LEP persons have the right to language assistance at no cost to them in their spoken language. TDOT divisions/programs are responsible for informing the public of this right. Language identification cards or posting signs in public areas are methods that can be used to provide notice of the service (Appendix B).

**4. *Translation of vital documents in languages other than English***

It is appropriate to have written materials that have been historically provided in English to applicants, customers and the general public translated into languages that are regularly encountered. The translation of vital documents into languages other than English is particularly important where a significant number or percentage of the customers served and/or eligible to be served have limited English proficiency. Written materials include electronic documents and web-sites.

Vital Documents are documents that convey information that critically affects the ability of the recipient/customer to make decisions about his/or her participation in the program or activity. Examples of vital documents include, but are not limited to: applications, public notices, consent forms, letters containing important information regarding participation in a program, eligibility rules, notices pertaining to the reduction, denial or termination of services or benefits, right to appeal, notices advising of the availability of language assistance and outreach and community education materials. It is recommended that divisions/programs develop criteria for deciding which documents are vital thereby subject to translation.

Translating documents for LEP to a fourth (4th) grade literacy level ensures the targeted audience understands the information. Community-based organizations or focus groups can assist with testing translations for language and literacy level appropriateness.

#### **5. *Train Staff***

Training staff on policies and procedures of language assistance and how to determine whether a customer needs language assistance services is essential to bridging the gap between policies and actual practices. Training should include how to obtain language assistance services and communication with interpreters and translators. Because LEP persons can file a complaint on the basis of national origin, staff should be trained on how to properly handle a Title VI complaint. (Refer to the Complaint Handling – Appendix C.)

#### **6. *Develop written procedures***

To implement a successful language assistance program, guidance shall be provided to all employees through written procedures that address the following:

1. Identification and assessment of language needs.
2. Oral language assistance; including vendor charges for services, procedures on how to access and to request Department translation assistance.
3. Written translation of materials and publications.
4. Oral and written notification of the availability of language assistance.
5. Staff training on language service provision.
6. Monitor access to language assistance.

## 7. ***Monitor and evaluate access to language assistance***

Monitoring and evaluating the accessibility and quality of language assistance needs of LEP persons ensures that LEP persons can meaningfully access programs and activities and is the responsibility of the respective divisions/programs. At a minimum, divisions/programs should conduct an annual assessment to determine: the current LEP composition of its service area; the current communication needs of LEP persons; whether existing assistance meets LEP needs; whether staff is knowledgeable about policies and procedures and how to implement them; and whether sources of and arrangements for assistance are still current and viable. One mechanism for monitoring is to seek feedback from customers and advocates.

Data collection and record keeping are key to an effective monitoring and compliance system. Analysis of the data collected provides an overview of how services are provided. Data collection mechanisms include the following:

- ① Race of LEP person
- ① Ethnicity of LEP person
- ① Primary language of the population in the program service area
- ① Primary language of customers served
- ① Data upon which the division based language needs assessment
- ① Number of LEP persons, by language group, who received language services

## **LEP Criteria**

The following are factors for divisions/programs to consider when determining what reasonable steps to take to provide LEP individuals with meaningful access to its programs, activities, and services.

- ① A factor in determining the reasonableness of a division's/program's efforts is the number or proportion of people who will be excluded from the program or activity absent efforts to remove language barriers.
- ① Consider the frequency of contact. Obligations will differ for division/programs who have little contact with individuals who are LEP compared to a division/program who serves a large LEP population.

- ① Consider the available resources. A larger division/program with extensive resources may have to take greater steps than a smaller unit with limited resources. On the premises translators may be appropriate in some circumstances; however, written translation, access to centralized interpreter language lines or other means, may be appropriate in other situations.
- ① Costs must be factored into this balancing test as part of the consideration of “resources available.” “Reasonable steps” may cease to be reasonable where the costs imposed substantially exceed the benefits in light of the factors outlined in the U.S. Department of Justice (DOJ), LEP Guidance. A suggestion might be to prioritize so that the language services are targeted where most needed because of the nature and importance of activity involved.

## ***Guidance/Resources***

Open Communications International, Inc. (OCI) is the leading foreign-language services company in the South. They have secured the Tennessee State Government contract for providing over the phone interpreting, face-to-face interpreting, documents translations and training, therefore assisting in providing meaningful language assistance to the limited English proficient population. The company has the ability to communicate in 120 languages and dialects with an interpreter base of over 350.

- ① To review the statewide contract:  
[www.state.tn.us/generalserv/purchasing/kont.htm](http://www.state.tn.us/generalserv/purchasing/kont.htm)  
(Appendix E)

The guidance documents and their resource listed below are provided to assist divisions/programs with implementing LEP requirements and may be used in conjunction with this LEP Plan.

- ① The U.S. Department of Transportation Guidance to Recipients on Special Language Services to Limited English Proficient Beneficiaries, Federal Register/Vol. 66, No. 14/Monday, January 22, 2001.
- ① The U.S. DOJ Policy Guidance, Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons With Limited English Proficiency, Federal Register/Vol. 65, No. 159/Wednesday, August 16, 2000  
<http://www.usdoj.gov/crt/cor/>
- ① U.S. Department of Justice Clarifying Memorandum, dated October 26, 2001  
<http://www.usdoj.gov/crt/cor/lep/Oct26BackgroundQ&A.htm>

- ① United States Census 2000 Language Identification Flashcard  
(Refer to sample in LEP DOT Guidance appendix.)

## ***Technical Assistance***

The TDOT Civil Rights Office Title VI Program is responsible for providing TDOT division/programs with technical assistance. This includes advising divisions/programs of LEP requirements and implementing and assisting in developing individual program plans and mechanisms.

## ***Compliance and Enforcement***

TDOT Division/Program Directors are responsible for ensuring that meaningful services to LEP persons are provided in their respective divisions/programs. Additionally, the designated Title VI Coordinator will continuously monitor their respective division/programs to ensure LEP requirements are fulfilled and report annually on the accomplishments and upcoming goals relating to LEP activities to the TDOT Civil Rights Office Title VI Program.

In determining whether LEP compliance is met, the Title VI Program will assess whether the division/program's procedures allow LEP persons to overcome language barriers and participate in a meaningful way in the division/program's activities and services. The division/program's appropriate use of methods and options detailed in this LEP Plan will be viewed as evidence of intent to comply with LEP requirements and the Title VI of the Civil Rights Act of 1964.

United States  
**Census  
2000**

U.S. Department of Commerce  
Bureau of the Census



**LANGUAGE IDENTIFICATION FLASHCARD**

املأ هذا المربع اذا كنت تقرأ أو تتحدث العربية.

Arabic

Խորհրդով ենք նշում կատարեք այս քառակուսում,  
եթե խոսում կամ կարդում եք հայերեն:

Armenian

যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।

Bengali

សូមញាកត្រង់ប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។

Cambodian

Matka i kahhon komu un taitai pat un sang i Chamorro.

Chamorro

如果您具有中文閱讀和會話能力，請在本空格內標上X記號。

Chinese

Make kazyè sa a si ou li oswa ou pale kreyòl ayisyen.

Creole

Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.

Croatian (Serbo-Croatian)

Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.

Czech

Kruis dit vakje aan als u Nederlands kunt lezen of spreken.

Dutch

Mark this box if you read or speak English.

English

اگر خواندن و نوشتن فارسی بدرهستین، این مربع را علامت بگذارید.

Farsi

<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.	Greek
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस गोले पर चिह्न लगाएँ।	Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérti vagy beszél a magyar nyelvet.	Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	Italian
<input type="checkbox"/>	日本語を読んだり、話せる場合はここに印を付けてください。	Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	Korean
<input type="checkbox"/>	ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	Laotian
<input type="checkbox"/>	Zaznacz tę kratkę jeżeli czyta Pan/Pani lub mówi po polsku.	Polish
<input type="checkbox"/>	Assinale este quadrado se voce lê ou fala Português.	Portuguese

D-3309



<input type="checkbox"/>	Însemnați această căsuță dacă citiți sau vorbiți Românește.	Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	Russian
<input type="checkbox"/>	Ma'a pe fa'ailoga le pusa lea pe afai e te faitau pe tusitusi i le gagana Samoa.	Samoaan
<input type="checkbox"/>	Обележите овај квадратик уколико читате или говорите српски језик.	Serbian (Serbo-Croatian)
<input type="checkbox"/>	Označte tento štvorček, ak viete čitať alebo hovoriť po slovensky.	Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	Spanish
<input type="checkbox"/>	Markahan ang kahon na ito kung ikaw ay nagsasalita o nagbabasa ng Tagalog.	Tagalog
<input type="checkbox"/>	ให้กาเครื่องหมายลงในช่องดำผ่านด้านหรือทุกภาษาไทย.	Thai
<input type="checkbox"/>	Faka'ilonga'i 'ae puha ko'eni kapau 'oku te lau pe lea 'ae lea fakatonga.	Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	Ukrainian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانہ میں نشان لگائیں.	Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý biết đọc và nói được Việt Ngữ.	Vietnamese
<input type="checkbox"/>	צייכנט דעם קעסטל אויב איר שרייבט אדער ליינט אידיש.	Yiddish

**2004  
Census  
Test**

United States  
**Census  
2010**

**LANGUAGE IDENTIFICATION FLASHCARD**

<input type="checkbox"/>	ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.	1. Arabic
<input type="checkbox"/>	Խնդրում ենք նշում կատարելք այս քառակուսում, եթե խոսում կամ կարդում եք հայերեն:	2. Armenian
<input type="checkbox"/>	যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।	3. Bengali
<input type="checkbox"/>	ឈ្មួញក្រុងក្រុងនេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។	4. Cambodian
<input type="checkbox"/>	Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.	5. Chamorro
<input type="checkbox"/>	如果你能读中文或讲中文，请选择此框。	6. Simplified Chinese
<input type="checkbox"/>	如果你能讀中文或講中文，請選擇此框。	7. Traditional Chinese
<input type="checkbox"/>	Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.	8. Croatian
<input type="checkbox"/>	Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.	9. Czech
<input type="checkbox"/>	Kruis dit vakje aan als u Nederlands kunt lezen of spreken.	10. Dutch
<input type="checkbox"/>	Mark this box if you read or speak English.	11. English
<input type="checkbox"/>	اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.	12. Farsi

<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάσετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Make kazyè sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérta vagy beszél a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	日本語を讀んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໃຫ້ໝາຍໃສ່ຂໍ້ອັງມື້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această căsuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратик уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukrainian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

## APPENDIX H

### Overall Title VI Program Updates

- Oregon – Title VI Update Accomplishment Report, July 1, 2005 – June 30, 2006.
- California – Civil Rights, Title VI Program, Annual Element Update for FFY 2004-2005.  
[http://www.dot.ca.gov/hq/bep/title\\_VI/T6\\_index.htm](http://www.dot.ca.gov/hq/bep/title_VI/T6_index.htm)
- Tennessee – Title VI Compliance and Implementation Plan Update.  
October 2007.  
<http://www.tdot.state.tn.us/civil-rights/titlevi/default.htm>



OREGON DEPARTMENT OF TRANSPORTATION

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Office of Civil Rights

TITLE VI UPDATE  
Accomplishment Report  
July 1, 2005 - June 30, 2006

OREGON DEPARTMENT OF TRANSPORTATION

# Title VI Update

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# **TITLE VI PROGRAM UPDATE**

## **Accomplishment Report**

### **July 1, 2005 – June 30, 2006**

**T**he Oregon Department of Transportation (ODOT) is a recipient of Federal financial assistance. Thus, all recipients are required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964. Title VI of Civil Rights Act of 1964 forbids discrimination against anyone in the United States because of race, color, or national origin by any agency receiving Federal funds. The Federal-Aid Highway Act of 1973 added the requirement that there be no discrimination on the grounds of sex. Additionally, the Civil Rights Restoration Act of 1987 defined the word "program" to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives Federal financial assistance.

Simply stated, the Oregon Department of Transportation (ODOT) is to ensure that none of its activities or programs treats any part of the community any differently than another. The Department expects every manager, supervisor, employee, and sub-recipient of Federal-aid funds administered by ODOT to be aware of and apply the intent of Title VI of the Civil Rights Act of 1964 in performing assigned duties.

The Federal Highway Administration (FHWA) requires recipients of Federal-aid Highway funds to prepare an update report to clarify accomplishments, roles, responsibilities and procedures established to ensure compliance with Title VI of the Civil Rights Act of 1964.

The Department's Title VI Update & Accomplishment Report for July 1, 2005 through June 30, 2006, focuses on functional areas within each Program Areas of responsibility and provides the necessary direction to ensure compliance with Title VI of the Civil Rights Act of 1964.

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## **Policy Statement**

No changes were made in the Director's Title VI Policy Statement, which was last revised on March 22<sup>nd</sup>, 2004.

## **Organization, Staffing & Structures**

During the report year, Kurt S. Jun continued as ODOT's Title VI Officer with the assigned responsibility for the Department's Title VI Program.

Michael Cobb was brought in as an interim Office of Civil Rights Manager in place of Marie McHone in March of 2006. Michael Cobb was hired and appointed as the new Office of Civil Rights Manager this 24<sup>th</sup> of October, 2006. (See Appendix A)

ODOT's Office of Civil Rights now reports directly to ODOT's Director. (See Appendix B)

## **Title VI Monitoring & Review Process**

In preparing the Annual Update Report, the Title VI Officer conducted informal reviews of each of the special emphasis program areas to ensure continued compliance with Title VI requirements. No formal program area reviews were conducted during the year.

A Title VI Program review was presented to all MPO's of Oregon during the month of June 2006. This annual review will be implemented for the 2006-2007 fiscal year of ODOT to report on past accomplishments, present challenges and future implementation strategies for Title VI compliance regulations. The plan for FY 2005-2006 is to review the Lane Council of Governments.

## **Complaints**

No formal complaints were received during this reporting period.

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## Accomplishment Report for Each Program Area

(Format of report is in conjunction with federal Title VI guidelines and regulations for State Department of Transportation Agencies)

### Planning

1. How many consultant projects for planning were awarded during the reporting period? Dollar value:

#### **Long Range Planning Unit**

One contract was awarded for a total value of \$185,000.

#### **Transportation Planning Analysis Unit**

One contract was awarded for the Transportation Land Use Modeling Improvement Project. The contract is for two years at a value of up to \$900,000.

#### **Planning and Implementation Unit**

Two contracts were signed within the reporting period for a total value of \$89,522.

#### **Transportation and Growth Management**

Between July 1, 2005 and June 30, 2006, 31 personal services contracts were signed for a total of \$1,171,254.

2. What efforts were made to utilize minority and female consultants and subcontractors?

#### **Long Range Planning Unit**

As determined by the Contracts Unit, DBE goals were set at "0" and aspirational targets set after that. The contract received participation. The contract included a primary contractor and three subcontracts. Two of the three subcontractors are women-owned businesses.

#### **Transportation Planning Analysis Unit**

The usual efforts of posting on the ORPIN System and consulting with the Office of Civil Rights were engaged to utilize minority and female subcontractors were put forth under the standard RFP process.

#### **Planning and Implementation Unit**

The two contracts were signed with a DBE firm who is also using a female subcontractor.

#### **Transportation and Growth Management**

Statements of work for all TGM projects are sent to the Civil Rights Section to have a DBE goal set on each project. All TGM projects are advertised on the Oregon Procurement Information Network (ORPIN), at the time of advertisement a notice is automatically sent to the Office of Minority, Women, and Emerging Small Business.

3. Were there any studies conducted which provided data relative to minority persons, neighborhoods, income levels, physical environment, and travel habits? If so, what type of assistance was provided by those individuals responsible for Title VI to ensure that Title VI considerations were included in the studies?
-

**Long Range Planning Unit**

An analysis was conducted to identify minority population concentrations in Oregon. The purpose of the analysis was to find out where Oregon Transportation Plan outreach efforts should be targeted to Spanish speaking people. Maps, based on county census, were developed using ODOT's GIS Unit's resources.

**Transportation Planning Analysis Unit**

No studies collecting data on minority populations were conducted in the reporting period.

**Transportation and Growth Management**

There were no specific TGM projects that provided data relative to minority persons, neighborhoods, income levels, physical environment, and travel habits. Individual projects may include demographic and other data as background information for policy development.

**Planning and Implementation Unit**

No studies collecting data on minority populations were conducted in the reporting period.

- 4. Number of hearings held during the reporting period. What efforts were utilized to insure citizen participation in the hearings, particularly minorities and women? Were minorities and women, both individually and through their organizations, represented in the citizen participation effort? How many, and in what capacity?

**Long Range Planning Unit**

See Attachments A and B. Attachment A outlines the public involvement process for the update of the Oregon Transportation Plan. Public notice of the public hearing on the Oregon Transportation Plan was sent out to three Hispanic and one Asian news organizations. Attachment B shows policy expected to be adopted September 20, 2006 by the Oregon Transportation Commission.

**Transportation Planning Analysis Unit**

The Planning Analysis Unit conducted no hearings during the reporting period.

**Planning and Implementation Unit**

The Planning and Implementation Unit conducted OTC hearings on three Oregon Highway Plan (OHP) amendments. Amendment 05-16 included a package of amendments related to land use and transportation, freight mobility, and highway segment designations. The freight mobility plan amendments culminated a long period of public involvement that included a statewide advisory committee and outreach to MPOs and ACTs statewide, and the Land Use and Transportation amendments also responded in large part to the freight planning process and other related testimony to the OTC. Other amendments were additional segments designations, which were coordinated with affected local governments, and amendments to Policy 2A regarding Cost Sharing which acknowledges current practice and the current STIP criteria.

**Transportation and Growth Management**

The TGM Program did not conduct any hearings during the reporting period. All TGM projects conducted at the local level include a citizen involvement component.

**Attachments:**

- See Attachment H: Oregon Transportation Plan, Plan Process
- See Attachment I: Oregon Transportation Plan Civil Rights Policy

## Project Selection

1. Were any consultant contracts awarded during the last year and what efforts were made to utilize women and minority owned firms?

Yes. All project consultant contracts are administered by the ODOT Procurement Office. Most of these contracts have DBE goals or targets.

2. How are Title VI considerations addressed through stakeholder involvement mechanisms?

The Metropolitan Planning Organizations (MPO's) and Area Commission on Transportation (ACT) conduct many of our stakeholder public involvement outreach for ODOT's Project Selection (See Appendix C & D). In accordance with Title VI of the Civil Rights Act of 1964, a Title VI Program Review Worksheet (See Appendix G) is provided as a resource for both Planning Organizations as a requirement to prepare, with responses, an Overall Work Plan in compliance with Title VI.

Regions work with communication division for public meeting notices. Standard notification of accommodation issues are usually a part of these communications. For instance – meetings are held at various locations to help with transportation issues for attendees.

The following demonstrates the Department's process for public involvement in compliance with Title VI:

### **Compliance with Title VI requirements is a standard part of ODOT contracts for services.**

The Rogue Valley Metropolitan Planning Organization (RVMPO) public involvement plan includes policies that address Title VI concerns. Staff actively solicits participation by members of often-overlooked stakeholder groups, such as minorities, youth, elderly, women (particularly single mothers) and low-income families, by asking groups and agencies that frequently serve these populations to identify possible committee members and advocates for community needs. Information and assistance is available to Spanish speakers – a fast-growing minority population in the RVMPO. To further assist in serving the needs of poor and minority communities, the RVMPO is mapping residences of these groups using U.S. Census data.

### **These efforts are supported by the following adopted RVMPO provisions:**

"Goal 4: Identify and involve traditionally under-served communities, including communities of minority, low-income or elderly populations, in the transportation planning process.

Policy 1: Rogue Valley Council of Governments (RVCOG) will work to identify traditionally under-served populations within the region, including minority, low income and senior citizen populations. Outreach activities will be developed to involve stakeholders from these communities in the transportation planning process.

Policy 2: Some meeting sites will be selected which are more easily accessible to traditionally under-served communities. Meeting announcements will be placed in publications serving minority communities to ensure there is notification of upcoming meetings to these populations.

Policy 3: Assistance shall be provided upon request, and with 48-hour notice, to the hearing and visually impaired, those not fluent in English, the transportation disadvantaged or others requiring special assistance at all MPO meetings, hearings and workshops. Public notices of these events shall notify the public of this opportunity. Meetings shall be held in ADA-compliant venues.

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Policy 4: Meeting locations served by transit or accessible by means other than the automobile will be chosen whenever possible. Information on any transit routes that serve the meeting location will be included in meeting announcements."

3. Describe how minorities and low-income populations were provided opportunities to be involved in project selection processes.

The Regions hold multiple public meetings and open house style meetings during the STIP update to allow public input. Communications division provides the outreach including all special notices as necessary to reach a broad spectrum of stakeholders. Outreach information is published in multiple languages, with interpreters available should they be needed. Notice of workshops and hearings were made in the official notice sections of newspapers, paid advertisements in local newspaper, general media news releases and during interviews, and during topical discussion on public, cable television programs. Presentations were made, and comments heard, before the Area Commissions on Transportation, city councils and board of commissioners in public meetings. Presentations were also made in front of a variety of community groups including Rotaries and citywide goal setting sessions. Specific letters written in Spanish were sent to local Hispanic churches inviting their participation in the STIP public meetings. Additionally, specific invitations were made to the three Indian tribes, Cow Creek, Coquille, and the Confederated Tribes of the Coos and Curry Indian Reservation, within Region 3.

4. Describe what project selection decisions, if any, were affected by Title VI or Environmental Justice issues.

None. Actual build alternative for specific project must all address these issues in compliance with Federal Regulations, particularly NEPA.

5. How many public hearings, and in what locations, were held on adoption of the STIP or in making other project selection decisions?

For Project Delivery, project selection decisions are driven by the STIP. ACT meetings this last year: 4 in Salem; 4 in Albany, Toledo, Corvallis; 3 in Tillamook, Astoria, Manzanita; 2 in Florence and Eugene. In addition, while not specifically focused on the STIP, all ACT meeting and MPO meetings are open to the public.



## Design

1. How many consultant firms currently have design contracts? Dollar value? How many contracts are currently held by minority firms and women owned firms? Dollar value?

Design contracts are now owned ODOT Procurement Office. Expect statewide information directly from ODOT Procurement Office, Diana Foster.

2. What efforts were made to increase minority and female participation in obtaining consultant contracts? Is there currently a separate list maintained on minority and women consultants? How many firms are included on the list? How many are receiving contracts?

Expect statewide information directly from ODOT Procurement Office, Diana Foster

3. Were any public hearings held during the design phase of any highway? Did minorities (individuals or organizations) participate in the hearings? If no, why not? Provide a summary of concerns and issues raised, if any. Describe actions taken by the Title VI Officer or Coordinator to facilitate and/or address the concerns raised.

Not under design control.

4. List the employees in the Design Program area by title, ethnicity, and gender. Where minority and female representation is low, what efforts were made to increase their representation?

Efforts are always made in hiring to obtain the most diverse candidate pool possible, including outreach to minority publications and organizations.

5. Were there any complaints filed in the Design Program area? If so, provide summary, with basis, status, actions proposed and taken.

No known complaints.

6. List any significant problem areas, accomplishments, and actions to take during the ensuing year.

Follow Region 2 affirmative action goals by assuring open competitive opportunities for all recruitments; to assure active efforts to train, retain, and motivate minorities.

## Environmental

1. As a result of the choice of highway location, or the procedure used for arriving at the choice, were any complaints filed? If so, how many? Summarize each complaint and explain status, with actions proposed and taken.

No complaints of a Civil Rights nature were received on any Class 1 or 3 projects.

2. Identify the titles, ethnicity and gender of employees working in the environmental program area. Were there any vacancies during the reporting period? What efforts were made by the Title VI Officer /Coordinator to increase the representation of minorities and women if they are underrepresented? What efforts were made to encourage adequate representation of minorities and women to serve as members of citizen advisory committees?

At full staff the Region 2 Environmental Unit consisted of 14 people – 3 women (2 Environmental Program Coordinator (EPC) 2 and 1 Manager), and 8 men (7 EPC 2, 1 EPC 3) all are Caucasian; there are currently 3 vacancies. During the reporting period one man was promoted and two men were hired.

Several citizen advisory committee members for the Woodburn project are women; the mayors of Woodburn and Mt. Angel, a Marion County Commissioner, and 3 business owners or representatives.

For the Newberg Dundee project two committees exist, the Project Oversight Steering Committee with 12 members, that included 4 women and the Project Advisory Committee (PAC) with 9 women and 2 minorities. The PAC included representatives from the Confederated Tribes of the Grand Ronde, Habitat for Humanity, the Yamhill County Hispanic Advisory Committee, and the Chehalem Valley Senior Citizens.

The Project Management Team for the Van Buren Street Bridge project has 7 members – two of which are female. One is the Mayor of the City of Corvallis, one is a Benton County Commissioner.

3. During the reporting period, how many pre-draft Environmental Impact Statements (EIS) were reviewed? Summarize comments provided on EIS's where minority or low income populations, etc. were adversely impacted.

Comments were received from residents of Senior Estates during the public hearing on the Environmental Assessment for Woodburn. Most of these comments centered on the need for a soundwall.

A re-evaluation of an EIS was published for the Santiam to Kuebler project. This document was not circulated for public comment.

The FEIS for Newburg Dundee was published in June 2005, and, no comments of a civil rights nature were received.

The FEIS for the Spencer Creek Bridge project was published in March 2006. No comments relative to minority or low income populations.

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4. How many consultants currently have contracts involving environmental studies? Dollar value? How many minority and women-owned firms currently have contracts involving environmental studies? Dollar value? Where minority and women participation on consultant contracts is low, describe efforts taken to increase their participation.

ODOT has 5 flexible services contracts to perform environmental work, managed by ODOT's Alternative Delivery Unit (ADU). ODOT Regions also hold some of their own environmental flexible services contracts. The collective value of these contracts is estimated to be more than \$10 million annually.

5. How many public hearings were held during the reporting period concerning location of a project? How were the hearings advertised, and was it adequate to provide notification to minorities and low income communities?

Public hearings or public meetings were held for the Woodburn Project (this hearing included an interpreter). All were advertised using local newspapers, radio, and television. Additionally, direct mail was used; addressed by zip code, and also to the interested party list.

No public hearings were held, but two public meetings were held for the Van Buren Bridge Project in Corvallis. All were advertised using local newspapers, radio, and television. Additionally, direct mail was used; addressed by zip code, and also to the interested party list.

A public workshop was held in October 2005 for the Newberg-Dundee project. It was advertised through flyers, newspapers, radio and a website. All ads were bi-lingual – English and Spanish and a Spanish interpreter was provided at the workshop.

6. How were minority and low income community representatives identified and encouraged to become involved in the location and environmental phase?

Census data, local community knowledge, project scoping, agency newsletters, and public comment solicitation were used to identify minority and low-income citizens that could be affected by transportation projects. Through advertisements, word-of-mouth, door-to-door canvassing, contacting local EJ-related interest groups, establishment of Spanish and Vietnamese telephone hot lines, low income and minority citizens were encouraged to attend informational meetings, to participate on advisory committees, and to comment on draft environmental documents. Two projects (Newburg – Dundee EIS and I-5 Delta Park EA) have formed EJ-related advisory groups to provide guidance on NEPA project development.

For the Newberg-Dundee and Woodburn Interchange projects, citizens or stakeholders were asked to participate by local agency representatives, and elected officials, additionally others were self-identified to be involved. For the Newberg-Dundee project people representing low income and minorities served on the Project Advisory Committee. For Woodburn there was no specific targeted encouragement for minorities or low-income community representatives to be involved.

7. During the reporting period, was there a need to utilize bilingual advertisements, announcements, notices, etc.?

Yes. Approximately three NEPA projects utilized bilingual advertisements during the reporting period: Newburg – Dundee EIS, I-5 Delta Park EA (Multnomah County), and South Medford Interchange EIS (Jackson County). Bilingual ads and interpreters were used for Newburg-Dundee and for Woodburn. At the Woodburn hearing an interpreter was in attendance. Right-of-way assistance brochures were provided in English and Spanish, and also included in an appendix in the Woodburn EA.

### Right-of-Way

1. During the reporting period, did the State receive any civil rights complaints in the following Right-of-Way functional areas:
- a. Appraisals - No
  - b. Negotiations - No
  - c. Relocation Assistance and Payments - No
  - d. Property Management - No

2. How many fee appraisers were utilized during the reporting period? 20

How many are minority and women? 2

If the representation of minority and female appraisers is low, what efforts were made by the Title VI Officer to increase their representation?

When required, Appraisal Contracts are advertised using the VIP system through DAS to encourage women and minority participation.

3. How many negotiations were made during the reporting period? 612

Does the negotiator's log reflect any disparity in the conduct of negotiations between minorities and non-minorities?

No disparities were noted.

4. Were there any concerns raised by minorities or women concerning their options in the negotiation phase? Explain.

No concerns were raised.

Number of relocations during the reporting period:	116
➤ Minority relocations:	<u>1</u>
➤ Female relocations:	<u>9</u>
➤ Elderly:	<u>8</u>
➤ Handicapped:	<u>2</u>

5. Were any concerns raised by minorities or women on replacement housing, referral housing, etc.?

No concerns were raised.

## Research

1. How many research projects are currently underway?

The Research Group had 31 State Planning and Research (SPR) projects underway during the report period. Twenty nine of these were contracted with universities, research organizations, or consultants.

2. List of universities and/or consultants currently conducting research projects.

Oregon State University (15 projects), United States Department of Energy (2 projects), Portland State University (5 projects), Oregon Survey Research Laboratory (1 project), U S Geological Survey (1 project), CH2M Hill (1 project), Bureau of Reclamation (1 project), Oregon Department of Wildlife and Fisheries (1 project), Lane Council of Government (1 project), and Department of Geology and Mineral Industries (1 project).

3. Summarize actions taken to encourage universities to utilize minority and female students to participate on highway research projects.

Contract agreements require the contracting party to comply with federal and state civil rights statutes, rules and regulations.

Seven female faculty members were the principal investigators on SPR project 317, 345, 612, 615, 622, 631, and 641. One (male) minority faculty member was the principal investigator on SPR 356. On university research, there are five minority (male) graduate research assistant working on SPR project 610, 632, 641 and on project 646. Also with university research fourteen (female) graduate research assistants working on SPR projects 352, 615, 619, 630, 631, 633, 635, 642, and 645. Finally, on nine separate SPR projects 317, 345, 356, 357, 614, 616, 622, 637, and 638, women were involved as graduate research assistants.

4. Summarize actions taken to increase minority-owned consultants in obtaining research projects.

RFP projects are reviewed prior to advertising to establish DBE participation goals for the project. Proposed Administrative Rules developed for the new Commercial Products Research and Development Program were sent for review to small business groups and published in the Oregon Bulletin.

5. List any significant actions planned for the ensuing year.

The Research Group maintains a quarterly tracking system for minority and female student involvement in projects contracted with universities. Future contracts will be reviewed and revised as needed to promote the use of minority and female participants on research projects. In addition, we plan to address Title VI requirements at staff

meetings, as another way to advance the importance of the program. A research project was completed that developed a tool providing GIS based data to help identify Environmental Justice issues for highway projects.

## Construction

1. Has the State received any civil rights complaints involving competitive bidding procedures? What corrective action, if any was needed, has the State taken? Provide summary of any concerns raised by DBE's concerning licensing, prequalifications, lack of subcontracting opportunities, etc.

There have been no formal civil rights complaints concerning the Disadvantaged Business Enterprise (DBE) Program received during this time period.

Through the continued work with the Departments DBE Supportive Services contractor and training provided by program staff, the Department is taking steps in removing barriers and ensuring that all groups are provided opportunities to participate and benefit from its programs and activities.

2. What was the level of DBE participation on construction contracts? Female and minority-owned firms?

During this reporting period, the Department awarded 85 highway construction projects for a total value of \$481,332,669.53. The level of DBE participation on these projects was 10.38 percent, based on Federal Aid Share amounts, rounded to the nearest dollar. The table below indicates the distribution between Minority Male Owned (MBE), Minority Female Owned (M/WBE) and Caucasian Female Owned (W/WBE) firms.

### DBE Attainment – July 1, 2005 through June 30, 2006

#### Highway Construction Only

(Based on Federal Aid share amounts)

DBE Classification	Committed DBE Subcontract		Awarded Prime Contracts		Participation Percentage
	Number	Amounts	Number	Amounts	
MBE	87	\$23,737,654	3	\$4,686,917	5.91
M/WBE	38	\$6,142,844	0	\$0.00	1.28
W/WBE	126	\$15,388,675	0	\$0.00	3.20
Totals	251	\$45,269,173	3	\$4,686,917	10.38

3. Summarize efforts made by the DBE staff to encourage the use of minority and women-owned firms on state funded projects.

The Department continues to strongly encourage the participation of DBEs and other small businesses on state-funded projects through the Emerging Small Business Program.

4. During the review period, were any procedures reviewed to assure subcontract agreements, first and second tier, and material supply and equipment lease agreement contained Title VI contract provisions?

DBE Civil Rights Specialists continue to review construction subcontract agreements for appropriate language, including Title VI provisions.

5. List any significant accomplishments, and/or action items for the ensuing year.

Continuous outreach events and compliance reviews through CUF reports to identify potential areas for fraud are conducted by our Civil Rights Specialists on a regular basis.

#### **ODOT'S SMALL BUSINESS INITIATIVE**

The Oregon Department of Transportation is implementing a comprehensive plan to increase economic opportunities for Oregon workers and businesses through innovative efforts to boost participation in transportation projects.

Several components make up the agency's overall plan:

- Workforce Development Plan – focuses on individual workers
- Small Business Opportunities Outreach through the OTIA III State Bridge Delivery Program – focuses on design and construction
- Small Business Initiative – focuses on contracting
  - Professional and technical service
  - Construction

This program is part of ODOT's Small Business Initiative, the agency's ongoing activities to increase economic opportunities for Oregon businesses. From Oct. 2 to Oct. 31, 2006, firms are encouraged to complete a streamlined procurement process to pre-qualify for the pilot. Any professional and technical services firm may participate in the new Request for Qualifications, designed after gathering input from small businesses, the American Council on Engineering Companies and other stakeholders.

Under ODOT's Small Business Initiative, the agency has developed the Professional and Technical Services Small Contracting Program to increase the number of small businesses that are awarded ODOT contracts. Initially, the program will be implemented through a pilot program in ODOT's Region 1, the Portland metropolitan area.

A simplified procurement process will pre-qualify firms to participate in the pilot program and have the opportunity to be selected as prime contractors for ODOT contracts valued at \$75,000 annually or less. The selection process will give preference to firms that have no existing contracts as a prime with ODOT, while continuing to use the qualification-based selection process.

A Request for Qualifications to participate in the pilot program will be posted on ORPIN, the Oregon Procurement Information Network web site, at <http://orpin.oregon.gov> beginning Oct. 2, 2006. The RFQ consists of a short pre-qualification registration form that requests basic information about the firm, its employees and its experience.

Firms that pre-qualify by completing the RFQ process during the month of October 2006 will be eligible for selection for the initial contract awarded under the pilot program. The targeted contract award date for the first project is January 2007.

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Firms that do not pre-qualify during October may still enroll at any time to be included in the selection pool for future pilot program contract awards. ODOT will continue to select additional projects and award additional contracts under the pilot program. ODOT will review the pilot program results, gather input from participants, make adjustments as needed and roll out the Small Contracting Program to a greater audience in 2007.

## Education & Training

1. During the reporting period what efforts were made to encourage participation by minorities and women in National Highway Institute's (NHI) educational and training programs?

Outside of the courses being listed on the NHI site as open for enrollment, Oregon advertised to the targeted audience for the training. Internally, that was to the planning, right-of-way, engineering or construction crews. Externally, it was advertised to Local Government personnel, the Oregon American Society of Civil Engineers Newsletter, American Council of Engineering Companies of Oregon and Oregon Advocates Office for Minority, Women and Emerging Small Businesses.

2. List the types of NHI sponsored or co-sponsored programs.

Introduction to Highway Hydraulics  
Introduction to Highway Hydraulics Software  
Urban Drainage Design  
Stream Stability & Scour At Highway Bridges  
Drilled Shafts  
Drilled Shaft Foundation Inspection  
Pontis Bridge Management  
Pontis Bridge Management: Executive Session  
HEC-RAS, River Analysis System  
Uses of Multimodal Freight Forecasting in Transportation  
Basic Relocation  
Advanced Relocation Workshop  
Business Relocation  
Advancing Transportation Systems Management and Operations  
Design and Implementation of Erosion and Sediment Control  
Fundamentals of Planning, Design and Approval of Interchange Design  
LRFD for Highway Bridge Substructures and Earth Retaining Structures (1-Day)  
LRFD for Highway Bridge Substructures and Earth Retaining Structures (3-Day)  
LRFD for Highway Bridge Substructures and Earth Retaining Structures (4-Day)

3. How many State participants?

Out of 623 participants in 21 NHI classes, 315 were state employees (50.6%).

4. How many minorities and women?

197 (31.6%)

5. Identify the agency's staff personnel responsible for training by title, ethnicity and gender.

As of June 30, 2006, the ODOT Human Resource Training staff consisted of the following personnel :

<u>Job Title</u>	<u>Ethnicity</u>	<u>Gender</u>
April Makalea, Labor Relations & Training Manager	White	Female
Beverly Morgan, Sr. Training & Development Consultant	White	Female
Lorrie Schaefer, Sr. Training & Development Consultant	White	Female
Dawn Nicholson, HR Consultant	White	Female
Richard Fraser, HR Consultant	White	Male
Jo Johnson, HR Analyst	White	Female
Mary Ingersoll, HR Analyst	White	Female
Jill Woods, HR Analyst (Rotational)	White	Female
Amber Harper, HR Assistant	Black	Female

6. Were there any civil right complaints filed concerning training and educational opportunities?

No.

#### **Motor Carrier Safety Program (MCSAP)**

1. How many contracts and inter-agency agreements are currently in effect involving MCSAP funds?

Motor Carrier Safety Assistance Program (MCSAP) contracts and agreements are based on federal fiscal years. From October 1, 2005, through September 30, 2006, the Motor Carrier Transportation Division had two interagency agreements and one contract under MCSAP:

- Truck inspection agreement,  
Oregon State Police \$1,600,000
- Driver evaluation agreement,  
Oregon Department of Human Resources \$ 16,000
- Service contract for inspector training facility \$ 1,074

2. Were there contracts with consultant or professional service firms, describe the advertising and selection process. Were DBE firms encouraged to submit proposals? Were DBE goals assigned to contracts?

There was one consultant or professional services contracts during this period.

3. What was the total dollar value of contract work last year? What amount went to DBE firms, either as primes or sub-contractors?

The contract for \$1,074 that was awarded to a DBE as a prime.

4. What steps, if any, are planned for next year to increase DBE participation?

Every MCSAP agreement contains standard terms and conditions related to nondiscrimination, Disadvantaged Business Enterprises, and the Civil Rights Act (See Appendix 1).

DBE participation is an objective of the Oregon contracting process. However, the Division does not anticipate additional contracting work or DBE opportunities next year as the bulk of MCSAP funds go to State agencies, in accordance with guidance from the Legislature.

5. Were any civil rights complaints (Title VI) received regarding the Motor Carrier Safety Program?

No.

6. Provide a list of employees by ethnicity, gender, and title in each of the Title VI program areas.

The Motor Carrier Transportation Division employee list shows the following ethnic group totals:

273	Whites
14	Hispanic
1	White/Hispanic
3	Indian/Alaskan Native
5	Asian/Pacific Islander
1	Black
297	Total

Ethnic Group	Gender	Job Class #	Class Title	Name
Asian/Pacific Islander	F	C0332	TRANSPORTATION SVCS REP 2	SOTO, JENNIFER L
Asian/Pacific Islander	M	C5247	COMPLIANCE SPECIALIST 2	OVERHUEL, JAMES M



Asian/Pacific Islander	M	C0332	TRANSPORTATION SVCS REP 2	BECKEL, RONALD
Asian/Pacific Islander	M	C0331	TRANSPORTATION SVCS REP 1	MACGIBBON, MARK C
Asian/Pacific Islander	M	C5247	COMPLIANCE SPECIALIST 2	CHINN, ARNOLD D
Black	F	C5247	COMPLIANCE SPECIALIST 2	MULDREW, MAGGIE
Hispanic	F	C0108	ADMINISTRATIVE SPECIALIST 2	ANDREWS, RITA B
Hispanic	F	C0331	TRANSPORTATION SVCS REP 1	CAMPOZ, ALEXANDRA
Hispanic	F	C0103	OFFICE SPECIALIST 1	MORENO, GRACIE MARIE
Hispanic	F	C0107	ADMINISTRATIVE SPECIALIST 1	CHAVEZ, LUZ DEL CARMEN
Hispanic	M	X7006	PRINCIPAL EXECUTIVE/MANAGER D	GARCIA, GEORGE
Hispanic	M	C0104	OFFICE SPECIALIST 2	VELJEZ, LARRY
Hispanic	M	C5857	MOTOR CARRIER ENFORCMT OFCR 1	MILJOAN, DAVID H
Hispanic	M	C5857	MOTOR CARRIER ENFORCMT OFCR 1	BARROS, ANTHONY S
Hispanic	M	C5858	MOTOR CARRIER ENFORCMT OFCR 2	GARCIA, PEDRO PETE
Hispanic	M	C5857	MOTOR CARRIER ENFORCMT OFCR 1	GALLEGOS, ROBERT
Hispanic	M	C5857	MOTOR CARRIER ENFORCMT OFCR 1	MOYA JR, GUADALUPE
Hispanic	M	C5857	MOTOR CARRIER ENFORCMT OFCR 1	AVILA, TOMAS
Hispanic	M	C5247	COMPLIANCE SPECIALIST 2	RICH, WALTER M
Hispanic Visual	M	C5247	COMPLIANCE SPECIALIST 2	REAVES, KENNETH A
Indian/Alaskan Native	F	C0103	OFFICE SPECIALIST 1	GRIMES, ANNA V
Indian/Alaskan Native	M	C0331	TRANSPORTATION SVCS REP 1	CHENAU, STEVE J
Indian/Alaskan Native	M	C5247	COMPLIANCE SPECIALIST 2	JOHNSON, KEVIN R
W	F	Z0119	EXECUTIVE SUPPORT SPECIALIST 2	BROWN, DIANE C
W	F	C0871	OPERATIONS & POLICY ANALYST 2	FREEMAN, DANA M
W	F	X5248	COMPLIANCE SPECIALIST 3	ANDERSON, LAURIE S
W	F	X7008	PRINCIPAL EXECUTIVE/MANAGER E	GREEN, GAYLE M
W	F	C5248	COMPLIANCE SPECIALIST 3	GALVIN, JENNIFER
W	F	C0801	OFFICE COORDINATOR	GRANGER, ELIZABETH R
W	F	C5247	COMPLIANCE SPECIALIST 2	HINES, JACQUELIN M
W	F	C5247	COMPLIANCE SPECIALIST 2	MILLER, MARLA JO
W	F	X7006	PRINCIPAL EXECUTIVE/MANAGER D	NICKELSEN, CARLA L
W	F	C5247	COMPLIANCE SPECIALIST 2	SMITH, RUZIELLA M
W	F	C5248	COMPLIANCE SPECIALIST 3	BARNES, ROSEMARY
W	F	C5247	COMPLIANCE SPECIALIST 2	CARR, TINA A
W	F	C5247	COMPLIANCE SPECIALIST 2	CLINE, KIMBERLY Z
W	F	C5247	COMPLIANCE SPECIALIST 2	DODD, ELIZABETH A

W	F	C5247	COMPLIANCE SPECIALIST 2	MCKANE, GRETCHEN J
W	F	C5247	COMPLIANCE SPECIALIST 2	PRINCE, TAMARA L
W	F	C5247	COMPLIANCE SPECIALIST 2	RATLIFF, LISA MICHELLE
W	F	C5247	COMPLIANCE SPECIALIST 2	TILTON, CAROL J
W	F	C0801	OFFICE COORDINATOR	TURELL, CYNTHIA D
W	F	C0104	OFFICE SPECIALIST 2	CISNEROS, LEAH M
W	F	C0108	ADMINISTRATIVE SPECIALIST 2	DOLEZAL, DEBORAH F
W	F	C0108	ADMINISTRATIVE SPECIALIST 2	KOTTKE, LAURAJEAN
W	F	C0103	OFFICE SPECIALIST 1	LETTENMAIER, LYNDA A
W	F	C0103	OFFICE SPECIALIST 1	MORGAN, REVONDA R
W	F	C0103	OFFICE SPECIALIST 1	RICHMOND, MARY L
W	F	C0103	OFFICE SPECIALIST 1	SHAW, ANGELA K
W	F	X0112	SUPPORT SERVICES SUPERVISOR 1	STANEK, KARON J
W	F	C0332	TRANSPORTATION SVCS REP 2	BAKKALA, NICHOLE A
W	F	C0332	TRANSPORTATION SVCS REP 2	BERRY, JOANNA C
W	F	C0332	TRANSPORTATION SVCS REP 2	CAMERON, MICHELLE M
W	F	C0332	TRANSPORTATION SVCS REP 2	COURTIER, ANNA M
W	F	C0104	OFFICE SPECIALIST 2	HACKWORTH, NANCY L
W	F	C0332	TRANSPORTATION SVCS REP 2	JORDAN, CHRISTY A
W	F	C0332	TRANSPORTATION SVCS REP 2	VINCENT, DONNA B
W	F	C0332	TRANSPORTATION SVCS REP 2	WHITE, MARCI N
W	F	C0332	TRANSPORTATION SVCS REP 2	WOLF, YVONNE L
W	F	C0108	ADMINISTRATIVE SPECIALIST 2	CHENAULT, MARY E
W	F	C0108	ADMINISTRATIVE SPECIALIST 2	KIESOW, BARBARA J
W	F	C5247	COMPLIANCE SPECIALIST 2	BECK-BLAINE, KATHLEEN
W	F	C0861	PROGRAM ANALYST 2	PIEROVICI, BONNIE L
W	F	C5858	MOTOR CARRIER ENFORCMNT OFCR 2	DAVENPORT, KELLY C
W	F	C5858	MOTOR CARRIER ENFORCMNT OFCR 2	HOPKINS, SUSAN M
W	F	C5857	MOTOR CARRIER ENFORCMNT OFCR 1	HOPPEZAK, LESA
W	F	C5858	MOTOR CARRIER ENFORCMNT OFCR 2	BURLEY, ALICE A
W	F	C5857	MOTOR CARRIER ENFORCMNT OFCR 1	JONES, NAN K
W	F	C5857	MOTOR CARRIER ENFORCMNT OFCR 1	STAFFORD, DIANE J
W	F	C5857	MOTOR CARRIER ENFORCMNT OFCR 1	GREMLING, DEE F
W	F	C5857	MOTOR CARRIER ENFORCMNT OFCR 1	MCREYNOLDS, TERRY L
W	F	C5857	MOTOR CARRIER ENFORCMNT OFCR 1	MCGEE, TAMARA L
W	F	X7006	PRINCIPAL EXECUTIVE/MANAGER D	HALL, LAURIE J
W	F	C0331	TRANSPORTATION SVCS REP 1	HALTER-ALOTTA, DARCY D
W	F	C0331	TRANSPORTATION SVCS REP 1	METHVIN, BEVERLY K
W	F	C0331	TRANSPORTATION SVCS REP 1	PUG, PAULA L

W	F	C0331	TRANSPORTATION SVCS REP 1	SIMONS, LORRIE E
W	F	C0331	TRANSPORTATION SVCS REP 1	TAYLOR, KELLIE A
W	F	C5857	MOTOR CARRIER ENFORCMENT OFFCR 1	GRAVES, ROXANNE L
W	F	C5857	MOTOR CARRIER ENFORCMENT OFFCR 1	RANKIN, SUSAN I
W	F	C5857	MOTOR CARRIER ENFORCMENT OFFCR 1	ISSEL, PATRICIA A
W	F	C0211	ACCOUNTING TECHNICIAN 2	ESTES, MARGOT S
W	F	C0332	TRANSPORTATION SVCS REP 2	FORRETTTE, ANGELA M
W	F	C0103	OFFICE SPECIALIST 1	HAIN, CONNIE L
W	F	C0103	OFFICE SPECIALIST 1	HAMPTON, TRACY A
W	F	C0103	OFFICE SPECIALIST 1	HAMPTON, BARBARA D
W	F	C0103	OFFICE SPECIALIST 1	LYONS, LINDA I
W	F	C0331	TRANSPORTATION SVCS REP 1	POOLE, PAULETTE L
W	F	C0103	OFFICE SPECIALIST 1	SADDLER, KARI N
W	F	C0211	ACCOUNTING TECHNICIAN 2	TAVARES, MELODY L
W	F	C0332	TRANSPORTATION SVCS REP 2	ULMER, DAWN S
W	F	C0332	TRANSPORTATION SVCS REP 2	WISCARSON, CAROL J
W	F	C5248	COMPLIANCE SPECIALIST 3	SINCLAIR, AMY J
W	F	C5857	MOTOR CARRIER ENFORCMENT OFFCR 1	COMBS, CATHYLEE
W	F	C0860	PROGRAM ANALYST 1	FOX-COURSE, CYNTHIA D
W	F	C5857	MOTOR CARRIER ENFORCMENT OFFCR 1	RUGH, PATRICIA A
W	F	C5858	MOTOR CARRIER ENFORCMENT OFFCR 2	TROXELL, LAURA R
W	F	C0331	TRANSPORTATION SVCS REP 1	BRUSH, MELISSA M
W	F	X7000	PRINCIPAL EXECUTIVE/MANAGER A	CAIN, VIRGINIA L
W	F	C0332	TRANSPORTATION SVCS REP 2	CAMPBELL, MICHELLE L
W	F	C0332	TRANSPORTATION SVCS REP 2	CARTER, MARY L
W	F	C0332	TRANSPORTATION SVCS REP 2	CHILES, BILLIE J
W	F	C0332	TRANSPORTATION SVCS REP 2	HALVORSON, MARGARET F
W	F	C0332	TRANSPORTATION SVCS REP 2	JORGENSEN, MEGHAN R
W	F	C0332	TRANSPORTATION SVCS REP 2	NIELSON, PEGGY K
W	F	C0332	TRANSPORTATION SVCS REP 2	ROTHERMUND, DENISE S
W	F	C0870	OPERATIONS & POLICY ANALYST 1	ROWAN, JUDITH GAY
W	F	C0332	TRANSPORTATION SVCS REP 2	RUDY, GERALDINE J
W	F	X7006	PRINCIPAL EXECUTIVE/MANAGER D	SCHIFFNER, JO ANNE
W	F	C0332	TRANSPORTATION SVCS REP 2	SHEPHERD, MARLENA K
W	F	C0332	TRANSPORTATION SVCS REP 2	WHELDEN, MONICA R
W	F	C0332	TRANSPORTATION SVCS REP 2	WILLFORD, RONA J
W	F	C0332	TRANSPORTATION SVCS REP 2	DANIELS, JANET K
W	F	C0332	TRANSPORTATION SVCS REP 2	ELBON, LESLIE
W	F	C0332	TRANSPORTATION SVCS REP 2	HART, ROSEMARY L
W	F	C0332	TRANSPORTATION SVCS REP 2	NIEMEYER, BETTY J

W	F	C0332	TRANSPORTATION SVCS REP 2	STROUD, C WANDA
W	F	C5247	COMPLIANCE SPECIALIST 2	COMBS, SUSAN C
W	F	C0332	TRANSPORTATION SVCS REP 2	DIXON, LINDA DARLENE
W	F	C0332	TRANSPORTATION SVCS REP 2	KODESHI, DEBRA A
W	F	C0332	TRANSPORTATION SVCS REP 2	MCLEAN, DEBORA A
W	F	C0332	TRANSPORTATION SVCS REP 2	SIMPSON, CODIE ANN
W	F	C0332	TRANSPORTATION SVCS REP 2	BUNCL, KATHRYN S
W	F	C0332	TRANSPORTATION SVCS REP 2	NEMBIARD, KYNDA EILEEN
W	F	C0332	TRANSPORTATION SVCS REP 2	PARSON, EVELYN MAE
W	F	C0332	TRANSPORTATION SVCS REP 2	ROSS, RENEE MICHELLE
W	F	C5247	COMPLIANCE SPECIALIST 2	SCHOOONOVER, DONNA L
W	F	C5248	COMPLIANCE SPECIALIST 3	WYLE, SHARON E
W	F	C0332	TRANSPORTATION SVCS REP 2	LANDON, CONNIE LYNN
W	F	C0332	TRANSPORTATION SVCS REP 2	ROSS, NEDRA M
W	F	C5247	COMPLIANCE SPECIALIST 2	EVERT, TERRY L
W	F	C5247	COMPLIANCE SPECIALIST 2	GERMANY, PAULA M
W	F	C5247	COMPLIANCE SPECIALIST 2	SIAMBLIN, CATHERINE
W	F	C5248	COMPLIANCE SPECIALIST 3	BLAKE, CYNTHIA KAY
W	F	C0104	OFFICE SPECIALIST 2	ALBRICII, AMY L
W	F	C0104	OFFICE SPECIALIST 2	ARNOLD, TRACIE L
W	F	C0801	OFFICE COORDINATOR	BACON, DONNA M
W	F	X0113	SUPPORT SERVICES SUPERVISOR 2	BUSCII, BARBARA J
W	F	C0104	OFFICE SPECIALIST 2	REAMS, SHIRLEY W
W	F	C0104	OFFICE SPECIALIST 2	SCOTT, KATIE
W	F	C0531	WORD PROCESSING TECHNICIAN 2	TWEEDY, SUSAN Y
W	M	X7010	PRINCIPAL EXECUTIVE/MANAGER F	SCRIVNER, W EDWARD
W	M	X7008	PRINCIPAL EXECUTIVE/MANAGER E	LISTELLA, RICARDO M
W	M	X7008	PRINCIPAL EXECUTIVE/MANAGER E	MCKANE, DAVID J
W	M	C5247	COMPLIANCE SPECIALIST 2	BOURAY, DALE A
W	M	C5247	COMPLIANCE SPECIALIST 2	GERBERDING, THOMAS
W	M	C5247	COMPLIANCE SPECIALIST 2	MCKINNEY, SIDNEY M
W	M	C5247	COMPLIANCE SPECIALIST 2	MICHAEL, CHARLES E
W	M	C5247	COMPLIANCE SPECIALIST 2	PINTO, PAULO C
W	M	C5247	COMPLIANCE SPECIALIST 2	HUBER, DAVID A
W	M	C5247	COMPLIANCE SPECIALIST 2	NAVRAHL, MICHAEL L
W	M	C5247	COMPLIANCE SPECIALIST 2	NEBLEY, RONALD G
W	M	C5248	COMPLIANCE SPECIALIST 3	WEBER, DANNY C
W	M	C5247	COMPLIANCE SPECIALIST 2	SINKS, RYAN T
W	M	C5247	COMPLIANCE SPECIALIST 2	DUNN, JOHN K
W	M	C5248	COMPLIANCE SPECIALIST 3	LUNDQUIST, SCOTT L
W	M	C5247	COMPLIANCE SPECIALIST 2	THOMPSON, JON ENOS
W	M	C5247	COMPLIANCE SPECIALIST 2	WATT, GERALD D JR

W	M	C0108	ADMINISTRATIVE SPECIALIST 2	TOMPKINS, DONALD R
W	M	C0108	ADMINISTRATIVE SPECIALIST 2	ULMER, BRIAN
W	M	C0332	TRANSPORTATION SVCS REP 2	COOK, TERRELL H
W	M	C0332	TRANSPORTATION SVCS REP 2	HUTTO, CHARLES A
W	M	C0332	TRANSPORTATION SVCS REP 2	KAUS, JAMES G
W	M	C0871	OPERATIONS & POLICY ANALYST 2	SPOFFORD, WILLIAM H
W	M	C1117	RESEARCH ANALYST 3	BRADD, THOMAS M
W	M	C0104	OFFICE SPECIALIST 2	RASKA, TODD A
W	M	X7006	PRINCIPAL EXECUTIVE/MANAGER D	SMITH, GREGORY K
W	M	X7006	PRINCIPAL EXECUTIVE/MANAGER D	JONES, RONALD E
W	M	C5247	COMPLIANCE SPECIALIST 2	SERVI, DONALD L
W	M	C5247	COMPLIANCE SPECIALIST 2	WOLFORD, HAROLD L
W	M	X0851	PRINCIPAL CONTRIBUTOR 1	HIFER, DAVID A
W	M	C4339	SCIENTIFIC INSTRUMENT TECH	ROBINSON, DONALD H
W	M	C4339	SCIENTIFIC INSTRUMENT TECH	SMITH, GUY O
W	M	C5857	MOTOR CARRIER ENFORCMT OFCR 1	BROWN, BARRY J
W	M	C5857	MOTOR CARRIER ENFORCMT OFCR 1	COBB, MICHAEL R
W	M	C5857	MOTOR CARRIER ENFORCMT OFCR 1	FAIRBANKS, JEFF D
W	M	C5857	MOTOR CARRIER ENFORCMT OFCR 1	FRAZER, CHARLES E
W	M	C0860	PROGRAM ANALYST 1	LECROY, RANDY R
W	M	C5857	MOTOR CARRIER ENFORCMT OFCR 1	LINVILLE, RICHARD H
W	M	C5857	MOTOR CARRIER ENFORCMT OFCR 1	MILNER, RANDY P
W	M	C5857	MOTOR CARRIER ENFORCMT OFCR 1	REHER, BENJAMIN R
W	M	C5857	MOTOR CARRIER ENFORCMT OFCR 1	ROADMAN, DAVID A
W	M	X7002	PRINCIPAL EXECUTIVE/MANAGER B	BYRNE, ROBERT N
W	M	C5857	MOTOR CARRIER ENFORCMT OFCR 1	CANNON, TIMOTHY I
W	M	C5857	MOTOR CARRIER ENFORCMT OFCR 1	DELLIANT, ROBERT A
W	M	C5858	MOTOR CARRIER ENFORCMT OFCR 2	GILBERT, RUSSELL V
W	M	C5857	MOTOR CARRIER ENFORCMT OFCR 1	HERMAN, RONALD I
W	M	C5857	MOTOR CARRIER ENFORCMT OFCR 1	MCGILL, COREY M
W	M	C5857	MOTOR CARRIER ENFORCMT OFCR 1	PRINE, JERRY E
W	M	C5858	MOTOR CARRIER ENFORCMT OFCR 2	FIELD, BENJAMIN R
W	M	C5857	MOTOR CARRIER ENFORCMT OFCR 1	RICHARDS, MATTHEW D
W	M	C5857	MOTOR CARRIER ENFORCMT OFCR 1	ROSSETTO, MICHAEL A

W	M	C5857	MOTOR CARRIER ENFORCEMENT OFFICER 1	SPALLA, VINCENT J
W	M	X7002	PRINCIPAL EXECUTIVE/MANAGER B	WARD, BRUCE D
W	M	C5857	MOTOR CARRIER ENFORCEMENT OFFICER 1	BAIRD, DICK
W	M	C5857	MOTOR CARRIER ENFORCEMENT OFFICER 1	STEPROW, DOUGLAS L
W	M	C5857	MOTOR CARRIER ENFORCEMENT OFFICER 1	BASCUE, ANDREW A
W	M	C5857	MOTOR CARRIER ENFORCEMENT OFFICER 1	BRYSON, GARY D
W	M	X7002	PRINCIPAL EXECUTIVE/MANAGER B	GAFENEY, DAVID J
W	M	C5857	MOTOR CARRIER ENFORCEMENT OFFICER 1	HITT, ROY L
W	M	C5857	MOTOR CARRIER ENFORCEMENT OFFICER 1	SULLIVAN, DOUGLAS G
W	M	C5858	MOTOR CARRIER ENFORCEMENT OFFICER 2	TRIOLO, JOEL C
W	M	C5857	MOTOR CARRIER ENFORCEMENT OFFICER 1	HARE, EDWARD L
W	M	C5857	MOTOR CARRIER ENFORCEMENT OFFICER 1	MCDANIEL, VICTOR G
W	M	C5857	MOTOR CARRIER ENFORCEMENT OFFICER 1	RAMLOW, ROBERT H
W	M	C5857	MOTOR CARRIER ENFORCEMENT OFFICER 1	BAILEY, BRADLEY I
W	M	C5857	MOTOR CARRIER ENFORCEMENT OFFICER 1	BARRIE, JOHN JACK R
W	M	C5857	MOTOR CARRIER ENFORCEMENT OFFICER 1	GRAMHAM, VICTOR L
W	M	C5857	MOTOR CARRIER ENFORCEMENT OFFICER 1	KYGAR, JAY W
W	M	C5857	MOTOR CARRIER ENFORCEMENT OFFICER 1	QUEST, LAWRENCE B
W	M	C5858	MOTOR CARRIER ENFORCEMENT OFFICER 2	BAKIER, JAMES
W	M	C5858	MOTOR CARRIER ENFORCEMENT OFFICER 2	BROOKS, WILLIAM D
W	M	C5857	MOTOR CARRIER ENFORCEMENT OFFICER 1	CORDONNIER, RALPH J
W	M	C5857	MOTOR CARRIER ENFORCEMENT OFFICER 1	DIXON, DENNIS D
W	M	X7002	PRINCIPAL EXECUTIVE/MANAGER B	GRANT, PHILIP T
W	M	C5857	MOTOR CARRIER ENFORCEMENT OFFICER 1	PROCK, LEONARD V JR
W	M	C5857	MOTOR CARRIER ENFORCEMENT OFFICER 1	HOUSTON, KAI R
W	M	C5857	MOTOR CARRIER ENFORCEMENT OFFICER 1	KRAMER, JASON S
W	M	C5858	MOTOR CARRIER ENFORCEMENT OFFICER 2	MELING, KERMIT S
W	M	C5857	MOTOR CARRIER ENFORCEMENT OFFICER 1	MILLER, DALE A
W	M	C5857	MOTOR CARRIER ENFORCEMENT OFFICER 1	SAMPSON, JAMES M

W	M	C5857	MOTOR CARRIER ENFORCMENT OFFICER 1	WINEBURG, DENNIS D
W	M	C0331	TRANSPORTATION SVCS REP 1	BENTLEY, VICTOR B
W	M	C0331	TRANSPORTATION SVCS REP 1	IDSINGA, MICHAEL J
W	M	C5858	MOTOR CARRIER ENFORCMENT OFFICER 2	HOUDE, MICHAEL T
W	M	X7002	PRINCIPAL EXECUTIVE/MANAGER B	DERBY, BENJAMIN H III
W	M	C5857	MOTOR CARRIER ENFORCMENT OFFICER 1	DUNCAN, RODNEY N
W	M	C5857	MOTOR CARRIER ENFORCMENT OFFICER 1	HOSLEY, DAVID J
W	M	C5857	MOTOR CARRIER ENFORCMENT OFFICER 1	MARSHALL, VERNON GARY
W	M	C5857	MOTOR CARRIER ENFORCMENT OFFICER 1	PURVES, ROBERT E
W	M	C5857	MOTOR CARRIER ENFORCMENT OFFICER 1	RUSSELL, DONALD W
W	M	C5858	MOTOR CARRIER ENFORCMENT OFFICER 2	SCHILLING, DENNIS E
W	M	C0332	TRANSPORTATION SVCS REP 2	HUNT, STEPHEN E
W	M	C0332	TRANSPORTATION SVCS REP 2	PRATT, TERRY J
W	M	C0332	TRANSPORTATION SVCS REP 2	STEWART, KENNETH M
W	M	C5857	MOTOR CARRIER ENFORCMENT OFFICER 1	BENNETT, MICHAEL
W	M	C5857	MOTOR CARRIER ENFORCMENT OFFICER 1	GARDIE, GARY O
W	M	C5857	MOTOR CARRIER ENFORCMENT OFFICER 1	GRAMM, JAMES E
W	M	C5857	MOTOR CARRIER ENFORCMENT OFFICER 1	HASIAK, DONALD
W	M	C5857	MOTOR CARRIER ENFORCMENT OFFICER 1	LAMPERT, BARRY R
W	M	C5857	MOTOR CARRIER ENFORCMENT OFFICER 1	MOONEY, MICHAEL J
W	M	C5857	MOTOR CARRIER ENFORCMENT OFFICER 1	PHILCHER, MARLIN B
W	M	C5857	MOTOR CARRIER ENFORCMENT OFFICER 1	REITH, HANS B
W	M	C5858	MOTOR CARRIER ENFORCMENT OFFICER 2	RUIKKA, DENNIS M
W	M	X7002	PRINCIPAL EXECUTIVE/MANAGER B	SHENPAUGH, DONALD H
W	M	C0332	TRANSPORTATION SVCS REP 2	ALOTTA, PETER
W	M	C0332	TRANSPORTATION SVCS REP 2	BARNES, BRIAN S
W	M	C0332	TRANSPORTATION SVCS REP 2	BAUER, PHIL J
W	M	C0332	TRANSPORTATION SVCS REP 2	DURLAM, MICHAEL D
W	M	C0332	TRANSPORTATION SVCS REP 2	ELMER, KEVIN G
W	M	C0332	TRANSPORTATION SVCS REP 2	FISHER, DANIEL
W	M	C0332	TRANSPORTATION SVCS REP 2	FRYE, NICHOLAS R
W	M	C0332	TRANSPORTATION SVCS REP 2	HEARON, THOMAS H
W	M	C0332	TRANSPORTATION SVCS REP 2	OKE, KENNETH R
W	M	C0331	TRANSPORTATION SVCS REP 1	SYGNEY, JEFFREY D
W	M	C0332	TRANSPORTATION SVCS REP 2	WENZ, RODNEY E

W	M	C0332	TRANSPORTATION SVCS REP 2	WIXOM, NIKOLAS K
W	M	X7002	PRINCIPAL EXECUTIVE/MANAGER B	JOHNSON, SVEN
W	M	C5247	COMPLIANCE SPECIALIST 2	LORENTZ, LYLE E JR
W	M	C5247	COMPLIANCE SPECIALIST 2	CLARK, KEITH E
W	M	C5247	COMPLIANCE SPECIALIST 2	NORWOOD, KENNETH E
W	M	X7002	PRINCIPAL EXECUTIVE/MANAGER B	PRAVIT, LLOYD A
W	M	C5247	COMPLIANCE SPECIALIST 2	SMITH, HAROLD W
W	M	C5248	COMPLIANCE SPECIALIST 3	TRULY, JOHN W
W	M	C5247	COMPLIANCE SPECIALIST 2	ERLANDSON, CHARLES II
W	M	C5247	COMPLIANCE SPECIALIST 2	JOHNSON, GREGORY L
W	M	C5247	COMPLIANCE SPECIALIST 2	RUSSELL, HOWARD II
W	M	C0332	TRANSPORTATION SVCS REP 2	JONES, DONALD E
W	M	C5247	COMPLIANCE SPECIALIST 2	ADAMS, CHARLES A
W	M	C5247	COMPLIANCE SPECIALIST 2	BLAINE, GARY L
W	M	C5247	COMPLIANCE SPECIALIST 2	BROWN, JESS E
W	M	C5247	COMPLIANCE SPECIALIST 2	PIEROVICI, DOUGLAS
W	M	C5247	COMPLIANCE SPECIALIST 2	SWANSON, STEPHEN M
W	M	C5248	COMPLIANCE SPECIALIST 3	BONNEY, CALVIN CRAIG
W	M	X0865	PUBLIC AFFAIRS SPECIALIST 2	BROCK, JAMES II
W	M	C5247	COMPLIANCE SPECIALIST 2	COOPER, NORMAN A
W	M	Z7012	PRINCIPAL EXECUTIVE/MANAGER G	DAL PONTE, GREGG L
W	M	C5247	COMPLIANCE SPECIALIST 2	DANIELS, BRAD K
W	M	C1245	FISCAL ANALYST 3	HARGROVE, THOMAS M
W	M	C5247	COMPLIANCE SPECIALIST 2	SHAMBLIN, VIRGIL W
W	M	C0104	OFFICE SPECIALIST 2	COOK, KEVIN
White Hispanic	M	X7004	PRINCIPAL EXECUTIVE/MANAGER C	JEFFERY, GEORGE W
White Visual	F	X7002	PRINCIPAL EXECUTIVE/MANAGER B	BARKER, PENNY L
White Visual	F	C0104	OFFICE SPECIALIST 2	LARGE, VIRGINIA R
White Visual	F	C0104	OFFICE SPECIALIST 2	HAAKENSON, NANCY J
White Visual	F	C5857	MOTOR CARRIER ENFORCMT OFFICER 1	THOMAS, ANDREA D
White Visual	F	C0870	OPERATIONS & POLICY ANALYST 1	HENDERSON, CAROLYN M
White Visual	F	X7000	PRINCIPAL EXECUTIVE/MANAGER A	BUYS, SARAH FRANCES
White Visual	F	C0103	OFFICE SPECIALIST 1	CROSS, JESSICA
White Visual	F	C0103	OFFICE SPECIALIST 1	WAIT, TARA L
White Visual	F	C5857	MOTOR CARRIER ENFORCMT OFFICER 1	MCKINNEY, TANIA D
White Visual	F	C0332	TRANSPORTATION SVCS REP 2	WORKMAN, DOROTHY R
White Visual	F	C0332	TRANSPORTATION SVCS REP 2	DUNCAN, CATHY A
White Visual	F	C0104	OFFICE SPECIALIST 2	CATON, TARA L
White Visual	M	C5247	COMPLIANCE SPECIALIST 2	RIOS, DAVID D
White Visual	M	C5857	MOTOR CARRIER ENFORCMT OFFICER 1	LEE, LARRY D



White Visual	M	C5857	MOTOR CARRIER ENFORCEMENT OFCR 1	QUEEN, BRIAN W
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7. Was any Title VI training provided during the reporting period? If so, how many participants attended, titles, etc.? Was any other kind of civil rights training conducted? If so, what type of training (course content)? Provide a list of participants by job title (i.e., supervisor, manager, etc.).

The Motor Carrier Division's management team attended a briefing regarding ODOT's Affirmative Action Plan at which the agency's Equal Employment and Affirmative Action Officer focused attention on four underrepresented areas at ODOT – women and minorities in management, women in positions as technicians, women and minorities in skilled craft and maintenance positions, and hiring and retaining qualified people with disabilities. Among other suggestions, the management team recommended placing recruitment ads in trucking industry publications and making the job search Web site more user friendly.

# MCSAP Appendix 1

## MCSAP Agreement Terms and Conditions

Every MCSAP agreement the Motor Carrier Transportation Division executes with state law enforcement agencies contains the following terms and conditions related to nondiscrimination, Disadvantaged Business Enterprises, and the Civil Rights Act:

### V. NONDISCRIMINATION

During the performance of this contract, Contractor, for himself, his assignees and successors in interest, hereinafter referred to as Contractor, agrees as follows:

1. **Compliance with Regulations.** Contractor agrees to comply with Title VI of the Civil Rights Act of 1964, and Section 162(a) of the Federal-Aid Highway Act of 1973 and the Civil Rights Restoration Act of 1987. Contractor shall comply with the regulations of the Department of Transportation relative to nondiscrimination 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 incorporated by reference and made a part of this contract. Contractor, with regard to the work performed after award and prior to completion of the contract work, shall not discriminate on grounds of race, creed, color, sex or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. 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 Appendix B of the Regulations.

2. **Solicitation for Subcontractors, including Procurement of Materials and Equipment.** In all solicitations, either by competitive bidding or negotiations made by Contractor for work to be performed under a subcontract, including procurement of materials and equipment, each potential subcontractor or supplier shall be notified by Contractor of Contractor's obligations under this contract and regulations relative to nondiscrimination on the grounds of race, creed, color, sex or national origin.

3. **Nondiscrimination in Employment (Title VII of the 1964 Civil Rights Act).** During the performance of this contract, Contractor agrees as follows:

Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex or national origin. Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice setting forth the provisions of this nondiscrimination clause.

Contractor will, in all solicitations or advertisements for employees placed by or on behalf of Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex or national origin.

4. **Information and Reports.** Contractor will provide all information and reports required by the Regulations or orders and instructions issued pursuant thereto, and will permit access to his books, records, accounts, other sources of information, and his facilities as may be determined by Department or FHWA as appropriate, and shall set forth what efforts he has made to obtain the information.

5. **Sanctions for Noncompliance.** In the event of Contractor's noncompliance with the nondiscrimination provisions of the contract, Department shall impose such agreement sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

- a. Withholding of payments to Contractor under the agreement until Contractor complies; and/or
- b. Cancellation, termination or suspension of the agreement in whole or in part.

6. **Incorporation of Provisions.** Contractor will include the provisions of paragraphs 1 through 6 of this section in every subcontract, including procurement of materials and leases of equipment, unless exempt from Regulations, orders or instructions issued pursuant thereto. Contractor shall take such action with respect to any subcontractor or procurement as Department or FHWA may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event Contractor becomes involved in or is threatened with litigation with a subcontractor or supplier as a result of such

direction, Department may, at its option, enter into such litigation to protect the interests of Department, and, in addition, Contractor may request Department to enter into such litigation to protect the interests of the State of Oregon.

#### VI. DISADVANTAGED BUSINESS ENTERPRISE (DBE) POLICY

In accordance with Title 49, Code of Federal Regulations, Part 26, Contractor shall agree to abide by and take all necessary and reasonable steps to comply with the following statement:

##### DBE POLICY STATEMENT

**DBE Policy.** It is the policy of the United States Department of Transportation (USDOT) to practice nondiscrimination on the basis of race, color, sex and/or national origin in the award and administration of USDOT assist contracts. Consequently, the DBE requirements of 49 CFR 26 apply to this contract.

**Required Statement For USDOT Financial Assistance Agreement.** If as a condition of assistance the Agency has submitted and the US Department of Transportation has approved a Disadvantaged Business Enterprise Affirmative Action Program which the Agency agrees to carry out, this affirmative action program is incorporated into the financial assistance agreement by reference.

**DBE Obligations.** The Oregon Department of Transportation (ODOT) and its contractor agree to ensure that Disadvantaged Business Enterprises as defined in 49 CFR 26 have the opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds. In this regard, Contractor shall take all necessary and reasonable steps in accordance with 49 CFR 26 to ensure that Disadvantaged Business Enterprises have the opportunity to compete for and perform contracts. Neither ODOT nor its contractors shall discriminate on the basis of race, color, national origin or sex in the award and performance of federally-assisted contracts. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of such contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as ODOT deems appropriate.

The DBE Policy Statement and Obligations shall be included in all subcontracts entered into under this contract.

**Records and Reports.** Contractor shall provide monthly documentation to Department that it is subcontracting with or purchasing materials from the DBEs identified to meet contract goals. Contractor shall notify Department and obtain its written approval before replacing a DBE or making any change in the DBE participation listed. If a DBE is unable to fulfill the original obligation to the contract, Contractor must demonstrate to Department the Affirmative Action steps taken to replace the DBE with another DBE. Failure to do so will result in withholding payment on those items. The monthly documentation will not be required after the DBE goal commitment is satisfactory to Department.

Any DBE participation attained after the DBE goal has been satisfied should be reported to the Departments.

**DBE Definition.** Only firms DBE certified by the State of Oregon, Department of Consumer & Business Services, Office of Minority, Women & Emerging Small Business, may be utilized to satisfy this obligation.

##### CONTRACTOR'S DBE CONTRACT GOAL

DBE GOAL   0   %

By signing this contract, Contractor assures that good faith efforts have been made to meet the goal for the DBE participation specified in the Request for Proposal/Qualification for this project as required by ORS 200.045, and 49 CFR 26.53 and 49 CFR, Part 26, Appendix A.

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10. Civil Rights Act. The recipient shall comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352), and in accordance with Title VI of that Act, no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under any program or activity for which the recipient received Federal financial assistance and shall immediately take any measures necessary to effectuate this Agreement. It shall comply with Title VI of the Civil Rights Acts of 1964 (42 U.S.C. 2000d) prohibiting employment discrimination where:

- (a) The primary purpose of an instrument is to provide employment, or
  - (b) Discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.
-

## Administration

1. Provide a list of employees by ethnicity, gender, and title in each of the Title VI program areas.

The composition of the staff of each of the program areas in terms of gender and race is provided in Appendix E. Please note that the "Deviations" column of each "Job Group" is the status of "Parity Counts" to "Actual Counts" in relation to Affirmative Action goals. The data indicates the deviation from parity for females, minorities and disabled. Where a minus sign (-) appears, the current workforce is below parity by the number of positions and percentage indicated.

2. Summarize all activities undertaken during the reporting period which provide for assurances of Title VI compliance by contractors (i.e., are Title VI requirements included in all contracts and consultant agreements; were reviews made to ensure contractors and consultants are adhering to Title VI requirements?).

During the reporting period, the Title VI Officer reviewed consultant contract provisions for Title VI and other civil rights provisions. No problems were identified.

3. Was any Title VI training provided during the reporting period? If so, how many participants attended, titles, etc.? Was any other kind of civil rights training conducted? If so, what type of training (course content)? Provide a list of participants by job title (i.e., supervisor, manager, etc.).

The Title VI Officer conducted a Title VI Training Session on Environmental Justice at the Northwest Transportation Conference in Corvallis, Oregon, for partnering Transportation agencies. Forty-six people participated in the training from public/private agencies, federal and local cooperation. The Office of Civil Rights plans to sponsor and hold similar workshops and sessions during the next reporting period for program area managers, supervisors and project leaders. The Title VI Officer, Kurt S. Jun, completed several presentations on Title VI to respective divisions internally, such as Communications and Public Affairs.

The Office of Civil Rights staff has continued to work with the Department's public involvement staff to ensure that minority and low-income communities are taken into account as public involvement plans are developed for the STIP, modal plans, policies and project level activities.

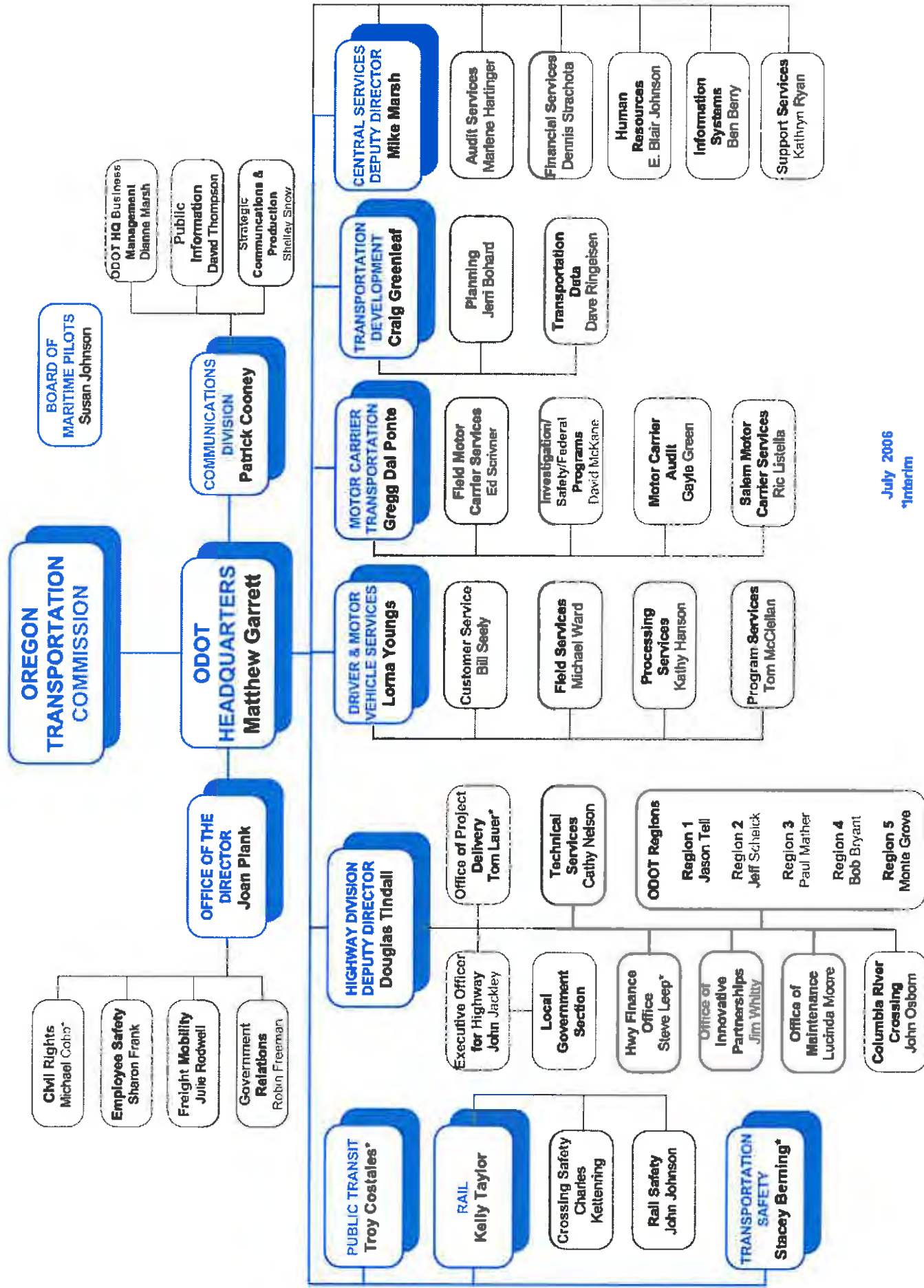
ODOT's Discrimination Complaint Procedure was revised during this reporting period. Under the revised procedures, all investigations of discrimination complaints are to be conducted by the appropriate staff of the Office of Civil Rights. (See Appendix F)



# OREGON DEPARTMENT OF TRANSPORTATION

## Organizational Chart

# Oregon Department of Transportation



July 2006  
\*Interim

**California Department of Transportation  
Civil Rights - Title VI Program  
Annual Element Update**

**Federal Fiscal Year 2004/05**

**I. FFY 2004/05 ACCOMPLISHMENTS**

The Title VI Program Annual Element Update reports the accomplishments for the FFY October 1, 2004 through September 30, 2004, and the goals for the upcoming FFY October 1, 2005 through September 30, 2006. This report is prepared in accordance with 23 Code of Federal Regulations, Part 200, Section 200.9 (b) State actions.

**A. CIVIL RIGHTS, TITLE VI PROGRAM**

Effective February 2005, Bessie Papailias became the Title VI Coordinator. During the reporting period, Title VI Program staff modified the Compliance Review Instrument to include standard questions that address Equal Employment Opportunity (EEO) concerns common to most organizational functions, and developed questions specific to selected functions within a program, division, or district. The change in methodology improves the applicability and specificity in data collection.

The Title VI Program conducted two compliance reviews of the following districts: Stockton and Los Angeles. Special emphasis was given to Executive Orders for Environmental Justice (EJ), Limited English Proficiency (LEP), and Tribal Government transportation issues to ensure their incorporation within appropriate day-to-day processes and activities. The findings of each review indicate compliance with Title VI of the Civil Rights Act of 1964 and related statutes.

**Limited English Proficiency**

The Division of Maintenance developed a Highway Emergency Language Protocol (HELP) pamphlet for departmental employees who encounter the traveling public with LEP. When field staff use the HELP pamphlet on a State-owned right-of-way, their increased ability to communicate in six different languages (German, Russian, Spanish, Chinese, Tagalog, and Vietnamese) will help provide a safer transportation system for the traveling public and employees.

## Training

During the reporting period, the Title VI Coordinator and staff:

1. Conducted two workshops in June 2005, in Los Angeles, to inform district staff of their roles and responsibilities to ensure Department programs, activities, and services remain nondiscriminatory and fair to all customers.
2. Attended "Transit Fundamentals," a California State University, Sacramento, continuing education course sponsored by the San Joaquin Regional Transit District that discussed the fundamentals of operating public transit systems and the challenges that public transit organizations currently face.
3. Attended a workshop, in August 2005, that focused on the administration of Transportation Planning Grants. Staff learned techniques to use during the grant review process to assess applications for funding that help to build stronger communities, promote prosperity, protect the environment, or improve goods movement.
4. Attended a Western States Peer Exchange in September 2005. The Metropolitan Transportation Commission (MTC) and Federal Highway Administration (FHWA) officials met with department of transportation representatives from: Alaska, Idaho, Hawaii, Oregon, Washington, Nevada, Montana, Colorado, Arizona, North Dakota, and California to collaboratively develop uniform data collection standards, assess Title VI and EJ equity analysis relative to transportation planning, and to develop criteria for providing LEP customers with meaningful access to State highway programs, activities, and services.



## **B. TRIBAL EMPLOYMENT RIGHTS ORDINANCE**

The following accomplishments are reported for FFY 2004/05:

1. Visited Smith River Rancheria in Eureka on July 5-6, 2005.
2. Attended the Native American Advisory Council (NAAC) Quarterly Meeting in Woodland on July 13, 2005.
3. Participated in the Consultation Meeting and Tribal Council Meeting at Smith River Rancheria in Eureka on July 19, 2005.
4. Participated in the Open House and Public Comment Meeting at Smith River Rancheria in Eureka on July 21, 2005.
5. Attended the EJ Grant Workshop in Stockton on August 10, 2005.
6. The Tribal Employment Rights Ordinance (TERO) Liaison and the Native American Liaison (NAL) represented the Department in an exhibit booth at the California State Fair on August 13, 2005.
7. Staff met with Torres-Martinez tribe in September 2005.
8. Staff accompanied the FHWA and the Federal Transit Authority (FTA) to conduct a Federal Certification Review to the Council of Fresno County Governments.
9. Staff coordinated efforts with the Planning NAL in resolving a specific transportation issue involving the Colorado River Tribe TERO.
10. Staff attended quarterly Department NAAC meetings in Woodland.
11. Staff attended the Statewide NAL meeting to plan the California Indian Day celebration.
12. Staff provided a TERO presentation to the Governor's newly appointed Director of External Affairs.
13. Staff is currently revising the TERO policy.

## C. DIVISION OF TRANSPORTATION PLANNING

### MAJOR ACCOMPLISHMENTS

The Division of Transportation Planning (DOTP) in Headquarters (HQ) and the district offices continue to build on the accomplishments of prior years. These efforts characterize an emphasis on informing and involving diverse communities in the development of Regional and State plans and local projects. Community concerns and values are being incorporated through focus groups, public hearings, grant workshops, and citizen advisory committees. Technical assistance and planning grants are also being provided to promote Title VI and EJ concepts in communities across California.

The DOTP grant program staff conducted eight planning grant workshops during July – August 2005. The DOTP provides one-time transportation planning grants for transportation projects in the following areas: EJ, Community-Based Transportation Planning (CBTP), Partnership Planning, Statewide Transit Planning Studies, Transit Technical Assistance, and Transit Professional Development. These grant workshops cover the entire program funding areas for the FFY 2006/07 grants. Other planning programs, including Office of Regional and Interagency Planning (ORIP), Office of Advance System Planning (OASP), Office of Statewide Planning (OSP), and the Office of Goods Movement (OGM), are reporting Title VI accomplishments for this reporting period.

#### **Office of Policy Analysis and Research**

The Office of Policy Analysis and Research (OPAR) administers the Department's EJ Program. The OPAR staff assisted with the planning grant workshops conducted during July - August 2005, focusing on EJ, which includes Tribal, low-income, and minority concerns. The DOTP publicized the workshop with a mass mailing of a workshop flyer that listed each date, time, and location of the workshop. The DOTP uses a large, 8,000-name database of cities, counties, regional agencies, faith-based organizations, community-based organizations (CBOs), and Tribal Governments, which district offices continually update. Ethnically and economically diverse client groups attended the workshops. City, county, regional, Native American Tribal Governments, Latino advocacy groups, environmental organizations, Southeast Asian service, and redevelopment agencies were among the attendees at these grant workshops. Comments gathered in the workshop evaluations were supportive of their content and purpose.

## Office of Statewide Planning

The OSP contracted with the University of California, San Francisco (UCSF) to coordinate the development, delivery, and evaluation of a Walkable Community Workshop project to eight communities throughout the State. Candidate communities applied to host these workshops, and final selections were made based on the community's level of need for physical impediments for access to public transit and schools. The goal of the workshops was to bring together local leaders (public and private) and citizens to identify and take responsibility for planning improvements to make public transit and schools more accessible to pedestrians. The communities were selected based on applications that described their relationship with community networks, local leadership, and community interest in developing plans that lead to more walkable, safe, and transit-accessible communities.

## Office of Community Planning

The Office of Community Planning (OCP) revised departmental Deputy Directive (DD) 25-R1, Local Development – Intergovernmental Review (LD-IGR) effective June 2005. The DD emphasizes established State planning priorities, the first one being to promote equity by rehabilitating, maintaining, and improving existing infrastructure that supports infill development and appropriate reuse and redevelopment of land and by preserving cultural and historic resources. The OCP staff directed a departmental effort to ensure that local land use planning and development decisions include the provision of multiple transportation choices (transit, intercity rail passenger service, walking, and biking, as well as air and automobile), and it requires timely and consistent consultation and collaboration with all local jurisdictions, including Tribal Governments. The OCP staff conducted five district workshops for LD-IGR personnel (Districts 1, 2, 3, 8, and 10), which emphasized equity in community planning and required consultation with Tribal Governments and public participation with their citizens. The OCP staff also drafted *Tribal Development Projects*, a chapter in the *Statewide Local Development - Intergovernmental Review Program Guide*. The objective was to educate Department personnel about the legal status of recognized Tribal Governments and the need to integrate the authority and responsibility of tribes into regional and statewide transportation planning.

## **Office of Regional and Interagency Planning**

The Office of Regional and Interagency Planning (ORIP) administers the FTA 5313(b) Transit Planning FHWA Partnership Planning grant programs, which annually provide federal funds for transportation studies and projects. The Partnership Planning Grant program is designed for agencies to conduct planning with the Department. During the past year, ORIP staff conducted grant workshops throughout the State to invite proposals from various organizations, including CBOs. The Santa Barbara County Council of Governments completed the Highway 101 Corridor Implementation Plan, a project funded by a Partnership Planning grant, to engage low-income and minority groups. The project used extensive media to involve the community in selection of corridor improvements. The name of the project became "101 in Motion," to generate broad interest. The public participation included surveys, meetings, stakeholder roundtables, workshops, open houses, and presentations at community events and activity centers. Discussions were held with communities to identify issues of greatest concern and long-term solutions. The public was involved with development of selection criteria, analysis of alternatives, and a review of recommended solutions.

## **Office of Advance System Planning**

The OASP staff developed a Corridor Fact Sheet that includes identification of Tribal Governments along each route segment. The OASP staff anticipates expanding the information to identify other Title VI factors, as the format is refined. The information will be used in early corridor planning and by all departmental functions for route considerations including Maintenance, Operations, Design, Right of Way, and Planning.

The Interregional Study Program funded a study of economic impacts of State highway bypasses on small communities. A complementary proposal was submitted for EJ impacts for activities around Brawley, an economically depressed, Hispanic community in Imperial County. This office recommended funding for the Brawley project due to the importance of the future Brawley bypass to the interregional highway travel and for future planning in downtown Brawley.

## DISTRICT DATA

### Eureka

Eureka is located in the northwestern part of the State and borders the state of Oregon to the north, and its western border is the Pacific Ocean. This area is primarily rural and is home to many Native American tribes.

The chart below contains major projects staff was involved in with their project delivery programs:

Project Title	Meeting location	Affected communities	Number of attendees	Data sources used
Route 175 Roundabout	Hopland School	Hopland and Old Hopland community	20	Census data
Route 101 Laytonville Curve Correction	Laytonville Firehall	Laytonville	40	Census data
Route 175 PM 2.0/2.3 Curve Correction	Hopland School	Hopland and Old Hopland community	25	Census data
Route 101 Feliz Creek Bridge Replacement	Hopland School	Hopland and Old Hopland community	25	Census data

### Redding

Redding is located in the northeastern part of the State and borders the state of Oregon to the north, and its eastern border is the state of Nevada. This area is primarily rural and is home to many Native American tribes.

The following is a list of major projects the Redding staff is involved in with their project delivery programs:

1. The district's Intelligent Transportation Systems (ITS) Architecture and Strategic Plan Project is a long-range plan for electronic and telecommunications in the district's transportation system. The project affects Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity counties. Redding's ITS Architecture/Planning Needs

assessment meeting is a collaborative effort between the district and the seven north county Regional Transportation Planning Agencies (RTPAs) within the district. There were seven public workshops, with seven follow-up workshops planned for the upcoming fiscal year.

2. Almanor Regional Transportation Assessment (ARTA) is a long-range planning document that will identify the transportation systems improvements needed to accommodate the Lake Almanor area's growing population. The Almanor Basin lies in both Lassen and Plumas counties, with Lake Almanor at the center. Surrounded by natural forests, the Basin encompasses a number of small communities. The project affects Lake Almanor Basin, Chester, Canyon Dam, and Hamilton Branch communities, and Lassen, Plumas, and Tehama counties. The U.S. Forest Service and the district are working together to create ARTA. There were two public workshops, with two follow-up workshops planned for the upcoming fiscal year.
3. Under the terms of a Public Participation Contract (PPC), a consultant has been tasked to assist the district staff in developing and enhancing skills in communicating with the Pit River Tribal Council and to develop a Memorandum of Understanding (MOU). The project affects the Pit River Tribal Government in Burney. There were five meetings, with at least three follow-up meetings planned for the upcoming fiscal year.

### **Marysville**

Marysville is located in the northeastern part of the State and borders Redding to the north, and its eastern border is the state of Nevada. This area is both urban and rural and is home to a smaller number of Native American tribes.

The following accomplishments are reported for FFY 2004/05:

1. The Community Advisory Committee (CAC) for the Highway 16 Safety Improvement Project and Traffic Calming Project met this past FFY. Members included the Esparto Unified School District, the Esparto Chamber of Commerce, Capay Valley Vision, Esparto Fire District, Rumsey Rancheria, and Capay Valley agricultural businesses.

2. The Project Development Team (PDT) formed for the Highway 16 Safety Improvement Project met this past FFY. The PDT includes external agency and community stakeholders, such as Yolo County, California Highway Patrol (CHP), University of California (UC), Davis (Department of Human and Community Development), Rumsey Indian Rancheria, Capay Valley Vision, and local elected officials.
3. The district has been heavily involved with the La Barr Meadows Road and State Route (SR) 49 intersection, which was the site of a traffic accident that killed a 90-year old man. Meetings were held with the Nevada County Transportation Commission, the CHP, Nevada County, a real estate agent, the American Association of Retired Persons (AARP), and Gold County Stage to address safety issues at the intersection. Four outreach meetings were held with elderly drivers to discuss safe driving in the La Barr Meadows area. There were over 150 attendees. Three workshops were held for the La Barr area-widening project in a large elderly community, with over 400 people attending.
4. In March 2005, the Department was a member of a Sacramento Transportation and Air Quality Collaborative, which included representatives of the African American, Latino, Asian Pacific Islander, Disabled, Youth, Senior, and Paratransit communities. The process will result in a final report. During the FFY, one meeting was held with about 70 attendees. The collaborative process will conclude by December 2006.
5. District staff attended two public meetings regarding the outreach efforts in relation to the new Butte County Regional Transit Consolidation project. The purpose of these meetings was to address unmet needs after the routes and schedules were revised. Two meetings were held in Chico and each of these meetings had about five public participants. Butte County Association of Governments (BCAG) initiated these meetings and other meetings in Oroville regarding impacts to that area. Public notices were published in the relevant newspapers and flyers sent to the citizens of Oroville.
6. BCAG held three public workshops to obtain public input on the ITS plan for Butte, Glenn, and Colusa counties. Two workshops were held in Chico and one in Glenn County. There were a combined total of 36 participants at the workshops. BCAG arranged these public

workshops in conjunction with Iteris, a consulting firm that was awarded a contract for the development of the ITS plan. Flyers were sent to all stakeholders and the information was posted on the BCAG web page.

## **Oakland**

Oakland is located in the northern coastal part of the State. This area is primarily urban and contains larger Northern California cities of San Francisco, Oakland, and San Jose, and is home to a small number of Native American tribes.

The following accomplishments are reported for FFY 2004/05:

### **Community Planning Branch Activities:**

#### **1. *San Pablo Visioning Project***

The project is located on San Pablo Avenue, SR 123 from Hercules to Oakland. As part of this project, the Department engaged HQ's Planning Public Participation Consultant to conduct a public hearing following an all-day tour of the corridor. Representatives of the African American, Asian, and Latino communities were included in the outreach. This visioning project is ongoing with the Department's Community Planning Branch being involved in project subcommittees along with representatives of local agencies, transit representatives, local political leaders, Department staff, and CBOs.

#### **2. *Solano Countywide Trails Plan***

This Community Planning Grant Project engaged local agencies, CBOs, and the public throughout the county in determining and developing the pedestrian trails system for their county. Community outreach included outreach to the African American, Asian, and Latino communities. Although this particular project is complete, the project manager maintains a relationship with county representatives on transportation issues and projects.



3. ***Welfare to Work EJ Project***

The Community Planning Branch manages one EJ project, the Contra Costa County Welfare to Work project. The project plan was to conduct a study of employment-related transportation needs and develop an approach for future planning during the project period. This will result in the 2005 Low-Income Employment Transportation Action Plan.

The project involves a data collection phase, including focus groups with welfare recipients in the west, central, and eastern parts of the county, including focus groups in Richmond, Martinez, and Antioch.

4. ***San Francisco County Transportation Authority Bicycle Update Plan***

The San Francisco City/County Transportation Authority was awarded a departmental Community Planning Grant to study and update its citywide bicycle plan. A tremendous amount of community planning and input has gone into the bike plan update. Suggestions were gathered from hundreds of completed surveys, 11 neighborhood workshops, and over 100 presentations to neighborhood groups. Nearly 900 people participated in this process and over 5,000 suggestions were made to improve bicycle transportation in San Francisco. The bike plan was recently approved by the San Francisco Planning Commission.

**Regional Planning and Native American Liaison Branch Environmental Justice activities:**

1. Evaluated and ranked 28 FFYs 2004/05 and 2005/06 EJ grants applications.
2. The Bay Area region was awarded five EJ grants for FFYs 2004/05 and 2005/06.
3. Administered, monitored, and participated in EJ studies. Examples of completed EJ studies during the FY 2005 are noted below:

a. ***Revive Chinatown Community Transportation Plan***

The study, managed by the city of Oakland's Pedestrian Safety Project, was aimed to address key issues in Oakland's

Chinatown: Pedestrian safety and access; Chinatown's appearance, traffic, and parking issues. This project had early and extensive community involvement. Asian Health Services (AHS) and the Oakland Chinatown Chamber of Commerce (OCCC) were community partners. The study conducted extensive community outreach, reaching over 1,000 people through surveys, focus groups, and mapping services.

**b. *Access to Bay Area Rapid Transit Stations***

The purpose of the study was to expand upon the Bay Area Rapid Transit's (BART) current station access planning to ensure the inclusion of residents and users of EJ communities that are near three BART stations. For this study, BART identified three station areas with large concentrations of minority and low-income populations: Embarcadero BART in San Francisco, Lake Merritt BART in Oakland, and Richmond BART in Richmond.

Despite the distinct characteristics of each station, the project team was able to employ a similar outreach for identifying barriers and opportunities. The teams surveyed nearby residents, visitors, employees, and BART passengers and conducted two-hour focus group sessions to obtain in-depth feedback, comments, and specific recommendations that could not be obtained through brief surveys.

In each area, BART partnered with CBOs to provide assistance with conducting targeted outreach in the following areas: Chinatown Community Development Center (CCDC) in San Francisco, Neighborhood House of North Richmond (NHNR), AHS, and OCCC in Oakland.

**c. *Mayfair Community Involvement in the Downtown-East Valley LightRail Corridor***

The Transportation and Land Use Coalition (TALC) and the Comité Cesar Chavez volunteers conducted surveys in the Mayfair neighborhood of Santa Clara County to assess if the residents believe that pedestrian and bicyclist improvements are needed to improve the safety and convenience of using transit. In the months of October and November 2004, 483 surveys were conducted. Three hundred and fifty-seven of the

surveys were conducted in Spanish, while 126 were conducted in English. Surveys were conducted at neighborhood schools, door-to-door, the Guadalupe church, and the Alum Rock Senior Center. Fifty-eight percent of those surveyed were female, while 88 percent were Hispanic or Latino.

Four meetings were held in the Mayfair Community with 79 attendees to gather input on problems and solutions to bicycle and pedestrian safety in the community as well as to gather ideas for the design of the stations.

A final stakeholder meeting gave participants the opportunity to review the draft report and make recommendations or make any comments and voice any additional issues.

**d. *Bayview - Oakdale Caltrain Station EJ Study***

The study conducted by the San Francisco County Transportation Authority (SFCTA) in concert with the San Francisco Municipal Railway and the San Francisco Redevelopment Agency was designed to promote public involvement in the design of a transportation project—relocation of a Caltrain station. The purpose of the study is to examine alternative conceptual design through technical investigations and an inclusive community-based planning process. The targeted area was the Bayview Hunters Point (BVHP) residents. There were three public workshops held in the BVHP community attended by 15 to 28 community members and 13 stakeholders, including the residents of the Southeast Sector, San Francisco Black Chamber of Commerce, and the Faith-Based Coalition.

**e. *Access to Opportunities Project***

The TALC carried out an Access to Opportunities project to increase the capacity of minority and low-income groups to participate in local and regional transportation decisions. The project reached out to more than 1,500 organizations and individuals throughout the Bay Area offering free copies of the handbook, *Access Now!* The handbook is a product of the project offering an easy-to-read guide explaining how transportation funding and decision-making happen in the Bay Area.

## **San Luis Obispo**

San Luis Obispo is located in the central coastal part of the State and borders Oakland to the north and its eastern border touches Stockton and Fresno. This area is rural and urban, contains the coastal California cities of San Luis Obispo and Monterey, and is home to a small number of Native American tribes.

The following accomplishments are reported for FFY 2004/05:

### **Community Planning**

1. ***Monterey County's Castroville Community Plan***

The projects impacting residents and commuters from Castroville to Santa Cruz northward and Salinas eastward are the SR 183 Transportation Concept Report and Highway 156 West Corridor. The district is keeping the public informed and partnering with Monterey County and the Transportation Agency for Monterey County (TAMC). Internal partners include Community Planning, Advance Planning, IGR, Regional Planning, and Project Management.

2. ***Salinas Road Interchange Community Advisory Group***

The Department is working with TAMC and other State and local government staff to educate the Community Advisory Group (CAG) and the public on the project and the transportation process.

3. ***101 in Motion***

The district participated in an advisory committee guiding all general public outreach that included input from minorities, low-income citizens, and seniors. This effort included a "Go to Them" outreach strategy and taking project information to 25 established community groups, including the Santa Barbara Hispanic Chamber of Commerce, Santa Barbara Women's Club, Santa Barbara County Association of Governments, and local jurisdictions within the county.

## **System Planning**

### ***District System Management Plan***

System Planning staff conducted outreach to the Santa Ynez Band of Chumash Indians, Spanish-speaking media, and public.

### **Fresno**

Fresno is located in the central part of the State and borders Sacramento to the north and its eastern border touches Bishop and parts of the state of Nevada.

The following accomplishments are reported for FFY 2004/05:

1. Provided support and outreach for a Native American Cultural Resources training session, which was attended by staff, local agencies, and local tribal representatives on January 24-25, 2005.
2. Completed a Cultural Resources Workshop in conjunction with Environmental Planning and the Table Mountain Rancheria Tribe, on June 6-8, 2005.
3. Six community members, including Workforce Investment Board, Latino Issues Forum, Fresno Metro Ministries, and La Union del Pueblo Entero attended a San Joaquin Valley Growth Response Study.
4. Completed support and surveying by staff and the following four recognized Tribal Governments: Santa Rosa Tachi Yokuts, Chukchansi-Picayune Rancheria, Cold Springs Rancheria, Tule River Reservation, and four non-recognized tribes: Chumash Council of Bakersfield, Traditional Choinumni Tribe, Dunlap Band of Mono Indians, and Kern Valley Indian Council. Four public meetings with recognized and four public meetings with non-recognized tribes were held, including meetings after the formal survey.
5. Collaborated with the Fresno Council of Governments to identify and engage ten representatives of CBOs for its EJ Task Force meetings, with emphasis on transportation issues for farmworkers.

6. Worked with Cold Springs Rancheria Tribe on EJ and the possible development of a Reservation Transportation Authority (similar to the one in San Diego) for Central California. This would be a consortium of tribes to combine and leverage resources for transportation development in tribal areas.
7. Worked with Chukchansi-Picayune Rancheria and tribal community members in public meetings to address delays on SR 41 near the tribal areas. A meeting convened on September 22, 2005, and was attended by the tribe's chairperson, the whole tribal council, Fresno district staff, and management.

### **Los Angeles**

Los Angeles is located on the southern coastal part of the State and borders San Luis Obispo to the north and its eastern border touches Fresno and San Bernardino. Los Angeles also borders the Irvine/Orange County to the south. This is the State's largest population center, primarily urban, and has many diverse, ethnic communities.

The following accomplishment is reported for FFY 2004/05:

#### **Southern California Compass Growth Vision Workshops**

A collaborative regional planning effort was launched by Southern California Association of Governments (SCAG) to assist Southern California residents, including Title VI participants, in making decisions about how they manage growth wisely during the next 30 years. Focus group workshops in Southern California discussed growth principles, mobility, livability, prosperity, and sustainability. Participants were able to share their personal views on how the region might want to shape future growth through major transportation corridors, mixed-use development, and growth around transit centers.

### **San Bernardino**

San Bernardino is located on the southeastern part of the State and borders Bishop to the north and its eastern border touches the state of Nevada. The western border faces Fresno, and the southwest border faces Los Angeles and Irvine/Orange County. This area is both urban and rural, and contains vast amounts of desert and several Native American tribes.

The following accomplishments are reported for FFY 2004/05:

1. Collected EJ data from the 2000 Census in order to help plan and direct outreach efforts for the Victor Valley-Barstow Area Transportation Study.
2. ***State Route 86S Traffic Signal Project***

District staff met with the “State Route SR 86S Coalition” to find ways to make the 50<sup>th</sup> and 52<sup>nd</sup> Street crossings safer in Coachella. The Coalition is exclusively Hispanic farmworkers and their supporters in the community. Working with the Coalition, the Department developed a three-phase project to put in stop signs, signal lights, and full interchanges at these crossings.

### **Community-Based Planning**

Through the symposia series, Coachella Valley Design for Healthy Living is exploring concepts and strategies appropriate to the unique characteristics of the sub-region. Coachella Valley Association of Governments (CVAG) and Transportation and Land Use Coalition (TLUC) will use that information to create a “resource kit” for local agencies and leaders. The kit includes sections on the issues and topics, such as planning for growth in the Coachella Valley, references to additional information, and a concise guide for how to involve local communities in decision-making on development.

### **Bishop**

Bishop is located in the central eastern area of the State and borders Stockton and Fresno to the west and its eastern border touches the western edge of the state of Nevada. This area is primarily rural, is known as a hunting and fishing area, and is also home to a number of Native American tribes.

The following accomplishments are reported for FFY 2004/05:

1. The District Director, the Deputy District Director for Planning and Programming, and staff met with the Bishop Tribal Council on the Bishop Area Access and Circulation Study. Staff continues to consult with tribal staff on this project.

2. Gathered valuable information from a community transportation forum held in Ridgecrest and two public meetings in Bishop.

### **Stockton**

Stockton is located in the central inland part of the State and borders Sacramento to the north and its eastern border touches Bishop and the state of Nevada. This area is primarily rural with urban pockets and is also home to a number of Native American tribes and sizable Hispanic communities.

The following accomplishment is reported for FFY 2004/05:

The district's Planning Division put together a draft Public Participation Plan with goals and objectives, public participation processes, public participation tools/strategies, and references to ensure a pro-active public involvement process and complete information on timely notices and commenting opportunities for future transportation plans and projects.

### **San Diego**

San Diego is located at the southern end of the State and borders San Bernardino to the north and its eastern and southern borders touch the Baja Mexico tip of Nevada. This area is primarily Spanish speaking, urban and rural, contains several border cities, and is also home to a large number of Native American tribes.

The following accomplishments are reported for FFY 2004/05:

1. Outreach efforts included a letter to all tribes, emails, telephone calls, and face-to-face survey interviews with a tribal representative. In some cases, staff conducted a follow-up interview on the survey information provided.
2. Twenty invitation letters to Tribal Governments, 40 telephone conversations, 50 fax and email contacts, and more than 20 meetings were made.
3. Installed all signs included in the San Diego County tribal signing package.



4. The chairman of the Southern California Tribal Chairmen's Association now has an ex-officio seat on the San Diego Association of Governments (SANDAG) Borders Committee. Ex-officio membership is comparable to the Department's position on this committee. The district indirectly encouraged the committee to take this step through its informational activities.
5. Construction jobs were advertised with TERO guidelines included. Consequently, Native Americans were given employment on the Department's projects on or near reservations.
6. The Planning Division, in partnership with SANDAG, continued the Interstate 805 (I-805) and I-5 Corridor study to develop strategies to enhance the mobility of inter-regional and regional trips for the entire I-805 Corridor and the I-5 Corridor South of SR 54. To assist with the second round of public participation, staff engaged the Jones and Stokes consulting firm under HQ's Planning Public Participation Contract (PPPC).

This process involved making 17 presentations at meetings with Community Planning Groups of the City and County of San Diego. The intention of the presentations was to encourage the public to get involved in the study and to ensure that the recommended transportation improvement strategies reflected the best interests of the residents, business owners, and stakeholders along the corridor.

Presentations were conducted to the following organizations:

Mission Valley Unified Planning Committee  
 Normal Heights Community Planning Committee  
 Sweetwater Planning Group  
 City Heights Community Planning Group  
 Otay Mesa/Nestor Planning Committee  
 Skyline/Paradise Hills Community Planning Group  
 Kearny Mesa Planning Committee  
 Otay Mesa Planning Committee  
 National City Planning Commission  
 San Ysidro Planning and Development Group  
 Serra Mesa Planning Group  
 Linda Vista Community Planning Group  
 Southeastern San Diego Planning Committee

University Community Planning Group  
Chula Vista Planning Commission  
Mira Mesa Community Planning Group  
Clairemont Mesa Planning Committee

### **Irvine**

Irvine is located on the southern coastal part of the State and borders Los Angeles to the north and its eastern border touches San Bernardino.

The following accomplishment is reported for FFY 2004/05:

#### ***Community Based Planning and EJ Grant Programs***

The district continued to provide support to grant applicants by explaining the grant criteria and providing guidance on how the agencies could create better sustainable and equitable planning projects. In the last Planning Grant cycle, the district received six EJ Grant applications and five Community-Based Transportation Planning Grant (CBTPG) applications. Of these, one EJ Grant was awarded to the city of Irvine for its Long Range Transportation Plan Outreach Initiative (bringing traditionally under-represented citizens into the planning process for transportation solutions within the city) and one CBTPG was awarded to the city of Orange for the Santa Fe Depot Specific Plan Update (a major effort to involve the community in the development of new land use policies and designs to incorporate transit-oriented designs into the city's historic downtown and rail station locations).

Community involvement from all groups will be stressed as they provide the scheduled charettes and workshops to establish important elements of the plan. The same groups will be kept informed throughout the life of the project by using newsletters, web page links, television and radio spots, as well as public hearings.

### **ELIGIBLE POPULATION ACTIVITIES AND STUDIES**

#### **Office of Policy Analysis and Research**

The OPAR is currently working with a team of demographers from the UC Davis, UC Berkeley, and UC Los Angeles to identify and study the travel needs and behaviors of low-income and minority communities, with emphasis on the growing Latino and Chinese immigrant populations in

California. Other populations in the study include urban, rural, farmworker, and tribal communities. This study will examine the travel needs and behavior of these populations and will include focus groups with bilingual interpreters, community meetings, and various issue papers with recommendations. The product of this study will be a series of key guides that will give planners and project managers within and outside of the Department a better idea of emerging populations and how to frame outreach and final plans. Work began last spring and will continue through part of 2006.

### **Office of Community Planning**

The Department's PPPC terminated in June 2005. The contract was executed in 2002 to enhance public outreach efforts in the Department's transportation planning activities and to help meet legal requirements, including engaging the public in the transportation planning process, meeting Title VI requirements to include traditionally under-represented groups, and consulting Indian Tribal Governments.

During the last year of the contract, the following significant Title VI accomplishments were achieved: translation of Transportation Planning brochures to serve LEP communities (including Hmong, Vietnamese, and Spanish translations), ethnically diverse refreshments and day-care were offered to farmworker families attending meetings to support some of the planning activities.

The highlight of the contract was the support provided a major transportation planning grant workshop in the Fresno area in August 2005 that focused on the use of ethnic media (subcontracted through New California Media) to announce the workshop on local and ethnic media, including print and radio coverage in the workshop area, translation of flyers into five primary languages, and translation services provided.

The Department is currently evaluating the outcome of the contracts in order to determine if a similar task order directed contract is appropriate.

### **Office of Regional and Interagency Planning**

Grant funds provided an opportunity for the El Dorado County Transportation Commission to conduct a Demographic Study for El Dorado County. The objective of the study is to identify mobility and access needs of certain population groups, as well as evaluate how well the transportation system can address these needs. The study develops an information

document that identifies low-income, elderly, disabled, and minority populations by specific geographic area and includes an origin and destination survey relevant to these groups. The data is designed to support local planning studies, future funding and grant proposals, transportation services, and social service programs.

RTPAs develop 20-year transportation plans, which include demographic data. The agencies submit their Regional Transportation Plans to the ORIP for review and comment. The data is useful in identifying transportation issues and long-term solutions. Specifically, it is the basis for development of purpose and need statements that are needed to support funding requests for transportation improvements and to provide a measure of accountability to the public.

### **Office of Goods Movement**

With respect to the Governor's Goods Movement Action Plan (Plan) outreach "listening sessions," three listening sessions were conducted in January and March 2005, two in Los Angeles and one in Oakland. In addition to traditional transportation planning stakeholders, special efforts were made to invite individuals and organizations from the communities that will be directly affected by the decisions that arise from implementation of the Plan, especially those representing traditionally under-served populations. These included East Yard Communities for EJ, Wilmington Neighborhood Council Transportation Committee, and the Los Angeles Alliance for a New Economy (a senior citizen advocacy group).

### **Eureka**

The district Planning Division provides oversight for EJ Grants including Redwood Community Action Agency-Healthy Rural Roads, Traffic Calming and Safety Enhancements in Hoopa Valley Indian Reservation, Yurok Tribe-Transportation Plan, and Manila Community Transportation Plan Phase II. These projects involve collecting data on travel behavior and socioeconomic data.

1. The Office of System Planning worked on two Transportation Concept Reports (TCRs). These reports are long-term, 20-year plans for California's State Highway System. A TCR helps the Department determine if a particular route can meet future demands; identifies social, environmental, economic, and quality-of-life goals; assists the Department in addressing specific needs of the communities it serves;

serves as a basis for future projects and improvements; and provides the Department with a more coordinated and integrated approach to managing transportation resources. These reports include descriptions of the physical environment, neighborhoods, and travel habits along the route. Additionally, these reports include community data on demographics, employment, income levels, and housing. This data identifies Title VI groups and the composition of the population. Development and approval of the TCR involves a variety of stakeholders at the federal, State, and local level, including: RTPAs, Local Transportation Commissions (LTCs), cities, counties, communities, Tribal Governments, private businesses, resource agencies, Title VI groups, and the general public.

2. The Overall Work Plan (OWP) includes an *Introduction* section that describes the county's demographics, neighborhoods, physical environments, and travel habits. The ORP staff monitors the OWP effort by the counties. There are seven counties within the district (Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity). Many of the RTPAs have identified public involvement within the work elements of the document and target under-represented communities as part of their annual plans. This outreach information is available for use by the districts' Division of Planning offices as they embark on public meetings within each jurisdiction.
3. The Offices of Advance Planning IGR/California Environmental Quality Act (CEQA), Regional Planning, and System Planning have access to the County Economic and Demographic Profile Series books. These profiles provide the most current detailed economic and demographic information on the seven counties in the district. This statistical data addresses minorities, neighborhoods, income levels, and physical environment. Each department uses this data to understand the county, city, and community location they are studying and identify the target groups for public outreach efforts.
4. The Demographics Chart represents the 2000 Census for the seven counties within the district. The data displayed includes population, race/ethnicity, age (over 65), and income (percent below poverty and median household income).

## Oakland

The following accomplishments are reported for FFY 2004/05:

1. The Division of Planning and Local Assistance sent a letter and disseminated EJ and Title VI informational documents to city and county agencies in an effort to ensure that recipients of federal financial assistance are aware of the requirements of Title VI and EJ policies and directives.
2. During the development of the Regional Transportation Plan 2030, the district met with the MTC regarding Title VI and the EJ planning grants (EJPG), specifically regarding the inclusion of the Native American Tribal Governments into the regional planning process.
3. The district met with local agencies, private and non-profit organizations, CBOs, and transit agencies, to address EJ, Smart Growth, and Livable Community issues through the studies mentioned above.
4. Provided assistance to applicants in applying for EJPGs.
5. Monitored EJPG contracts to ensure goals and objectives stated in the scope of work supporting EJ principles were followed.
6. Regularly attended the MTC's Minority Citizen Advisory Committee in Oakland each month.
7. Shared and transmitted the following to federally-recognized Native American tribes in the district: free training in Stockton; Transit Fundamentals given June 13 through 15, 2005; the Sixth Annual "For All My Relations" Conference held in San Diego; and the Undergraduate Rural Transportation Research Summer Opportunity.
8. Regularly attended the NAAC meetings.
9. Met with MTC as part of the interagency coordination outreach effort to the federally-recognized tribes to discuss the current statewide initiatives in the government-to-government relation consultation and to initiate government relations with at least two tribes.

10. Attended the January 2005 meeting in Redding to discuss the feasibility of developing a Reservation Transportation Authority Group (RTAG) to work with the Department in addressing tribal transportation issues in Northern and Central California.

### **San Luis Obispo**

The following accomplishments are reported for the FFY 2004/05:

1. ***Census 2000 Analysis***

Staff regularly used Census information when planning community meetings on highway projects, developing TCRs and doing location-specific public outreach. The Census data is useful in identifying bilingual translation needs for information materials.

2. ***Economic Sufficiency Partnership***

San Luis Obispo planners actively participated in the monthly activities of a San Luis Obispo group of human service CBOs and social service agencies. This group focused on welfare reform issues. Staff involvement is two-way with information exchanges regarding transportation programs and needs of low-income residents.

### **Fresno**

The following accomplishments are reported for FFY 2004/05:

1. The district EJ Coordinator participated and assisted in bringing ten community members to the Fresno County Council of EJ Task Force meetings. Efforts have included developing information related to farmworkers, other EJ communities, and the question of transportation affordability.
2. The EJ Coordinator is participating in the Fresno County Council of Governments' Public Transportation Infrastructure Study (PTIS). Efforts have been to coordinate PTIS and the EJ Task Force work in relation to farmworkers, Tribal Governments/communities, and EJ communities.
3. The district's NAL accepted an invitation to attend the Cold Springs Rancheria Tribe Council meeting to discuss EJ, the development of a Reservation, Transportation Authority for Central California, the

Department's Tribal Consultation Spreadsheet, and the extension of Measure C. Measure C is a local one half-cent sales tax for the purpose of funding transportation projects, programs, and services.

4. The EJ Coordinator has been working with Fresno County Council of Governments for the inclusion of Native American Tribal Governments and EJ communities in the extension of Measure C. As part of the EJ Task Force, a person was nominated and appointed to the Measure C Steering Committee. That person will have the responsibility of developing the expenditure plan for the funding legislation, which will go to election in November 2006. The purpose of having an EJ representative on the Steering Committee is to voice the transportation needs of the EJ communities such as farmworkers, minorities, and the low-income and tribal governments/communities. Part of this work involves the creation of a Farmworker Transportation Focus Group that is working to secure funding of \$2 million per year to continue the Agriculture Industries Transportation Services Program (farmworker vanpool) in Fresno County. This work also involves coordination of EJ communities and environmental organizations that have similar transportation interests.
5. The District Director, the district's NAL, and other district staff attended a meeting with Chukchansi-Picayune Tribe on Monday, August 8, 2005. The discussion was related to delays on SR 41 in the vicinity of the Chukchansi-Picayune Rancheria and Chukchansi Gold Casino. Agreements were made to remedy unnecessary delays in the area. The district NAL arranged a meeting on September 22, 2005, at 6 PM, at the Chukchansi-Picayune Rancheria, which will include the Tribal Chairperson Joyce Burel, the entire Tribal Council, the Fresno District Director, Deputy District Director of Transportation Planning and Programming, and other Fresno district staff. The planned meeting is expected to improve communications between the Tribal Government and district staff.
6. Attend the Fresno Bicycle Coalition (FBC) meeting to discuss a Bicycle Subsidy Program for low-income community members participating in Welfare to Work programs. The FBC will identify a person in its group to promote the adoption and funding of this type of program.



## Los Angeles

The following accomplishments are reported for FFY 2004/05:

1. Transportation Planning Grant Demographic Surveys were used at workshops to obtain characteristics such as ethnic groups, income, gender, age, primary and secondary languages, minority populations represented, and disabilities. This information is used to update the district's electronic and Geographic Information System (GIS) software demographic databases.
2. Using the Enhanced Public Outreach Project for Metro's Bicycle Transportation Strategic Plan, target communities were identified using socioeconomic data from the 2000 Census and GIS software. GIS mapping was used to display income levels and transportation data for Los Angeles County. Median household income and the use of public transportation were the primary variables. Other variables considered were per capita income, ethnicity (minority populations), and the level of bicycling.
3. The district staff worked with SCAG to input data into the model regarding demographic, economic, and ethnicity information. Studies and analysis with the TCR and Modeling Branches allow the district to include data about travel habits along a route, the physical environment, and the identity of under-represented groups.
4. The CBTP Branch teamed with the GIS Branch to measure the size and density of the various groups within the urban and regional population to assist in determining the level of demand for future facilities and improvements.

This demographic data is used for major planning decisions and justifies the use of time and resources to produce results that are reliable and flexible enough to reflect consequences of local change. The results will also enable comparisons of transportation improvements while providing the travel patterns of ethnic, minority, low-income, senior, and disabled groups.

## **San Bernardino**

The following accomplishments are reported for FFY 2004/05:

1. The district has developed a new template for writing Route Concept Reports. Outreach to communities along the paths of the State routes is now an integral part of drafting the document.
2. The district's Deputy District Director for Planning and Office Chiefs in System Planning, Regional Planning, Special Studies, and Project Studies have met with community groups in Big Bear, Lake Arrowhead, Apple Valley, Yucca Valley, Coachella, Indio, and Mead Valley to discuss the Department's current plans and to solicit input on future improvements.
3. The district's Goods Movement and Regional Planning Office Chiefs have been active in regional goods movement planning efforts. The focus of these efforts is the movement of goods and mitigating the effects of heavy truck traffic on neighborhoods. Communities targeted for study include low-income, minority neighborhoods lining the Long Beach Freeway, the San Bernardino Freeway, the Pomona Freeway, and the Alameda Corridor East through the San Gabriel Valley.

## **Bishop**

The following accomplishments are reported for FFY 2004/05:

1. Completed the Community Impact Assessment for a major study using demographic, economic, and other information/data to compile the analysis.
2. Conducted traveler surveys to gather information on economic trends of travelers passing through small communities.

## **Stockton**

The following accomplishments are reported for FFY 2004/05:

1. Public meetings and hearings are sponsored by the district's Capital Program or external partner agencies. The district's Planning Division participated in the SR 99/Olive Street and the SR 99/Austin Road Interchange public meeting in May 2005.

Approximately 100 people of mixed representation attended. The district provided programmatic or functional support and Spanish translation as appropriate.

2. The district's Planning senior staff attended the Interregional Partnership Committee meetings that included San Joaquin, Stanislaus, Alameda, Santa Clara, and Contra Costa counties and their cities. This Committee is working to balance jobs and housing, transit-oriented design, and gives the opportunity to meet the needs of the communities.
3. The district Planning Division staff coordinated and attended meetings with the RTPAs and the Air Pollution Control District in the rural mountain region, urban areas, and the eight-county San Joaquin Valley region to facilitate an approach for meeting new air quality conformity requirements. This effort helped to ensure that local transportation planning improves regional air quality and is an outreach effort of working with the Native American tribes for conformity compliance commenced in January 2005.

## **San Diego**

In partnership with local agencies and CBOs, EJGP promotes public involvement with diverse and under served communities in the planning for transportation projects. It also attempts to prevent or mitigate disproportionate and negative impact of plans and projects in these communities while improving mobility, access, equity, and quality of life.

The following are ongoing projects or studies for San Diego:

### **Projects Completed:**

1. With the sponsorship of the Jacobs Foundation, All Congregations Together (ACT) Planning for Unsubsidized Community-Based Transportation conducted a community-based planning process to identify the transportation needs of low-income, diverse residents of southeastern San Diego, National City, and Lemon Grove. Focus groups were used to assess the range of transportation needs and determine the feasibility of providing community-based

transportation on a fee-for-service basis. A business plan was developed to make the ComLink transportation system sustainable long-term. If the project is successful, ACT will help other communities replicate the ComLink program.

2. **The Euclid Avenue Walkable Communities Project** – The project will create a comprehensive master plan as well as conceptual design drawings to address the lack of pedestrian amenities on Euclid Avenue between Home and University Avenues. Pedestrian travel in this diverse, densely populated area of San Diego is dangerous and is an economic necessity, yet canyon lands limit the use of any other routes.
3. **The San Ysidro Pedestrian/Bicycle Mobility Study** – The study will assess the San Ysidro community’s needs for bicycle and pedestrian transportation, and social and economic improvement.
4. **San Diego EJ Livable Communities Planning Project** – The city of San Diego, San Diego ACORN (a group of non-profit community organizations), and the Surface Transportation Policy Project will conduct outreach to involve low-income, minority, and other historically under-represented groups in critical transportation decisions, processes, and planning projects proposed for Chollas View, Mount Hope, and Mountain View. The thrust of the project is enhancing community livability through biking/walking with special emphasis on overcoming the I-805 barrier to these activities. Another aspect is completing the planning process for developing the Chollas Creek multi-use trail system.
5. **From State Highway to Multi-Modal Main Street** – The city of Brawley will develop a plan to utilize community input and recommendations to design a revitalization plan for the downtown area, incorporating the principals of smart growth in designing a more livable community.
6. **San Ysidro Pedestrian Transportation Study** – The city of San Diego will promote mobility, smart land use, and economic opportunities to address the congestion and aging infrastructure in the heavily congested San Ysidro area.

## Community-Based Transportation Planning Grant Program

The following are projects or plans currently underway for San Diego.

1. **Rail Station Master Land Use Plans** - The North San Diego County Transit Development Board will prepare master land use plans for three station sites: Oceanside Transit Center, Escondido Transit Center, and Carlsbad Village Coaster Station.
2. **Commercial and 22nd Street Mixed-Use Project** – SANDAG and the Mexican-American Advisory Committee will assess the potential for urban infill, mixed-use, and transit-oriented development near the Cesar Chavez Trolley Station, an existing station on the Orange Line of the San Diego Trolley.
3. **Eastern University District Transit Plan** - The city of Chula Vista will develop a conceptual transit-oriented plan and designs for Otay Ranch, a master planned community located in southern San Diego County.
4. **Hillcrest Corridor Mobility Plan** - The city of San Diego and the Uptown Partnership, Incorporated, plan to achieve community consensus on the design of traffic calming measures, transit, bicycle, and pedestrian improvements, and parking concepts in the Hillcrest Corridor.

## Native American Liaison Branch

The following are projects or studies currently underway for the Native American Liaison Branch (NALB):

1. **Tribal Transportation Needs Assessment** - A draft analysis of the responses has been completed. Results will be first presented to Tribal Government leaders and then at a summit tentatively planned for January 2006. San Diego district staff, regional government officials, tribal leaders, and tribal organizations are organizing and coordinating this summit.
2. **State Route 76 Corridor Study** - San Diego and the RTAG will conduct a corridor study on SR 76 to identify and focus on operational improvements needed within this corridor. During the study process, San Diego district staff will facilitate cooperation

between the seven Native American tribes served by this corridor and the county of San Diego, SANDAG, environmental resource agencies, developers, and the public.

3. **Coordination with Native American Tribal Governments** is a region-wide activity to promote coordinated transportation planning between the RTAG and the RTPAs in Riverside, San Diego, and Imperial counties. In San Diego, the branch is helping Tribal Governments increase their effectiveness in regional planning activities, particularly in San Diego County, as well as encouraging greater tribal representation on regional planning committees.
4. **Native American Children School Access Assessment** - The RTAG will explore traffic hazards, transportation options, and alternatives, including ride sharing and public safety programs for the school children of tribal members.

Regional Comprehensive Plan - The Planning Division assisted SANDAG in preparing this plan, which provides a framework for enhancing the environment, while improving the economy and the quality of life for all of the region's inhabitants. Through community block grant funding, the plan was developed with a strong EJ emphasis and includes the following:

1. Social equity and EJ information, goals, policy objectives, and actions.
2. A chapter titled "Social Equity and EJ Assessment" which analyzes the plan's equity level.
3. Community groups that could submit mini-grant applications on their own were selected for additional Regional Comprehensive Plan (RCP) outreach.
4. The Local Government Formation Commission was the lead in developing English and Spanish fact sheets on smart growth and pedestrian safety through outreach to nonprofit organizations, local government staff, and other key stakeholders.

## **Irvine**

### ***Advanced Planning***

#### **Project Study/Project Study Reports**

Provided information in the “Background” section of the Project Study/Project Study Reports that identify under-represented communities and/or possible EJ issues within the area of the proposed project. These reports are routed through the district Title VI Coordinator as part of the internal project review.

### **PUBLIC PARTICIPATION**

#### **Office of Policy and Analysis Research**

The OPAR staff is currently working with district Planning staff, as well as other HQ Planning programs, in an effort to provide more technical assistance and training in the area of understanding the mandatory Title VI program requirements. OPAR staff would like to encourage early effective and meaningful public involvement and public participation in all the Department’s programs. Special efforts are being made to improve government-to-government relationships and consultation with local and statewide tribes.

The 8,000-name database used by DOTP, has been updated by district staff with names and addresses of new agencies, community organizations, and advocacy groups who might be interested in planning grants or transportation topics in general. The database covers a very broad spectrum of local agencies, low-income, ethnic, and tribal communities. All grant workshops are publicized on the DOTP website. One persistent obstacle to effective outreach is the turnover rate of community organizations where the names and addresses may change, and the district database is forced to keep pace with those ongoing and dynamic changes. There is no universal database that is continuously updated in real-time to keep pace with these changes. The dynamic and rapid population changes in California present significant obstacles to all levels of government at identifying and engaging communities in planning. There is a real, unmet need for financial resources for this purpose.

## DISTRICT DATA

### **Eureka**

During the reporting period, the Eureka Planning staff held four separate tribal meetings with Smith River Rancheria, Elk Valley Rancheria, Bear River Band of Rohnerville Indians, and Lower Lake Rancheria to discuss general transportation issues.

### **Redding**

There were 13 public meetings and workshops in the district during the reporting period as follows:

<b>County</b>	<b>Number of Attendees</b>	<b>Surveys collected</b>	<b>Title VI Groups in Attendance</b>
Plumas	9	0	1 woman
Lassen	14	0	None
Modoc	N/A	N/A	N/A
Shasta	19	0	6 women
Siskiyou	18	0	4 women
Tehama	9	0	3 women
Trinity	9	0	None

- **Almanor Regional Transportation Assessment**

District staff worked with Lassen County and Plumas County staffs to set a date and assure their participation. Workshop announcements were mailed to the Chester/Lake Almanor Chamber of Commerce business members, area residents who have attended previous public workshops, and to the person or agencies listed in the Title VI Outreach database for Lassen and Plumas counties. Each invite included the website address for this project. The website contains a link to submit public comments. A media advisory was sent to the local media. There were minorities, senior citizens, and Tribal Governments represented at the workshop. A sign-in sheet, comment cards, and survey cards were provided at the workshop. No surveys were returned, but there were five under-represented groups present.



- **Pit River Tribal Consultation**

District staff worked with the Wings and Roots Consultant to set up a meeting with the Pit River Tribal Government. The Consultant developed consensus-based agendas and facilitated the meeting. There were five meetings and all of the meetings involved ten to 25 members of the Pit River Tribal Council and other Tribal Council staff.

To ensure public participation at these workshops and meetings, the district:

1. Analyzed Census 2000/Department of Finance demographic information for the location(s) being studied.
2. Searched the Redding Title VI Outreach Database by geographic location or group.
3. Discussed community demographics with regional agencies. Regional agencies provide key information on community populations and contacts for outreach.
4. Targeted outreach to populations through phone calls, mailings, Internet sites, and media announcements. Sometimes this outreach was done in Spanish.
5. Provided a sign-in sheet at all meetings.
6. Provided a Redding district survey card (English/Spanish) to hand out at meetings with demographic information requested.
7. Provided a Public Outreach Survey Report (POSR) form for staff members to complete after a public event. This form requires staff member to summarize the meeting, explain the Title VI outreach efforts, and list any additional contacts for future outreaches.

Although it has been a challenge to engage communities in the outreach, a Best Practices-Public Participation Reference Manual from the Department's Office of Community Planning was completed to give the district additional public outreach strategies and guidance. In August 2005, many of the Transportation Planners were provided a copy of the manual. In reviewing the manual, one Transportation Planner suggested a focus group approach on upcoming outreach meetings. The manual is a culmination of outreach activities and provides examples. Therefore, by

using some of the “best practices” techniques suggested in the manual, this could lead to a process that allows all stakeholders to be engaged, influential, and informed decision makers.

### **Marysville**

District staff met with members and staff of the Sierra County Transportation Commission to provide suggestions for additional ideas and methods to find and engage under-represented communities. The district developed a database with a list of traditionally under-represented populations, contacts, and organizations. Staff suggested they expand the notification process to include churches, social groups, community gathering places (halls, senior nutrition programs, coffee shops, etc.), place notices and surveys on the county websites/pages, use nontraditional newspapers-dispatches-journals, place articles in school newsletters, provide students with handouts and flyers, and ask for ideas and assistance from genealogical and historical societies. In Sierra County, the population is very small (less than 5,000) and is widely scattered over an extremely mountainous area. Travel distance, travel time, aging of the county populous, and lower economic levels contribute to the difficulty of meaningful engagement with these communities.

The district distributes a quarterly newsletter to partners, including the tribes, Metropolitan Planning Organization (MPOs), RTPAs, and local agencies regarding current events in Planning and opportunities to apply for discretionary planning grants. The audience for these newsletters will expand in FFY 2006 to include traditionally under-represented groups by using the aforementioned database.

As a means of monitoring outreach efforts, the district:

1. Employs comment cards as a method for measuring the benefit or success of the district’s outreach programs.
2. Uses sign-in sheets at all events to track attendance.
3. Provides bilingual demographic question cards at some public meetings.
4. District staff takes notes of comments at meetings.

## **Oakland**

For all of the Community Planning Grant projects and anything funded through the Department's Office of Community Planning, it is mandatory that public participation to minority communities be part of the projects themselves. Consultants well versed in outreach to the particular communities affected by the project were retained by the local agency to perform the outreach.

In addition, the meetings were promoted through the MTC Elderly and Disabled and Minority Citizens Advisory Groups, ethnic newspapers carried the news of the various public meetings, ethnic radio stations were contacted, and CBOs for the affected communities were informed of the meetings.

To ensure public participation the following resources were used: Census data, Association of Bay Area Governments (ABAG) information, data from various cities and chambers of commerce, ethnic media (newspapers, radio stations, and television), CBOs, MTC, Elderly and Disabled and MTC Minority Citizens Committees, as well as information gathered as part of the public meetings.

## **San Luis Obispo**

1. To ensure public participation, the district uses sign-in sheets, name tags, photography, telephone calls, post news articles, and visual observation. Public Affairs employs a full-time, bilingual Public Information Officer who successfully translates English and Spanish both verbally and in written materials. Flyers, brochures, press releases, and other text are made available in English and Spanish for multiple distribution to media outlets and the general public.
2. The district is expanding its Public Affairs' stakeholder database to include information such as regular meetings, upcoming events, newsletters, websites, and specific contacts. The district's database includes contact information for public agencies, CBOs, businesses, and private individuals located in all five of the district's counties. Community Planning used the list several times for public outreach and notification on highway project information meetings or hearings, open houses, and workshops.

3. The district wrote news articles on the following projects for publication in local newspapers: Highway 225 Rehab (Santa Barbara), Highway 1 Median Barrier (Aptos), San Juan Bautista Median Barrier (San Juan Bautista), Airport Boulevard Interchange (Salinas), Prunedale Improvement (Prunedale), and Highway 152 Shoulder Widening (Watsonville). These articles advertised construction as well as public hearings and open public comment periods for environmental documents for projects. The extensive outreach to multi-cultural media outlets resulted in higher attendance for the events and additional post news coverage for the projects.
4. The district also worked with Public Affairs to produce fact sheets on certain projects for wide distribution. These fact sheets are now available on the district website.
5. Submitted correspondence to local elected officials advising of construction, major road closures, and general project information. This effort resulted in the public officials using their own communication networks to get the word out on projects and include notification to the traditionally under-represented.
6. Worked in partnership with the Salinas Valley Chamber of Commerce to help advertise the upcoming public hearings for the Airport Boulevard Interchange Project and the Prunedale Improvement Project. The Salinas Valley Chamber of Commerce distributed the district's project flyers and posted an announcement on its email newsletter to more than 1,000 chamber members.
7. Continue to improve public outreach by producing newspaper articles, PowerPoint presentations, poster displays, brochures, flyers, and comprehensive information packets on major highway projects and distributing them to all media outlets (including Spanish or other multi-cultural media) and the general public. In addition to hosting even more public meetings, Spanish-speaking translators and Spanish written information and materials are provided at all public events.

### **San Luis Obispo**

The district Planning staff conducted three public hearings, to which the public was invited. Translated press releases and public notices, as well as news articles, were sent out to all media outlets to ensure participation.

Number of attendees:

1. Airport Boulevard Interchange Project Public Hearing: 20 attendees, including a few people listed under the various Title VI citizen categories.
2. Prunedale Improvement Project Public Hearing: 210 attendees, including multiple people listed under the various Title VI categories.
3. Salinas Road Interchange Project Public Hearing: 66 attendees, including multiple people listed under the various Title VI categories.

The following are efforts used to ensure public participation:

1. Most meetings have sign-in sheets to document attendance of all people groups, including minorities, women, elderly, disabled, and low-income citizens.
2. All public hearings and meetings invite the public to complete a comment card, or email or phone the Department with their responses.
3. Provide many materials (including public notices, flyers, press releases, and display posters) in Spanish in a special effort to reach the traditionally under represented.
4. At least one Spanish-speaking staff member attends each meeting to translate between the audience and staff.
5. The district works closely with external partners (RTPAs and MPO), which is effective in reaching out to the traditionally under represented. The district, RTPA, and MPO combined lists of stakeholders and brainstormed community groups that need to be involved in transportation decision-making. This is a continual process, but the stakeholder lists grow as each meeting brings more participants to the planning table. Other solutions included aggressive outreach to multi-cultural media outlets and working with the local chamber of commerce to help get the word out on upcoming public meetings or hearings.

## **Fresno**

Efforts to ensure participation involves the compilation of an extensive listing of email addresses belonging to Native American Tribal Governments/communities, minority communities, the disabled and low-income, and personal phone contact with persons from CBOs about events related to the Department's programs, projects, activities, and services. Communities are identified by participating in community events that will be attended by the targeted Title VI and EJ populations. These events are conferences, workshops, and forums. The Fresno NAL/EJ Coordinator attends these events and venues to make presentations on the Department's Transportation Planning Grants.

An example of such an event was "Migration and Transnational Cultures: Understanding the People of the Central Valley in the Context of the World." The UC Merced World Cultures Institute sponsored this event on Friday, May 20, 2005, in Bakersfield. Numerous immigrant rights advocacy organizations attended this event.

The difficulties to identify and engage have been in trying to demonstrate connections between the primary interests of the CBOs and transportation-related issues.

## **Los Angeles**

Los Angeles used the following resources to identify relevant communities:

- Census Bureau publications and statistical abstracts.
- Aerial maps.
- Field and windshield surveys and reviews.
- MPOs, city, county, and statewide planning offices.
- Updated demographic statistics based on projected growth rates.
- Schools, social service agencies, and CBOs.
- State, local, and university libraries.

CBTP staff was involved in six public meetings and monthly meetings for general plans and transportation projects. Los Angeles used the following methods to ensure public participation:

- Direct mailings of announcements to CBOs.
- Email councils of government (COG) within the district.
- Newspaper advertisements, working with the Public Affairs office.

- Flyers and announcements at meetings with local, State and regional meetings and/or workshops.
- Newspaper advertisements.
- The Department, MPOs, and RTPAs use a combination of workshops forums, advisory committees, surveys, public hearings, the Internet, public access television, focus groups, and publications to inform, gauge, and respond to regional issues and public questions and concerns.

The population in the Los Angeles region, as part of the overall SCAG Region, helps make up approximately 6 percent of the national population, with Los Angeles County alone accounting for slightly over one-third of that growth. Monitoring this kind of growth has been an obstacle to the identification and engagement of some communities.

### **San Bernardino**

The district used US Census data, contacts with the numerous Indian tribes in the district, Riverside County Transportation Commission staff, San Bernardino Associated Government's staff, county of Riverside, and Coachella Valley Association of Government's staff to identify minority, tribal, and low-income communities that might be affected by the Department's projects and plans.

Planning staff has met with the Morongo and Agua Caliente Tribes, approximately eight times to discuss economic development beyond casinos, on their reservation properties that lie along I-10. District staff also met with the San Manuel, Torres-Martinez, and Twenty-Nine Palms Tribes to discuss expanding existing casinos and resorts on tribal land that is adjacent to various State highways.

### **Bishop**

The district held three public meetings that used both extensive mailing lists and local media to solicit participation from the public. Few minorities attended either event. Automated polling was used to gather demographic information on the audience at one meeting. The district also held two consultation sessions with Tribal Governments on specific project efforts.

## Stockton

The district used the following methods to ensure public participation:

1. District Planning Division cross-references between invitations that are sent out and the attendees.
2. Notes of comments at meetings are documented and comment cards are utilized.
3. District Planning staff keeps an attendance sheet for every event and public workshop.
4. The Department, in cooperation with the MPOs and RTPAs, use a combination of advisory committees, fully noticed public hearings, workshops, forums, surveys, publications, the Internet, public access television, and focus groups to inform, gauge and respond to regional issues and address public questions and concerns. This also includes public information meetings associated with Capital projects.
5. Prior to public information meetings, the Department develops and organizes direct mail to community groups and residents, including ethnic, racial, disabled, and disadvantaged groups. The district Public Information Officer acts as the project spokesperson to interact with the public, merchants, and media, keeping them informed about the progress of construction projects, minimizing impacts to the community. Notices of upcoming project workshops, forums, and public meetings are also published in the local general newspapers including Spanish language newspapers.

The District System Management Plan (DSMP) brochure is now complete and the district is in the process of drafting a cover letter that will go out with brochures to transportation planning partners, including federally recognized tribes and Native American communities.

The district's Planning Division has been involved with updating and using its database of local agencies, CBOs, and Native American Tribes to reach many local and under-represented groups in its proactive planning outreach. The district used this list to send out invitations to the annual grant workshop, the SR 99 Master Plan, and other public participation efforts that will inform and involve its communities.



The DSMP is a strategic and policy-planning document that envisions how the district will maintain, manage, and develop the transportation system over the next 20 years and beyond. The DSMP is not an environmental document or funding document. It is a plan to create a safe and efficient connected transportation system of cars, trucks, buses, rail transit, bicycles, and pedestrians that can support the district's quality of life.

As mentioned in the 2004 Title VI Annual Accomplishments Report, the development of the DSMP was solicited through workshops in the months of April and May 2004. The district is currently making arrangements to make further presentations and solicit input from the Hmong community, Native American tribes, and the Native American community at large. Native American brochures and Hmong language brochures were produced.

The district's Planning Division developed an informational Planning and Local Assistance brochure to use as a tool to educate partner agencies and the public on awareness and knowledge of what Transportation Planning is and how we involve them in the planning process. This brochure has been published in different languages (English, Spanish, and Hmong), as necessary, to reach the under-represented communities.

The district's Planning Division and Public Information Office have developed an informational brochure "*How Caltrans Builds Projects*" as a community outreach tool for the education and increased awareness of our customers. These brochures have been published in English, Spanish, and Hmong, to reach the under-represented communities.

Planning staff continues to participate with Fresno staff in providing technical assistance and public outreach in the development of the Route 99 Corridor Master Plan. The Master Plan covers the area from Bakersfield to Lodi. The public outreach involved working with local communities to develop a Route 99 Corridor Master Plan. The stakeholders included communities, local agencies, and State and federal governments. Over 300 organizations were contacted throughout the corridor using news releases and public service announcements and newspaper advertisements in English, Spanish, and Hmong. The district sponsored two public meetings, one in the city of Stockton on November 9, 2004, 25 people attended; and one in Merced on November 10, 2004, 50 people attended. In addition, three meetings sponsored by the district were held in Fresno, Tulare, and Bakersfield.

## **The Intergovernmental Review Early Consultation Initiative/Pilot**

The district's Planning staff is working with Amador County Transportation Commission to utilize a collaborative and coordinated process to improve the review of project documents and mitigations to be more effective and efficient. Four public workshops and marketing materials have been used to introduce the public agencies and developers and gain their input for further refinements as part of the IGR process.

Native American data sources are from Native American Heritage Commission, HQ's NALB, and Stockton's updated contact list.

The district's Regional Planning continues ongoing government-to-government relations with the tribes located within the district.

The district continues ongoing communication with all other concerned Native American groups. The following are examples of the steps the district has taken towards these efforts:

- Native American Coordination - the district continues to conduct and facilitate planning meetings between the State and Indian Tribal Governments and assist in consultation on project review.
- A draft MOU, as a result of coordinated efforts between the tribe, HQ, Redding, and Stockton, was presented to the tribe for its review. More recently, HQ Legal has since provided a three-page draft MOU template that could be used for any future agreements.
- The District Native American Coordinator (DNAC) works with the tribes and other Native American communities and interested individuals relating to cultural resource issues and concerns.
- The District Native American Liaison (DNAL) is the first contact between both external and internal customers, and directs Native American concerns and issues to the appropriate functional unit and/or departmental program.

## **San Diego**

### **Native American Liaison Branch**

#### ***Tribal Transportation Needs Assessment***

The district NALB completed a survey that assessed and quantified the transportation needs of Native American tribes in San Diego and Imperial counties. A meeting was requested with a representative of each Tribal Government, and the following 18 of the 19 Tribal Governments within the district participated:

Barona	Pala
Campo	Pauma
Ewiaapaayp	Quechan
Inaja Cosmit	Rincon
Jamul	San Pasqual
La Jolla	Santa Ysabel
La Posta	Sycuan
Los Coyotes	Torres-Martinez
Mesa Grande	Viejas

### **LIMITED ENGLISH PROFICIENCY**

#### **Office of Policy Analysis and Research**

The EJPG openly suggests and allows local agencies to utilize bilingual interpreters and ethnic media to engage populations whose primary language is other than English. All grant workshops, since the beginning of the EJPG program, have encouraged local and community-based agencies to use bilingual and culturally appropriate means of communication. Several of the awarded grants under this program have used interpreters and bilingual focus groups to engage communities in transportation planning.

### **DISTRICT DATA**

#### **Eureka**

Eureka Planning provided both written and verbal translation for various projects throughout the district. The district spent 30 hours or \$750 on Spanish translations. The translated publications are as follows:

1. Richardson Grove Safety Advisory-Spanish Translation.

2. Title VI comment card-Spanish Translation.
3. Public information flyer for Highway 20 Safety Project-Spanish Translation.
4. Meeting notice for Route 175 PM 2.0/2.3 Curve Correction-Spanish Translation.
5. Meeting notice for Route 101 Feliz Creek Bridge Replacement-Spanish Translation.
6. Title VI statement-Spanish Translation.

### **Redding**

Although Redding does not have a significant population of LEP individuals in the public sector, the district is responsible for having a procedure in place to accommodate LEP customers. Any Redding district employee who encounters a customer whose primary language is not English, Language Identification Flashcards are available in reception areas.

### **Marysville**

1. Marysville Planning staff recently awarded a \$91,200 EJ grant to the Sacramento Area Council of Governments (SACOG) for a “Multilingual Transit and Alternative Modes Public Information and Outreach Program” for the six-county SACOG Region. SACOG staff and a consultant will develop focused groups of LEP persons to assess transportation needs and language assistance needs of various target groups.
2. Sacramento Planning staff placed newspaper display advertisements in English and Spanish.
3. Directed contacts with members of the local minority and low-income communities.
4. Translators were available at public meetings/workshops.

## **SAN LUIS OBISPO**

### **Office of System Planning**

The districts OSP sent special mailings to Spanish-speaking media regarding the DSMP. These mailings included information such as open for comment and where to obtain a Spanish summary of the document. The OSP also posted the summary on the district website in both English and Spanish. The district's Public Affairs Officer assisted with written translations.

### **Office of Regional Planning**

Using funds from the Federal 5313(b) transit-planning grant, the San Luis Obispo Council of Governments (SLOCOG) sponsored a program to implement Spanish language into the training of Ride-On Transportation dispatchers. This effort involves coordination between a bilingual contractor, Ride-On Transportation, and the city of Paso Robles, as well as a transportation panel organized by the Latino Outreach Council (North County area).

For implementation, the bilingual contractor completed on-site interviews with local transit providers and finalized the script for the transit dispatch training kit.

The contractor assembled a work team for recording the Spanish dialogue (to simulate a live phone conversation between the service provider and a Spanish-speaking customer) and incorporated visual aids (PowerPoint slides and photos) into the final training manual.

The contractor expanded the electronic database of persons and organizations contacted in the Spanish-speaking community and differentiated between the bilingual and monolingual liaisons.

### **Office of Community Planning**

The district provides display boards, PowerPoint presentations, fact sheets, and comment cards in English and Spanish at public hearings and meetings, as well as distributes information to multi-cultural media outlets. The district has translators available for assistance. There were minimal production and material costs as the district used in-house printing supplies and relied on external partners to help distribute printed information. Most expenses were incurred with staff time. In general, the district prepares handout materials in English and Spanish for about 75-100 people to attend

an advertised public hearing or information meeting. That number is based on previous meeting attendees for similar projects in the same vicinity. Estimated printing costs for handout materials would be less than \$100 if produced in-house. Electronic submissions are generally free and sent by email for mass distribution or posted on the district web page by Department staff.

### **Fresno**

The district EJ Coordinator is bilingual (English/Spanish) and is useful in the activities related to farmworker transportation issues. The ability to speak Spanish has been especially useful in the coordination work to get Fresno County Measure C funding for farmworker transportation. This work is mostly in telephone conversations and written communications to the farmworker community organizations such as the Pan Valley Institute, Frente Indigena de Organizaciones Binacional, La Union del Pueblo Entero, and Lideres Campesinas. The city of Orange Cove and the city of Coalinga EJ projects both provide bilingual translators for the farmworker communities that participate in the needs assessment efforts.

The invitation/flyer for the Department's Transportation Planning Grants Workshop held on August 11, 2005, announced the provision of translators if community members identified the need. There were no requests for translators. The grant workshop for the 2005/06 FFY provided translation for two Mixteca women.

### **Los Angeles**

Headquarters and district Public Affairs Office support CBTP in the distribution of written and spoken outreach materials in the languages that reflect the district's particular region - English, Spanish, Korean, Chinese, and Japanese.

Assistance for the hearing impaired and translators for the non-English speaking were provided at all workshops and meetings held by CBTP. Interpreters and facilitators from various ethnic groups also participated.

### **San Bernardino**

At the SR 86 Coalition meetings, the district provided Spanish-speaking staff to field the funding, technical, and engineering questions that the community asked. The Public Information Office staff participated in

Planning Division meetings and spent about 12 hours or \$720 to translate documents for two meetings.

### **Bishop**

In an effort to provide LEP individuals access to the districts activities, district staff handed out Spanish storm water materials at two local county fairs and through local Indian Headstarts, and translated meeting invitations to Spanish.

### **Stockton**

1. The Planning Title VI Program Area Administrator (PAA) is certified as a Spanish-speaking translator and was added to the resource List of Language Volunteers to assist staff working with the public and who may come in contact with individuals that are LEP.
2. EEO staff has developed a Language Assistance Services list with all volunteers' name, division, phone number(s) and the language they speak, to assist staff working with the public and may be in contact with individuals with LEP.

The Language Assistance Services list with the Language Sheet and Language Identification Flashcards were given to staff at the Title VI/EJ training.

3. The district's Planning Division has an Interpreter/Translator Bilingual Services Resources list from the California State Personnel Board that includes private and non-profit organizations that provide translation services.

The district's Planning Division has three brochures translated in Spanish and Hmong. The cost of translation services of the brochures in Spanish and Hmong was approximately \$500 for each service.

## **TRAINING**

### **Eureka**

1. The district provided Americans with Disabilities Act (ADA) training for local transportation agencies, where 40 people attended including three district staff.

2. District Planning staff attended three meetings during the reporting period. The meetings focused on Title VI, Native American Consultation, and Title VI Strategic Planning.

### **Redding**

The district Transportation Planning Title VI Liaison and staff:

1. Provided Title VI and LEP training in November 2004 to the district Deputy Director of Planning and Local Assistance. Effective outreach strategies (including use of Title VI database) for public meetings are discussed on occasion during staff meetings.
2. Attended the Hispanic Marketing Event in September 2005 (hosted by the Northern California Hispanic Chamber of Commerce and the Center for Economic Development). This conference provided insight on the current population numbers, future growth of the culture, and how best to contact and work with members of the Hispanic culture.

### **Oakland**

1. The Community Planning Branch Chief attended Title VI training.
2. The Regional Planning Branch Chief along with about ten other district staff, including the new Deputy District Director of External Affairs attended the Department's Civil Rights hosting of the 2004 American Association of State Highway Officials (AASHTO) National Civil Rights Conference in San Diego.

### **Fresno**

Fresno Transportation Planning staff attended "Seeking Community Solutions: Increasing Access for Latinos in the Central Valley" sponsored by the Latino Issues Forum on October 22, 2004. Working Groups II: Transportation Issues on Access to Health Care in the Central Valley covered the transportation needs of low-income farmworker community members. A Department's Transportation Planning Grants was distributed.

Fresno Planning staff attended Context Sensitive Solutions training on October 25-27, 2004, which covered EJ and Title VI requirements and projects.



## **Los Angeles**

The following training was provided or attended during FFY 2004/05:

1. Community Impact Assessment Workshop
2. The Transportation Academy
3. Older Adults, Bicycles and Pedestrians
4. Title VI Statewide Training

All CBTP district and office staff attended the above training. This training was also available to other division personnel.

## **San Bernardino**

1. The Planning Division held one session of Title VI training for all Office Chiefs in the Division. The Division has also held a separate session of Title VI training to discuss the annual report with Office Chiefs.
2. Nine staff members attended two sessions of Title VI training.

## **Stockton**

The district Planning Title VI PAA and staff:

1. Conducted Title VI training that included information on Title VI, EJ, and LEP for Planning and Local Assistance staff November 16, 2004, and November 18, 2004. Additional training or make-up sessions were conducted as well.
2. Assisted in conducting the above-mentioned training to approximately five different training sessions to all district management and staff.
3. Attended a training session for Senate Bill (SB) 18 hosted by the Tuolumne Rancheria on April 7, 2005.
4. Approximately ten Planning staff attended a training session for Understanding History, Structure and Jurisdiction of Tribal Governments in California by the National Indian Justice Center (NIJC) and the Department's NAAC hosted by the Jackson Rancheria on February 24, 2005.

## **Irvine**

The district staff provided information and training to Planning Interns regarding Native American issues in the district through an orientation meeting and distribution of the Native American Manual. Information continues to be provided to all Planning staff regarding the importance of Title VI considerations throughout the program.

## **SELF-MONITORING**

### **DISTRICT DATA**

#### **Redding**

Redding district staff asked a contractor to assist with facilitating a government-to-government relationship with Tribal Governments. The Tribal Governments requested a specific subcontractor (paid through the Public Participation Contract) to assist with developing a relationship with a particular Tribal Government in the district and developed consensus-based agendas, facilitated meetings, and recorded the meeting minutes. After five meetings, the progress with this tribe is promising. District staff would like to continue with this subcontractor, but the funding is not proposed for the next fiscal year. Additionally, one senior level staff attended four quarterly NAAC meetings. Attendance at these meetings is also assisting the district to improve communication with the Tribal Governments.

#### **Marysville**

As part of the district's responsibility for administering federal funds, staff:

1. Ensures that each of the MPOs and RTPAs receiving federal funds complete the annual "FTA Certifications and Assurances" and "Metropolitan Transportation Planning Process Certification," which both require compliance with Title VI and EJ provisions.
2. Reviews MPOs and RTPAs public participation plans to ensure compliance with Title VI and EJ requirements.
3. Reviews OWP and facilitates Native American and minority involvement.

4. Reviews the TDA process to ensure that all transit needs are met and minorities are identified and considered.
5. Ensures senior citizen and minority involvement in “Short Range Transit Plans.”
6. Reviews of IGR documents include reviewing to ensure community planning issues, Title VI, and EJ issues are considered.
7. Meets with county planning departments to discuss TCR development issues and outreach to minority and low-income communities along the routes.

### **Oakland**

As a standard operating procedure, when a grant is awarded, inquiry to the minority and/or disabled outreach that will be done by the local agency or their consultant during the course of the project is undertaken.

### **San Luis Obispo**

Each outreach is tailored and monitored to involve Title VI residents. During the planning phase of each meeting, district staff discusses how to successfully outreach the community, especially the traditionally under represented with local leaders or transportation representatives. This involves, but is not limited to, considering and making provisions for the following: translation of language and information materials, transportation difficulties due to physical or economic limitations, door-to-door advertising, childcare, electronic communications, toll-free telephone hot lines, translated directional signs for meetings, and more.

### **Fresno**

Fresno realized that communications between them and the Chukchansi-Picayune Rancheria Tribe could be improved when the Tribal Government expressed concerns about the delays caused by a maintenance project along SR 41 in the vicinity of the Chukchansi-Picayune Rancheria and its Chukchansi Gold Casino.

## **Los Angeles**

The CBTP currently monitors its Title VI activities through quarterly and annual reporting documents. CBTP is also in the process of developing a set of performance measures to evaluate and monitor Title VI activities.

## **San Bernardino**

All members of the Planning management staff have discussed the need to include Title VI outreach in all of the district's planning activities and studies. The new Title VI Office Chief is currently developing guidelines to ensure that Title VI is addressed at all levels of project, plan, and study development.

Compliance with Title VI has been incorporated into the division's Quality Assurance/Quality Control process.

## **CORRECTIVE ACTION**

At this time, no significant Title VI problems exist and no corrective actions are necessary.

### **D. DESIGN**

The Division of Design reports the following accomplishments for FFY 2004/05:

1. Addressed Title VI considerations through stakeholder involvement mechanisms by striving to ensure that all efforts are made to identify all persons affected by a project and provide an opportunity to participate in the decision-making process.

The Division's goal is to promote statewide consistency in the project development and design process in support of the Department's goal of developing high-quality transportation projects that are in balance with community needs and other values. The Division develops and maintains project development processes, procedures, policies, and agreements that are used statewide for project planning, approval, and design.

2. Addressed Title VI considerations by providing technical assistance, training, and guidance to the districts throughout project development as covered in the Project Development Procedures Manual (PDPM). This provides assistance to the districts through the Design Reviewers, Design

## **II. FFY 2005/06 PLANNED ACTIVITIES**

The Department continues its efforts to ensure a compliant and effective Title VI Program by proposing the following activities for FFY 2005/06:

### **A. CIVIL RIGHTS, TITLE VI PROGRAM**

The following planned activities are reported for FFY 2005/06:

1. Research and explore best methods of exploring district and division interaction.
2. Work with the major emphasis programs, divisions, and districts to develop, implement, and improve self-monitoring activities
3. Develop, monitor, evaluate, and revise Title VI Program performance measures.
4. Provide ongoing technical assistance to internal and external customers.
5. Assist internal and external customers in the development and implementation of data collection and self-monitoring mechanisms.
6. Research and evaluate best practices for data collection and use a resource for Title VI emphasis programs.
7. Roll out the LEP policy, training module, and procedures.
8. Schedule quarterly meetings with PAAs and district Title VI liaisons to increase communication and awareness on Title VI, EJ, LEP, TERO, and ADA.

### **B. TRIBAL EMPLOYMENT RIGHTS ORDINANCE**

The TERO NAL will continue ongoing efforts to ensure government-to-government relations with Native American communities by conducting TERO training and other presentations.

## C. DIVISION OF TRANSPORTATION PLANNING

### *Office of Planning Analysis and Research*

1. Conduct Title VI and EJ training for district offices, resources permitting.
2. Complete the demographics study with UC Davis, UC Berkeley and UC Los Angeles, and share the results with district planners and project managers.
3. Initiate a Request for Proposal to produce a Citizen's Primer on EJ, which will include at least one major conference on EJ for communities.
4. Conduct the next grant cycle's workshops in more local communities, resources permitting.

### *Office of Community Planning*

1. Continue to provide review of regional planning products on how to address the needs of diverse communities.
2. Continue to advise and assist district staff on tools and techniques to engage diverse community groups and individuals in the transportation planning and decision-making process.
3. Continue to support efforts to develop tools and models that assess impacts of transportation plans, policies, and programs on diverse communities.
4. Continue to work with the consolidated grant team to improve the effectiveness of efforts to promote the various grant programs.

### *Office of Regional and Interagency Planning*

1. Continue to promote transportation solutions that support the Title VI Program goals in oversight of the RTPAs.
2. Host another series of workshops to encourage grant applications from a diverse group and to emphasize the importance of a proactive public participation element in the proposals.

3. Continue to coordinate with the Office of Community Planning and the EJ program in the review of grant applications.
4. Continue to monitor Native American issues that impact access and mobility of Native American residents and impact the transportation system.
5. Work with the Civil Rights office to clarify roles and responsibilities to receive training in the Title VI Program.

## **DISTRICT DATA**

### ***Eureka***

1. Continue to enhance the Native American outreach and consultation efforts.
2. Develop guidance for RTPAs on Native American outreach and consultation.
3. Develop training for RTPAs and local agencies on Native American outreach and consultation.
4. Develop enhancements to Planning's Title VI Program.
5. Develop GIS tools to illustrate Title VI communities.
6. Establish annual schedule of outreach meetings with Native American Tribal Governments.
7. Develop a Community Planning/Livable Community Concept Plan for use in communities such as Hydesville, Manila, Gasquet, Laytonville, Orick, and Orleans.

### ***Redding***

1. Hire an NAL to enhance communication and foster the relationships with the Tribal Governments.
2. Develop an MOU with the Pit River Tribal Government.
3. Initiate discussions with other Tribal Governments in the district and eventually progress towards creating MOUs.

4. Initiate a Focus Group outreach on the I-5 Corridor Study and specifically target Title VI groups.
5. Improve the size and accuracy of the district's database of CBOs for outreach on future planning and project development.

### *Marysville*

1. Identify and engage more Tribal Governments on transportation projects. Complete MOUs describing the working relationship between the Department and each federally recognized tribe in the district.
2. Finalize the Tahoe Basin Communication and Public Participation Plan. District staff plans to identify community groups and populations for inclusion in the plan that traditionally are identified in the planning or project development process.
3. Conduct TCR outreach efforts for traditionally under represented groups.
4. Engage the emerging Eastern European communities within the district on transportation issues.
5. Improve the level of contact and assistance with farmworker communities within the districts to improve pedestrian access and safety.
6. Improve the size and accuracy of the district's database of CBOs for outreach on future planning and project development.
7. Increase the number of public hearings on highway projects in low-income and minority communities.
8. Improve the number and level of contacts between minority communities adjacent to port facilities on goods movement projects.
9. Increase the number of speaking engagements on traffic safety in schools within low-income and minority communities.
10. Produce a video in various languages that shows how to use transit.



11. Contract with a professional telephone interpreter service for use by all the participating transit operators and Transportation Management Associations (TMAs).
12. Provide personalized mobility training by Paratransit Incorporated staff from target ethnic communities.
13. Prepare a written language assistance program plan for transit operators to use as a guide for continuing and expanding the language assistance services offered such as translating vital documents and notices advising LEP persons of the availability of free language assistance. This work will be conducted in FFY 2006.

### ***Oakland***

1. Identify and engage more Tribal Governments on transportation projects and planning process.
2. Improve the size and accuracy of the district's database of CBOs for outreach on future planning and project development.
3. Increase the number of public hearings on highway projects in low-income and minority communities.
4. Identify and gather data (income levels, ethnic composition, languages spoken, physical environment, and travel behavior of communities) when developing the TCR.

### ***San Luis Obispo***

1. Continue to expand contact with Latino Outreach Council (two departmental members), Economic Self-sufficiency Partnership (low-income services), and Ride-On Transportation (CTSA and disabled services).
2. Translate and post on web page the Project Proposal Form for public input on the website.
3. Contract with consultants to help identify under-represented groups in the district.
4. Increase the Department's visibility to minorities, women, elderly, disabled, and low-income citizens.

5. Partner with more community groups and organizations to reach the traditionally under-represented groups by co-hosting events at their regular meeting places, which include residential clubhouses, conference rooms, churches, cultural and community centers, schools, businesses, parks, and more.
6. Advocate for holding more public information meetings on projects to inform the public and especially the traditionally under-represented groups.
7. Host more speakers and bureaus at community group meetings.
8. Seek co-sponsors at project development team meetings to help mobilize and plan outreach.
9. Create and maintain interactive project web page.
10. Conduct community surveys to better identify transportation issues and solutions as well as traditionally under-represented groups.
11. Provide more translated printed materials.
12. Improve the level of contact and assistance with farmworker communities within the district to address their transportation needs and concerns.
13. Continue to update the district's stakeholder database with current and comprehensive contact information.
14. Identify need for additional outreach to Tribal Governments on transportation projects.
15. Research the need for expanding Landscape Architect's Gateway Monument Demonstration Program into tribal or other cultural communities. This new program allows the Department discretion to consider approvals for freestanding signs or structures within the State highway right-of-way. The program affects all communities in the district.

16. Support the San Luis Obispo Council of Government's *Transit Mobility Training for Seniors*. This is a regional effort to increase awareness, understanding, and use of public transit choices by seniors via a mobility pilot program. A consultant will be hired to educate seniors on riding transit in their area as well as transit options. The consultant will then produce a report summarizing the effectiveness of the program. The countywide program involves coordination with multiple transit operators.

### **Fresno**

1. Improve communications with Big Sandy Rancheria, Table Mountain Rancheria, Chukchansi-Picayune Rancheria, and federally unacknowledged Tribal Governments/communities.
2. Improve the level of contact and assistance with farmworker communities within Madera County.
3. Improve the knowledge and understanding of the project development process by the district NAL.

### **Los Angeles**

1. Create and administer a regional advocacy coalition to promote the Office of Project Development's proposed project study reports.
2. Engage the emerging population groups (Baby Boomers, Echo-Boomers, and immigrants) and their communities within the district on transportation issues.
3. Improve the level of contact and assistance with communities within the district to improve pedestrian access and safety.
4. Improve the size and accuracy of the district's database of CBOs for outreach on future planning and project development.
5. Increase the number of information meetings in low-income and minority communities on highway projects.
6. Improve the number and level of contacts between minority communities adjacent to port facilities on goods movement projects.

7. Increase the number of speaking engagements within low-income and minority communities.
8. Coordinate CBTP efforts in EJ/Title VI with other divisions.
9. Circulate and create specialized materials that reflect the concerns and sensitivities of particular populations as they relate to transportation issues.
10. Identify constituents and continually evaluate and correct the public participation plan.
11. Ensure that route concept reports (RCRs) reflect elements of public participation including discussion of EJ issues.
12. Coordinate with individuals, institutions, and organizations in the affected communities to educate the public and to enhance public participation.
13. Incorporate CBTP EJ/Title VI activities into the Program Level Action Plan (PLAP).

### **San Bernardino**

1. Identify and engage more Tribal Governments on transportation projects.
2. Improve the size and accuracy of the district's database of CBOs for outreach on future planning and project development.
3. Increase the number of public hearings on highway projects in low-income and minority communities.
4. Participate through regional efforts such as the Multi-County Goods Movement Action Plan future stakeholder meetings that will involve the public.
5. The Goods Movement Strategic Plan (GMSP) will involve input from our partners.
6. Participate in workshops or grant programs.

7. Interact with the public at many Goods Movement-type venues (conferences, workshops, etc.).

### **Bishop**

1. Improve the size and accuracy of the district's database of CBOs for outreach on future planning and project development.
2. Increase the number of speaking engagements on traffic safety in schools within low-income and minority communities.

### **Stockton**

1. Continue in the development and strengthening of the division's Title VI and EJ programs.
2. Continue to coordinate with Title VI/EJ team that represents a staff person from each unit in the district, the district EEO/Title VI, and NALs.
3. Continue efforts on the work plan based on the recommendations of Title VI audit and oversight of RTPAs.
4. Continue oversight on compliance responsibilities with RTPAs and Local Agencies.
5. Continue to participate in the community with community functions throughout the district.
6. Engage under-represented communities including but not limited to farmworker communities on transportation issues.
7. Identify and engage more Tribal Governments on transportation projects.
8. Continue Title VI/EJ training as needed to Planning.
9. Continue to participate in schools and job/career fairs to represent the Department and give information on job/career opportunities to students of many races.

## San Diego

1. Pursue adoption of an Improved Project Development guidebook to encourage the participation of planners on project development teams and the sharing of bike, pedestrian, transit, travel, and other planning information with project managers. Having this information will alert project managers to a variety of community issues connected to the district's transportation projects, and allow planners to resolve these issues effectively with the public during project delivery.
2. Encourage the EEO Officer to hold quarterly Title VI liaison meetings and pursue last year's recommendations. Explore using radio and local community television for outreach to individuals with visual impairments, as well as the use of web surveys.
3. Initiate web surveys to measure the success of public outreach efforts using free Internet software. Encourage low-income groups to participate through the use of library computer resources.
4. Encourage EJ and community planning grant recipients to increase the number of public hearings on street and highway projects in low-income and minority communities. Make presentations to the CBOs, residents, business owners, and stakeholders. Improve the number and level of contacts in minority communities adjacent to port facilities on goods movement projects.
5. Increase tribal involvement in the regional transportation planning process.
6. Finish the Tribal Transportation Needs Assessment analysis and present the findings to tribal and regional leaders.
7. Finish a draft for the SR 76 East Corridor Study.
8. Participate in the upcoming regional tribal summit.
9. Ensure a broad cross-section of diverse representation on the California External Advisory Liaison (CEAL) committee.
10. More CEAL input needs to be incorporated into planning activities and capital projects

	<p>Tennessee Department of Transportation</p>
	<p><b>Title VI Compliance &amp; Implementation Plan Update</b></p>
<p>Gerald F. Nicely, Commissioner Cammie Davenport Woodle, Executive Director</p> <p>TDOT - Civil Rights Office Title VI Program Suite 1800, James K. Polk Building 505 Deaderick Street Nashville, TN 37243 <a href="http://www.tdot.state.tn.us/civil-rights/titlevi/">www.tdot.state.tn.us/civil-rights/titlevi/</a></p>	<p><b>October 2007</b></p>

## 1 TDOT's Mission

The mission of the Tennessee Department of Transportation is to plan, implement, maintain and manage an integrated transportation system for the movement of people and products, with emphasis on quality, safety, efficiency and the environment.

## 2 TDOT's Vision

At its core, the purpose of Tennessee's transportation system is to provide access and mobility so that Tennesseans can enjoy economic prosperity and a superior quality of life. TDOT's goal for the future is to be the acknowledged leader in providing transportation services and facilities and to always deliver more than the public expects. Achieving the public's trust and confidence is of utmost importance. We will accomplish this through:

<b>1 Communications</b> <ul style="list-style-type: none"><li>* Providing timely information</li><li>* Engaging our citizens</li><li>* Building partnerships</li></ul>	<b>1 Accountability</b> <ul style="list-style-type: none"><li>* Providing reliable and safe products and services</li><li>* Using resources efficiently and effectively</li><li>* Reporting to the public on how we are doing on a regular basis</li><li>* Having well-defined roles and responsibilities</li></ul>
<b>1 Consistency</b> <ul style="list-style-type: none"><li>* Providing reliable, well-defined processes and procedures</li><li>* Setting program and service standards</li><li>* Applying policies and guidelines fairly</li><li>* Expecting all TDOT employees to use our core customer values</li></ul>	<b>1 Integrity</b> <ul style="list-style-type: none"><li>* Demonstrating professionalism, fairness and a willingness to do the right thing</li><li>* Ensuring all of our actions can stand not only self-scrutiny, but public scrutiny</li><li>* Following through on commitments</li></ul>

## 3 History & Overview

The predecessor to the Tennessee Department of Transportation was created by legislative act in 1915 as the first state administrative agency for the control of highway construction and maintenance through the organization of a State Highway Commission and a State Highway Department. The agency was reorganized in 1923 with the establishment of a single commissioner and then again, in 1972, when the name was changed to the Tennessee Department of Transportation.

The Department of Transportation plans, designs, constructs, operates and maintains the state's highway network. The department is also responsible for other modes of transportation such as aeronautics, public transit, railroads and waterways. The Department of Transportation consists of four major areas: Headquarters, Bureau of Administration, Bureau of Engineering and Bureau of Environment and Transportation Planning.

The Department of Transportation has 4,944 full time authorized positions with offices in four statewide regions and headquarters.

The Tennessee Transportation system has 14,163 miles of roadway, of which, 1,104 miles are interstate and 13,059 miles are state roads. On this system, there are 8,071 state-owned bridges and 11,361 locally owned bridges, 19 interstate rest areas, 13 interstate welcome centers and nine weigh stations.

The transportation system also includes: 76 public use airports, six commercial airports and 110 heliports; 887 main channel miles of navigable rivers; 19 short line railroads operating on 746 miles of rail and six major rail lines operating on 2,335 miles of rail; 25 transit (bus, van, and light rail) systems serving 95 counties; five regional bicycle trails totaling 690 miles, a 500-mile cross-state bicycle trail, 8,500 roadway miles with four foot shoulders to accommodate bicycles and 150 miles of greenways, sidewalks and trails.



# Tennessee Department of Transportation



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- *Outreach*
- *Procedures, Manuals & Directives*
- *Reporting*
- *Issuance of Guidelines*
- *Innovative Initiatives*

### **TDOT - Civil Rights Office Title VI Program**

Suite 1800, James K. Polk Building

505 Deaderick Street

Nashville, TN 37243

[www.tdot.state.tn.us/civil-rights/titlevi/](http://www.tdot.state.tn.us/civil-rights/titlevi/)





# Title VI Nondiscrimination Statement



2007



**Tennessee Department of Transportation  
Departamento de Transportate de Tennessee**

**Title VI Nondiscrimination Statement  
Título VI Declaración de Prohibición de Discriminación**

**The Tennessee Department of Transportation ensures compliance with Title VI of the Civil Rights Act of 1964; 49 CFR, part 21; related statutes and regulations to the end that no person shall be excluded from participation in or be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation on the grounds of race, color, sex, or national origin.**

**El Departamento de Transporte del Estado de Tennessee asegura el cumplimiento del Título VI del Acto de Derechos Civiles de 1964; 49 CFR, Parte 26, relacionados estatutos y normas para asegurar que ninguna persona sea excluida o discriminada, o que se le nieguen los beneficios de cualquier programa o actividad la cual reciba ayuda financiera federal del Departamento de Transporte de los Estados Unidos sin importar su raza, color, sexo, edad, origen nacional, o minusvalía física.**

**Any person who believes he or she has been discriminated against should contact:**

**Cualquier persona quien crea que ha sido discriminada deberá comunicarse con el:**

**Tennessee Department of Transportation  
Departamento de Transporte de Tennessee**

**Civil Rights Office – La Oficina de Derechos Civiles**

**505 Deaderick Street  
Suite 1800, James K. Polk Building  
Nashville, TN 37243-0347**

**TELEPHONE (615) 741-3681 or Toll Free 1-888-370-3647  
TELÉFONO (615) 741-3681 or Llamada Gratis 1-888-370-3647**

**[www.tdot.state.tn.us/civil-rights/titlevi](http://www.tdot.state.tn.us/civil-rights/titlevi)**



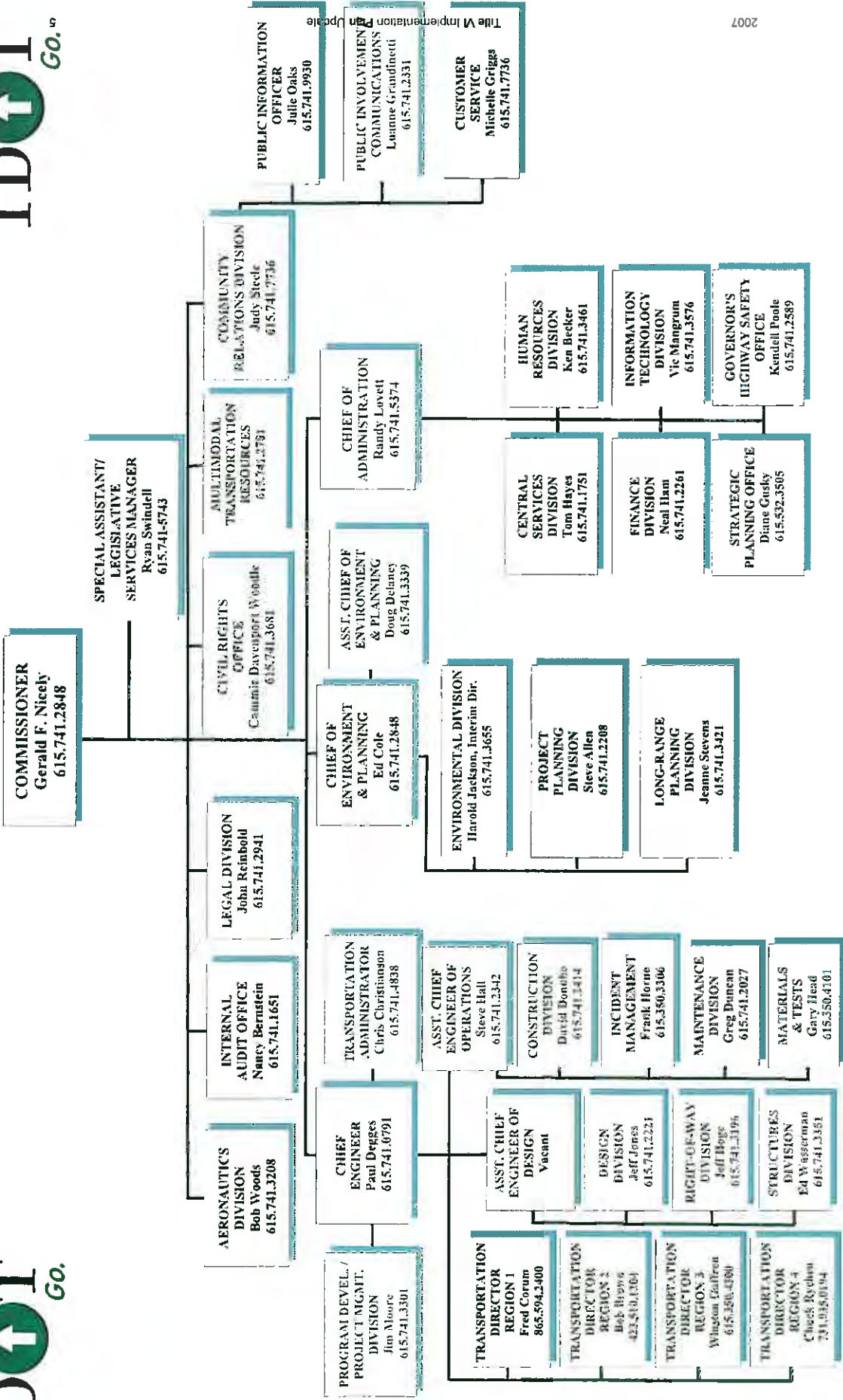
# Organization & Staffing

- TDOT Departmental Organization Chart
- Civil Rights Office
- Title VI Program Staff
- Title VI Contacts & Coordinators



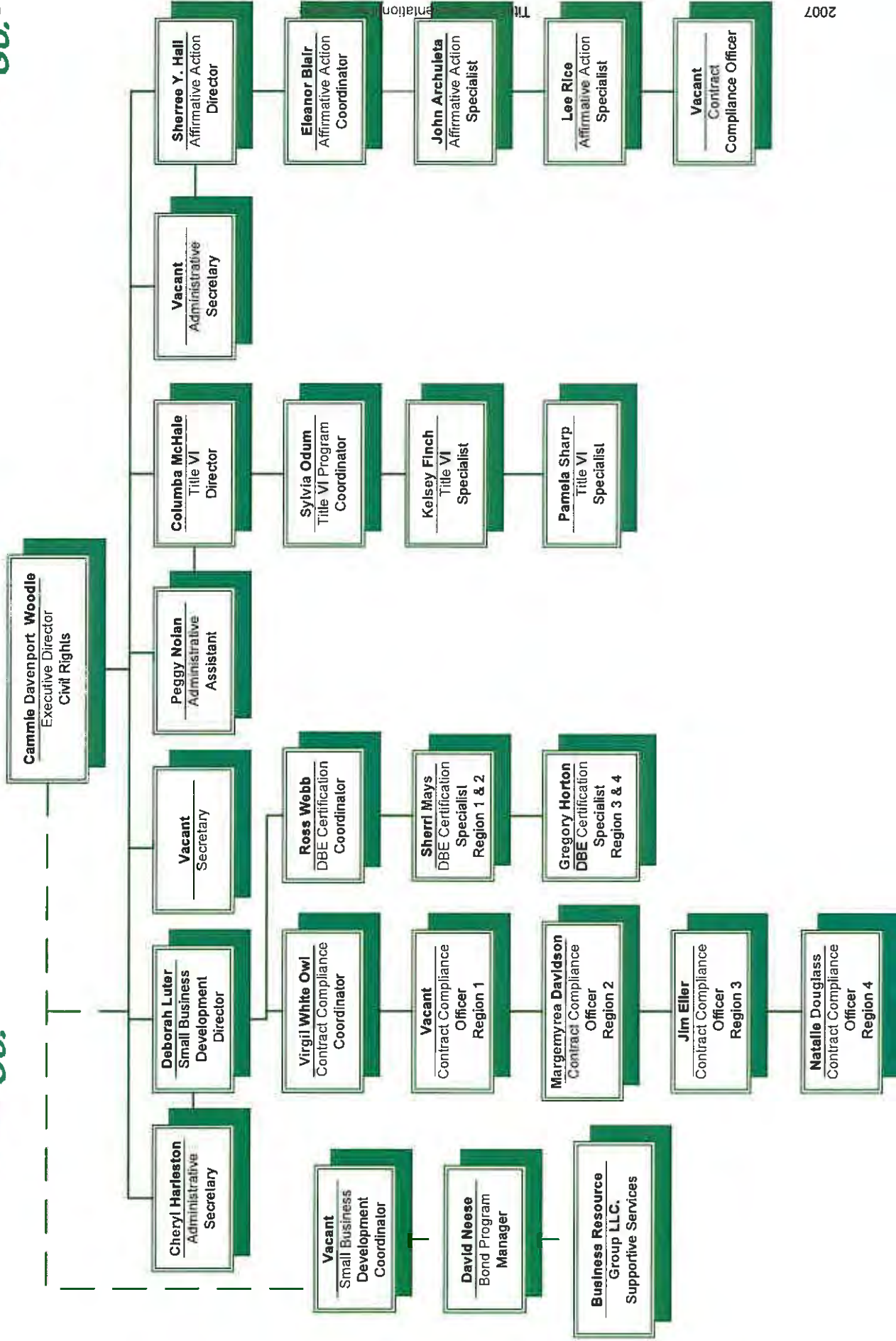


# Tennessee Department of Transportation





# DEPARTMENT OF TRANSPORTATION ORGANIZATIONAL CHART CIVIL RIGHTS OFFICE



<p><b>Title VI Program Director</b> Columba McHale Title VI Program James K. Polk Bldg., Suite 1800 505 Deaderick Street Nashville, TN 37243-0347 (615) 253-1066 (615) 741-3681</p>	<p><b>Title VI Program Coordinator Headquarters and Region IV</b> Sylvia Odum James K. Polk Bldg., Suite 1800 505 Deaderick Street Nashville, TN 37243-0347 (615) 253-1064 (615) 741-3681</p>
<p><b>Title VI Specialist Regions I and II</b> Kelsey Finch Title VI Office 7345 Region Lane Knoxville, TN 37914 (865) 594-4531</p>	<p><b>Title VI Specialist Headquarters and Region III</b> Pamela Sharp James K. Polk Bldg., Suite 1800 505 Deaderick Street Nashville, TN 37243-0347 (615) 253-1074 (615) 741-3681</p>

<b>Title VI Internal Coordinators</b>	
Rosalind Jones Finance Office (615) 741-0674	Brian Carroll Legal Office (615) 741-2941
Jimmy Midgett Central Services Office (615) 253-1520	Patrick Champlin Information Technology Office (615) 532-3649
Jeff Hoge Right-of-Way Division (615) 741-3196	Terry Farley Maintenance Division (615) 532-3452
Tom Simmons Human Resource Office (615) 741-3461	Nancy Bernstein Internal Audit (615) 741-1651
Linda Layda Community Relations Division (615) 741-2331	Darrell Moore Program Development/Project Management (615) 532-3180
Brian Caldwell Aeronautics Division (615) 741-3208	Bill Hayes Multimodal Transportation Resources (615) 253-1028
Debbi Howard Project Planning (615) 741-0957	Scarlett Brubaker Design Division (615) 253-6100
Janet Brooks Structures Division (615) 741-5391	Mia Vickers Governor's Highway Safety Office (615) 741-5320
Erin Brake Materials and Test Division (615) 350-4116	Darrell Bost Construction Division (615) 741-0908
Lori Kirby Environmental Division (615) 253-2473	Diane Gusky Director, Strategic Planning Office (615) 532-3505
Ollie Jackson Incident Management (615) 350-3438	Sandra Hoff Research (615) 253-6301
Jack Stout Region I (865) 594-2655	Ken Flynn Region II (423) 510-1217
Jimmy McNeece Region III (615) 350-4378	Darrell Piercy Region IV (731) 935-0292

Angie Midgett Long Range Planning (615) 741-3431	
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<b>Title VI External Coordinators</b>		
<b>MPO</b>	<b>Transits - Rurals</b>	<b>Transit - Urbans</b>
Rex Montgomery, Bristol MPO (423) 989-5519	Steve Bandy East Tennessee Human Resource Agency (865) 691-2551	Rex Montgomery Bristol Tennessee Transit System (423) 989-5519
Karen Rhodes Chattanooga-Hamilton County MPO (423) 757-5216	Teresa Bohannon First Tennessee Human Resource Agency (423-975-5006)	Joni Angsten Chattanooga Area Regional Transportation Authority (423) 629-1411
Stan Williams, Clarksville-Montgomery MPO (931) 645-7448	Treva Wilder Hancock County Rural Transportation (423) 733-2183	Arthur Bing Clarksville Transit System (931) 553-2430
Greg Thomas, Cleveland MPO (423) 479-1913 Ext. 23	Melissa Holloway Delta Human Resource Agency (901) 475-1460	Billy Higgins Franklin Transit System (615-790-0604
Keith Donaldson Jackson Metropolitan Planning Organization (731) 425-8275	Terry Dixon Mid-Cumberland Human Resource Agency (615) 850-3902	Janet Curry Gatlinburg Mass Transit System (865)436-1400
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Chris Campbell Kingsport TPO (423) 224-2670	Anita Turnbow South Central Tennessee Human Resource Agency (931) 490-5892	Donna Birdwell Johnson City Transit System (423) 434-6269
Jeffery Welch Knoxville MPO (865) 215-3790	Diane Powers Southeast Tennessee Human Resource Agency (423) 949-2191	Gary Taylor Kingsport Area Transit System (423) 224-2612
Rich DesGroseilliers Lakeway (Morristown) MPO (423) 581-6277	Edna Johnson Southwest Human Resource Agency (731) 989-5111 Ext. 1134	Melissa Trevathan Knoxville Transportation Authority (865) 215-7830
Martha Lott Memphis-Shelby County MPO (901) 379-7860	Thomas O'Brien Upper Cumberland Human Resource Agency (931) 528-1127	Rosiland Burton Memphis Area Transit Authority (901) 722-7138
Michael Sklpper Nashville MPO (615) 862-7186		Jim McAteer Nashville Metropolitan Transit Authority (615) 862-5969
		Tammy Dunn Oak Ridge Transit System (865) 425-3530
		Kathy Valentine Pigeon Forge Fun Time Trolleys (865) 429-7340
		Mary Lynn Hickey Cleveland Urban Area Transit (423) 478-478-3053



**Title VI External Coordinators – Airports**

Randy Jones Sr. Abernathy Field (931) 363-6827	George Clark Houston County Airport (931) 289-3633	Chad Gehrke Murfreesboro Municipal Airport (615) 848-3256
Phillip Hurt Arnold Field (731) 836-653	Howard K. Hadley Humboldt Municipal Airport (731) 784-2511	Amber D. Gooding Nashville International Airport Authority (615) 275-1600
Betty B. Lamb Bomar Field Airport (Shelbyville) (931)	James Schimitt Humphreys County Airport (931) 296-2719	Hershel Beeler New Tazewell Municipal Airport (423) 626-5242
Pat Tidwell Campbell County Airport (423) 562-2526	Jim Morgan Jackson County Airport (931) 296-2719	Rachael Nelson Outlaw Field (931) 431-2080
Mary Jane Ezell Carroll County Airport (731) 352-7278	Sarah Threet Jamestown Municipal Airport (931) 879-8815	Clara Edney Perry County Airport (931) 589-2215
Debbie Jimerson Centerville Municipal Airport (931) 729-0007	Kenneth Turnbow John A. Baker Field (931) 796-3378	Denise Geminden Portland Municipal Airport (615) 323-7500
Anthony Brown Charles W. Baker Field (901) 922-8000	Amber D. Gooding John C. Tune Airport (615) 275-1620	Brian Caldwell Reelfoot Lake Airpark 615-741-4959
Jere H. Hadley Covington Municipal Airport (901) 476-9613	Cliff Dunn Johnson County Airport (615) 727-7929	Tom Cauley Robert Sibley Airport (731) 645-3014
Sally Oglesby Crossville Memorial Airport/Whitson (931) 456-5680	Annette Morgan Lafayette Municipal Airport (615) 666.4570	Wayne Duggin Rockwood Municipal (865) 354-0611
Jim Simmons Dickson Municipal Airport (615) 351-6737	John Franks Lawrenceburg-Lawrence Co. Airport (931) 762-5133	Paul Jones Savannah-HardIn Co. Airport (731) 925-6380
Monte Warne Dyersburg Municipal Airport (731) 287-8181	Jim Henderson Lebanon Municipal Airport (615) 443-2809	Keith A. Jeffers Scott CountyMunicipal Airport (423) 663-3460
Brenda Brewer Ellington Airport (931) 359-5001	Kelly Coleman Livingston Municipal Airport (731) 823-7545	Betty Lamb Shelbyville Municipal Airport - Bomar Field (931) 684-4457
Billy R. Dean Everett-Stewart Airport (731) 885-1221	Judy B. Hiers Lovell Field (Chattanooga) (423) 954-3525	Robert D. Schafer Smithville Municipal Airport (615) 597-4940
Ann Williams Fayette County Airport (901) 465-5202	Beth Gudger Marion-County-Brown Field (423) 942-5234	Lols Vallance Smyrna/Rutherford County Airport (615) 459-2651
Ron Mahal Fayetteville Municipal Airport (931) 433-1960	Tammy Colvin Mark Anton Airport (423)775-8407	Regina Holt Springfield-Robertson Co. Airport (615) 382-2200
Rebecca Gibson Franklin County Airport (931) 598-1911	Mike Stinnett Martin Campbell Field (423) 338-4527	Derrick Tharp Sumner Co. Regional Airport (615) 230-9763
Emily Haun Gatlinburg-Pigeon Forge Airport (865) 453-8399	Alan M. Jones McGhee Tyson and Metropolitan Knoxville Authority Airport (865) 342-3062	Jon Glass Tullahoma Regional Airport (931) 581-5111
Anthony Brown General Dewitt Spain Airport (901) 922-8000	Cindy Melton McKellar-Sipes Regional Airport (731) 423-0995	Jane Bennett Upper Cumberland Reg. Airport (800) 961-4299

**Title VI External Coordinators – Airports, Cont.**

Anthony Brown General Dewitt Spain Airport (901) 922-8000	Anthony Brown Memphis International Airport (901) 922-8000	David Perrin William L. Whitehurst Field (731) 658-3266
Doug Lockard Gibson County Airport (731) 723-9596	Russ Noble Millington Municipal Airport (901) 872-7495	Joshua Abramson Winchester Municipal Airport (931) 967-3148
Debbie Smith Greeneville-Greene Co. Municipal Airport (423) 639-7105	Shane Burris Monroe County Airport (423) 442-3652	
Jeffery Davis Hardwick Field (423) 559-3313	Brian Janish Moore-Murrell Field (423) 581-0100	

# APPENDIX I

## Construction Project Analysis

- Oregon Transportation Commission - Project Eligibility Criteria & Prioritization Factors for the 2006-2009 Development STIP & Construction STIP



**OREGON TRANSPORTATION  
COMMISSION  
(OTC)**

**Project Eligibility Criteria &  
Prioritization Factors for the  
2006-2009 Development STIP  
& Construction STIP**

## Project Eligibility Criteria and Prioritization Factors For the 2006-2009 Development STIP and Construction STIP Process Overview

### Eligibility Criteria

Development STIP Major projects	Construction STIP* Preservation projects	Bridge replacement/rehabilitation projects
<p>Development work on major projects may be eligible for funding if it:</p> <ul style="list-style-type: none"> <li>◆ Supports the definition of "Development STIP" approved by the Oregon Transportation Commission</li> <li>◆ Addresses an unmet transportation need in the applicable acknowledged transportation system plan(s) (TSP) or, in the absence of an applicable acknowledged TSP(s), the applicable comprehensive plan and any applicable adopted TSP(s).</li> <li style="text-align: center;">or</li> <li>Addresses project need, mode, function and general location for a transportation need identified in an acknowledged TSP.</li> <li style="text-align: center;">or</li> <li>Is identified as a project of statewide significance or as a federal discretionary project.</li> <li>◆ Has funding adequate to complete the identified milestone.<sup>1</sup></li> </ul>	<p>Pavement Preservation projects may be eligible for funding if they:</p> <ul style="list-style-type: none"> <li>◆ Are identified through the Pavement Management System process.<sup>11</sup></li> </ul>	<p>Bridge replacement and rehabilitation projects may be eligible for funding if they:</p> <ul style="list-style-type: none"> <li>◆ Are identified through the Bridge Management System process.<sup>15</sup></li> <li>◆ Are improvements or work needed to rebuild or extend the service life of existing bridges and structures (includes replacement of an existing bridge).</li> </ul>

\* To the extent that legislative action (e.g., HB 2041) applies, the criteria in the legislation will control in the event of a conflict.  
Project Eligibility Criteria and Prioritization Factors  
Approved by the OTC 11-17-03

## Prioritization Factors Used to Select Projects for Funding from the Pool of Eligible Projects

Development STIP Major projects	Modernization projects	Construction STIP Preservation projects	Bridge replacement/rehabilitation projects
<p>Priority shall be given to:</p> <ul style="list-style-type: none"> <li>◆ D-STIP project suitability (an assessment of the level of work completed to achieve the planned D-STIP milestone).</li> <li>◆ Projects that best support the policies of the Oregon Highway Plan.<sup>2</sup></li> <li>◆ Projects that have already completed one or more D-STIP milestones.</li> <li>◆ Projects that have funding identified for development or construction<sup>3</sup></li> <li>◆ Major Modernization Projects that leverage other funds and public benefits.<sup>4</sup></li> </ul>	<p>Priority shall be given to:</p> <ul style="list-style-type: none"> <li>◆ Project readiness (an assessment of the likelihood of a project getting to construction in the timeframe contemplated).<sup>7</sup></li> <li>◆ Projects that best support the policies of the Oregon Highway Plan.<sup>8</sup></li> <li>◆ Projects that leverage other funds and public benefits.<sup>9</sup></li> <li>◆ Class 1 and 3 projects that have completed an environmental milestone of a Record of Decision (ROD) or Finding of No Significant Impact (FONSI) (see footnote for Class 2 projects)<sup>10</sup></li> </ul>	<p>Priority shall be given to:</p> <ul style="list-style-type: none"> <li>◆ Project readiness (an assessment of the likelihood of a project getting to construction in the timeframe contemplated).<sup>12</sup></li> <li>◆ Projects that best support the policies of the Oregon Highway Plan.<sup>13</sup></li> <li>◆ Projects that leverage other funds and public benefits.<sup>14</sup></li> </ul>	<p>Priority shall be given to:</p> <ul style="list-style-type: none"> <li>◆ Projects that support the approved Bridge Options Report. (This prioritization factor is not intended to limit bridge projects to those identified in the Bridge Options Report, but to give priority to those identified in the report.)<sup>16</sup></li> <li>◆ Projects that leverage other funds and public benefits<sup>17</sup></li> </ul>

1                                    **Project Eligibility Criteria and Prioritization Factors**  
2                                    **Process Description and Guidance**  
3                                    **For the 2006-2009 Development STIP and Construction STIP**  
4

5    **I. Introduction**  
6

7    The Oregon Transportation Commission (OTC) approved the Project Eligibility Criteria and  
8    Prioritization Factors to assist Area Commissions on Transportation (ACTs), Metropolitan  
9    Planning Organizations (MPOs), or regional or statewide advisory groups advising the OTC on  
10   the selection of Statewide Transportation Improvement Program (STIP) projects. The document  
11   gives basic definitions and funding information and provides guidance pertaining to roles and  
12   responsibilities, project selection and documentation. More information about the ACT process,  
13   advisory committees, Oregon transportation management systems, other STIP programs and  
14   funding is available on the Internet (see Appendix A).  
15

16   The OTC establishes program goals, funding levels and regional funding distribution at the start  
17   of each two-year STIP update. These policy decisions are made separate from these eligibility  
18   criteria and prioritization factors and are not part of this document. (See Appendix B for the  
19   decision-making process.)  
20

21   **A. Roles and Responsibilities**  
22

23   The OTC will make the final selections for all projects included in the STIP. The Commission  
24   will consider the advice and recommendations that it receives from ACTs, MPOs and regional or  
25   statewide advisory groups. ODOT will provide tools necessary to enable an ACT to carry out its  
26   responsibilities under these criteria. Geographic areas that do not have an ACT must adhere to  
27   the same standards of accountability as ACTs (*Policy on Formation and Operation of the Area*  
28   *Commissions on Transportation, Section VI, Basis for Decision Making*) and demonstrate to the  
29   OTC that recommendations were developed in accordance with these criteria and factors. In  
30   making final project selections, the OTC will ensure that ACTs, MPOs and regional or statewide  
31   advisory groups have based their considerations on the criteria and will ensure projects are  
32   distributed according to the funding allocations approved by the OTC for the 2006–2009 STIP.  
33

34   In making decisions, the OTC applies both regional and statewide perspective, optimizes  
35   system effectiveness in decisions for the state system and strives to develop and operate an  
36   integrated intermodal transportation system that facilitates the safe, efficient and economic  
37   movement of people and goods. (*Policy on Formation and Operation of the Area Commissions*  
38   *on Transportation, Section III. Authority*)  
39

40   **B. Definitions**  
41

42   STIP includes both the Development and Construction sections of the Statewide Transportation  
43   Improvement Program. The D-STIP houses projects that require more than 4 years to develop  
44   or for which construction funding needs to be obtained. Projects that can complete the  
45   development process and be ready for bid within 4 years or less may be placed directly into the  
46   C-STIP.

1 Development STIP (D-STIP)

2  
3 The Oregon Transportation Commission approved the following definition for the D-STIP:

4  
5 *Projects approved and funded for development through specific milestones and within*  
6 *specific timeframes, which include the following characteristics:*

- 7
- 8 A. *Projects approved for funding through specific milestones such as National*
- 9 *Environmental Policy ACT (NEPA) design-level environmental documents,*
- 10 *right of way acquisition, and final plans; or*
- 11
- 12 B. *Projects for which needed improvements have been identified but a final*
- 13 *solution either has not been determined or needs further design and analysis.*

14  
15 *The types of projects that tend to have one or more of the above characteristics include*  
16 *large statewide significant projects, federally earmarked or demonstration projects,*  
17 *modernization or major bridge replacement projects, and discretionary projects (projects*  
18 *eligible to receive federal discretionary funds).*

19  
20 Construction STIP (C-STIP)

21  
22 The C-STIP identifies project scheduling and funding for the state's transportation preservation  
23 and capital improvement program for a four-year construction period. This program meets the  
24 requirements of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), the federal act that  
25 provides funds to states for transportation projects. For application of these criteria and  
26 prioritization factors, C-STIP means Modernization, Preservation and Bridge projects.

27  
28 Other STIP Programs

29  
30 Other STIP programs (examples include Safety, Bicycle/Pedestrian, Transit, Congestion  
31 Mitigation/Air Quality Improvement, Transportation Enhancement, and Scenic Byways) are not  
32 addressed in this document. More information about programs funded in the STIP is available  
33 in the *Draft 2004-2007 STIP*.

34  
35 **C. Project Selection**

36  
37 Eligibility Criteria and Prioritization Factors have been developed for both the Development  
38 STIP (D-STIP) and the Construction STIP (C-STIP). ACTs, MPOs and others, including those  
39 where an ACT does not exist, shall apply both regional and statewide perspectives in making  
40 their recommendations. The Commission anticipates that most projects considered by ACTs,  
41 MPOs and regional or statewide advisory groups would be the outcomes of planning and the  
42 transportation management systems maintained by ODOT. ODOT Region staff shall assist the  
43 ACT in developing recommendations as described in the *Policy on Formation and Operation of*  
44 *the ACTS*, Section II. D, Role of ODOT Staff.

45  
46 ACTs, MPOs and regional or statewide advisory groups should use this document as a guide  
47 when they evaluate projects for the STIP on the state highway system and for off-system  
48 projects that support implementation of the Oregon Highway Plan (OHP). Projects  
49 recommended for funding in the STIP should have consistent application of the project eligibility  
50 criteria and prioritizing factors. ACTs, MPOs and regional or statewide advisory groups may  
51 use additional criteria to select and rank projects provided the criteria are consistent with the



1 project eligibility criteria and prioritization factors adopted by the OTC. If requested, ODOT staff  
2 will provide a model to assist with project ranking. This process recognizes regional differences  
3 and is consistent with the *Oregon Transportation Plan (Policy 2G)* and the *Policy on Formation*  
4 *and Operation of the Area Commissions on Transportation*, Section VI, Basis for  
5 Decisionmaking.

6  
7 **In MPO areas designated as Transportation Management Areas (TMA)**, all projects using  
8 federal title 23 or Federal Transit Act funds, except projects on the NHS and projects funded  
9 under the Bridge, Interstate Maintenance and Federal Lands Highways programs, shall be  
10 selected by the MPO in consultation with the State and transit operator from the approved  
11 metropolitan Transportation Improvement Program (TIP). Projects on the NHS and projects  
12 funded under the Bridge and Interstate Maintenance programs shall be selected by the State, in  
13 cooperation with the MPO, from the approved metropolitan TIP.

14  
15 **In MPO areas not designated as TMAs**, projects using federal title 23 or Federal Transit Act  
16 funds, other than Federal Lands Highways program funds, shall be selected by the State and/or  
17 the transit operator, in cooperation with the MPO, from the approved metropolitan TIP.

18  
19 **Outside MPO areas**, transportation projects undertaken on the NHS and projects funded under  
20 the Bridge and Interstate Maintenance programs will be selected by the State in consultation  
21 with the affected local officials. Other transportation projects undertaken with funds  
22 administered by FHWA, other than federal lands highway projects, shall be selected by the  
23 State in cooperation with the affected local officials and projects undertaken with Federal Transit  
24 Act funds shall be selected by the State in cooperation with the appropriate affected local  
25 officials and transit operators (23 Code of Federal Regulations part 450).

26  
27 ACTs and MPOs should coordinate their efforts to assure a better decision making process  
28 which results in better coordination of projects. When ACT and MPO boundaries overlap, a  
29 higher level of clearly defined coordination is needed. Where this occurs, the MPO and ACT  
30 should jointly agree on a process for maintaining consistency between ACT recommendations  
31 and the MPO Plan and TIP (*Policy on Formation and Operation of the Area Commissions on*  
32 *Transportation*, Section VII. G, Coordination).

### 33 34 Project Eligibility Criteria

35  
36 ACTs, MPOs, or regional or statewide advisory groups advising the OTC on the selection of  
37 STIP projects for funding on the state highway system or for off-system projects that support  
38 implementation of the OHP shall apply the project eligibility criteria. The project eligibility criteria  
39 are a first screen so that additional efforts can be focused to determine which projects they will  
40 evaluate further for funding. The eligibility criteria are not listed in any particular order. Projects  
41 must satisfy these criteria, at a minimum, before they are given further consideration.

### 42 43 Prioritization Factors

44  
45 The prioritization factors are to be used to ensure consistent consideration of the relative merits  
46 of projects by ACTs, MPOs and regional or statewide advisory groups. With the exception of  
47 project readiness which shall have greater weight, the prioritization factors are not listed in any  
48 particular order and do not have any implied weight. To provide for regional differences, ACTs,  
49 MPOs and regional or statewide advisory groups may use additional factors to rank projects  
50 provided the factors are consistent with the factors adopted by the OTC. If an ACT, MPO or  
51 regional or statewide advisory group chooses to use additional prioritization factors, they must

1 inform those developing project proposals about the factors prior to the beginning of the project  
2 submittal period. When developing a tool to evaluate OHP policies, OHP Appendix A2 provides  
3 definitional information to facilitate shared understanding of the goals, policies and actions of the  
4 OHP policy element.  
5

#### 6 **D. Project Documentation** 7

8 ACTs, MPOs and regional or statewide advisory groups making recommendations to the OTC  
9 shall document the analysis used to develop recommendations. The supporting information  
10 should include the following:

- 11 1. Project description
- 12 2. Project justification
  - 13 ♦ Identify the planning history
  - 14 ♦ As applicable, describe information provided from the pavements or bridge
  - 15 management system. If the recommendation varies from the prioritization
  - 16 identified by the management system, describe the process used to reach that
  - 17 recommendation.
  - 18 ♦ Describe how this project supports OHP policies (Table 1).
  - 19 ♦ Provide an assessment of the likelihood of the project getting to construction in
  - 20 the timeframe contemplated
  - 21 ♦ Provide supplementary project information if the project leverages additional
  - 22 funding or community benefit
- 23 3. Applicable additional information

#### 24 25 **E. Funding** 26

27 As required by federal regulations (23 CFR Part 450) the C-STIP is financially constrained by  
28 year. The Eligibility Criteria and Prioritization Factors defined in this document apply to projects  
29 that implement current revenue sources. If more funding becomes available, it will be allocated  
30 in adherence to any additional funding or selection criteria attached to those new funds.  
31

32 The STIP represents multiple funding categories and each category has limits as to how the  
33 funding can be obligated. STIP projects must meet the funding source limitations established  
34 by state or federal regulations and cannot be selected without looking at those limitations. The  
35 D-STIP will be funded with the same funding sources as the C-STIP and the total funds  
36 committed to the D-STIP may vary. Funding of the D-STIP can be impacted by several factors,  
37 including the following: OTC selection of projects of statewide importance, federally funded  
38 earmarks and discretionary projects, federal and state restrictions on the use of available funds,  
39 and the Regional equity distribution of Modernization funds (ORS 366.507).

## 1 II. Development STIP (D-STIP)

### 3 A. Introduction to the D-STIP

5 The Oregon Transportation Commission will make the final selections for all D-STIP projects  
6 and will apply a statewide perspective to the proposed list of projects, giving highest priority to  
7 OTC approved federal discretionary projects that have funding secured through federal  
8 legislation.

10 It will be important to clearly articulate the rationale and need of a D-STIP project in order to  
11 help manage expectations and potential next steps. D-STIP projects will be consistent with  
12 statewide policies and may be identified in one or more planning documents, such as  
13 transportation system plans, regional transportation plans, corridor plans, comprehensive plans,  
14 refinement plans or state management systems. Additionally, the OTC may select large  
15 projects of statewide significance for inclusion in the D-STIP. The D-STIP includes projects  
16 approved and funded for development through specific milestones for planning, environmental  
17 or project development activities and within specific timeframes.

19 The following should be considered when applying the Eligibility Criteria and Prioritization  
20 Factors:

- 22 ♦ A new alignment will be selected for one or several features in the refinement plan.  
23 Project specific refinement plans may be funded in the D-STIP as needed to resolve  
24 need, function, mode and general location decisions that could not be made during  
25 system plan or corridor plan development. In circumstances where these decisions  
26 have already been made, the goal of refinement planning will be to develop a  
27 specific solution or a range of solutions to the problems(s) that support the next  
28 appropriate project development step.
- 29 ♦ Rapid development is occurring in the area, making corridor preservation critical.
- 30 ♦ Issues needing resolution have a high priority and solutions are likely to be funded in  
31 the near future.
- 32 ♦ The highway segment is very sensitive environmentally, and a strategy for the whole  
33 segment needs to be approved before work on individual elements can commence.  
34 For example, addressing land use to help resolve inconsistencies with planned  
35 transportation facilities; planning for compatible land uses along state highways.
- 36 ♦ Public pressure for a sustainable decision is high.

38 Selection of D-STIP projects requires application of the D-STIP definition approved by the OTC.  
39 D-STIP projects generally fall into the following three categories: federal discretionary projects  
40 (earmarks), large statewide significant projects, and modernization or major bridge replacement  
41 projects.

#### 43 Federal discretionary projects

45 Federal discretionary projects are a part of federal appropriations or transportation funding  
46 legislation. The Oregon Department of Transportation, with direction from the Oregon  
47 Transportation Commission, developed guidelines to use in deciding which projects should be  
48 submitted as earmark proposals in federal legislation for the reauthorization of transportation  
49 funding. The projects are categorized as low or medium risk and can be completed over the life  
50 of the federal transportation funding bill. Local jurisdictions that pursue earmark funding for

1 projects not submitted by ODOT are solely responsible for the required matching funds or any  
2 shortfalls.

3  
4 Large statewide significant projects

5  
6 Large statewide significant projects are projects that require funding that cannot be achieved  
7 within standard STIP allocations but are viewed by the OTC as projects of statewide  
8 significance and can be selected by the OTC independent of the ACT process. Identified funds  
9 would be used to either keep existing work on very large projects current, or to support  
10 development of very large projects (for example, funding a new Environmental Impact  
11 Statement or updating an existing EIS).

12  
13 Modernization or major bridge replacement projects

14  
15 Modernization or major bridge replacement projects are projects that have been approved and  
16 funded for development through specific milestones but that cannot be constructed within the  
17 four-year timeframe of the STIP and/or within the normal Region STIP allocations. These may  
18 include shelf projects, which are high priority projects developed in anticipation of funding but  
19 that have no funding identified for construction in the current STIP. Milestones include planning,  
20 environmental and project development.

21  
22 D-STIP Project Completion

23  
24 Projects remain in the D-STIP until work required to meet the National Environmental Policy Act  
25 (NEPA) is completed. NEPA classifications:

- 26 ♦ Class 1: Requires draft and final environmental impact statement (EIS). An EIS is  
27 required for actions that significantly affect the environment.
- 28 ♦ Class 2: Categorical exclusion (neither an environmental assessment nor an  
29 environmental impact statement is required). These actions do not individually or  
30 cumulative have a significant environmental effect and are excluded from the  
31 requirement to prepare an environmental assessment or environmental impact  
32 statement.
- 33 ♦ Class 3: Requires environmental assessment (EA) or revised environmental  
34 assessment. The environmental impact is not clearly established. All actions that  
35 are not Class 1 or 2 fall into this classification. These actions require preparation of  
36 an EA to determine the appropriate environmental document. If it is determined that  
37 the action is likely to have a significant impact on the environment, the preparation of  
38 an EIS will be required.

39  
40 All Class 1 and 3 projects should be in the D-STIP until a final Record of Decision (ROD) or  
41 Finding of No Significant Impact (FONSI) has been completed. By programming completion of  
42 D-STIP milestones that follow a ROD or FONSI, the project delivery activity can continue  
43 through right of way acquisition, advance plans, and/or plans specifications and estimates  
44 (PS&E). The project could then be ready for inclusion in the C-STIP at the regular 2-year  
45 update. Work on right of way, advance plans or PS&E may be conducted in either the D-STIP  
46 or the C-STIP.

47  
48 ODOT and the Department of Land Conservation and Development (DLCD) shall work with  
49 affected cities and counties to obtain land use approvals needed to select a specific alignment.  
50 After completion of the Draft EIS or EA they will resolve any other project specific land use

1 issues. The level of land use consistency required will depend on the environmental milestone  
2 being completed.

3  
4 Although the primary purpose of the D-STIP is to develop projects for the C-STIP, inclusion in  
5 the D-STIP does not guarantee funding for future D-STIP milestones or that a project will  
6 automatically move into the C-STIP. Funding may not be available to construct the final solution  
7 or the environmental document may identify the solution as a "No Build".

## 8 9 **B. Development STIP**

### 10 11 **B. 1. Development STIP Eligibility Criteria Footnotes**

#### 12 13 **<sup>1</sup>D-STIP milestones**

14 D-STIP projects must have funding to complete the identified milestone; partial milestones or  
15 those with no funding will not be programmed. D-STIP milestones, while not necessarily  
16 sequential, include those listed below. Not all projects are required to complete all the  
17 milestones.

- 18 ♦ Project specific refinement plan completion
- 19 ♦ Project specific refinement plan adoption
- 20 ♦ Land use consistency/Statewide Goal Compliance. (Project is included in the  
21 acknowledged comprehensive plan or transportation system plan as a planned  
22 facility, which is a facility allowed by the plan and that is expected to be  
23 constructed within the next 20 years with available financial resources. This may  
24 include land use decisions that establish need, mode, function and general  
25 location.)
- 26 ♦ Location Environmental Impact Statement (EIS) Record of Decision (ROD)
- 27 ♦ Design EIS ROD
- 28 ♦ Environmental Assessment (EA) and Finding of No Significant Impact (FONSI)
- 29 ♦ Right of way acquisition
- 30 ♦ Advance plans (or any other applicable project development design milestone)
- 31 ♦ Plans, specifications and estimates (PS&E)

### 32 33 **B.2. Development STIP Prioritization Factors Footnotes**

#### 34 35 **<sup>2</sup>D-STIP Projects that Best Support the Oregon Highway Plan Policies**

36 Oregon Highway Plan policies that are applicable to D-STIP projects may include but are not  
37 necessarily limited to the following (Table 1):

- 38 ♦ 1A, 1B, 1C, 1D, 1F, 1G, 1H, 2A, 2B, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 4A, 4B, 4C, 4D, 4E,  
39 and 5A

#### 40 41 42 **<sup>3</sup>Funding for D-STIP Projects**

43 A funding scenario should be identified through construction, though not necessarily  
44 guaranteed. Congressional high priority projects would fall into this category.

#### 45 46 **<sup>4</sup>Leverage and Public Benefit for D-STIP Projects**

47 ACTs, MPOs and regional or statewide advisory groups should evaluate how proposed projects  
48 leverage additional funding or collateral community benefits and make wise and efficient use of  
49 infrastructure and natural resources. Those making project recommendations should pursue an  
50 agenda to accomplish leverage or community benefits although specific benefits might not

1 always be known at the D-STIP stage. Examples of leverage and public benefits for D-STIP  
2 modernization projects could include where applicable, but are not limited to the following:

- 3
- 4 ♦ Other funding contributions, such as additional federal funds, local matching funds or
- 5 provision of project right of way, private funding.
- 6 ♦ Bundling with other infrastructure projects (provided there is no adverse affect on
- 7 project readiness).
- 8 ♦ Fish enhancement, such as culvert replacement and improved drainage.
- 9 ♦ Transfer of jurisdiction from state to local control.
- 10 ♦ Leveraging additional funds that contribute to transportation system effectiveness,
- 11 revitalization of the downtown or mainstreet, etc.
- 12 ♦ Direct benefits to multiple modes of travel. This would include local efforts to
- 13 accommodate non-auto modal opportunities.
- 14 ♦ Local circulation improvements that support and complement the state highway
- 15 project.
- 16 ♦ Improvements in Oregon's economy by addressing transportation challenges.
- 17 ♦ Potential for collecting toll revenues.
- 18 ♦ Projects that implement other innovative finance techniques.
- 19

20 This determination must be considered within the capacity of the community on a case by case  
21 basis.

1 **III. Construction STIP (C-STIP)**

2  
3 **A. Introduction to the C-STIP**

4 The C-STIP contains projects scheduled for construction and is financially constrained by year.  
5 Application of the C-STIP Eligibility Criteria and Prioritization Factors includes Modernization,  
6 Preservation and Bridge projects. Information about other programs in the STIP may be found in  
7 the *Draft 2004-2007 STIP*.

8  
9 **B. Modernization**

10  
11 As stated in the *1999 Oregon Highway Plan*, "The primary goal of modernization projects is to  
12 add capacity to the highway system in order to facilitate existing traffic and/or accommodate  
13 projected traffic growth. Modernization means capacity-adding projects including HOV lanes  
14 and off-system improvements. Projects in this category include major widening of lanes or  
15 bridges, and the addition of lanes, rest areas or entire facilities." Where a culvert is replaced  
16 with a bridge due to environmental analysis concluding that this is necessary, the project is not  
17 considered modernization.

18  
19 **B.1. Construction STIP Eligibility Criteria for Modernization Footnotes**

20  
21 **<sup>5</sup>Consistency with Comprehensive Plans and Transportation System Plans (TSP)**

22 The proposal must show that the project is consistent with the applicable adopted  
23 comprehensive plan or transportation system plan as a planned facility, including land use  
24 decisions that establish need, mode, function and general location, including goal exceptions,  
25 where required. If consistency cannot be demonstrated the project submission will describe  
26 how the inconsistency will be addressed, including changes to the project, TSP and/or  
27 comprehensive plan and when they need to be completed. In such cases, the ACT or regional  
28 or statewide advisory group may recommend that the project be included in the D-STIP, and  
29 request that Transportation Planning Rule issues be addressed.

30  
31 Proposed projects from within MPOs shall be identified in fiscally constrained Regional  
32 Transportation Plans and shall meet air quality conformity requirements.

33  
34 **<sup>6</sup>Consistency with Oregon Highway Plan (OHP) Policy 1G, Action 1G.1, on Major  
35 Improvements**

36 In order to demonstrate that a project is consistent with OHP Policy 1G, Action 1G.1, the  
37 proposal must show that the project and/or the TSP clearly addressed the prioritization criteria  
38 found in Action 1G.1 of the OHP.

39  
40 Where needed to achieve consistency with the above-noted Oregon Highway Plan policy, the  
41 ACTs, MPOs, or regional or statewide advisory groups, with ODOT assistance, shall negotiate  
42 conditions for project approval with an applicant. These conditions, if not addressed as the  
43 project proceeded through the D-STIP if applicable, shall be attached to the application  
44 approved by the ACT, MPO or regional or statewide advisory group, shall be as specific as  
45 possible given the stage of development of the project, and may include the following:

- 46  
47
  - ◆ Access management and interchange area management plans,
  - ◆ Highway segment designations,
  - ◆ Needed local street improvements,
  - ◆ Traffic management plans,

- 1           ♦ Land use plan designations,
- 2           ♦ Other similar conditions.

3  
4 **B.2. Construction STIP Prioritization Factors for Modernization Footnotes**

5  
6 **<sup>7</sup>Project Readiness for C-STIP Modernization Projects**

7 Projects that can begin construction within the timeframe of the STIP and within the timeframe  
8 expected are considered to be more ready than those that have many or complicated remaining  
9 steps. The overall judgement of a project's readiness is dependent on timeliness of  
10 construction expectations not on the number of steps to be completed.

11  
12 Where applicable, the hurdles to accomplish each of the following steps must be assessed for  
13 major modernization projects that have come through the D-STIP and for which a final Record  
14 of Decision (ROD) for a design level environmental impact statement or a Finding of No  
15 Significant Impact (FONSI) has been made:

- 16           ♦ Public involvement
- 17           ♦ Right of way purchased
- 18           ♦ Final construction and traffic flow management plans developed
- 19           ♦ Additional land use requirements such as completing plans for access management,  
20 supporting local transportation system improvements and land use measures to  
21 protect the function and operation of the project.

22  
23 Projects that have not gone through the D-STIP or have not completed a FONSI or ROD must  
24 also assess the following:

- 25           ♦ Environmental requirements
- 26           ♦ Land use requirements
- 27           ♦ Applicability of minor improvements and alternative mode solutions

28  
29 For all projects, if those aspects are not completed at the time of the assessment of project  
30 readiness, a plan to complete them must be described to assist in judging the likelihood that all  
31 of those aspects can be addressed, and construction begun within the timeframe projected.  
32 The project budget and time line must include execution of the plan.

33  
34 **<sup>8</sup>Modernization Projects that Best Support the Oregon Highway Plan Policies**

35 OHP policies that are applicable to modernization projects may include but are not necessarily  
36 limited to the following (Table 1):

- 37  
38           ♦ 1A, 1B, 1C, 1D, 1F, 1G, 1H, 2A, 2B, 2C, 2E, 2F, 2G, 3A, 3B, 3C, 4A, 4B, 4C, 4D, 4E,  
39 and 5A

40  
41 **<sup>9</sup>Leverage and Public Benefit for C-STIP Modernization Projects**

42 ACTs, MPOs and regional or statewide advisory groups should evaluate how proposed projects  
43 leverage additional funding or collateral community benefits and make wise and efficient use of  
44 infrastructure and natural resources. Examples of leverage and public benefits for C-STIP  
45 modernization projects include:

- 46  
47           ♦ Other funding contributions, such as additional federal funds, local matching funds or  
48 provision of project right-of-way, private funding.
- 49           ♦ Bundling with other infrastructure projects (provided there is no adverse affect on  
50 project readiness).
- 51           ♦ Fish enhancement, such as culvert replacement and improved drainage.



- ◆ Transfer of jurisdiction from state to local control.
- ◆ Leveraging of additional funds that contribute to transportation system effectiveness, revitalization of the downtown or mainstreet, etc.
- ◆ Direct benefits to multiple modes of travel. This would include local efforts to accommodate non-auto modal opportunities.
- ◆ Local circulation improvements that support and complement the state highway project.
- ◆ Improvements in Oregon's economy by addressing transportation challenges.
- ◆ Potential for collecting toll revenues.
- ◆ Projects that implement other innovative finance techniques.

This determination must be considered within the capacity of the community on a case by case basis.

**<sup>10</sup>Environmental Classification**

- ◆ Class 1: Requires draft and final environmental impact statement (EIS)
- ◆ Class 2: Categorical exclusion (neither an environmental assessment nor an environmental impact statement is required)
- ◆ Class 3: Requires environmental assessment (EA) or revised environmental assessment

This prioritization factor is not intended to give Class 1 and 3 projects priority over or to exclude Class 2 projects, but to give Class 1 and 3 projects with a completed ROD or FONSI priority over Class 1 and 3 projects that require additional environmental documentation.

**C. Preservation**

The pavement preservation projects list is developed by ODOT's Pavement Management System (PMS) and applied by the pavement management selection committees. The PMS is an electronic data management tool used by the department to identify, prioritize and develop needed pavement preservation projects. The role of ACTs, MPOs and regional or statewide advisory groups is to review the timing of the pavement preservation projects as they relate to other local projects or issues; their comments will be considered as part of the process. It is anticipated that these groups will primarily enhance selected projects by leveraging additional funding or collateral community benefit. The interstate preservation projects are selected based on the PMS and a statewide strategy and are therefore not a part of these criteria.

**C.1. Construction STIP Eligibility Criteria for Pavement Preservation Footnotes**

**<sup>11</sup>Pavement Strategy**

The department has adopted a pavement preservation program designed to keep highways in the best condition at the lowest lifecycle cost, taking into account available funding. ODOT established a Pavement Strategy Committee in 1999 to address pavement preservation issues, including the development of a statewide pavement strategy for all state highways. The pavement strategy was developed using the department's Pavement Management System. The strategy assumes maintenance of existing traffic capacity; it does not provide for capacity improvements.

Using the list generated by the Pavement Management System (PMS), each Region is responsible for recommending preservation projects for inclusion in the STIP.

1  
2 **C.2. Construction STIP Prioritization Factors for Pavement Preservation**  
3 **Footnotes**

4  
5 **<sup>12</sup>Project Readiness for C-STIP Preservation Projects**

6 Projects that can begin construction within the timeframe of the STIP and within the timeframe  
7 expected are considered to be more ready than those that have many or complicated remaining  
8 steps. The overall judgement of a project's readiness is dependent on timeliness of  
9 construction expectations not on the number of steps to be completed.

10  
11 **<sup>13</sup>Preservation Projects that Best Support the Oregon Highway Plan Policies**

12 Oregon Highway Plan policies that are applicable to preservation projects may include but are  
13 not necessarily limited to the following (Table 1):

- 14  
15 ♦ 1A, 1B, 1C, 1D, 1E, 2A, 2C, 2F, 3A, 4A, and 5A

16  
17 **<sup>14</sup>Leverage and Public Benefit for C-STIP Preservation Projects**

18 ACTs, MPOs and regional or statewide advisory groups should evaluate how proposed projects  
19 leverage additional funding or collateral community benefits and make wise and efficient use of  
20 infrastructure and natural resources. Examples of leverage and public benefits for C-STIP  
21 pavement preservation projects include:

- 22  
23 ♦ Other funding contributions, such as additional federal funds, local matching funds or  
24 provision of project right-of-way, private funding.  
25 ♦ Bundling with other infrastructure projects (provided there is no adverse affect on  
26 project readiness).  
27 ♦ Fish enhancement, such as culvert replacement and improved drainage.  
28 ♦ Transfer of jurisdiction from state to local control.  
29 ♦ Leveraging of additional funds that contribute to transportation system effectiveness,  
30 revitalization of the downtown or mainstreet, etc.  
31 ♦ Direct benefits to multiple modes of travel. This would include local efforts to  
32 accommodate non-auto modal opportunities.  
33 ♦ Local circulation improvements that support and complement the state highway  
34 project.  
35 ♦ Improvements in Oregon's economy by addressing transportation challenges.

36  
37 **D. Bridge**

38  
39 The process of identifying bridge projects for the STIP is two-fold in nature (1) bridges are  
40 inspected at least every two years, in order that the most current inspection information is used  
41 to develop a list of bridges and (2) the use of a Bridge Management System (BMS). The BMS  
42 is an electronic data management tool used by the department to identify, prioritize and develop  
43 needed bridge improvements. BMS data are linked to other technical databases to identify  
44 bridges that meet twelve separate deficiency parameters. Applying this information, the State  
45 Bridge Oversight Committee develops a prioritized list. The role of ACTs, MPOs and regional or  
46 statewide advisory groups is to review the timing of the bridge replacement/rehabilitation  
47 projects as they relate to other local projects or issues; their comments will be considered as  
48 part of the process. It is anticipated that these groups will primarily enhance selected projects  
49 by leveraging additional funding or collateral community benefit.

1 **D.1. Construction STIP Eligibility Criteria for Bridge Footnotes**

2  
3 <sup>15</sup>**Bridge Management System**

4  
5 State Bridge Project Selection

6  
7 This criterion applies to bridges on the State highway system only. Through a formula  
8 distribution, 27% (% periodically reassessed) of the federal Highway Bridge Replacement and  
9 Rehabilitation Project funds go to local bridges, which are covered through a separate selection  
10 process.

11  
12 State bridge projects proposed for funding will be selected based on the desire to maintain and  
13 improve transportation's role in Oregon's economy.

14  
15 Focusing on the Interstate Highway and Oregon Highway Plan Freight Routes, consider bridges  
16 as candidates based on the following:

- 17  
18
  - ◆ Bridges that are presently load restricted.
  - ◆ Bridges that have needed temporary repair but still have some load restrictions.
  - ◆ Bridges that have deterioration that will cause load restrictions in the near future.
  - ◆ Bridges that preserve freight corridors

19  
20  
21  
22  
23 **D.2. Construction STIP Prioritization Factors for Bridge Footnotes**

24  
25 <sup>16</sup>**Bridge Options Report**

26 Priority will be given to projects that support the Bridge Options Report adopted by the Oregon  
27 Transportation Commission. In implementing the Bridge Options Report, bridges being  
28 designed or constructed to take into account anticipated future growth are not considered  
29 modernization projects. Other bridges that increase lane capacity are included under  
30 modernization and must meet the modernization criteria and prioritization factors.

31  
32 <sup>17</sup>**Leverage and Public Benefit for C-STIP Bridge Projects**

33  
34 ACTs, MPOs and regional or statewide advisory groups should evaluate how proposed projects  
35 leverage additional funding or collateral community benefits and make wise and efficient use of  
36 infrastructure and natural resources. Examples of leverage and public benefits for C-STIP  
37 bridge replacement/rehabilitation projects include:

- 38  
39
  - ◆ Other funding contributions, such as additional federal funds, local matching funds or  
40 provision of project right-of-way, private funding.
  - ◆ Bundling with other infrastructure projects (provided there is no adverse affect on  
41 project readiness).
  - ◆ Fish enhancement, such as culvert replacement and improved drainage.
  - ◆ Direct benefits to multiple modes of travel. This would include local efforts to  
42 accommodate non-auto modal opportunities.
  - ◆ Improvements in Oregon's economy by addressing transportation challenges.

## Oregon Highway Plan Policies Applicable to Prioritizing Projects Statewide Transportation Improvement Program

Table 1

POLICY	D-STIP MOD.	C-STIP MOD.	C-STIP PRES.
<b>GOAL 1: SYSTEM DEFINITION</b>			
POLICY 1A: STATE HIGHWAY CLASSIFICATION SYSTEM	X	X	X
POLICY 1B: LAND USE AND TRANSPORTATION	X	X	X
POLICY 1C: STATE HIGHWAY FREIGHT SYSTEM	X	X	X
POLICY 1D: SCENIC BYWAYS	X	X	X
POLICY 1E: LIFELINE ROUTES			X
POLICY 1F: HIGHWAY MOBILITY STANDARDS	X	X	
POLICY 1G: MAJOR IMPROVEMENTS	X	X	
POLICY 1H: BYPASSES	X	X	
<b>GOAL 2: SYSTEM MANAGEMENT</b>			
POLICY 2A: PARTNERSHIPS	X	X	X
POLICY 2B: OFF-SYSTEM IMPROVEMENTS	X	X	
POLICY 2C: INTERJURISDICTIONAL TRANSFERS	X	X	X
POLICY 2E: INTELLIGENT TRANSPORTATION SYSTEMS	X	X	
POLICY 2F: TRAFFIC SAFETY	X	X	X
POLICY 2G: RAIL AND HIGHWAY COMPATIBILITY	X	X	
<b>GOAL 3: ACCESS MANAGEMENT</b>			
POLICY 3A: CLASSIFICATION AND SPACING STANDARDS	X	X	X
POLICY 3B: MEDIANS	X	X	
POLICY 3C: INTERCHANGE ACCESS MANAGEMENT AREAS	X	X	
<b>GOAL 4: TRAVEL ALTERNATIVES</b>			
POLICY 4A: EFFICIENCY OF FREIGHT MOVEMENT	X	X	X
POLICY 4B: ALTERNATIVE PASSENGER MODES	X	X	
POLICY 4D: TRANSPORTATION DEMAND MANAGEMENT	X	X	
POLICY 4C: HIGH-OCCUPANCY VEHICLE (HOV) FACILITIES	X	X	
POLICY 4E: PARK-AND-RIDE FACILITIES	X	X	
<b>GOAL 5: ENVIRONMENTAL AND SCENIC RESOURCES</b>			
POLICY 5A: ENVIRONMENTAL RESOURCES	X	X	X

## Appendix A

### Key Website Addresses

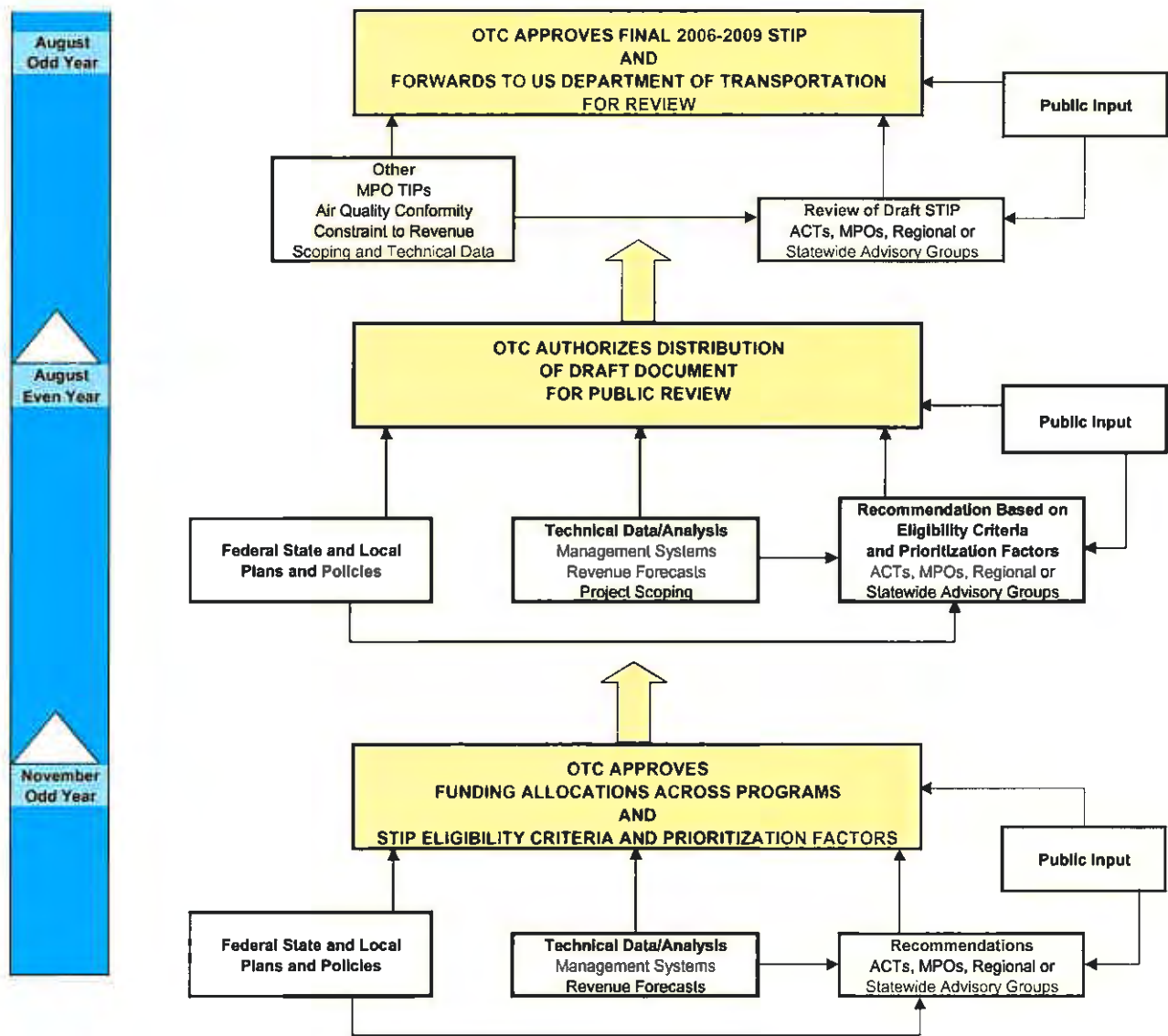
**Draft 2004-2007 STIP:** <http://www.odot.state.or.us/stip/>

**Management Systems:** <http://intranet.odot.state.or.us/otms/>

**Policy on Formation and Operation of the ACTs:** <http://www.odot.state.or.us/otc/ACT.htm>

**Program Advisory Committees, Community Involvement:** <http://www.odot.state.or.us/home/>

## STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM DECISION PROCESS



**KEY**  
 ACT: Area Commission on Transportation  
 MPO: Metropolitan Planning Organization  
 TIP: Transportation Improvement Program

### APPENDIX B

## **APPENDIX J**

### **Interdisciplinary Approaches**

- Tennessee – Interdisciplinary Team – TDOT Title VI Advisory Committee and Interdisciplinary Approach
- Washington – Washington State Department of Transportation Title VI Responsibilities (WSDOT Title VI Interdisciplinary Team)



## Issuance of Guidelines

- Interdisciplinary Team—  
TDOT Title VI Advisory Committee
- Interdisciplinary Approach





## The Title VI Advisory Committee

The purpose of the Title VI Advisory Committee is to serve as an administrative advisory committee to the Civil Rights Office Title VI Program and to help ensure TDOT programs, contractees and service beneficiaries comply with the provisions of Title VI.

The committee's primary responsibilities are:

- To make recommendations to ensure equal access and services are provided to all individuals;
- Assist in the identification and elimination of discrimination;
- Review Title VI activities and be advisory partners to the Title VI Program;
- Review the Title VI Plan on an annual basis and make recommendations, if deemed necessary;
- Serve as a resource for identifying racial and ethnic media outlets to ensure various population groups are given equal opportunity to participate in TDOT's programs and services;
- To advise and assist the Civil Rights Office Title VI Program on how to effectively and efficiently accomplish the Program's goals.

## 2007 Title VI Program Advisory Committee Members

<p><b>TDOT Construction Division</b> Darrel Bost Suite 700, JKP Building 505 Deaderick St. Nashville, TN 37243 Phone: 615-741-0908 Fax: 615-741-0782 Email: <a href="mailto:darrell.bost@state.tn.us">darrell.bost@state.tn.us</a></p>	<p><b>TDOT Right-of-Way Division</b> Jeff Hoge Suite 600, JKP Building 505 Deaderick St. Nashville, TN 37243 Phone: 615-741-6802 Fax: 615-532-1548 Email: <a href="mailto:jeff.hoge@state.tn.us">jeff.hoge@state.tn.us</a></p>	<p><b>TDOT Design Division</b> Scarlet Brubaker Suite 1300, JKP Building 505 Deaderick St. Nashville, TN 37243 Phone: 615-253-6100 Fax: 615-532-2799 Email: <a href="mailto:scarlet.brubaker@state.tn.us">scarlet.brubaker@state.tn.us</a></p>
<p><b>TDOT Environmental Division</b> Lori A. Kirby Suite 900, JKP Building 505 Deaderick St. Nashville, TN 37243 Phone: 615-253-2473 Fax: 615-741-1098 Email: <a href="mailto:lori.a.kirby@state.tn.us">lori.a.kirby@state.tn.us</a></p>	<p><b>TDOT Project Planning</b> Debbi Howard Suite 1000, JKP Building 505 Deaderick St. Nashville, TN 37243 Phone: 615-741-0957 Fax: 615-532-0353 Email: <a href="mailto:debbi.howard@state.tn.us">debbi.howard@state.tn.us</a></p>	<p><b>TDOT Multimodal Transportation Resources</b> Bill Hayes Suite 1800, JKP Building 505 Deaderick St. Nashville, TN 37243 Phone: 615-253-1028 Fax: 615-253-1482 Email: <a href="mailto:bill.hayes@state.tn.us">bill.hayes@state.tn.us</a></p>
<p><b>TDOT Aeronautics</b> Brian Caldwell Nashville Airport 424 Knapp Blvd., Building 4219 Nashville, TN 37217 Phone: 615-741-3208 Fax: 615-741-4959 Email: <a href="mailto:brian.caldwell@state.tn.us">brian.caldwell@state.tn.us</a></p>	<p><b>TDOT Title VI Program</b> Columba McHale Suite 1800, JKP Building 505 Deaderick St. Nashville, TN 37243 Phone: 615-253-1066 Fax: 615-741-3169 Email: <a href="mailto:columba.mchale@state.tn.us">columba.mchale@state.tn.us</a></p>	<p><b>Region 3</b> Jimmy McNeece 6601 Centennial Boulevard Nashville, TN 37243 Phone: 615-350-4378 Fax: 615-350-4396 Email: <a href="mailto:jimmy.mcneece@state.tn.us">jimmy.mcneece@state.tn.us</a></p>

## **📌 Interdisciplinary Approach**

According to FHWA policy guidelines, an interdisciplinary approach to Title VI should be implemented. In keeping with these guidelines, TDOT has formulated a comprehensive Title VI monitoring and review process. Additionally, an interdisciplinary team has been composed to address the concerns of the community and ensure from a Civil Rights prospective that Title VI and Environmental Justice issues are examined.

The success of any program depends in great part on the ability to measure its successes and failures (if any). In order to implement, as well as report, on the progress made in the Title VI arena within TDOT, responsibilities for the program progress are clearly indicated below. Included herein are the responsibilities for carrying out Title VI within the whole of TDOT as well as the reporting requirements for program specific areas within TDOT. This procedure communicates the importance of the TDOT Title VI Implementation and Compliance Plan to each TDOT activity and ensures that each administrative officer understands his or her individual responsibility to support the effective implementation of Title VI. The reporting requirements for the specifically named program areas of Construction, Planning, Design, Program Development, and Right-of-Way are designed to serve a two-fold effort within TDOT's Civil Rights Office Title VI Program: (1) To ensure actions are taken to implement Title VI through education and awareness within the workforce responsible for program area activities servicing program beneficiaries; and (2) to focus, track, and report, on the impact of those programs areas in majority and minority communities throughout the state. The program areas will be required to report on their various activities using the requested information listed below annually.

## **RESPONSIBILITY**

### **📌 The Commissioner**

The ultimate responsibility for implementation of the TDOT Title VI Program rests with the Commissioner and Deputy Commissioner.

### **📌 Executive Directors, Assistant Executive Directors, and Directors**

Basic responsibility at each Division and Office of TDOT rests with the Executive Directors, Assistant Executive Directors and Directors. Each Executive Director, Assistant Executive Director and Director shall insure the implementation of Title VI in his/her organizational division.

### **📌 The Civil Rights Office**

The Civil Rights Office will interpret and coordinate the implementation of Title VI and will be advised and assisted by the Title VI Advisory Board. Responsibilities of the Civil Rights Office will include but not be limited to:

- Reviewing training programs, recruitment efforts for minority/women consultants/business owner, etc., which have a direct bearing on the attainment of goals and objectives.
- Preparing required government reports concerning Title VI.
- Collecting and presenting statistical and other required information.
- Reviewing performance in the following areas: Distribution and posting of Policy Statements; integration of and equality in the use of facilities; and unlawful discrimination in State-sponsored activities, practices and procedures.
- Regular monitoring of the TDOT equal opportunity policy to insure inclusiveness and

take appropriate action to deal with non-compliance with policy provisions. When appropriate, enforcement procedures will be implemented to ensure that the policies are being followed.

### **④ Title VI Officers and Coordinators**

The Title VI Coordinators have the responsibility for collecting data surveys, evaluations, and other pertinent documentation in accordance with Title VI regulations. Additionally, Title VI Officers will conduct on-site reviews through observations and documentation of Title VI compliance requirements. These reviews will be conducted through on-site inspections of TDOT contractors and all program areas (Planning, Project Development, Right-of-Way, Construction, and Research) will be reviewed. Through these reviews, information will flow from Title VI coordinators and program administrators to the Title VI Officers and back from the Title VI Officers to insure accurate information in compliance with Title VI program requirements. If during these on-site reviews or at any other time a deficiency is discovered, the program administrator will be given thirty (30) days in which to remedy the noncompliance. All information received through these reviews will be kept on file within the TDOT Civil Rights Office Title VI Program for compliance reporting.

Title VI Officers will also monitor policy manuals, employee handbooks, and bulletins to insure inclusion of Title VI statements. The Title VI staff will promptly investigate all complaints of alleged discrimination, and attempt to resolve such complaints, and will take corrective action within thirty (30) days of receipt of the substantiated final report. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the Title VI staff will inform every complainant of all of his/her avenues of appeal.

#### **④ Other Employees**

All administrative officers and supervisory personnel within TDOT are responsible for performing their duties in a nondiscriminatory manner. Administrative officers, include the Commissioner, Deputy Commissioner, Executive Directors, Assistant Executive Directors, Directors, Assistant Directors, and Managers.

All employees are expected to contribute to the equal treatment philosophy of TDOT by their acceptance of, and compliance with Title VI.

#### **④ TDOT Committees**

Executive and administrative officers responsible for appointing individuals to TDOT committees will ensure equal opportunities are provided for minorities and women to serve in decision-making positions on committees whenever possible through nondiscriminatory selection processes within the qualified TDOT workforce.

### **④ Specific Monitoring of TDOT Program Activities**

#### **④ The Constructive Division**

The Construction Division is responsible for setting up proposals and letting contracts for all TDOT highway and bridge projects. The Construction Division is also responsible for contract administration on TDOT projects, writing TDOT specifications, and special provisions.

The Construction Division will be required to report:

- ④ Any complaints of discrimination. Detailed facts, including date of complaint,

nature/issue of complaint and if resolved, the outcome.

- ① Training, orientation and knowledge of staff on Title VI issues. Including resources staff uses as reference for Title VI, such as readily available laws and regulations.
- ① Notices and posters setting forth Title VI requirements and responsibilities, placed in areas readily accessible to employees and the public.
- ① The method and sources used to publish advertisements calling for bids on all on-going projects, in particular methods of advertisement used to reach minority/women owned businesses and minority communities. The report shall state the exact nature of the advertisement specifying when, where and how proposals, plans, and specifications have been made available for the inspection of prospective minority, women and non-minority bidders.
- ① Bidding activity that includes the bidder's ethnicity and gender, the names of companies contacted and their bid prices. Also, if known, the reasons that minority/women owned businesses have chosen not to bid.
- ① The progress and efforts being made in securing and retaining the services of minority group contractors/subcontractors or subcontractors with meaningful minority and female representation among their employees.
- ① Efforts to solicit bids from and to utilize minority group contractors/subcontractors or subcontractors with meaningful minority group and female representation among their employees. Also, include lists of minority/women-owned construction firms contacted or known by construction staff.
- ① Executed Title VI Assurances providing specific nondiscrimination provisions included in contracts subject to the Civil Rights Acts of 1964 and the U.S. DOT Title VI Regulation.

The Title VI staff will conduct periodic on-site reviews of on-going construction project sites to insure compliance with Title VI. In those reviews, the staff will conduct interviews, review required posting of Title VI notices, and note any action needed to meet the requirements of Title VI.

### ① **Specific Monitoring of Contracting Activities**

All contractors/subcontractors and lessors will be notified of their responsibilities under Title VI and of their ensuing obligations through language included in each contract agreement. TDOT will ensure Title VI compliance through reporting and monitoring procedures maintained to insure compliance with provisions of Title VI and implementing rules and regulations of USDOT/FHWA/FTA/FAA. All staff with contracting authority and contract management responsibility, including all managers, will be educated on minority/women contracting issues, objectives, and procedures. Staff will receive orientation to understand the components of small business outreach, solicitation, and procedures monitoring.

#### **PRE -AWARD**

TDOT is committed to the proposition that the proportion of minorities and women contractors and employees should continue to be increased in order to assure their representation in the future labor markets. A computerized record of pre-award reviews

will be maintained. Prime contractors and subcontractors will be tracked and reported:

- ① To streamline the task of tracking utilization, all contracts, regardless of size, should be maintained in a centralized database. This database should include both prime contractors and all of their sub-contractors. In order to capture true utilization, the database should include actual payments.
- ① Prime contractors will be required to list all subcontract bids received and specify the subcontractors included in their bid.
- ① All subcontractors will be named at the time of bid opening. A letter of intent to participate as a sub-contractor should be signed by the sub-contractor and included with the bid.

## **POST AWARD**

### **① On-site Reviews and Audits**

Each sub-recipient/prime contractor shall maintain work records classified by race, sex, and other relevant information. This statistical data is to be used for state and federal compliance agency reports. The Title VI Program will, at least annually, study the race-sex profile of subcontractors/employees, and require justification and supporting comments related to:

- ① Absence of minority and female representation on committees and/or as either subcontractors or employees;
- ① Relative absence of women and minorities in positions at decision-making levels;
- ① Relative distribution of minorities, women within work force;
- ① Contract awards differentials for minorities and females.

### **① THE PLANNING DIVISION**

The Planning Division is responsible for the numerous facets involved in road development, as well as mapping, developing routes for various modes of transportation, and developing Tennessee's transportation plan.

#### **Duties of the Planning Division include:**

- ① Developing the state transportation plan
- ① Collecting and maintaining data on state highway and local road systems
- ① Preparing and selling state, city, and county road maps
- ① Planning for rural, small urban and urbanized systems
- ① Developing bicycle routes
- ① Preparing highway needs and cost studies
- ① Administering Research Development and Technology Transfer Program
- ① Maintaining a research Library
- ① Preparing feasibility studies and planning reports
- ① Preparing environmental documents
- ① Conducting public meetings and hearings

### **① RESEARCH REPORTING REQUIREMENTS**

- ① Describe the State's method for selecting research projects. Include a description of

how projects are proposed for inclusion in the program.

- ❶ On what basis are universities, consultants or other researches selected by the State?

**University Research:**

- ❶ What factors are used in selecting universities for research projects?
- ❶ Following project acceptance, describe procedures for selection of principal investigators and research staff. Describe directions given and/or action taken by the State or research agency to encourage the use of minorities and women on the research staff.
- ❶ If subcontractors are involved, describe the university's selection procedures. Also, describe means by which the State and the prime contractor monitor the subcontractor's compliance with Title VI.

- ❶ **THE DESIGN DIVISION**

The Design Division is responsible for all pre-construction road design activities such as preparing and updating standards and specifications, performing aerial and field surveys, and developing preliminary, right-of-way and final construction plans. The Plans Sales Office and Contract Section are also under this division. This division makes use of various consultant firms in completing its design tasks. Design services performed by consultant firms may include aerial surveys, field surveys, the development of an operational concept plan, system architecture, design plans, standards and specifications, and preliminary cost estimates, as well as construction supervision and software integration and training. These firms are evaluated based on factors such as: past experience in the required disciplines with TDOT and/or other clients, time since last contract with TDOT, staffing available to perform the required services, and demonstrated ability to meet schedules without compromising sound engineering practices.

**The Design Division will report:**

- ❶ Any complaints of discrimination. Detailed facts, including date of complaint, nature/issue of complaint and if resolved, what was the outcome.
- ❶ Training and orientation and knowledge of staff on Title VI issues; including resources staff uses as reference for Title VI, such as readily available laws and regulations.
- ❶ Notices and posters setting forth Title VI will be placed in areas readily accessible to employees and the public.
- ❶ When seeking to retain the services of consulting firms, efforts made to obtain and retain services of minority and female-owned firms.
- ❶ Current list of consulting firms, including DBEs and nonDBEs used by the Design Division with last calendar year, noting race and gender.
- ❶ Executed Title VI Assurances providing specific nondiscrimination provisions included in contracts subject to the Civil Rights Act of 1964 and the U.S. DOT Title VI Regulation.

- ❶ **THE PROGRAM DEVELOPMENT AND PROJECT MANAGEMENT DIVISION**

**The Program Development and Project Management Division** is comprised of three offices. Program Development and Scheduling is responsible for developing transportation programs, establishing project schedules, and coordination with local governments. Project Operations is responsible for establishing project funding authorizations and serves as the Liaison with the Federal Highway Administration.

Project Management is responsible for the development and delivery of selected transportation projects as well as administration of the State Industrial Access Program (SIA).

**The Program Development/Project Management Division will report:**

- ❶ Any complaints of discrimination. Detailed facts, including date of complaint, nature/issue of complaint and if resolved, what was the outcome.
- ❷ Training, orientation, and knowledge of staff on Title VI issues; including resources staff uses as reference for Title VI, such as readily available laws and regulations.
- ❸ Notices and posters setting forth Title VI placed in areas readily accessible to employees and the public.
- ❹ Consideration of minority communities in developing transportation programs, including any efforts made to coordinate these activities with minority communities within local governments.
- ❺ List of minority, non-minority and female-owned firms currently secured for contract service within the Program Development division, including type and dollar amount of contracts.
- ❻ Projects funded specifically to enhance opportunities in minority communities.
- ❼ Breakdown of projects and funding percentages in majority and minority communities throughout the state annually.

**❶ THE RIGHT-OF-WAY DIVISION**

**The Right-of-Way division** is a part of the Bureau of Development and is responsible for the appraisal and acquisition of land needed for state highway construction. The Utility Office is responsible for the coordination of local utility and railroad relocation efforts for highway construction.

**The Right-of-Way Division (ROW) and Utility Office are charged with the following activities:**

- ❶ Right-of-Way develops cost estimates for the purposes of budgeting and scheduling projects.
- ❷ Appraises and reviews properties subject to acquisition under a roadway project.
- ❸ Provides relocation assistance for businesses and residents when necessary and makes fair value offers for properties.
- ❹ Provides legal assistance and advice in the acquisition process and certifies to State and Federal officials the completion of all acquisition activities prior to the letting of a roadway contract.
- ❺ Coordinates the proper removal of underground storage tanks as well as coordinates the management of excess land.
- ❻ Utilities and Railroads develop cost estimates for the purposes of budgeting and scheduling projects.
- ❼ Provides affected utilities and railroads with all plans and documents necessary for the development of relocation plans and estimates.
- ❽ Prepares appropriate contracts for the eligible reimbursement of utility and railroad expenses, and certifies to Federal and State officials the completion of all utility and railroad negotiations prior to the letting of highway contracts.
- ❾ Process billing for relocation and force account expenses.

**The Right-of-Way Division shall report:**

- ① Any complaints of discrimination. Detailed facts, including date of complaint, nature/issue of complaint and if resolved, what was the outcome.
- ① Training, orientation, and knowledge of staff on Title VI issues; including resources staff uses as reference for Title VI, such as readily available laws and regulations.
- ① Notices and posters setting forth Title VI will be placed in areas readily accessible to employees and the public.
- ① Type of notice given, including timing, when property is acquired through the right-of-way procedure. Include explanation of method and sources used to publish advertisements/information involving issues to be discussed at any public meetings and hearings concerning right-of-way issues, focusing on ways in which the minority community is notified and their involvement.
- ① Number of minorities of minority communities affected by acquisition of rights-of-ways annually beginning in 1999.
- ① Documentation of any deviation in methods used to acquire real property in minority communities, such as price, selection, and negotiation.
- ① Number of minorities, non-minorities and women in the Right-of-way Division with location and positions held.
- ① Racial demographics of communities affected by TDOT's latest right-of-way acquisitions. Any adverse affects to minority communities and methods used to alleviate hardship.
- ① Extent to which racial demographics are considered in location of facilities within state obtained pursuant to Right-of-Way authority.
- ① Race and gender of persons from whom real property is purchased for purpose of Right-of-Way. Include specific information o method used to obtain property as well as market price verses purchase price.
- ① Efforts used to insure nondiscrimination in the selection and acquisition of right-of-way, property management, and fee contracts and other commitments with persons for services and expenses incidental to the acquisition of right-of-way.
- ① Efforts made to obtain and retain the services of minority and female contractors incidental to right-of-way acquisition.
- ① List by race and gender firms currently secured for contract service within the Right-of-Way division.
- ① Title VI notice provided to assisted highway programs pertaining to nondiscrimination in their access to and use of the facilities and services provided for public accommodations (such as eating, sleeping, rest, recreation, and vehicle servicing) constructed on, over, or under the right-of-way of such highways.
- ① Executed Title VI Assurances providing specific nondiscrimination provisions included in contracts subjects to the Civil Rights Act of 1964 and the U.S. DOT Title VI Regulation.



## Washington State Department of Transportation Title VI Responsibilities

### The Washington State Department of Transportation will not:

- Discriminate in its selection and retention of contractors to perform duties and services related to construction, planning, research, engineering, property management and other commitments related to highway construction on the bases of their race, color, national origin, or sex.
- Locate or design a highway in a manner that requires the relocation of individuals on the bases of their race, color, national origin, or sex.
- Locate, design or construct a highway in a manner that denies reasonable access or use to any person on the bases of race, color, national, origin, or sex.
- Discriminate against eligible persons in relocation payments and in providing relocation advisory assistance where relocation is necessitated by highway right-of-way acquisitions on the bases of their race, color, national origin, or sex.
- Discriminate against the traveling public and commercial users of highways in providing access to and use of facilities and services provided for public accommodations on the bases of race, color, national origin, or sex.
- Distribute federal funds to sub-recipients, i.e., universities, counties, cities, transit agencies, etc. without proper assurances of non-discrimination and Title VI compliance.
- Conduct aeronautic activities, i.e. runway locations or airport operations in a discriminatory manner.
- Deny the public proper participation in WSDOT activities in compliance with Title VI.

### WSDOT Monitoring Responsibilities

Title VI compliance requires the monitoring of all program areas to ensure that all WSDOT activities are conducted in a nondiscriminatory manner and appropriate procedures are in place for the collection of related data. Program areas throughout WSDOT will be monitored to ensure compliance on an annual basis. Management and appropriate authorities are required to cooperate in these efforts. It is important that all of us play our part in Title VI compliance in order to ensure the continued receipt of federal funds.

### WHAT ACTIVITIES ARE MONITORED

In accordance with CFR 23 § 200.9(b) (10) & (11), an annual report of WSDOT's Title VI accomplishments for each year and goals for the next year are submitted to the Federal Highway Administration (FHWA). This report contains information that is used to evaluate WSDOT's Title VI program. Major program areas throughout WSDOT are monitored by the Title VI Staff Specialist and Regional Title VI Liaisons to ensure that all WSDOT procedures and processes are in compliance with Title VI and that appropriate data is collected for proper reporting to FHWA. Annually, WSDOT's Title VI findings and efforts initiated toward compliance are reported to FHWA. The following information, if applicable, will be reviewed with assistance from Title VI coordinators representing each area. The information provided is a representation of the type activities that may be monitored in each area, although some program areas may not be involved in every activity:

- Information related to studies conducted that provided data relative to minority persons, neighborhoods, income levels, physical environment and travel habits.
- The number of public meetings and hearings held during the reporting period.
- Efforts used to ensure citizen participation in public meetings and hearings, particularly minorities, women, elderly, disabled and low-income persons.
- Title VI training provided by WSDOT, FHWA, and NIH sponsored programs and training.
- Major accomplishments made regarding Title VI during the year - Including instances where Title VI issues were identified and discrimination was prevented.
- The number of pre-draft Environmental Impact Statements (EIS) reviewed.

- Issues addressed in Environmental Impact Statements where minorities, women, elderly, disabled and low-income persons were adversely impacted.
- Whether there was a need to utilize bilingual or non-English advertisements, announcements, notices, etc. to meet Limited English Proficiency (LEP) needs.
- Whether interpreters were present when needed to assist with LEP needs.
- Whether negotiation reports related to real estate transactions indicated a disparity in negotiation procedures between minorities and non-minorities.
- Mechanisms used to identify what communities (minorities, women, elderly, disabled, and low-income) were represented in the negotiation phase.
- The number of relocations during the reporting period.
- The number of construction projects initiated in the reporting period.
- Procedures in place to monitor Title VI compliance as it relates to special emphasis programs such as the Disadvantaged Business Enterprise program, On the Job Training program, etc.
- The number of Title VI complaints received, status of complaints, resolution of complaints, etc.

### **Limited English Proficiency - What is Limited English Proficiency?**

Limited English Proficiency is a term used to describe individuals who are not proficient in the English language. Washington is home to many individuals who are not proficient in the English language. Executive Order (E.O.) 13166, Improving Access to Services for Persons With Limited English Proficiency, August 2000, is directed at implementation of protections afforded by Title VI of the Civil Rights Act of 1964. WSDOT is committed to affording individuals affected by a WSDOT activity(s) with meaningful access to programs and services by:

- Advertising meetings, hearings, conferences, etc., in appropriate languages
- Requesting the participants to inform us of needed accommodations in order to meet reasonable needs.
- Having written materials printed in languages that meet LEP requirements.
- Providing interpreters to verbally translate and perform sign language translation when necessary.

**Note:** Generally, if a WSDOT activity will have an impact on an area where 5% or more of the individuals in that area speak a language other than English, materials advertising the project, hearings, meeting, radio and/or TV advertisements, etc. should be translated into the language spoken in the affected area. Translators should be available to assist individuals at public meetings, hearings, etc. Reasonable efforts should be put forth to meet LEP needs even when less than 5% of the MDOT affected population has LEP needs. Reasonable Accommodations for persons with disabilities should be provided as appropriate on case-by-case basis.

### **Environmental Justice - What is Environmental Justice?**

A 1994 a Presidential Executive Order directed every Federal agency to make environmental justice part of its mission by identifying and addressing the effects of all programs, policies and activities on "minority populations and low-income populations." In order to comply with this order, WSDT must appropriately address the concerns of individuals potentially affected by our activities. Those individuals must appropriately be involved in the development of projects that fit harmoniously within their communities without sacrificing safety or mobility.

**Three fundamental principles of environmental justice include but are not limited to the following:**

- Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.

- Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- Prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

### **WSDOT's Title VI Interdisciplinary Team**

In order to provide interaction between the Department's program areas and regions in regard to Title VI compliance, WSDOT has implemented a Title VI Interdisciplinary Team. This team consists of individuals from the program areas and each WSDOT region. This interdisciplinary approach to Title VI compliance helps to provide interaction and systematic communication throughout the Department and offers an opportunity for the Title VI Coordinator to work with the members toward Title VI compliance. Members of the team are involved in making WSDOT's Title VI program a success.

### **Sanctions**

In the event WSDOT as a recipient of federal funds fails or refuses to comply with Title VI, the FHWA may take any or all of the following sanctions:

- Cancel, terminate, or suspend nondiscrimination agreements between the recipient and FHWA in whole or in part.
- Refrain from extending, any further assistance to WSDOT under the program in noncompliance until satisfactory assurance of future compliance has been assured by the recipient.
- Take other actions deemed appropriate under the circumstances, until the recipient has accomplished compliance or remedial action
- Refer the case to the U.S. Department of Justice for appropriate legal proceedings.

### **Definitions**

**Authority:** The Civil Rights Restoration Act of 1987 (CRRRA) and the Civil Rights Act of 1964 are the legal statutes for Title VI compliance/enforcement.

**Complaints:** Discrimination under Title VI has been closely defined as the denial of participation in and the denial of receiving benefits from programs or activities that are federally funded.

**Discrimination:** An act (or action) whether intentional or unintentional through which a person in the United States, solely because of race, color, religion, gender, or national origin, has been subjected to unequal treatment under any program or activity receiving financial assistance from the FHWA under Title 23 U.S.C.

**Disparate Treatment:** Inconsistent application of rules and policies to one group of people over another. Discrimination may result when rules and policies are applied differently to members of protected classes.

**Explanation:** Title VI is the component of the Civil Rights Act that prohibits discrimination in federally assisted programs.

**Federal Aid Recipient:** Individuals or groups who receive federal aid funds.

**Title VI Compliance:** The implementation of all the Title VI requirements or demonstrating that every good faith effort has been made toward achieving this end.

**Programs:** Transportation projects or activities that provide service, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the Federal government or by WSDOT or its agents through contracts or other arrangements.

# APPENDIX K

## Planning Tools

### Local Planning Tools

- Maryland - Examples of Title VI Review for Local Transit Development Plans
- Tennessee - Environmental Justice Desk Guide and GIS Methodology
- Florida - Title VI Socioculture Effects Evaluation Process
- FTA - Recommended Title VI, Environmental Justice, and Limited English Proficiency Analysis of Proposed Service and Fare Changes

# Queen Anne's County (MD) Transit Development Plan

## APPENDIX C - TITLE VI ANALYSIS OF PROPOSED SERVICE AND FARE CHANGES

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin. Public transportation agencies have the ability and the responsibility to enhance the social and economic quality of life for people in their communities. The Federal Transit Administration provides guidance to help agencies verify that service and fare changes are not discriminatory in nature. When contemplating a service change, transportation agencies must:

1. Describe proposed changes and the rationale behind them.
2. Provide a list of modes the service changes would impact.
3. Describe the impacts of service changes on low-income and/or minority communities. In particular, establish why the proposed service would not have a disproportionately high and adverse effect on low-income and/or minority populations.
4. Describe transit alternatives available to riders impacted by proposed changes.
5. Identify measures, if any, that would be taken to avoid, minimize, or mitigate any adverse effects of the service, or enhancements or offsetting, if any, that would be implemented in conjunction with the service.
6. Describe how the agency intends to reach out and involve minority and low-income populations to make sure their viewpoints are considered.
7. Determine whether it is necessary to disseminate information that is accessible to Limited English Proficient persons. If so, describe the steps that will be taken to provide information in languages other than English.

Items one through five will be addressed for each proposed service change. Items six and seven will be addressed after a brief description of the populations that must be accounted for to meet the requirements of Title VI.

### County Overview

Figures C-1 through C-3 show transit dependency characteristics in Queen Anne's County using data from the 2000 Census. In Technical Memorandum 1, transit dependency was defined as people with disabilities, people over 65 years of age, those below poverty, and autoless households. These maps show the distribution of people who are most likely to be transit dependent. The rankings of need are relative because they are based on only the counties in Queen Anne, as opposed to a state or national threshold of need.

Figure C-1 shows the ranking of the number of people by block group who were most likely to be transit dependent. This map can be misleading because areas of higher populations

will be more likely to have more people with disabilities, are elderly, who are low-income, or have households with no automobile. Figure C-2 shows the percentage of people in each block group who are likely to be transit dependent. This measure factors in the number of total people who are likely to be transit dependent relative to the total number of people in the block group into the needs analysis. Here we see that Grasonville, Centreville, and the Sudlersville areas have the highest percentage of people who are likely to be transit dependent. Figure C-3 looks at the transit dependent population against the population density of each block group. Kent Island, Grasonville, and Romancoke have the highest relative needs per person per square mile. Population growth, especially by aging adults to the Kent Island and Grasonville corridor since the 2000 Census, are likely to reinforce the results of this map.

Figures C-4 and C-5 show the number and percent of more specific populations within the county who are also likely to be affected by transportation choice. These maps are required under Title VI when service changes or fare changes are being proposed. In block groups where the population in question is greater than the average for all block groups in the service area average, it must be demonstrated that discrimination is avoided in service and fare changes.

To identify the low-income population, the poverty levels from the 2000 Census were used. The distribution of the low-income population is shown in Figure C-4. The average number of people below poverty in each block group was 105.7 in 2000. The average percent of people below poverty by block group was 6.7 percent. Therefore, where service changes are proposed in block groups with more than 106 people, or 6.7 percent of people below poverty, it must be shown that proposed changes are not discriminatory.

The distribution of the racial minority population is shown in Figure C-5. The average number of non-whites per block group in Queen Anne's was 185, with an average of 12 percent per block group. Therefore, it must be proved that service changes affecting block groups with more than 185 or more than 12% non-whites is not disproportionately affecting the population adversely, or that alternative service options would bear more adverse consequences of this proposal.

### **Minority and Low-Income Involvement**

To satisfy the requirements of Title VI, County Ride will be reaching out to minority and low-income populations to make sure their viewpoints are considered by publicizing public meetings for proposed service changes in the newspaper and on the local TV channel.

### **Limited English Proficiency**

County Ride must determine whether it is necessary to disseminate information that is accessible to persons with limited English proficiency. As of the 2000 Census, English was the only language spoken by 36,301 people, or 95.6 percent of the population. Only 637 people, or 1.7 percent, spoke only an Indo-European language other than Spanish, and 360 people, or 1.0 percent in the County listed being able to speak only Spanish, according to the 2000 Census. Therefore, at this time, disseminating information accessible to limited English proficient persons is not warranted.

## Service Alternatives

### Alternative 1: Expand Demand-Response Countywide

1. The proposed change is the expansion of general public trips during the mid-day on weekdays. Density is too low to warrant fixed-route service in most of the county, but with demand-response even people in rural areas can be served. The basis for this service is to increase mobility of people throughout the county who do not live along existing deviated fixed route.
2. This would be curb-to-curb demand-response.
3. This service will be open to the general public. The communities most likely to benefit from this type of service could be the transportation dependent people living in low-density areas that do not qualify for the escort service. The effects of this service would not have an adverse effect on minority or low-income populations.
4. There are currently no transit alternatives for people in the areas where this service would operate.
5. Trips would be based on a first-come, first-serve basis, which means there will not be any priority given to specific populations.

### Alternative 2: Route A – Reduce Hours of Service

1. The proposed change is to eliminate the last run of the evening on the current Route A. The basis is that the route is very unproductive after 5:00 p.m.
2. This would impact the deviated fixed-route that runs between Centreville, Wye Mills, Grasonville, and Centreville.
3. Minority and low-income riders are not more likely to ride during the hours of service that are proposed for elimination. This service change would not have a disproportionately high and adverse effect on minority or low-income populations because there is very low ridership by any group in the evening, and no other services operate past 5:00 p.m., so these populations are not being singled out for a reduction in service.
4. Transit riders will still be available to take the same route from the morning until 5:00 p.m.
5. Riders who use Route A to connect to the Maryland Transit Administration commuter bus that goes to Washington, D.C., in the morning can be guaranteed a ride home, as long as they live within the  $\frac{3}{4}$  mile deviation buffer that they could have used in the run that is being proposed for elimination.

### **Alternative 3: Realign Route A to Eliminate Wye Mills**

1. The change proposed on this route is to eliminate the stop in Wye Mills. The basis for this change is that the route does not go there consistently and the ridership there is very low. There is only one round trip from Centreville to Wye Mills per day, with the return trip lasting two hours and 15 minutes. There are two round trips from Grasonville to Wye Mills per day, with the later route having no return trip.
2. This change would impact the deviated fixed-route bus service.
3. Low-income or non-white students may be affected by this change because the college is the only destination in Wye Mills. However, there are currently very few people who use the service during the day, and those who do don't use it daily. Currently, students going to the college from Centreville have only one daily trip. Riders arrive at Wye Mills at 9:00 a.m. and would not be able to return to Centreville until 5:15 p.m. even though they would need to board the vehicle at 3:00 p.m. Service to Wye Mills could be increased on the Easton Shuttle or through demand-response.

Figures C-6 and C-7 overlay the proposed and existing Route A on the distribution of low-income and minority populations by block group. This service change would offer more frequent service in Grasonville, which has both high number and percent of minority and low-income populations, and Centreville, which also has above average number and percent of minority and low-income populations. The block group directly east of Wye Mills that extends north to Centreville is misleading, because most of the density of the minority and low-income population is closer to Centreville. Similarly, the block group that encompasses Queenstown that has above average number and percent of both minority and low-income populations that stretches east to Wye Mills is mostly rural outside of Queenstown. Therefore, this service change has the potential to serve low-income and minority populations than the current route.

4. Riders will still have deviated fixed-route available from the Easton Shuttle. If Alternative 1 is implemented, people could reach the college from the demand-response service open to the general public.
5. Ensuring that the Easton Shuttle and MUST Route 4 will still provide regular service to Wye Mills will offset the effects from eliminating a portion of Route A.

### **Alternative 4: Increase Frequency of Service on Route A**

1. Route A is currently the most productive deviated fixed-route for County Ride. The idea behind this proposed change is that by increasing the frequency of service on this route, latent demand will emerge.
2. This change would impact the deviated fixed-route bus service.



3. Minorities or low-income communities would share proportionately in the benefits of this change because there would be more service available to those already within the service area. Increasing the level of service would have a positive effect on all populations in the service area.
4. If this change were not implemented, riders impacted by this change would still be able to ride Route A on its existing schedule.
5. No adverse effects or offsetting would need to be done in conjunction with this service to ensure non-discrimination.

#### **Alternative 5: Seasonal Adjustment to Route 1 (Easton Shuttle)**

1. The riders of the Easton Shuttle are predominately students. In the summer months ridership drops to less than half of what it is when school is in session. The road to Easton, Route 50, also sees heavy traffic during this time due to many people heading to, or home from the beaches. Tailoring this route and its schedule to better fit the clientele in the summer would enable County Ride to better serve riders.
2. This service would impact the deviated fixed-route bus service.
3. This change could affect low-income riders using the service to get to work or medical appointments. However, this change could help to improve service for all populations, because it could actually shorten headways and thereby increase frequency and attract new riders. Furthermore, if this change is implemented in conjunction with Alternative 1 – General Public Demand-Response, all riders needing work trips or medical trips could see an increase in options and levels of service.
4. A MUST bus travels from Kent County to Talbot County on weekdays making stops in Church Hill and Centreville, four times per day in each direction, and three times a day in each direction to Wye Mills. Riders who are seniors, disabled, or receive medical assistance can still get to Easton by the escort service.
5. To minimize the effects of changing the hours of service to low-income or minority populations, excessive slack in the schedule would be taken out so that the most number of runs could be completed in order to give riders a higher level of service.

#### **Alternative 6: Modify Route 1 (Easton Shuttle)**

1. The current Route 1 does not primarily serve neighborhoods on Kent Island, but rather shopping plazas that are already served by Route A. The Easton Shuttle is unproductive during the midday. This service change would shorten the route where ridership is very low in hopes that increasing the frequency where people live will encourage people to ride.

2. This service would impact the deviated fixed-route bus service.
3. The block group with the highest number and percent of low-income and minority population in the county is in Grasonville, as shown in Figures C-8 and C-9. Deleting the portion of the route that runs through shopping centers in Stevensville would allow the route to stop in residential areas in Grasonville, increasing potential ridership. Another block group with high numbers of minority and low-income population is in the Chester area, south of Route 50. The percent of minority and low-income populations, however, is below the County average. Therefore, service options should be improved for low-income and minority populations by making Grasonville the terminus of the Easton Shuttle.
4. Riders who previously could travel from Kent Island to Easton would still be able to do so by taking Route A to the Easton Shuttle in Grasonville. Seniors, people with disabilities, and those with MA could also get to Easton using the escort service.
5. Measures that will minimize the effect of eliminating service to the western edge of the county would be to make sure the Easton Shuttle and Route A have timed transfers at certain points so that riders from the Chester area do not need to wait at the senior center.

**Alternative 7: Increase Frequency of the Saturday Shuttle**

1. This proposal would increase the frequency of service by tightening the schedule on the existing route. The basis of the change is to make the route more useful for people who live within its service area.
2. This service would impact the deviated fixed-route bus service.
3. No new communities would be affected by this proposed change. This service would benefit all people currently within the service area.
4. The route would continue to operate with two runs on Saturday if this alternative is not implemented. There are no other transit alternatives on Saturday.
5. No adverse effects would be caused by this change.

**Alternative 8: Increase Frequency of the Saturday Shuttle**

1. This change proposes a second vehicle to operate the Saturday Shuttle so that headways are reduced, in the hopes that more people will be encouraged to ride.
2. This service would impact the deviated fixed-route bus service.

3. No new communities would be affected by this proposed change. This service would benefit all people currently within the service area.
4. The route would continue to operate with two runs on Saturday if this alternative is not implemented. There are no other transit alternatives on Saturday.
5. No adverse effects would be caused by this change.

## **Pricing Alternatives**

### **Alternative 1: Streamline Fare Structure for In-County Demand-Response Service**

1. This alternative is to slightly increase fares to better reflect the nature of the service. Curb-to-curb service is generally more to implement, but the fare is currently less than the fixed-route service fare.
2. This alternative would affect the demand-response bus service.
3. This fare increase would make fares between the fixed-route and demand-response more equitable. Low-income and minority populations are not disproportionately adversely affected from this increase because it is applied to everyone equally, and the increase will only raise the fare by \$0.50 for most riders.
4. A majority of riders do not have any transit alternatives. Those who live along Route A can access shopping locations and senior centers.
5. Discounted fares for seniors and people with disabilities would still apply with this alternative.

### **Alternative 2: Fare Premium for Deviations on County Ride**

1. The proposed change is to charge riders on the deviated fixed routes a premium for deviating off of the actual route. The basis for this change is that deviations add time and unpredictability to the schedule, and this would help compensate for that.
2. This price change would impact the deviated fixed-route bus service.
3. This fare increase would be implemented for all riders who deviate, so it does not single out low-income or minority populations.
4. Some riders of the deviated fixed routes may qualify for the escort service. There is also a MUST route that serves Church Hill, Centreville, and Easton. Seniors are also able to get to the senior centers on alternate vehicles.

5. No disproportionately high and adverse effect would be borne by minority or low-income populations.

### **Alternative 3: Fares for Independence Card Users**

1. This alternative proposes charging Independence Card carriers to pay a \$1.00 fare on deviated fixed-route, and \$1.50 for demand-response trips. This rate would reduce the local funding required as a result of increases in farebox revenue.
2. This fare increase would impact both fixed-route and demand-response bus service.
3. This fare increase is still half the rate of a normal fixed-route fare, and therefore should impact low-income populations minimally.
4. Transit alternatives to this service include the MUST Route 4, which offers free rides in counties other than Dorchester for Independence Card users in Church Hill, Centreville, and Wye Mills.
5. The measure that has been taken to mitigate adverse effects of this fare increase on low-income populations is to keep the fare half of a regular fare.

### **Alternative 4: Use of Passes, Tickets, and Promotions**

1. This alternative suggests offering a variety of passes, groups of tickets, and/or reduced fare ticket promotions. The basis of this alternative is to offer greater convenience for riders.
2. This alternative could impact both deviated fixed-route and demand-response bus service.
3. This option would be applicable to all riders, so minority or low-income populations would not be disproportionately adversely affected by this change. Furthermore, reduced fare ticket promotions would be beneficial for all riders.
4. Riders would continue to pay the current fares on all routes.
5. By opting for weekly passes or ten-trip tickets, low-income populations are not priced out of taking advantage of the convenience or discounts that they may otherwise be for monthly passes or 30-trip tickets.

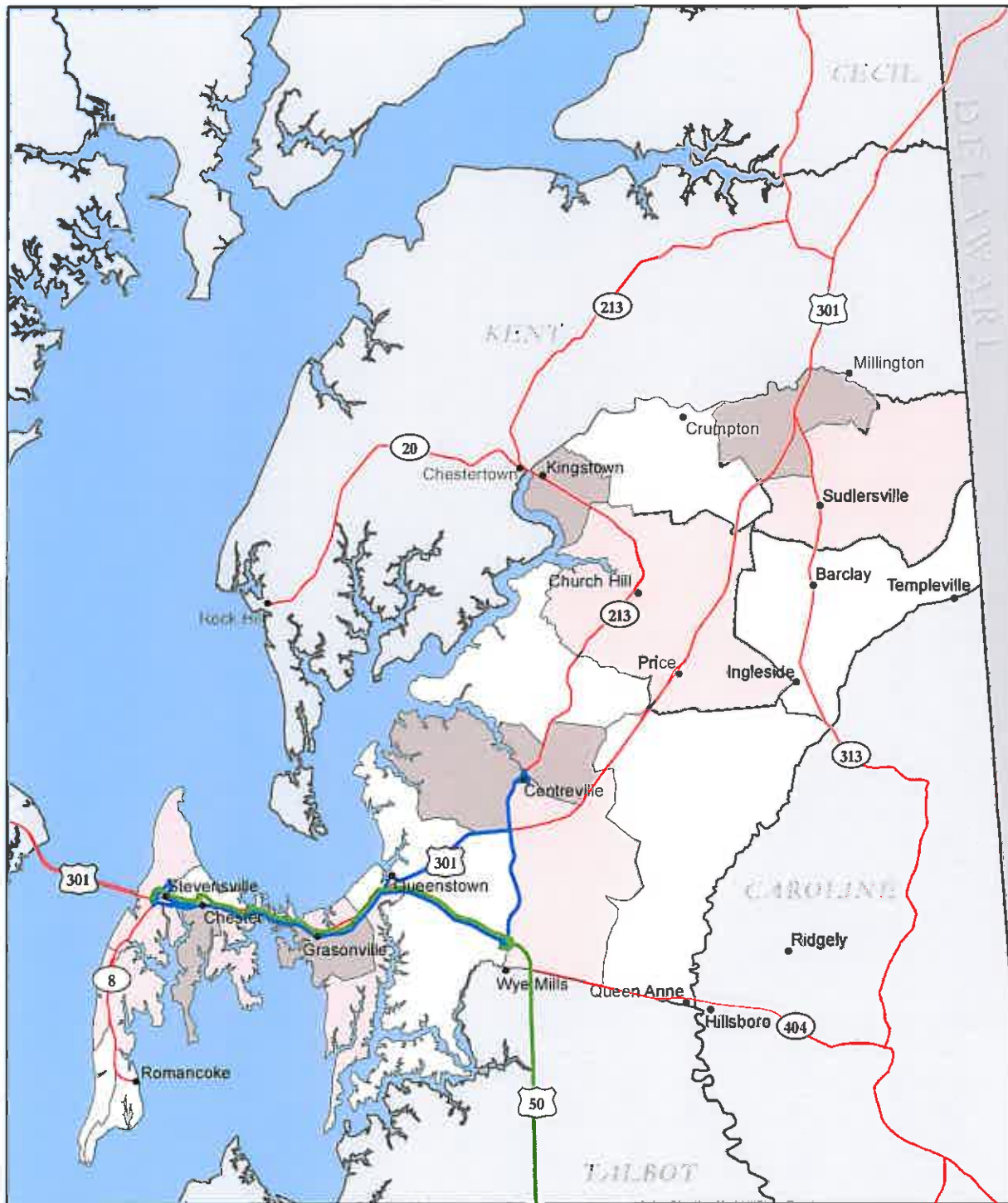





Figure C-1: NUMERIC RANKING OF TRANSIT DEPENDENT CHARACTERISTICS BY BLOCK GROUP

<p><b>Legend</b></p> <p><b>Numeric Rankings</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; background-color: white; margin-right: 5px;"></span> Low</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; background-color: #f8d7da; margin-right: 5px;"></span> Moderate</li> <li><span style="display: inline-block; width: 15px; height: 15px; border: 1px solid black; background-color: #d4edda; margin-right: 5px;"></span> High</li> </ul>		<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 10px; height: 10px; border-radius: 50%; background-color: #6c757d; margin-right: 5px;"></span> Places</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px solid blue; margin-right: 5px;"></span> Route A</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px solid green; margin-right: 5px;"></span> Route 1</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px solid red; margin-right: 5px;"></span> Highways</li> </ul>	<p>N</p>  <p>0 2 4</p> <p>Miles</p>	 
--	--	--	--	--

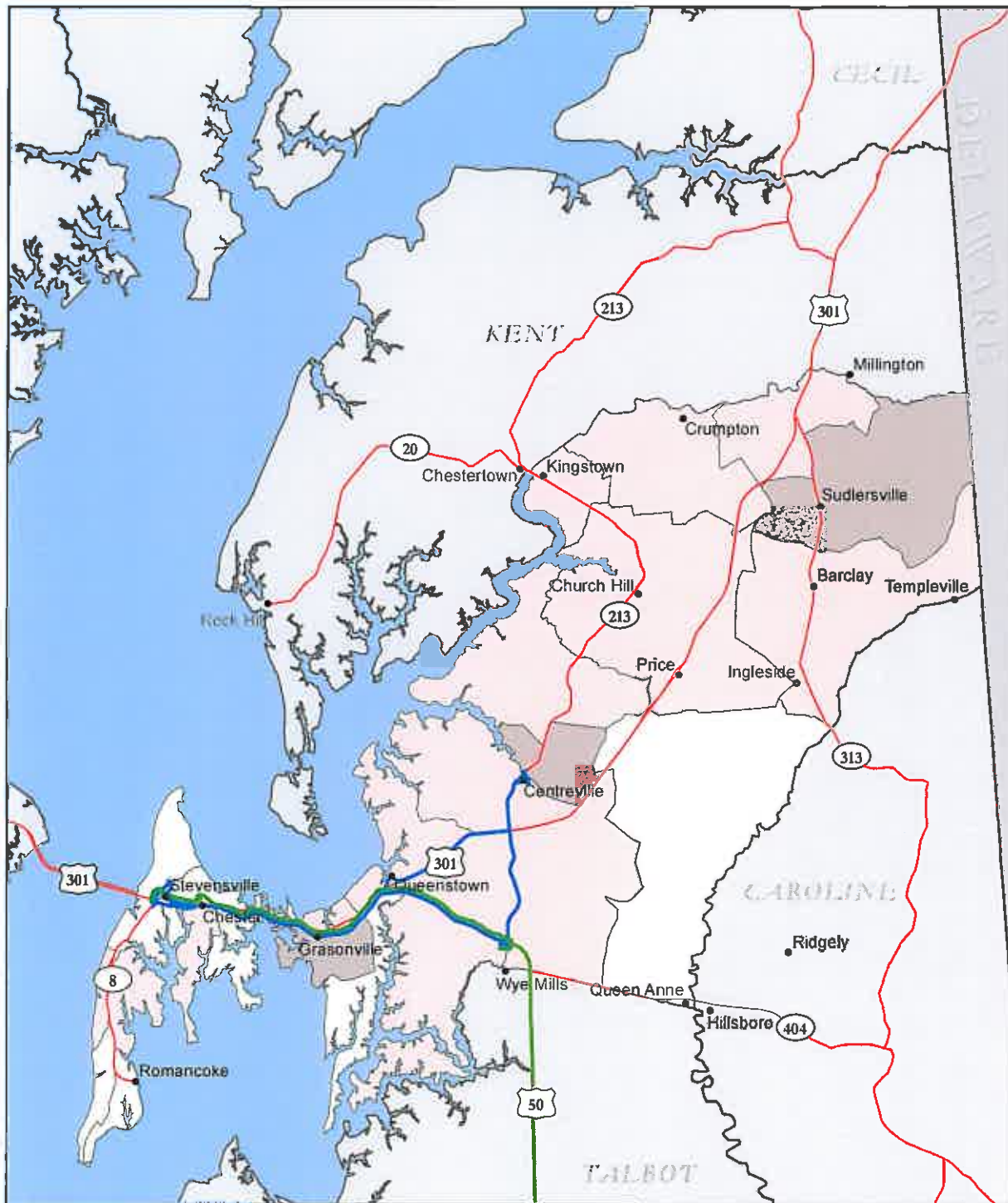


Figure C-2: PERCENT RANKING OF TRANSIT DEPENDENT CHARACTERISTICS BY BLOCK GROUP

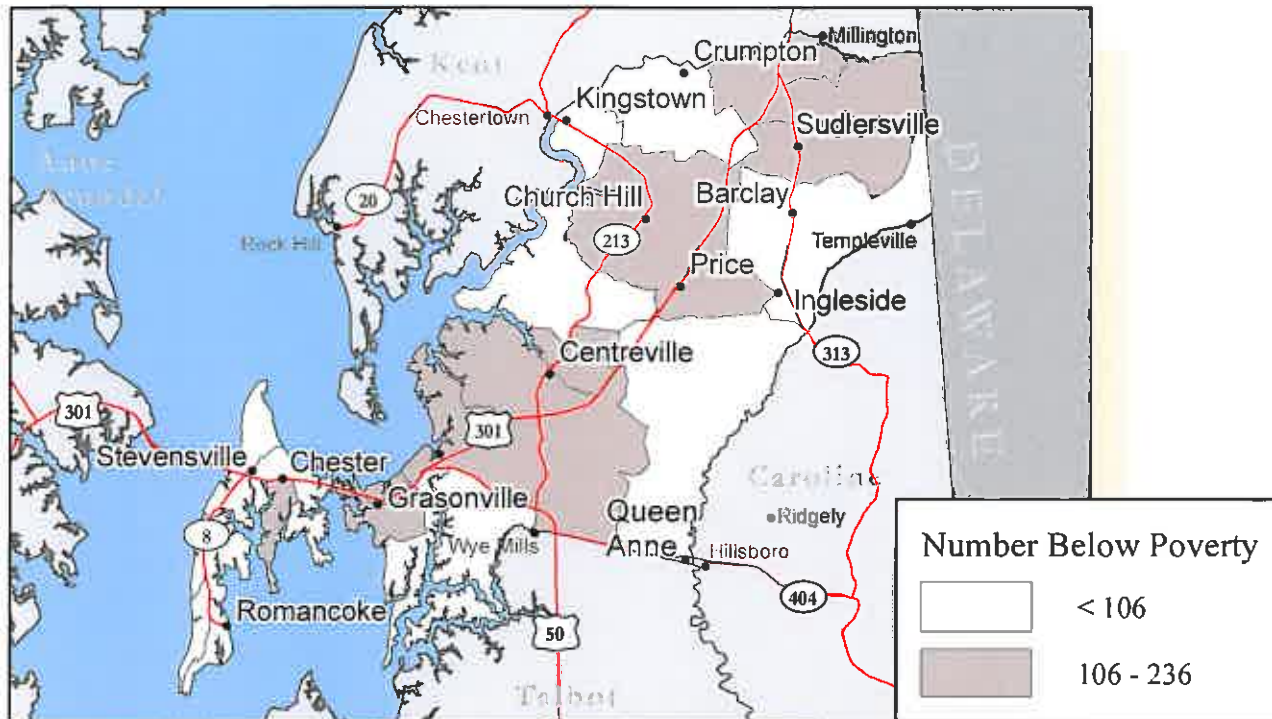
<b>Legend</b> Percent Rankings Low Moderate High		Places Route A Route 1 Highways	N  Miles	 
<small>Data Source: 2010 US Census, USRI Data CD</small>				



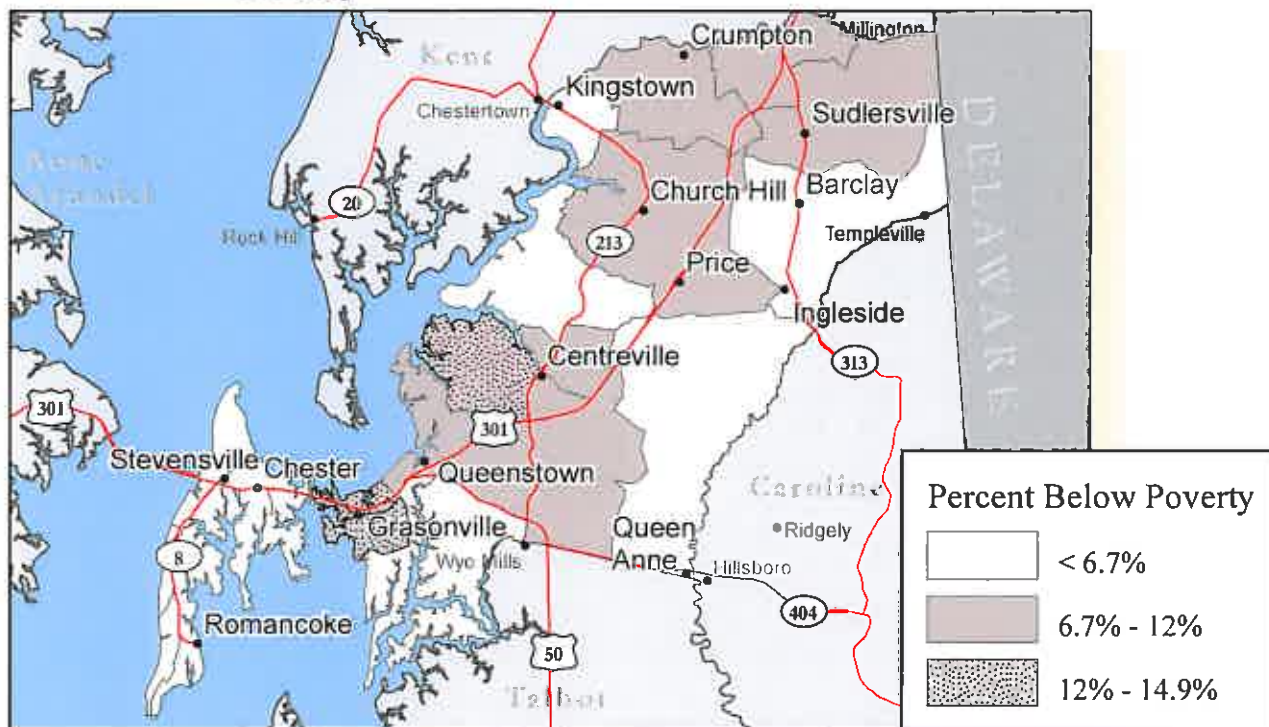
**Figure C-3: DENSITY RANKING OF TRANSIT DEPENDENT CHARACTERISTICS BY BLOCK GROUP**

<p><b>Legend</b></p> <p><b>TD Density Rank</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: white; margin-right: 5px;"></span> Low</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: lightgray; margin-right: 5px;"></span> Moderate</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: gray; margin-right: 5px;"></span> High</li> </ul>		<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 0; height: 0; border-left: 5px solid transparent; border-right: 5px solid transparent; border-bottom: 8px solid black; margin-right: 5px;"></span> Places</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px solid blue; margin-right: 5px;"></span> Route A</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px solid green; margin-right: 5px;"></span> Route 1</li> <li><span style="display: inline-block; width: 15px; border-bottom: 2px solid red; margin-right: 5px;"></span> Highways</li> </ul>
<p>N</p> <p>0 2 4 Miles</p>		

### Total Number Below Poverty



### Percent Below Poverty

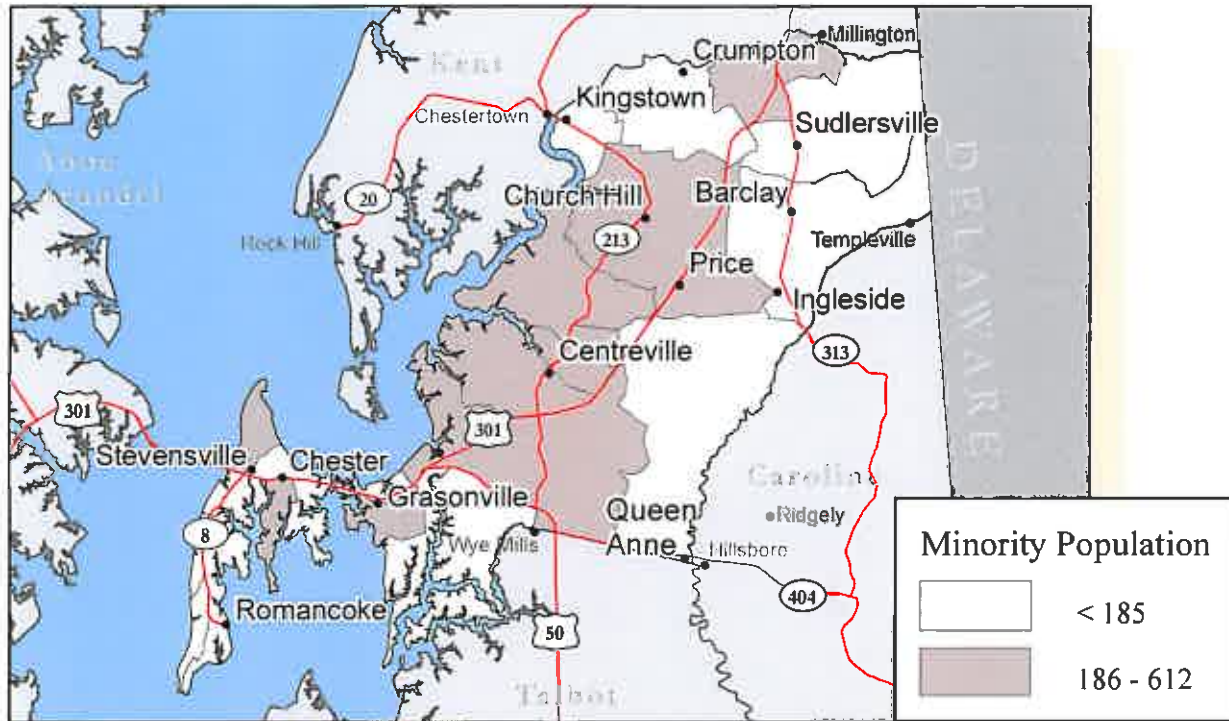


**Figure C-4: POVERTY STATISTICS IN QUEEN ANNE'S COUNTY**

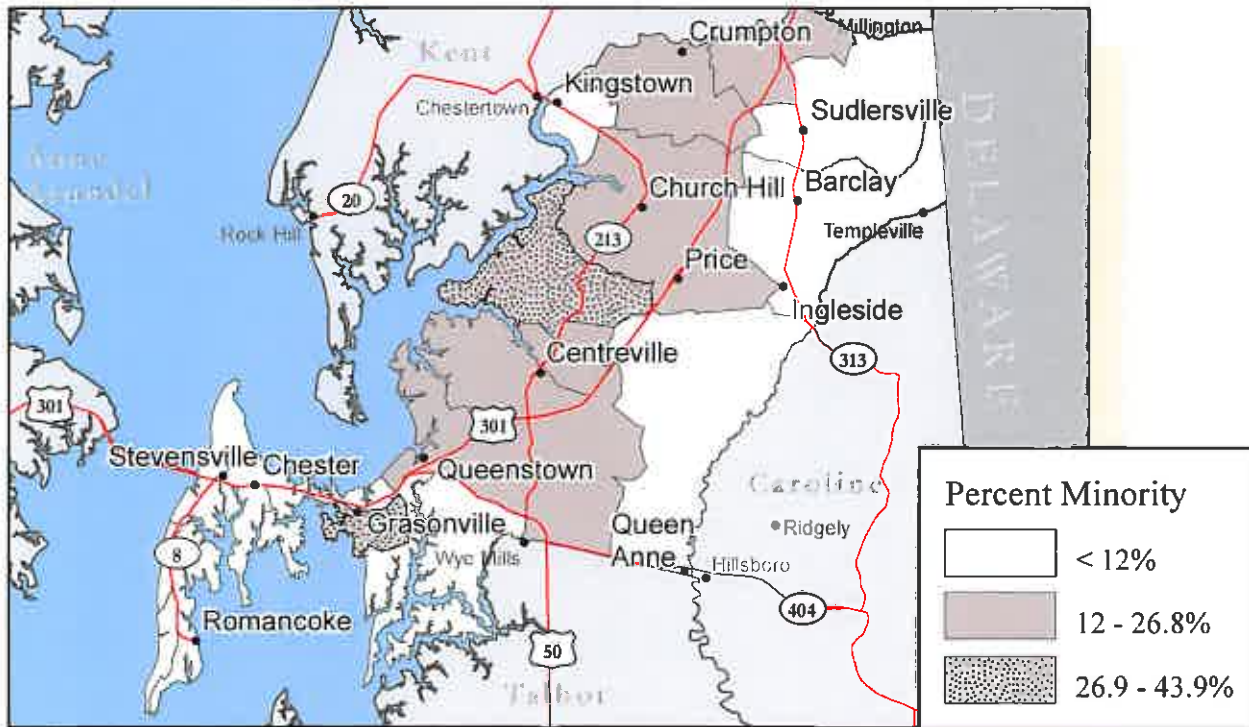
<b>Legend</b> <ul style="list-style-type: none"> <li>• Places</li> <li>— Highways</li> </ul>	<ul style="list-style-type: none"> <li>□ Counties</li> <li>■ States</li> </ul>			
	<small>Data Source: 2010 Census, USRI Data C D</small>			



### Total Number of Minority Residents



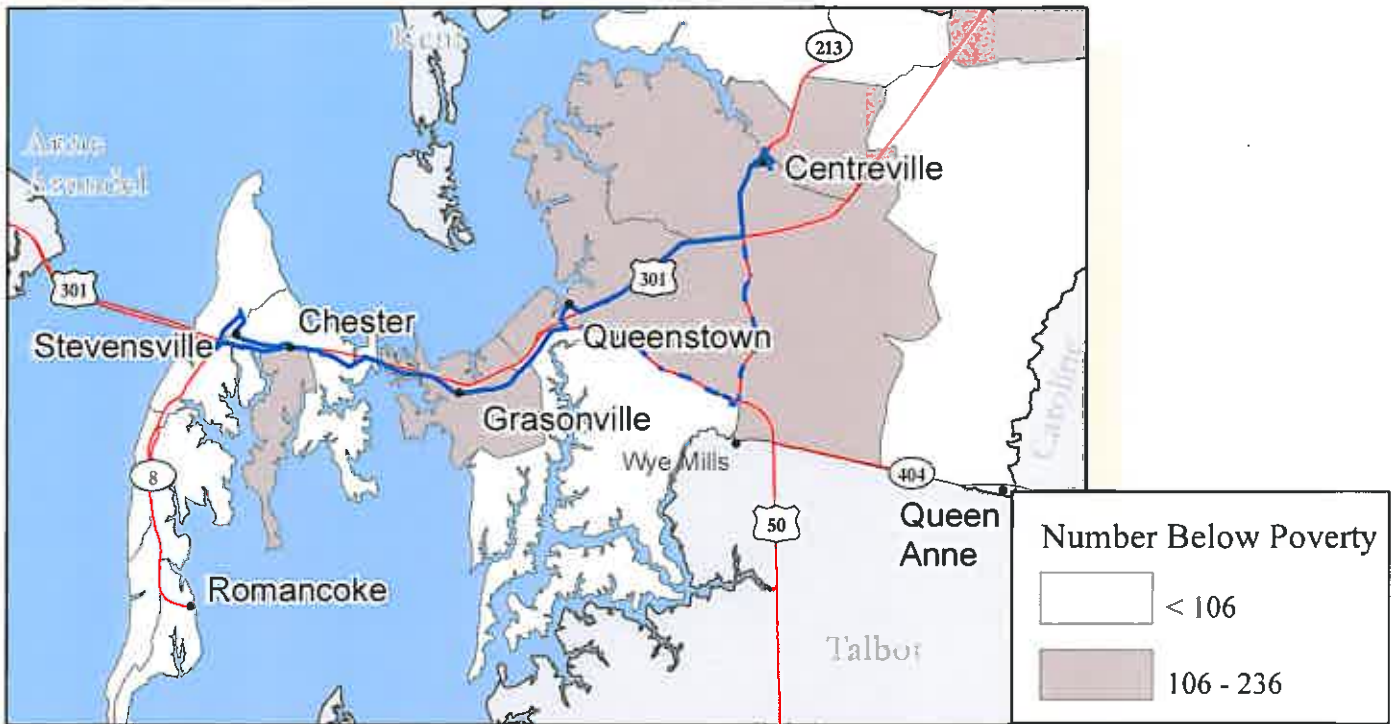
### Percent of Minority Residents



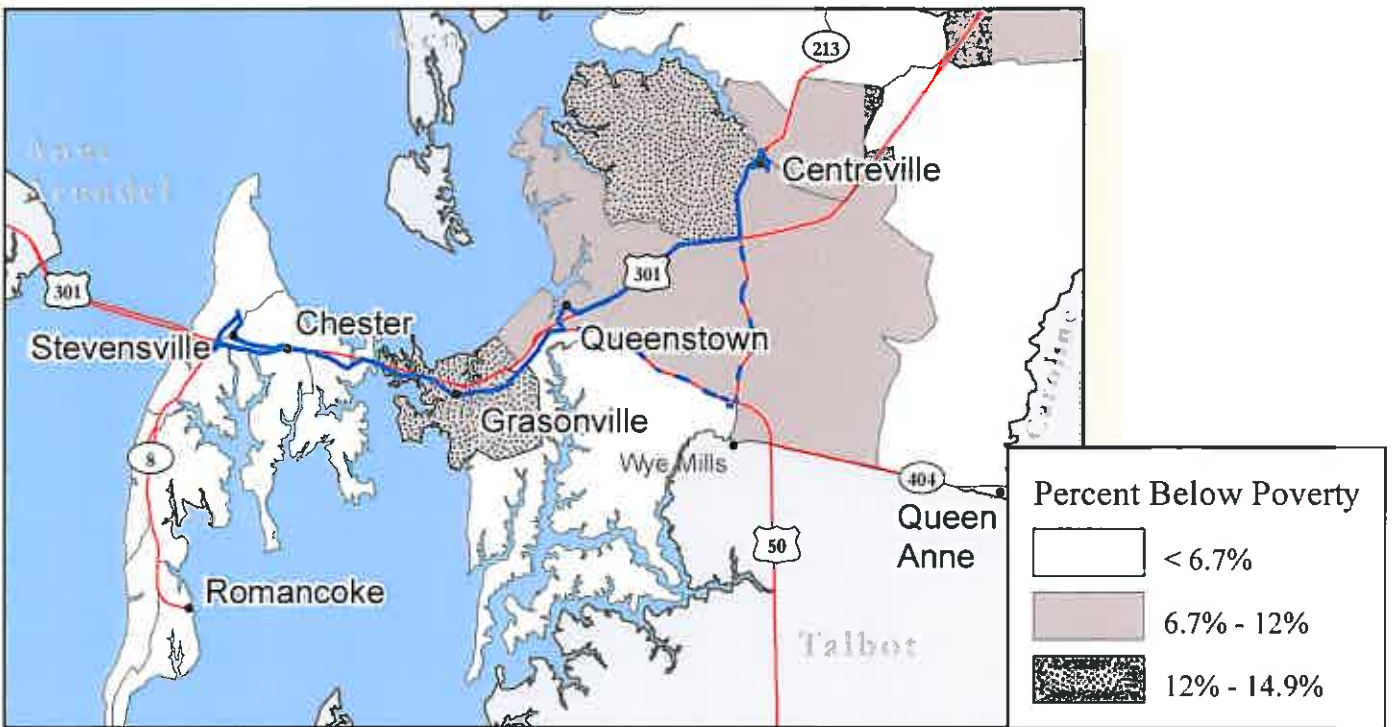
**Figure C-5: MINORITY STATISTICS IN QUEEN ANNE'S COUNTY**

<p><b>Legend</b></p> <ul style="list-style-type: none"> <li>• Places</li> <li>— Highways</li> <li>□ Counties</li> <li>▒ States</li> </ul> <p><small>Data Source: 2000 US Census, EsRI Data 4.0</small></p>	<p>N</p> <p>0 2.5 5 10 Miles</p>	
--	--------------------------------------	--

### Total Number Below Poverty



### Percent Below Poverty

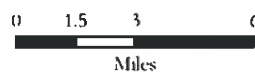


**Figure C-6: POVERTY STATISTICS ALONG PROPOSED ROUTE A**

**Legend**

- Places
- Highways
- Counties
- Original Route A
- Proposed Route A

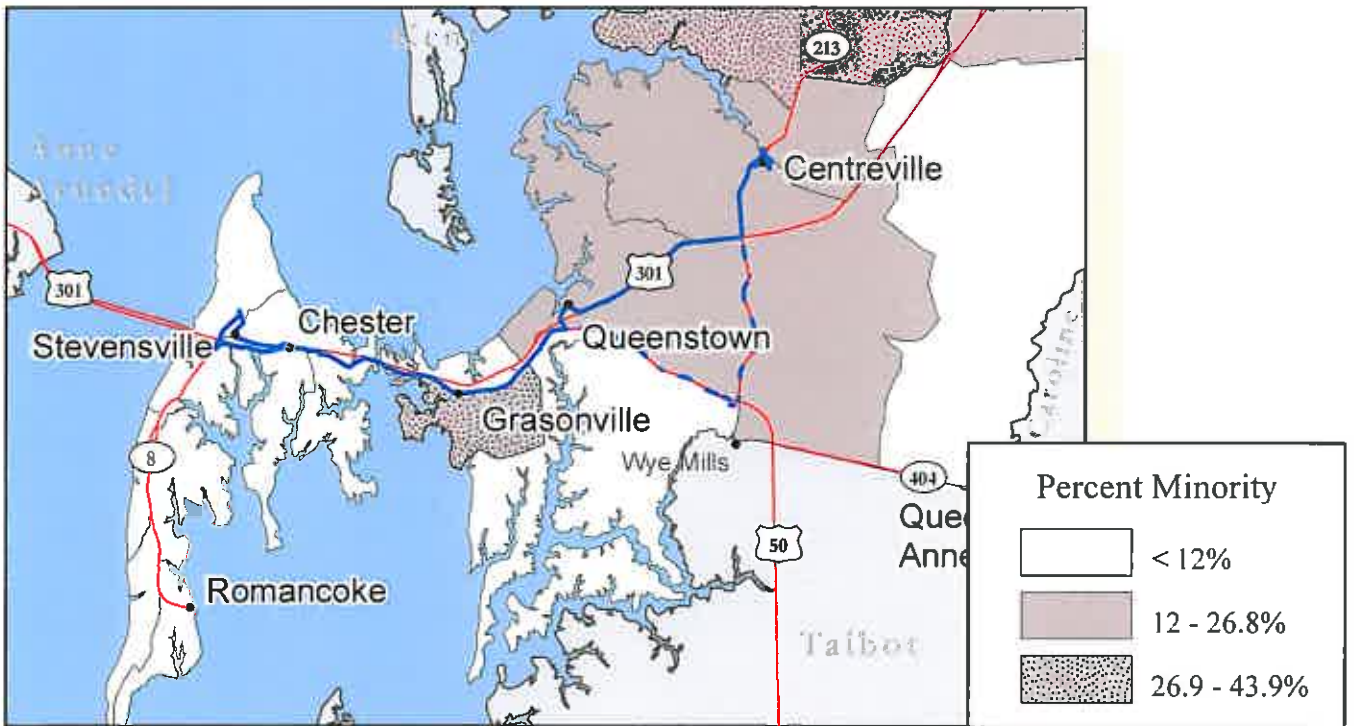
Data Source: 2000 U.S. Census, F-SRI Data © D



### Total Number of Minority Residents



### Percent of Minority Residents

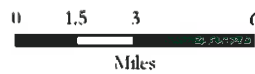


**Figure C-7: MINORITY STATISTICS ALONG PROPOSED ROUTE A**

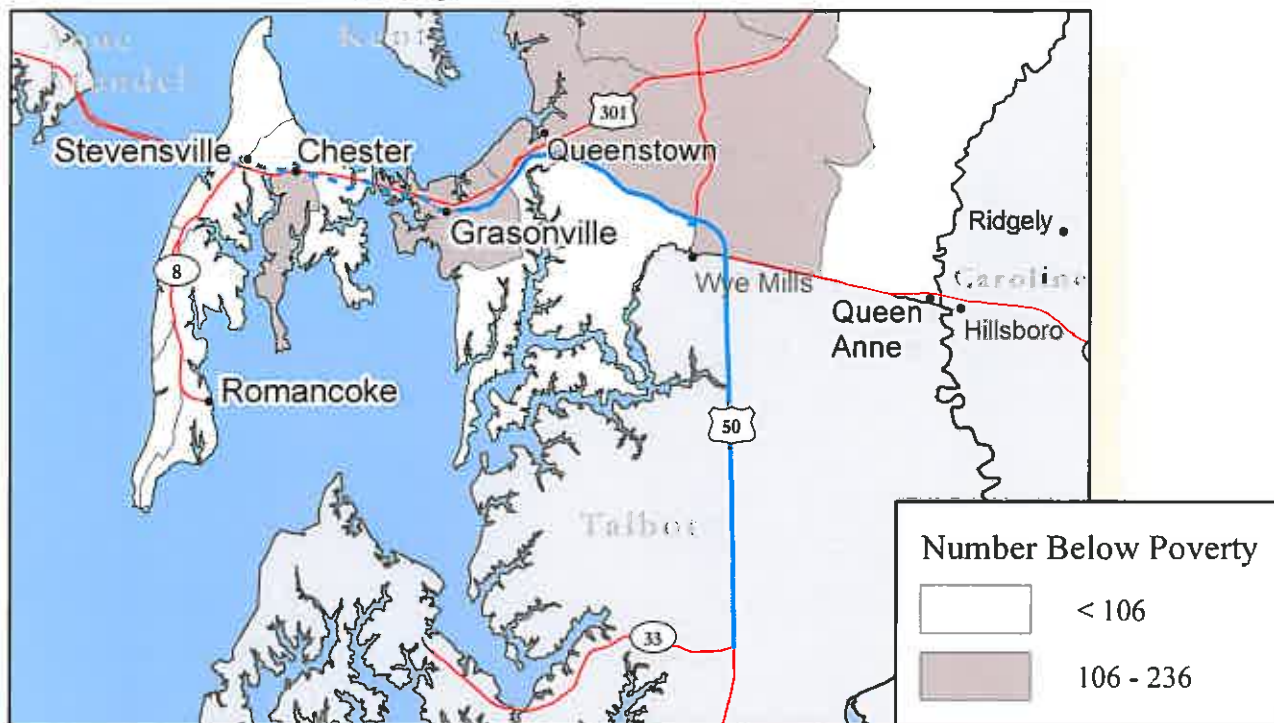
**Legend**

- Places
- Highways
- Counties
- Original Route A
- Proposed Route A

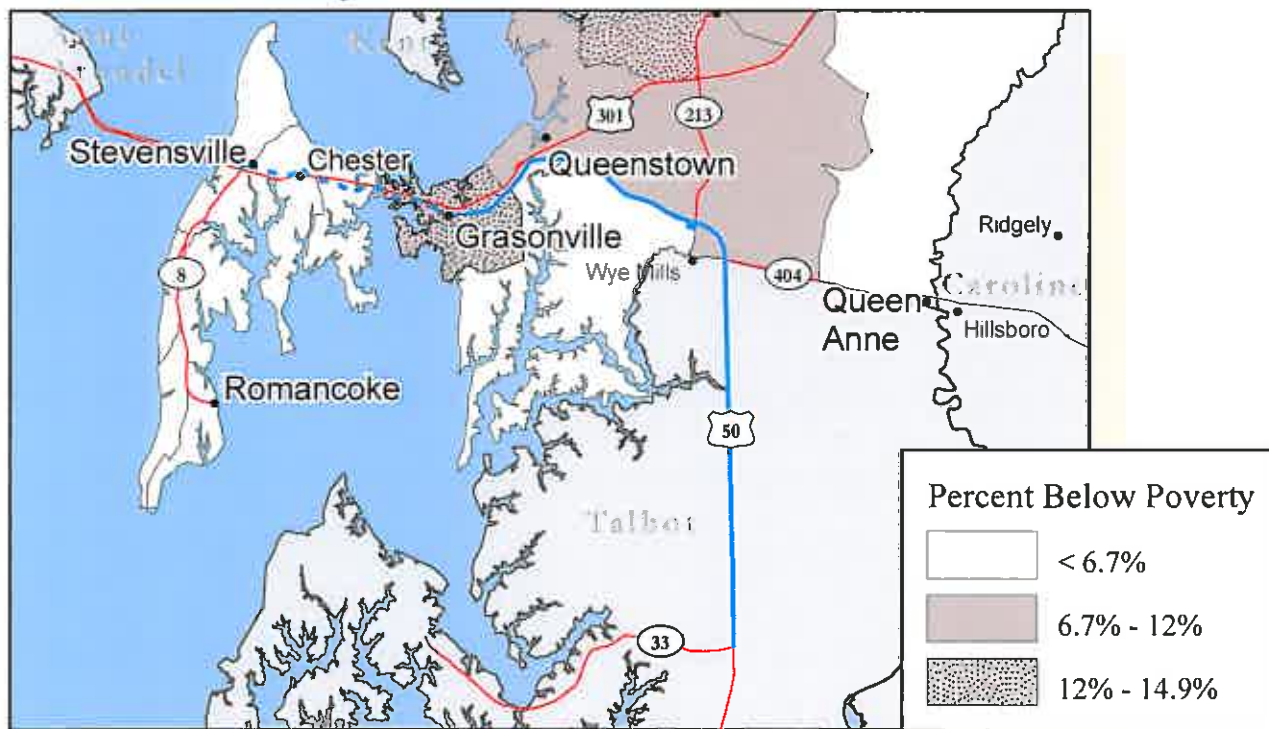
Data Source: 2000 US Census, FSR Data CD



### Total Number Below Poverty



### Percent Below Poverty

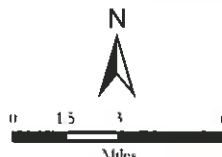


**Figure C-8: POVERTY STATISTICS ALONG ROUTE 1 IN QUEEN ANNE'S COUNTY**

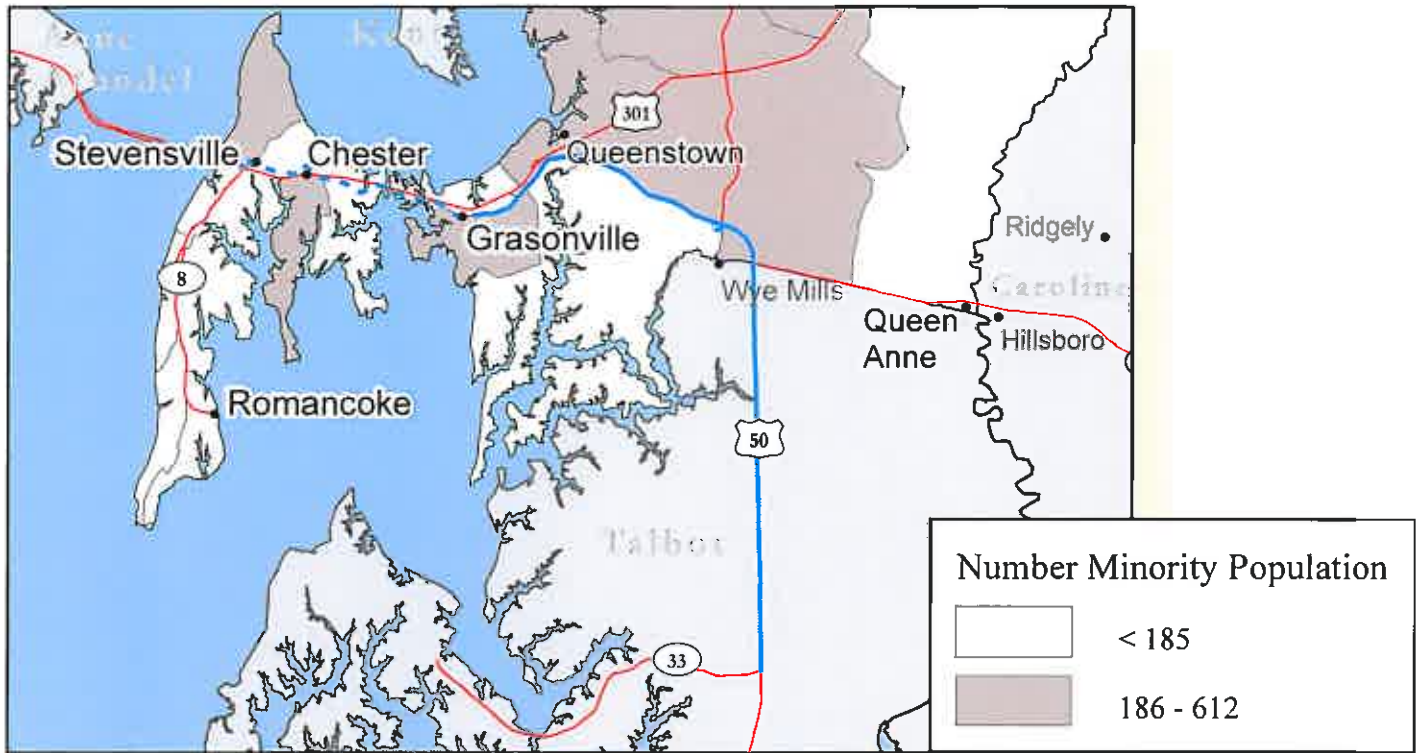
**Legend**

- Places
- Proposed Route 1
- Counties
- Highways
- - - Route 1

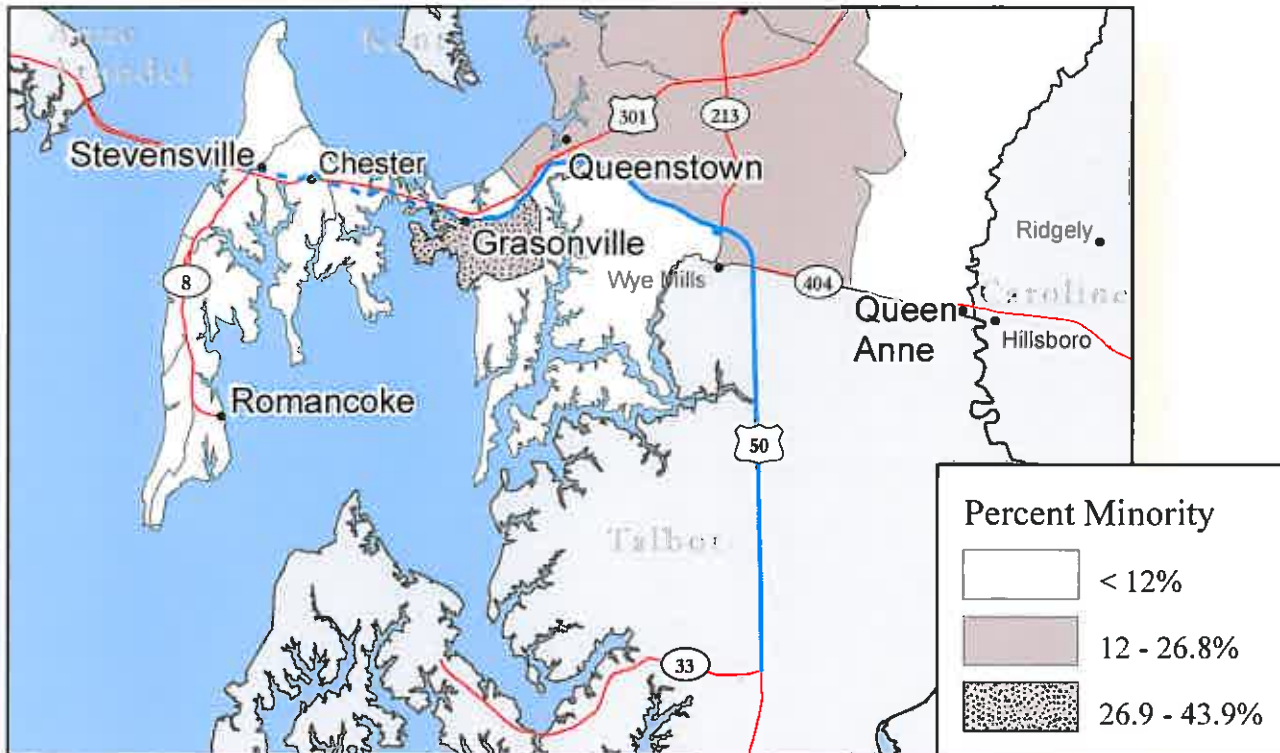
Data Source: 2010 Census ESRI Data ID



### Total Number of Minority Residents



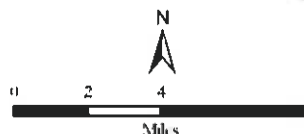
### Percent of Minority Residents



**Figure C-9: MINORITY STATISTICS ALONG ROUTE 1 IN QUEEN ANNE'S COUNTY**

**Legend**

- Places
  - Highways
  - Proposed Route 1
  - - - Route 1
- Data Source: 2000 US Census, LSRI Data CD



# Maryland Transit Administration

## TITLE VI: INSTRUCTIONS FOR MAPPING

### SHAPEFILE

To get block group shapefiles for the map:

1. Server:
2. Folder: US\_CD1
3. Folder: Census
4. Double click Blkgrp.sdc, add blkgrp shapefile.
5. Then, Folder: US\_CD1, folder: Census, dtl\_cnty.sdc, and add dtl\_county shapefile. (dtl is for detail)

Next, to crop to the counties the study area is interested in:

1. Open the attributes table to the dtl\_county shapefile and sort by State\_Name. Then find select the counties in the study area and close the table.
2. Data,
3. Export data,
4. Save Shapefile as "Counties" or something similar.
5. You can remove the dtl\_county from the map at this point.

To select the necessary block groups from the dtl\_blkgrp, go to:

6. Selection
7. Select by Location
8. Select Features from blkgrp
9. That: "Have their centroid in"
10. The features in this layer: "Counties" or whatever you just named your new shapefile above.
11. Right click, Data,
12. Export data,
13. Save shapefile as "block groups" or something similar.

You now have the shapefile to which you will attach the Census data.

### DOWNLOADING CENSUS DATA

1. Next we need to download Census data from Summary File 1 and Summary File 3. [www.census.gov](http://www.census.gov). On the left frame, click:
  1. American Fact Finder
  2. Data Sets,

3. Decennial Census,
4. Summary File 1,
5. Detailed Tables,
6. Select the Geo within Geo tab at the top right of the screen.
7. Then select Block Group.
8. State,
9. County,
10. All Block Groups.
11. When all block groups have been added, click Next.

Block groups from multiple counties can all be selected at this time.

2. Select and add the following fields:
  - P1. Total Population
  - P3. Race
  - P8. Hispanic or Latino by Race
  - P12. Sex by Age\*
  - P14. Sexy by Age for Population Under <20\*
  - H1. Total Housing Units\*
  - H2. Urban and Rural Housing Units\*

Select Next. The resulting table will be shown.

3. Select the Options tab near the top of the page. Select Show Geographic Identifiers.
4. Next click download. A popup screen will then ask what format to put the file into. Select Microsoft Excel under the heading of Database compatible (NOT Download file format). This will open Winzip. Summary File 1 will produce three tables. Copy tables dt\_dec\_2000\_sf1\_data1.xls, and ...\_data2.xls to your project folder.
5. Repeat with Summary File 3:
  - P41. Age by Types of Disability\*
  - P87. Poverty Status in 1999 by Age
  - H44. Tenure by Vehicles Available\*

In WinZip, copy Excel file dt\_dec\_2000\_sf3\_u\_data1.xls to your project folder. These files do not need to be renamed.

\*If it is likely that we will ever need transit dependency data like we do for our TDPs, getting the additional fields at this stage will

eliminate having to repeat this entire process in the future and is probably worth doing now.

## EXCEL

1. Open the three Excel files you just copied to your project folder.
2. Delete the second row (geographic identifiers) from each table, and resave.

## ACCESS DATABASE

1. On the server, open the folder titled TD Census Template. Without opening the file, copy the Access database TDP Needs and Title VI Template to the location for your project.
2. The three Excel tables will now be imported into Access. Open the Access database once it is in its new location. Then:
  1. File,
  2. Get External Data,
  3. Import,
  4. Select first file: dt\_dec\_2000\_sf3\_u\_data1,
  5. Make sure "First Row Contains Column Headings" is checked before continuing,
  6. In an Existing Table: SF3,
  7. Import to Table: SF3,
  8. Finish.

Repeat the steps for the other two Excel Files.

dt\_dec\_2000\_sf1\_u\_data1 should go into Existing Table SF1a  
dt\_dec\_2000\_sf1\_u\_data2 should go into Existing Table SF1b

3. Open Query: qrySF1a&SF1b - accept Yes on both warnings. It will then tell you how many records are about to be pasted into a new table. Table SF1 is now populated.
4. Query: TransitNeedsRanking. The Transit Needs Ranking table should now be populated.



5. In TransitNeedsRanking table, sort the Elderly column descending. The record with the highest number of elderly should be ranked 1st. The fastest way to rank each record is to use Autofill in a blank Excel spreadsheet the number of records that needs to be ranked and pasting that column into the blank column in Access where the rankings go.

Next, sort the column Elderly Density, in descending order. Paste the ranking column by right clicking on the field heading and selecting Paste. Continue to sort and rank all fields that require it.

6. Query: Qrytotalneedsranking. Then open the table titled "TotalNeedsRanking." This is the table that will be joined with the shapefile. Export it to Excel as a .dbf.

## ARCVIEW

1. To add the table to the map, click:  
Add Data  
Find the folder with the dbf file, and click Add.

Right click on the block group file that was downloaded in the beginning. Select:

1. Joins and relates
2. Joins. Fill in the following information:
3. FIPS
4. TotalNeedsRanking
5. Geo\_ID2
6. And Yes to indexing, if it asks.

Census data should now be joined to the block group file for the study area at the end of the table.

This shapefile can now be copied into the layer as many times is necessary to show the relevant features.

## Poverty

Will need two copies of the shapefile. One to show the number of people below poverty, and another to show the percentage below poverty.

1. Open the attribute table. Right click on the column "Poverty" and select Statistics. Write down the mean on a piece of paper. Next, do the same for the column BP\_Percent.

Make sure you're not using the ranking field.

If there are any major outliers, select all block groups except the outliers and at the bottom of the table click "Selected," and then right click on the appropriate column and recalculate the statistics, to get a new average. Make sure to note this so that you can talk about your choices in the analysis.

2. In one shapefile, the symbology should split the block groups into block groups that have above average number of people below poverty, and those below. If there are major outliers, consider making a third category for it. Do this for percent below poverty as well, using the averages you jotted down from the attributes table.

3. If there are major outliers, it might make sense to have a third symbol, beyond just the above and below average categories, to call attention to the outliers that are very far above the average. Do this for minority maps as well.

## Race

1. Open attribute table in the block groups shapefile with all of the imported data. Click:

1. Options
2. Add Field
3. Name: Minority (or something similar with 10 characters)
4. Type: Double
5. Okay

The column will show up before the first field of the join.

2. Right click on the new field and select Field Calculator.

Block\_Groups.Total\_Mino = then double click the following fields, adding a plus sign between each one:

Race\_Black  
Race\_AIAN  
Race\_Asian  
Race\_Hawai  
Race\_2Race

## Hispanic

3. Add another field that is for Percent Minority. Make it a double, as well. Using the Field Calculator, the same fields as above will still show up. Put two parentheses around the beginning and one at the end of the entire equation that is already there. Then divide by the field "Pop2000," and put another end parenthesis. Then multiply by 100. The resulting data should be the percent of minorities in each block group.
4. Right click and get the Statistics for the percent minority field. Note the average. If there are outliers, note the average without them as well.
5. Here, the symbology should split the block groups into those above the study area average, and those below for both number of minorities per block group and percent of minorities.

### Map Layout

The next step is to put the poverty and poverty percent on one map, and the minority and percent minority on another map.

# Innovative Initiatives

- Environmental Justice Desk Guide and GIS Methodology ←
- TDOT Title VI Coordinator Teleconferences





**STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION**

**Civil Rights Office**

Suite 1800, James K. Polk Building  
505 Deaderick Street, Nashville, Tennessee 37243  
Telephone No. 615-741-3681, Fax No. 615-741-3169

DATE

COORDINATOR  
TITLE  
ENTITY  
ADDRESS  
CITY, STATE ZIP

Dear COORDINATOR:

We would like to invite you to participate in a two day training session on how to use our new Environmental Justice (EJ) Screening Tool. The Civil Rights Office, Informational Technology (IT) and Environment have been working on this joint project for some time now.

The training session will begin at TIME (CST) and end at TIME (CST) on DATE. Day two will begin at TIME (CST) and will end at TIME (CST) on DATE. IT will be available after lunch until TIME on DATE if you need any additional technical assistance.

The three basic components of the screening tool are minority, low-income and household language. Based on the selected roads and specified distance, this tool will find the census unit that overlaps with the specified zone, displays the data, and reports the summary statistics to determine whether any EJ communities exist in a proposed project area.

**Location:**

James K. Polk Building  
A-Level TDOT Training Room  
505 Deaderick Street  
Nashville, Tennessee 37243

Only 15 seats will be available for this training, so call the Civil Rights Office at 615-741-3681 today to confirm your attendance. If you will not be able to attend, please let us know that as well.

The Civil Rights Office Title VI Program Staff looks forward to seeing you.

Sincerely,


Columba McHale  
Title VI Program Director

CMH/CDW/pn



## Deliverables

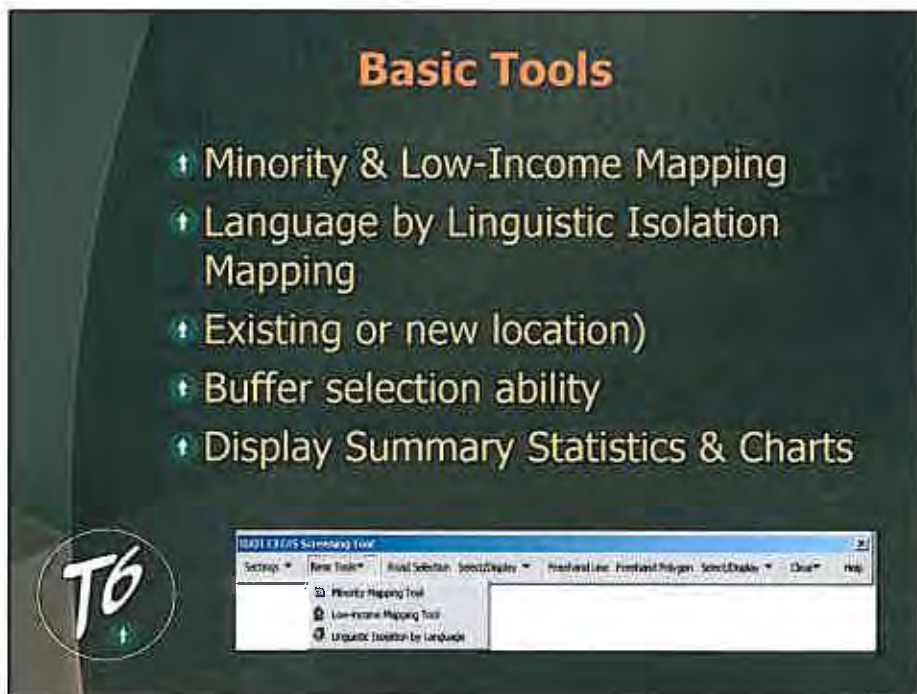
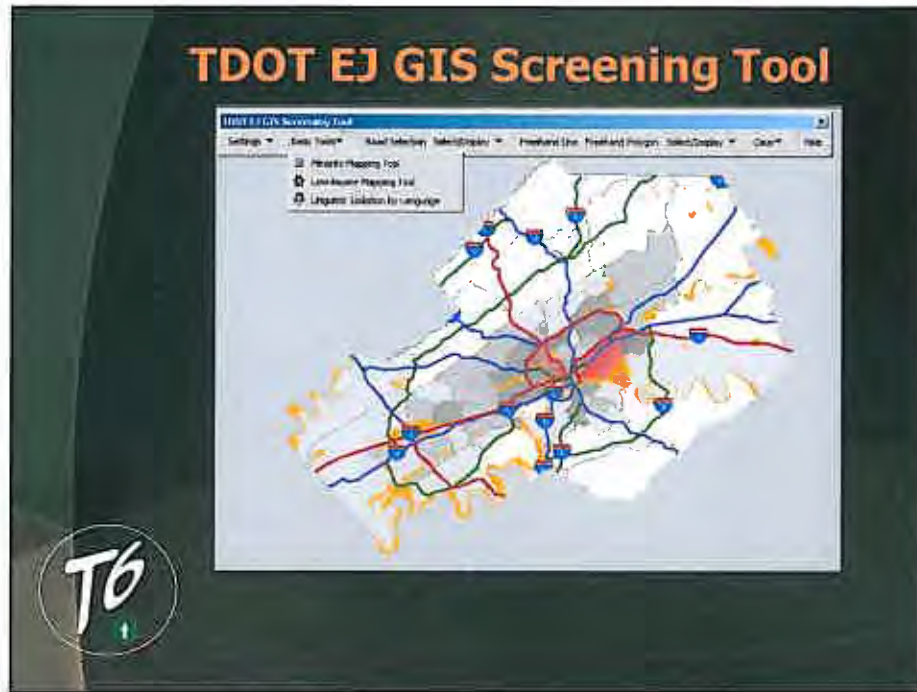
- † EJ Literature Review - complete
- † Identify Demographic Tool - complete
- † Best Practices & Tools - complete
- † Title VI/EJ Desk Guide – draft/outline
  - † Specific to TDOT programs
- † GIS-based Methodology – prototype delivered
- † Illustrative Application
  - † Study area identified - James White Parkway Extension, Knoxville



## Title VI/EJ Desk Guide

- † Key Legal & regulatory requirements
- † Current & prospective practices in Tennessee
- † Changes on the horizon
- † Analytic Practices
- † Consultation practices

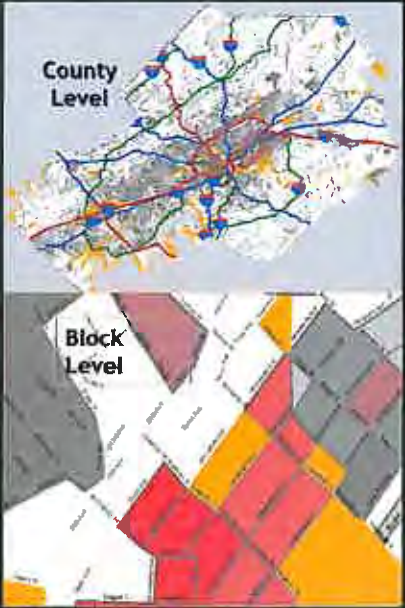






## Data Levels

- † State
- † County
- † Planning Areas
- † Census Tract
- † Census Block-Group
- † Census Block



**T6**

The slide features a dark green background. On the right side, there are two maps. The top map, labeled 'County Level', shows a complex network of roads in various colors (blue, red, yellow) overlaid on a light-colored map. The bottom map, labeled 'Block Level', shows a grid of colored blocks in shades of red, yellow, and grey. In the bottom left corner, there is a circular logo with the text 'T6' and a small upward-pointing arrow below it.

## Benefits

- † Model for other state DOTs
- † Provides a work flow for the experienced and un-experienced GIS user
- † Reports can be saved in a platform format and used as overlays with other GIS based applications
- † Language data to comply with Presidential Executive Order 13166 – LEP



**T6**

The slide features a dark green background. In the bottom left corner, there is a circular logo with the text 'T6' and a small upward-pointing arrow below it.



## Benefits

- † Versatile tool that can be used by MPOs, RTPOs, & various TDOT Programs
- † Tailor public involvement activities to the project area, CSS, Environmental Compliance, Project Planning
- † Data Integration - SEMS
- † SAVES TIME, INCREASE PRODUCTIVITY, & COST EFFECTIVE



Historically, minority, disadvantaged, low-mobility, and low-income populations have been underrepresented in the transportation planning and project development process. Inadequate access to decision-making and information increases the potential that a specific population will be adversely affected by a transportation project and the likelihood that their specific needs or concerns will not be fully addressed. Since 1964, federal laws and policies have been developed to ensure that the civil rights of minority, disadvantaged, low-mobility and low-income populations will be protected and that the decision-making process for those projects is free from discrimination. Title VI compliance cross cuts all sociocultural considerations.

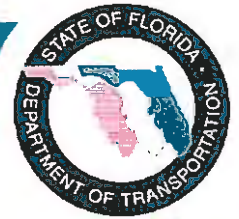
## LEGAL AUTHORITY

*Title VI of the Civil Rights Act of 1964* provides that 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. *Title VIII of the Civil Rights Act of 1968* addresses discrimination in regard to the sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling on the basis of race, color, religion, sex, disability, familial status, or national origin. *The Civil Rights Restoration Act of 1987* clarified the intent of Title VI to include all program and activities whether they are federally funded or not.

FHWA's *Environmental Impact and Related Procedures [23CFR771]* provides that no person, because of disability, age, race, color, sex, or national origin, be excluded from participating in, or denied benefits of, or be subject to discrimination under any Administration program or procedural activity required by or developed pursuant to this regulation.



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*Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations [February 11, 1994]* re-emphasizes the intent of the Civil Rights Acts and expands protection to low-income populations. It also requires federal agencies to provide minority communities and low-income communities access to public information and opportunities for community input in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving the accessibility of meetings, crucial documents, and notices.

DOT Order 5610.2: Department of Transportation Actions to Address Environmental Justice in Minority *Populations and Low-Income Populations [April 1997]* establishes procedures for the Department of Transportation (DOT) to use in complying with Executive Order 12898 (see above), providing that disproportionate impacts on low-income and minority populations are to be avoided, if practicable, that is, unless avoiding such disproportionate impacts would result in significant adverse impacts on other important social, economic, or environmental resources. Guidance is provided for making determinations regarding disproportionately high and adverse effects on minority and low-income populations, providing that mitigation and enhancement measures be taken into account, as well as the design, comparative impacts, and the relevant number of similar existing system elements in non-minority and non-low-income areas. It also provides guidance for determining whether a mitigation measure or an alternative is *practicable*, providing that the social, economic (including costs) and environmental effects of avoiding or mitigating the adverse effects will be taken into account. (PD&E Manual Part II Chapter 9, Project Development)

*DOT Order 6640.23: FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations [December 1998]* requires the FHWA to implement the principles of the DOT Order 5610.2



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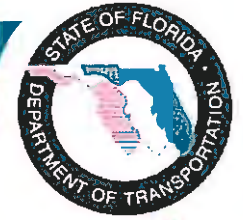
and E.O. 12898 by incorporating environmental justice principles in all FHWA programs, policies, and activities.

Nondiscrimination Regulations include:

- 28 CFR 35: Department of Justice (DOJ) regulations governing nondiscrimination on the basis of disability in state and local government services.
- 28 CFR 36: DOJ regulations governing nondiscrimination on the basis of disability by public accommodations and commercial facilities.
- 28 CFR 41: Implementation of Executive Order 12250, nondiscrimination on the basis of handicap in federally assisted programs.
- 28 CFR 42, Subpart C Nondiscrimination in federally assisted programs: Implementation of Title VI of the Civil Rights Act of 1964.
- 28 CFR 44: DOJ procedure to address unfair immigration related employment practices and establishes an Office of Special Counsel.
- 49 CFR 21: DOT's regulation implementing Title VI of the 1964 Civil Rights Act.
- 49 CFR 24: DOT's regulation implementing the Uniform Relocation and Real Property Acquisition Act for Federal and Federally-assisted programs requiring compliance with Nondiscrimination Statutes and Executive Orders.
- 49 CFR 27: DOT's regulation implementing Section 504 of the Rehabilitation Act of 1973.
- 23 CFR 200: FHWA's regulation implementing Title VI of the 1964 Civil Rights Act.

Nondiscrimination directives include:

- DOT Order 1000.12 Implementation of the DOT Title VI Program.
- DOT Order 1050.2 Standard Title VI Assurances.
- FHWA Order 4720.1A Civil Rights Responsibilities of Motor Safety Assistance Program (MCSAP). July 16, 1993.



## PROCEDURE

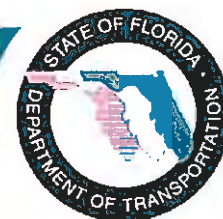
To address Title VI/Civil Rights in the Sociocultural Effects Evaluation process, the community analyst must evaluate the following:

1. Analyze environmental effects on all communities, including human health, economic, and social effects on all citizens, with special considerations for minority and low-income populations;
2. Identify if disproportionately high and adverse environmental effects exist;
3. Ensure that mitigation measures address any disproportionately high and adverse environmental effects on proposed actions on minority populations and low-income populations within the study area; and
4. Provide opportunities for community input throughout the project development process, including consultation with affected communities to identify potential effects and possible mitigation measures, and improving accessibility to public meetings, project documents, and project decision-makers.

For example, the community analyst must ensure that the selection of a roadway alignment does not intentionally follow the path of the lowest property values which take principally low-income housing or minority neighborhoods, without adequate study and reasonable engineering, economic, and social justification. Similarly, the analyst must ensure that the proposed improvement does not discriminate in providing access and egress to adjacent neighborhoods based on race, color, religion, sex, disability, familial status, national origin, or income level.

In short, the analyst must provide reasonable assurance (file documentation) that the selection of a project alternative was not a discriminatory act. Coordination with the FHWA and Environmental Management Office (EMO) in highly controversial situations will aid in providing such assurance.





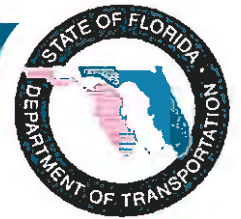
Title VIII guarantees each person equal opportunity in housing. The analyst, in working the District Relocation staff, can ensure that the Department complies with this law.

The community analyst must also ensure that all aspects of the Civil Rights Acts have been addressed through additional coordination with the District Minority Programs Coordinator. Consultation with FHWA is necessary in situations where disproportionately high and adverse impacts affecting protected social groups are involved. The Central Environmental Management Office and District Minority Programs Coordinator should also be consulted. The files should be documented to show consideration of Title VI and Title VIII accordingly.

The SCE Evaluation Process promotes access to decision making and project information. Every reasonable effort must be made to involve potentially affected populations *equally* in the transportation decision-making process. Community outreach activities must give special attention to bridging communication barriers.

Are there minority and low-income groups in the community? Review the demographic data included in the CCI to determine the presence of minority and low-income groups. If necessary, consult with local minority leaders, social agencies and/or the property appraiser's office to validate your findings. Have these groups been represented in the planning process to date? Review the public record to date to determine if these groups have effective representation in the process. If available, review attendance records from other transportation projects in the community to determine if group representatives or individuals have been participating.

Disproportionate effects refers to a situation where the adverse affects of the transportation project on minority and low-income groups are substantially more severe or greater in magnitude than the adverse effects suffered by non-minority or non-low-income populations. Conversely, it



can also refer to a situation in which the beneficial effects are not equally shared.

Will the project result in disproportionate effects on minority and low-income neighborhoods? One simple test is to overlay a map showing the proposed right-of-way acquisition areas with a map delineating minority/low-income neighborhoods and businesses. Determine if the number of minority and low-income displacements is high in proportion to total displacements. Consider if other effects (e.g., reduced mobility) affect minority and low-income residents more than other groups. Be sure to consider the cumulative effects of the current project in addition to other public works projects. Consult with minority and low-income leaders or representatives to determine the community perception of potential effects.

Will minority and low-income neighborhoods receive a proportionate share of the benefits? Review the project need statement to determine what benefits are anticipated. Identify the geographic areas that will share in the benefits. Determine if minority and low-income areas are proportionate to the community perception of potential benefits.

Sociocultural effects evaluation promotes:

- Nondiscrimination;
- Equal access to information and decision makers;
- Equal opportunity to participate in the project development process;
- Early, continuous public involvement of all citizens;
- Proactive public outreach to involve traditionally underserved; and
- Recognition and accommodation of citizens' needs, where possible.

If SCE Evaluation is properly done, Title VI/Civil Rights should not be an issue.





**Recommended Title VI, Environmental Justice, and Limited English Proficiency  
Analysis of Proposed Service and Fare Changes**

- 1) **What service and/or fare changes does [redacted] propose? Please describe the nature of the change, the bases or rationale for the change, the modes of service impacted, and the communities affected by the change.**

Service changes can include, but are not limited to, route extensions, route deletions, route additions, changes in hours or days of operation, changes due to contracting out transit services, and changes in headways.

Fare changes can include, but are not limited to, across-the-board fare increases or decreases on all modes of transit provided by an agency, or fare changes provided on some of the agency's transit modes or made by some of the agency's fare payment media or fare payment types.

- 2) **What are the impacts of the service changes on minority and/or low income communities?**

Route changes. For proposed major service changes that would reduce or expand frequency of service or add or eliminate routes, the recipient should produce maps of the routes that would be eliminated, reduced, added, or expanded, overlaid on a demographic map of the service area, that highlights those Census tracts or traffic analysis zones where the total minority and low-income population is greater than the service area average.

Span of service. For proposed changes that would reduce or expand hours and days of service, the recipient should analyze any available information generated from ridership surveys that indicates whether minority and low-income riders are more likely to use the service during the hours and/or days that would be eliminated or expanded.

Fare changes. For proposed changes that would increase or decrease fares on certain transit modes or by fare payment type or payment media, the recipient should analyze any available information generated from ridership surveys indicating whether minority and low-income riders are more likely to use the mode of service, payment type, or payment media that would be subject to the fare change.

- 3) **What are the transit alternatives available for riders who would be impacted by proposed service changes?**

Service changes. For proposed service changes, the recipient should analyze what, if any, modes of transit or transit routes are available for people affected by the service expansions or reductions. This analysis should compare the travel time

and cost of the current route with the travel time and cost to the rider of the alternatives.

Fare changes. For proposed fare changes, the recipient should analyze what, if any, alternative transit modes, fare payment types, or fare payment media are available for people affected by the fare change. This analysis should compare the fares paid under the change with fares that would be paid through available alternatives.

- 4) **What, if any measures would [redacted] take to avoid, minimize, or mitigate any adverse effects of the service and/or fare change on minority populations and/or low-income populations? What, if any enhancements or offsetting benefits would [redacted] implement in conjunction with the service and/or fare change?**
- 5) **Would the proposed service and/or fare change have a disproportionately high and adverse effect on minority populations and/or low-income populations?**

A disproportionately high and adverse effect is one that (1) is predominately borne by a minority population and/or a low-income population, or (2) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

In making determinations regarding disproportionately high and adverse effects on minority and low-income populations, mitigation and enhancements measures that will be taken and all offsetting benefits to the affected minority and low-income populations may be taken into account.

Recipients can implement a service reduction or fare increase that would have disproportionately high and adverse effects provided that the recipient demonstrates that the action meets a substantial need that is in the public interest and that other alternatives would have more severe adverse effects than the preferred alternative.

- 9) **What steps does [redacted] plan to take to seek out and consider the viewpoints of minority and low-income populations in the course of conducting public outreach and involvement activities?**

In general, an agency should have a public participation process that offers early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions. Agencies have wide latitude to determine how, when, and how often specific public involvement measures should take place, and what specific measures are most appropriate. Agencies should make these determinations based on the composition of the population affected by the recipient's action, the

type of public involvement process planned by the recipient, and the resources available to the agency. Efforts to involve minority and low-income people in public involvement activities can include both comprehensive measures, such as placing public notices at all stations and in all vehicles, and measures targeted to overcome linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and low-income populations from effectively participating in a recipient's decision-making.

- 10) Does [redacted] believe that it is necessary to disseminate information on the service changes/fare increases that is accessible to Limited English Proficient persons? If so, what steps to provide information in languages other than English does [redacted] propose?

Title VI and its implementing regulations require that FTA recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP). What steps a recipient decides to take should depend on the number and proportion of LEP persons served by the recipient, the frequency with which LEP individuals come into contact with the program, activity, or service, the nature and importance of the program, activity or service, and the resources available to the recipient and costs of providing language assistance.

# APPENDIX L

## Subrecipient Monitoring

### Local Transit Agencies

- Maryland – LOTS Compliance Monitoring Review (Title VI) for Section 5307 and Rural Systems
- Michigan – Monitoring of Sub-Recipient Activities
- Tennessee – Title VI Monitoring and Review Process and On-Site Review Process

*Printed  
12-5-03*

Revised 2007 3-1-07

## S.5307 Grantees

# MARYLAND LOTS COMPLIANCE MONITORING REVIEW

System: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Manager: \_\_\_\_\_ Title: \_\_\_\_\_

Other Agency Personnel Participating: \_\_\_\_\_

MTA Personnel Participating: \_\_\_\_\_

The following sections list the requirements for S.5307. While some of the FTA requirements do not “flow through” to Maryland grantees (since the State is the direct recipient of Federal funds), the MTA requires that all public transit grantees meet FTA program management requirements as detailed below.

## 12. TITLE VI

1. Has the grantee had, or been informed that it will have, a Title VI Compliance Review by the FTA Office of Civil Rights? If yes, when was the site visit?
2. Who is responsible for the coordination of Title VI Program/ Environmental Justice Assessments? Who prepares the Title VI Program submissions and updates for FTA?
3. Has the grantee's Title VI Program been approved by the FTA? If yes, when does the approval expire? If the program has expired, please provide an explanation.
4. Has FTA placed any conditions on the Title VI approval? If so, what is the status of the grantee's follow-up on corrective actions?
5. If the grantee operates in a service area of 200,000 or more in population, what service standards and policies does the grantee have for each of the following?
  - a. Vehicle load factors by route or corridor
  - b. Vehicle assignment rosters by garage or route
  - c. Vehicle headways by route
  - d. Transit amenities by community
  - e. Transit access by community
6. If the grantee operates in a service area of 200,000 or more in population, when was the most recent compliance assessment performed by the grantee and what disparities, if any, were identified by the grantee? What action, if any, was taken to address the disparities?
7. Has the grantee developed and implemented procedures to monitor its level and quality of transit service to determine compliance with Title VI?
8. Has the grantee significantly reduced transit service or increased transit fares? If yes, did the grantee examine the impact of the service reductions or fare increases on minority communities and ridership?
9. Has the grantee assessed and addressed the ability of persons with limited English proficiency (LEP) to use transit services? If so, did the assessment identify a significant LEP population? If yes, has the grantee provided translation services, notified the LEP population of the availability of these services, conducted staff training on language access, and developed procedures for monitoring their language services?

10. Did the grantee conduct an environmental justice assessment/ fixed-facility impact analysis during the past three years? If so, please have the analysis available and show how effects on minority communities were addressed.
11. Has the grantee received any Title VI complaints in the past three years? Does the grantee maintain a log of such complaints? How are such complaints identified and resolved?

## APPENDIX E

### Maryland Local Operating Transit Systems Compliance Monitoring Review

4/3/06

## MARYLAND LOTS COMPLIANCE MONITORING REVIEW

System: \_\_\_\_\_ Date: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Manager: \_\_\_\_\_ Title: \_\_\_\_\_  
Other Agency Personnel Participating: \_\_\_\_\_  
MTA Personnel Participating: \_\_\_\_\_

The following sections list the requirements for S.5307 and Job Access Grantees. While some of these requirements are not imposed by the Federal Transit Administration (FTA) on S.5311 grantees or grantees that only receive Statewide Specialized Transportation Assistance Program (SSTAP) funds, the Mass Transit Administration (MTA) requires that all public transit grantees meet the S.5307 compliance regulations.

Further, while some of the FTA requirements do not “flow through” to Maryland grantees (since the State is the direct recipient of Federal funds), the MTA requires that all public transit grantees meet FTA program management requirements as detailed below.

The review questions have been grouped into eight categories:

1. Legal Authority and Annual Certifications
2. Project Management and Grant Administration
3. Financial Management
4. Procurement
5. Planning and Public Participation
6. Service Requirements and Restrictions



- 7. Operations and Safety and Security
- 8. Personnel Issues - Human Resources

## PLANNING AND PUBLIC PARTICIPATION

**1. Planning/Program of Projects** - The grantee must participate in the transportation planning process in compliance with FTA requirements, Metropolitan Statewide Planning Final Rule, and Management Systems Interim Final Rule, as revised.

Each recipient is required to develop, publish, afford an opportunity for a public hearing on and submit for approval a Program of Projects (POP). Each grantee must comply with the public participation requirements of S. 5307 (c) (1) through (7).

Desk Review	On Site	Follow Up	<u>Questions</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the grantee located in a designated Transportation Management Area (TMA)(population 200,000 or more)? If so, what is the designated Metropolitan Planning Organization (MPO) for the area? _____ <i>Desk Review</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	How does grantee participate in the local or metropolitan transportation planning process? Are they “at the table” as transportation decisions are made?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If in a TMA, does grantee have a formal agreement with the MPO that defines how each party participates in this process? Have any deficiencies been identified in the MPO's planning certification?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	How are private transportation providers included in the planning process?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	What is grantee’s process for developing its annual POP?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	How does the POP provide for coordination with transportation services assisted from other Federal sources?

**2. Public Participation** - Grantees must solicit public input on its annual POP prior to submitting its grant application.

Desk Review	On Site	Follow Up	<u><b>Questions</b></u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Describe the grantee’s public participation process – how does the grantee obtain public input on the annual POP?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If in a TMA, does the grantee rely on the MPO’s public participation process or is it separate? IF the grantee relies on the MPO process, does the MPO have an adopted public participation program?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does grantee publish its POP in a manner that affords citizens, private transportation providers, local elected officials an opportunity to examine its contents and submit comments?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the opportunity for public hearing provided?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Were any comments and complaints filed as the result of the publication of the last POP? If so, were these taken into account in preparing the final POP?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was the final POP made available to the public? How?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has grantee received any complaints on the public participation process in the last three years?

**3. Title VI** - Grantees must ensure that no person in the United States shall on the grounds of race, color, or national origin be excluded from participating in, or be denied the benefits of, or been subject to discrimination under any project, program or activity receiving Federal financial assistance from the Federal transit laws. Grantees must ensure that federally supported transit services and related benefits are distributed in an equitable manner.

Desk Review	On Site	Follow Up	<u><b>Questions</b></u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Who is responsible for ensuring that federally supported transit services and related benefits are distributed in an equitable manner.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	When considering service changes, does grantee ensure that Title VI was taken into consideration? How does grantee ensure that decisions on the location of transit services and facilities are made without regard to disability, race, creed, color, sex or national origin?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has grantee had or been informed that it will have a Title VI Compliance Review by the FTA Office of Civil Rights?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the grantee had any Title VI complaints or lawsuits during the past three years?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Are Title VI posters displayed?

**4. Public Comment on Fare/Service Changes** - Grantees must develop a local process to solicit and consider public comment prior to a fare increase or major service reduction.

Desk Review	On Site	Follow Up	<u>Questions</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does grantee have written procedures for obtaining public comments and input prior to fare increases and major service reductions?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	How does it define “major service reduction”?
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has the grantee had a fare increase and/or a major service reduction during the past year? If yes, how were public comments incorporated into the process?

## MDOT - Monitoring of Sub-Recipient Activities

Sub Recipients must submit a written Title VI Plan to MDOT which gives an overview of their policies and procedures in place to ensure non-discrimination. **At a minimum, the sub-recipient's Title VI plan should include the following:**

- *A nondiscrimination policy statement*  
The sub-recipient's Title VI policy statement should be signed by the top agency official or their designee
- *Organization and Staffing of the sub-recipient's Civil Rights Unit*  
Smaller entities may not have a civil rights unit but may designate an individual to perform this function. Provide the name, title, and contact information regarding the individual(s) responsible for Title VI compliance.
- *Title VI Self Monitoring and Review Process*  
For each of the following major program areas, if applicable, summarize how Title VI monitoring, will be accomplished by the entity:
  - a. Planning
  - b. Project development
  - c. Right-of-Way
  - d. Construction
  - e. Research
  - f. Public involvement
  - g. Compliance
- *Data Collection*  
Explain what data is collected that supports nondiscrimination in your activities such as:
  - a. The number of public meetings, dates held, and steps taken to notify individuals who may be affected by you actions as a result of the meeting.
  - b. Steps taken to meet any Limited English Proficiency (LEP) needs where warranted (interpreters, translators, advertising, or providing printed media in languages other than English, etc.) How often and under what circumstances does the sub-recipient perform LEP activities?
  - c. Date of service requests and date of resolution. This information may provide evidence that services were provided in an equitable manner and that no group was provided preferences in regard to services. Where is data related to services maintained?
  - d. Nature of discrimination complaints (if any) and the resolution.

**Note:** Generally, data is not forwarded to MDOT. However, your Title VI plan must provide information regarding who MDOT may contact to review this information if necessary.

## **MDOT SUB-RECIPIENT - TITLE VI RESPONSIBILITIES**

Title VI of the Civil Rights Act of 1964 makes it illegal for people to be discriminated against on the basis of their race, color, or national origin in any program or activity that receives funds directly from the federal government or from a sub-recipient of federal funds (a sub-recipient is an entity that receives federal funds from a direct recipient of federal funds). If an entity receives one dollar (\$1.00) from a recipient of federal funds the entire entity must comply with Title VI.

Congress restored the broad coverage of Title VI with the passage of the 1987 Civil Restoration Act. It is crucial to understand that Title VI applies to discrimination throughout a covered entity, not just to actions involving the federally assisted program. If a local government accepts one dollar (\$1.00) from a recipient of federal funds, it has to review all of its policies and programs for Title VI compliance.

Title VI is the mechanism that ensures that federal financial assistance, which drives or promotes economic development, infrastructure improvements, service delivery, and minority participation in decision-making, is done without discrimination. The intent is to ensure that all persons have fair participation and representation in the planning and execution of public policy.

Individuals must not be excluded from participating in a program or activity operated by the state, county, city, transit agencies, colleges, or universities. Entities receiving grants must ensure that those funds are spent in a nondiscriminatory manner.

Most complaints against local governments deal with issues of inadequate or inferior municipal services, lack of participation on local planning bodies and in contracting opportunities; unequal access to services; failure to notify persons of the existence of programs; and different standards utilized to obtain services.

As citizens become aware of their rights and seek parity in programs funded with their tax dollars, local governments find themselves vulnerable if they have failed to develop a program to enforce this broad, far-reaching law. The Federal Highway Administration (FHWA) requires that agencies act in a proactive manner in order to avoid non-compliance in regard to Title VI.

In 1963, President John Kennedy said Title VI reflected the "moral sense of the nation." It meant that federal tax dollars not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination.

Unfortunately, most Americans are unaware of Title VI and its breadth of coverage. Title VI covers programs that address such broad and diverse areas as health care, transportation, parks, the environment, housing and community development, law enforcement and many other areas.

# Title VI Monitoring & Review Process



- Program Specific Monitoring
  - Construction
  - Design
  - Right-of-Way
  - Planning
  - Environmental
- Sub-Recipient Monitoring
  - Planning Agencies
  - Transit Agencies
  - Airports
  - Grantees





In accordance with CFR 23 §200.9 (b) (10) & (11), an annual report of Title VI accomplishments for your program's past year and goals for the next year is submitted to the Federal Highway Administration. This report update should contain the necessary information to evaluate TDOT's Title VI Program as it pertains to accomplishments, shortfalls and problem areas.

**THE LONG RANGE PLANNING DIVISION** is comprised of three offices, Systems Planning, GIS Mapping and the Research Office, that are responsible for developing multi-modal transportation plans, all mapping and roadway inventory data, and the transportation research program. The Division has extensive public and local government involvement in planning.

**Accomplishment Report for Each Program Area** [23 CFR, §200.9 (b) (10)]

At the minimum, the following should be included in an annual Title VI update for each of the various program areas:

1. Please list and provide a summary of major accomplishments made in Headquarters' and in each District office regarding Title VI since the last plan update. Include instances where Title VI issues were identified and discrimination was prevented.

Title VI considerations were incorporated into the Safe Routes to School grant program. (Please see response to Item 5.)

**2007 Reporting Requirements:**

2. Any complaints of discrimination. (Detailed facts, including date of complaint, nature/issue of complaint and if resolved, what was the outcome)

No complaints were filed with this division.

3. Training, orientation and knowledge of staff on Title VI issues; resources staff uses as reference for Title VI, such as readily available laws and regulations.

Training was provided for Paula Strauss, Transportation Specialist, who provides day-to-day coordination and oversight of the state's 12 Rural Planning Organizations. Training was also provided to Diana Benedict, program coordinator for Safe Routes to School. The Metropolitan Planning





Organization staff, Angie Midgett and Deborah Fleming, have also had this training. These three employees act as a liaison to the local governments with which they work, helping them identify potential Title VI issues and referring questions to the appropriate TDOT Title VI personnel.

4. Notices and posters setting forth Title VI will be placed in areas readily accessible to employees and the public within the Long Range Planning Division.

All required notices and posters are maintained in the office.

5. Consideration given to minority communities in the state transportation planning activities; to include location, population, socio-economic status, and any anticipated adverse effects on community or business located within the community. Also include anticipated efforts to alleviate any adverse effects or impacts on minority communities.

Identification of environmental justice issues is a required component of all Long Range Transportation Plans. In addition, Diana Benedict, the coordinator for the Safe Routes to School program, incorporated Title VI into the criteria used to select recommended grant awards. This helped ensure that minority communities receive a proportionate share.

6. The method and sources used to publish advertisements/information involving issues to be discussed at public meetings and hearings.

Meeting notices and advertisements are handled through the Community Relations Division to ensure consistency with TDOT requirements.

7. The progress and efforts being made in securing the services of minority or female group consultant(s) when needed in the planning process.

There were no DBE contract percentages to report during the past fiscal year. The Long Range Planning Division often uses the on-call planning & engineering contracts procured by the Project Planning Division, which does significant minority and female consultant outreach.

8. Number of minorities and women employees of TDOT serving as TDOT representative on planning boards/commissions where TDOT is a participant board member.



2 female employees: Angie Midgett and Deborah Fleming represent TDOT on several Metropolitan Planning Organization boards.

9. List of minorities, non-minorities and female firms currently secured for contract services within the Long Range Planning Division.

The Long Range Planning Division has a contract with PB Americas, Inc. for the I-40/81 Corridor Feasibility Study and a contract with Kimley-Horn, Inc. for technical assistance with Intelligent Transportation Systems planning.

10. Planning performed in conjunction with MPOs using reporting requirements contained in the MPO reporting requirements

Primary activities during the reporting period involved (1) oversight of MPOs and their outreach activities, and (2) initiation of formal Rural Planning Organizations to provide a regular, structured forum for transportation planning outside metropolitan areas. During the next reporting period, the division will work to develop a template for community outreach to be used by each RPO. The long-term goal is for the RPO coordinator to be the focal point for public input in their particular region. This includes attendance at community meetings where transportation issues are being discussed, and speaking to community groups about the RPO program, how it relates to TDOT decision-making, and how to participate in that process.

11. Executed Title VI Assurances providing specific nondiscrimination provisions included in contracts subject to the Civil Rights Act of 1964 and the U.S. DOT Title VI Regulations.

All contracts contained the required provisions.

### **2007 Reporting Requirements:**

### **MAJOR ACCOMPLISHMENTS WITH COMMUNITY INVOLVEMENT**

1. Summarize the project, including:
  - a. Title, location, communities affected, partnerships formed.



- b. Data sources and efforts used to identify and engage relevant communities in the planning.
- c. Number of public meetings.
- d. Number of attendees.

The I-40/81 Corridor Feasibility Study is the only major planning project with public involvement. The initial round of public meetings is not yet complete as of the date of this report and the study will not end until summer 2008. It may therefore be more appropriate to summarize the project for the 2008 report.

**OUTREACH TO COMMUNITIES ON TRANSPORTATION PROJECTS**

(E.g., any effort to identify, contact and engage communities in planning or project development.)

Primary activities during the reporting period involved (1) oversight of MPOs and their outreach activities, and (2) initiation of formal Rural Planning Organizations to provide a regular, structured forum for transportation planning outside metropolitan areas. During the next reporting period, the division will work to develop a template for community outreach to be used by each RPO. The long-term goal is for the RPO coordinator to be the focal point for public input in their particular region. This includes attendance at community meetings where transportation issues are being discussed, and speaking to community groups about the RPO program, how it relates to TDOT decision-making, and how to participate in that process.

**ASSISTING LIMITED ENGLISH PROFICIENT (LEP) INDIVIDUALS**

(E.g., populations whose primary language is not English or those who can not read or speak English well.)

- 1. Summarize any activities and efforts to provide limited English proficient individuals access to transportation program services in your District or Office.

No new activities to report this year. In the previous year, Long Range Plan publications were issued in both English and Spanish.



**TRAINING FOR TITLE VI**

(E.g. providing technical training on Title VI to District or Office staff, external agencies or contractors.)

1. Identify any training your District or Office provided on Title VI, including the number of sessions and the audience engaged in the training.

None provided during the reporting period.

2. Did your District or Office staff attend any Title VI training? How many staff received training on Title VI during the reporting period?

Two employees, Paula Strauss and Diana Benedict, received training during the reporting period.

**SELF MONITORING ON TITLE VI**

(E.g., making periodic evaluations of the approaches used by Planning for identifying and engaging minority, Tribal, women, elderly, disabled, and low-income populations in Planning and Project Development.)

1. Summarize any Title VI self-monitoring activities, including any findings, recommendations, actions taken, and present status.

No activities to report.

2. List any significant problems or deficiencies and whether there was a timely and effective corrective action taken. N/A

**UPCOMING GOALS FOR FFY 2007-08**

1. List the goals your District or Office believes it needs to reach in the coming year to identify and engage minority, Tribal, women, elderly, disabled, and low-income populations. Identify how your District or Office plans to reach these goals.

Obtain Title VI training for all Rural Planning Organization coordinators in Tennessee. Assist them in developing outreach plans to obtain more participation from the traditionally underserved.

# Procedures, Manuals & Directives



- Pre and Post Award On-Site Review Process
- Public Meeting Monitoring Procedures
- 2007 Title VI Training Program
- Public Notification
- TDOT LEP Guidelines
- DBE Goals on TDOT awarded Enhancement Grants





## TDOT Title VI Program On-Site Review Process

The Title VI Program conducts numerous pre and post award on-site reviews for various entities that receive federal/state assistance from the Tennessee Department of Transportation (TDOT). Each January, the Title Program identifies the entities subject to review for that calendar year. The process is listed below:

1. **Initial Contact** - Title VI Program staff will make initial contact with the entity to schedule the on-site review. Once scheduled, staff will enter the date scheduled on the appropriate tracking form.

The tracking forms can be accessed by all Title VI Program staff and the Civil Rights Office Executive Director.

2. **Pre-award/Post-award Onsite** – During this visit, Title VI Staff asks a series of questions (see attached On-Site Review Observation Form) to determine what steps, if any, are necessary for the entity to become in compliance with Title VI.
3. **Notification Letter** – within ten (10) days of the onsite review, Title VI Staff will submit the on-site review form, documentation, and a listing of deficiencies found and/or will certify compliance. Please use the attached On-site Review Correspondence Processing form.

**Deficiencies and/or compliance must be issued by the Title VI Staff person conducting the onsite ONLY. Files received without the statement or documentation supporting the compliance status, will be returned and deemed incomplete.**

4. Correspondence will be generated by the administrative staff located at Headquarters, reviewed and approved by the Title VI Program Coordinator, and signed by the Title VI Director/Civil Rights Office Executive Director. Copies should be distributed to the CRO Director, Title VI Staff person generating the document, the appropriate TDOT program and the file. Every piece of correspondence generated for signature must have a correspondence routing slip attached. Any letter submitted without the routing slip will not be processed for signature. Once signed, the routing slip will be maintained in the official file.

5. **Follow-up Notification** – The support staff will **post a task to the** appropriate staff person's GroupWise calendar approximately 30 days from the date of the correspondence. However, it is the responsibility of each Title VI Staff person to ensure any/all follow-up notifications are processed in a timely manner. If any entity that has not voluntarily complied within 30 days of the original notification, the Title VI Staff person will advise headquarters to issue the 5-day notification. Headquarters should be notified by email or fax only and kept in the official file. This correspondence will follow the same process outlined in #4. The support staff will **post a task** approximately 5 days from the date of the correspondence. All follow-up notification dates are posted on the appropriate tracking form.

6. If the entity fails to submit the appropriate documentation to support their commitment to comply with Title VI a non-compliance letter must be issued.

**It is the responsibility of each Title VI Staff person to track compliance.**

7. **File Documentation** – Each compliance file will contain the following documents before Title VI compliance can be issued, the attached checklist will be attached in the front of the file.

- Name of Title VI Coordinator
- Training Roster
- Description of how new employees/current employees are trained (copy of training material)
- Proof of customer notification
- Census Data (used to determine if written LEP procedures are needed)
- Copy of the entity's complaint and hearing procedures
- Copy of the entity's complaint log
- Copy of the Title VI contract assurance language used in the entity's contracts
- Copy of the method used to monitor the race and gender of contractees
- Limited English Proficiency, if applicable
- The onsite form must be completed in it's entirety
- Correspondence routing slip
- Method of providing contracting opportunities
- Method of monitoring contractor Title VI compliance activities
- Composition of Transportation related boards by race and gender
- Title VI Assurances or a statement indicating that the sub-recipient has adopted the state's plan

8. **Final Report** – Once the necessary information is collected, a final report of compliance will be issued and date will be added to the appropriate tracking form.

**PLEASE NOTE: Effective January 1, 2006, any file deemed incomplete and held past 60 days from the date of the on-site will be returned to the appropriate Title VI Staff person and another on-site visit will be required.**



**Title VI Program  
On-Site Review  
Correspondence Processing**

**Date of Review:**

**Entity/Type of Grant:**

**Compliance Status: Compliance**

**Non-compliance**

**Deficiencies**

<b>TITLE VI COORDINATOR HAS NOT RECEIVED TRAINING</b>	
<b>NEW EMPLOYEES ARE NOT INFORMED OF TITLE VI</b>	
<b>NO METHOD TO TRAIN CURRENT EMPLOYEES</b>	
<b>NO METHOD TO PROVIDE SERVICES TO LEP INDIVIDUALS</b>	
<b>POSTERS ARE NOT DISPLAYED OR ARE INADEQUATELY DISPLAYED</b>	
<b>CUSTOMERS ARE NOT AWARE OF TITLE VI</b>	
<b>NO TITLE VI COMPLAINT &amp; HEARING PROCEDURE</b>	
<b>NO COMPLAINT LOG</b>	
<b>CONTRACTS DO NOT CONTAIN CONTRACT ASSURANCE LANGUAGE</b>	
<b>NO METHOD TO MONITOR ETHNICITY AND GENDER OF CONTRACTORS</b>	
<b>NO METHOD TO SOLICIT DBE CONTRACTORS</b>	
<b>NO METHOD TO MONITOR CONTRACTOR TITLE VI COMPLIANCE ACTIVITIES</b>	
<b>RECOMMEND DIVERSITY ON TRANSPORTATION DECISION-MAKING BODIES</b>	
<b>NO TITLE VI ASSURANCES OR STATEMENT INDICATING THE SUB-RECIPIENT WILL ADOPT TDOT'S PROCEDURES</b>	

<b>Submitted by:</b> _____	<b>Date:</b> _____
<b>Reviewed by:</b> _____	<b>Date:</b> _____
<b>Approved by:</b> _____	<b>Date:</b> _____





# TDOT Title VI Program On-Site Review

**Type of Review**

Date of Review:  Investigator:

Pre-Award  Post Award

Contractor  Consultant  Sub-recipient  Supplier

<p>Entity: _____</p> <p>Address: _____          _____          _____</p> <p>Phone: _____</p> <p>Fax: _____</p>	<p style="text-align: center;"><b>Assistance Received</b></p> <p>Governor's Highway Safety: <input type="checkbox"/></p> <p>Enhancement Grant: <input type="checkbox"/></p> <p>Roadscapes: <input type="checkbox"/></p> <p>Amount of Contract \$ _____</p> <p>Project Description: _____</p>
<b>Assurance and Policy Statement</b>	<b>23 CFR 200</b>
<p>Are you aware of your obligation to comply with the provisions of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Do you have non-segregated facilities?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>Does your agency have executed Title VI Assurances?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Does your agency have a Title VI Coordination Plan or have you adopted the recipient's procedures?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Please provide documentation</p>

<b>Posters and Notification</b>	<b>23 CFR 200.9 (b)(12)</b>
Are Title VI posters displayed prominently and in areas where services are provided?  Yes <input type="checkbox"/> No <input type="checkbox"/>	Are current copies of the various laws and regulations available and accessible to every unit of the organization?  Yes <input type="checkbox"/> No <input type="checkbox"/>
Are posters available in languages other than English? Yes <input type="checkbox"/> No <input type="checkbox"/>  If yes, in what languages? _____ _____	Do recruitment materials, program brochures, and similar publications contain a nondiscrimination statement?  Yes <input type="checkbox"/> No <input type="checkbox"/>  If so, please provide documentation
<b>Title VI Coordinator Information</b>	<b>23 CFR 200.9(b)(2)</b>
Does the entity have a Title VI Coordinator? Yes <input type="checkbox"/> <div style="text-align: right;">No <input type="checkbox"/></div>	If <b>yes</b> , please provide the name: _____
Has the Title VI Coordinator attended TDOT Title VI orientation training? Yes <input type="checkbox"/> No <input type="checkbox"/>  If so, when _____  If not, when anticipated: _____ <small>(please refer to the TDOT Title VI Program Training Schedule)</small>	Is the contact information the same as above Yes <input type="checkbox"/> No <input type="checkbox"/>  If <b>NO</b> , Please provide contact information:  Address: _____  _____  _____  Phone: _____  Fax: _____  Email address: _____  _____
<b>23 CFR 200.9 (b) (1)</b> Does he/she have access to top level administrators? Yes <input type="checkbox"/> No <input type="checkbox"/>  Is there an organizational chart that shows where the Title VI Coordinators function is located? Yes <input type="checkbox"/> No <input type="checkbox"/>  Documentation obtained: Yes <input type="checkbox"/> No <input type="checkbox"/>  To whom does the Title VI Coordinator report? _____ _____	

<p><b>Employee Awareness</b></p> <p>Are new employees trained/informed on Title VI before beginning work?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If so, how?</p>	<p style="text-align: right;"><b>23 CFR 200.9 (b)(9)</b></p> <p>How are current employees trained/informed on Title VI?</p> <p>Orientation <input type="checkbox"/> Newsletter <input type="checkbox"/> Posters <input type="checkbox"/></p> <p>Brochures <input type="checkbox"/> Email <input type="checkbox"/> Other <input type="checkbox"/></p> <p>Date of most recent session: _____</p> <p>How often is training provided: _____</p>
<p><b>Customer Awareness</b></p> <p>How does our agency disseminate Title VI information to the general public?</p> <p>Please provide documentation</p> <p>Describe the methods used to engage the community in the decision making process.</p>	<p style="text-align: right;"><b>23 CFR 200.9 (b) (12)</b></p> <p>How do you advertise for employment of transportation related projects? Newspapers?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please provide dates of advertisement and addresses of newspapers.</p>
<p>Do recruitment materials, program brochures, and similar publications contain a nondiscrimination statement?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>How often are your customers informed of their rights under Title VI? Please provide documentation of the last notification.</p> <p>Annually _____ Semi-Annually _____</p> <p>Quarterly _____ Other _____</p> <p>Not at all _____</p>
<p>Who is responsible for informing customers of their rights under Title VI? How is it documented?</p>	
<p><b>DBE/Minority Owned Business Participation</b></p>	<p style="text-align: right;"><b>Observations</b></p>
<p>What methods are used to ensure that Disadvantaged Business Enterprises (DBEs) and minority owned businesses are afforded the opportunity to participate in contracting and sub-contracting activities:</p> <p>If minority media outlets are utilized, please list:</p>	<p>What methods are used to ensure that Disadvantaged Business Enterprises (DBEs) and minority owned businesses are informed of Title VI?</p> <p>Title VI Trainings _____ Desk Audit _____ Pre-Conference _____</p> <p>Not at all _____ Other _____</p>

<p>How many of the following groups currently hold transportation related contracts (state or federal) in your agency?</p> <p>State _____ Federal _____</p> <p><b>Place the number by each group.</b>                  Gender: _____ Male _____ Female _____                  Ethnicity: African Americans _____                  Whites _____ Asian Americans _____                  Hispanics _____                  Native Americans _____                  Other _____</p>	<p>Do all contracts contain a Title VI nondiscrimination assurance language and/or statement of compliance?</p> <p>Yes _____ No _____</p>
<p>How are contractors/consultants monitored for Title VI compliance:</p>	<p><b>Once the contract is awarded please submit the contracting/sub-contracting data to the TDOT CRO Title VI Program</b></p>
<p><b>Complaint and Hearing System</b></p>	<p><b>23 CFR 200.9 (b)(3)</b></p>
<p>Does your organization have a written complaint and hearing procedure for Title VI in place?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Is a copy of the complaint and hearing procedure distributed to beneficiaries?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>Does your complaint and hearing system include the following:</p> <p>Explain how to file a complaint: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Provide for a complainant to be represented by an attorney or other representative of his/her own choosing?                  Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Notify all parties of their right to bring witnesses and present testimony and evidence?                  Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Require final action to be taken on a complaint within 60 days of filing?                  Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Require a written decision be issued by hearing officers to complaints and all involved parties which a synopsis of facts, a statement of reasons for the decision, and notification of recourse?                  Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p style="text-align: right;"><b>Recordkeeping</b></p> <p>Does your organization utilize a Title VI Complaint log?                  Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Does the Title VI Coordinator maintain a log of complaints that is to be retained for a 3 year period?                  Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Does the log include the following:</p> <p>Case files number?                      Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Date of receipt?                          Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Nature of complaint?                    Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Disposition of complaint?              Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If complaints have been received are they maintained in numbered complaint files?                  Yes <input type="checkbox"/> No <input type="checkbox"/></p>

<p>Include instructions on how and where to file Appeals?                  Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Do complaint files include the following:</p> <p>A copy of the written complaint or a summary of the oral complaint?                  Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>A record of contacts made and information obtained during the investigation?                  Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Related correspondence from complainant, agency, or organization complained against?                  Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Are complainant names kept confidential unless disclosure is required by law?                  Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p><b>Data Collection</b></p>	<p><b>23 CFR 200.9 (b)(4)</b></p>
<p>Population Demographics of the Service Area:                  What is your service area?</p> <p><b>Gender:</b>                  _____ Male _____ Female</p>	<p><b>Service Area Demographics</b></p> <p><b>Ethnicity:</b>                  # _____ % _____ Hispanic or Latino</p> <p><b>Race:</b>                  # _____ % _____ Black or African-Americans</p> <p># _____ % _____ White</p> <p># _____ % _____ American Indian or Alaska Native</p> <p># _____ % _____ Asian</p> <p># _____ % _____ Native Hawaiian or other Pacific Islander</p>
<p><b>Limited English Proficiency</b></p>	<p><b>Executive Order 13166</b></p>
<p>Are you aware of your obligation to comply with Executive Order 13166 Limited English Proficiency (LEP)?                  Yes <input type="checkbox"/> No <input type="checkbox"/></p>	
<p>Does your organization have a Limited English Proficiency (LEP) plan? Yes ___ No ___</p>	<p>How do you ensure persons with LEP can access your services?                   Please provide documentation</p>
<p><b>LEP Four Factor Analysis</b></p>	
<p>Number &amp; proportion of LEP persons potentially served by the program or activity:</p>	<p>The frequency with which LEP individuals are affected by the program or activity:</p>

<p>The importance of the services provided by the program receiving federal assistance:</p>	<p>Resources available to provide services in other languages (translation or interpretation services):</p>
<p><b>Environmental Justice</b></p>	<p><b>Executive Order 12898</b></p>
<p>Are you aware of your obligation to comply with Executive Order 12898 Environmental Justice?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Does your organization have a public involvement plan?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>Do your public involvement activities identify and address the needs of minority and low- income populations in making transportation decisions?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If so How?</p>	<p>Are public meetings held at location and times accessible to low-income and minority communities?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Please provide examples:</p>
<p>During the last three years, has the Title VI Coordinator attended public meetings and/or hearings held for projects with potential Title VI impacts?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If so, when?</p> <p>Explain outcome:</p>	
<p><b>Transportation Related Boards, Commissions or Advisory bodies</b></p>	
<p>Do you have a transportation related appointed board, commission or advisory body?</p> <p>Yes _____ No _____ NA _____</p> <p>If so, please indicate the following per each entity:</p> <p>Name: _____</p> <p>Gender: _____ Male _____ Female</p> <p>Composition of Membership:</p> <p>Ethnicity: _____ African-Americans</p> <p>_____ Whites _____ Hispanics</p> <p>_____ Native Americans _____ Asian</p> <p>_____ Others</p>	



**STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION  
Civil Rights Office**  
Suite 1800, James K. Polk Building  
505 Deaderick Street, Nashville, Tennessee 37243  
Telephone No. 615-741-3681, Fax No. 615-741-3169

DATE

TITLE VI COORDINATOR  
ENTITY  
ADDRESS  
CITY, STATE ZIP

Dear COORDINATOR:

The ENTITY has received an Enhancement Grant for the PROJECT DESCRIPTION. As part of the contractual agreement, any entity receiving federal assistance from the Tennessee Department of Transportation (TDOT) must comply with Title VI of the Civil Rights Act of 1964. In order for TDOT to ensure your compliance, it was necessary for the Title VI Program staff to conduct an on-site/desk review.

According to our records, the necessary information to support your commitment to ensure non-discrimination for the transportation services provided by your agency has been provided. Therefore, the ENTITY is now in compliance with the provisions of Title VI.

If you require further assistance, please contact TITLE VI SPECIALIST at PHONE NUMBER or visit the TDOT Title VI webpage at [www.tdot.state.tn.us/civil-rights/titlevi](http://www.tdot.state.tn.us/civil-rights/titlevi). Thank you for your efforts.

Sincerely,

Columba McHale  
Title VI Program Director

CDW/pn



**STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION  
Civil Rights Office**  
Suite 1800, James K. Polk Building  
505 Deaderick Street, Nashville, Tennessee 37243  
Telephone No. 615-741-3681, Fax No. 615-741-3169

DATE

TITLE VI COORDINATOR  
ENTITY  
ADDRESS  
CITY, STATE ZIP

**Re: Required Title VI Training**

Dear COORDINATOR:

Thank you for the recent submittal of information requested to show your commitment to Title VI for the PROJECT DESCRIPTION. Although the information provided supports your effort to comply with Title VI, full compliance cannot be issued until the Title VI Coordinator receives training. These sessions are free of charge and consist of four components which include an overview of the Laws, Compliance Requirements, Environmental Justice and Limited English Proficiency. You may register electronically by visiting our web page at [www.tdot.state.tn.us/civil-rights/titlevi](http://www.tdot.state.tn.us/civil-rights/titlevi). The 2007 Title VI training schedule is enclosed for your review. The ENTITY will be issued a letter of compliance once the required training has been completed.

If you require further assistance, please contact the Title VI Program at 615-741-3681 or toll free 1-888-370-3647. Thank you for your efforts.

Sincerely,

Columba McHale  
Title VI Program Director

CMH/pn

Enclosure





**STATE OF TENNESSEE**  
**DEPARTMENT OF TRANSPORTATION**  
**Civil Rights Office**  
Suite 1800, James K. Polk Building  
505 Deaderick Street, Nashville, Tennessee 37243  
Telephone No. 615-741-3681, Fax No. 615-741-3169

DATE

TITLE VI COORDINATOR  
ENTITY  
ADDRESS  
CITY, STATE ZIP

Dear COORDINATOR:

Thank you for attending the Tennessee Department of Transportation (TDOT) Civil Rights Office Title VI Program Training on DATE at our LOCATION. According to our records, the necessary information to support your commitment to ensure non-discrimination for the transportation services provided by your agency has been provided. Therefore, the ENTITY is now in compliance with the provisions of Title VI for the federally funded PROJECT DESCRIPTION.

If you require further assistance, please contact TITLE VI SPECIALIST at PHONE NUMBER or visit the TDOT Title VI webpage at [www.tdot.state.tn.us/civil-rights/titlevi](http://www.tdot.state.tn.us/civil-rights/titlevi). Thank you for your efforts.

Sincerely,

Columba McHale  
Title VI Program Director

CMH/pn



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DEPARTMENT OF TRANSPORTATION  
Civil Rights Office**  
Suite 1800, James K. Polk Building  
505 Deaderick Street, Nashville, Tennessee 37243  
Telephone No. 615-741-3681, Fax No. 615-741-3169

DATE

TITLE VI COORDINATOR  
ENTITY  
ADDRESS  
CITY, STATE ZIP

**CERTIFIED MAIL**  
Article Number

Dear COORDINATOR:

ENTITY has received an Enhancement Grant for the PROJECT DESCRIPTION. As part of the contractual agreement, any entity receiving federal assistance from the Tennessee Department of Transportation (TDOT) must comply with Title VI of the Civil Rights Act of 1964. In order for TDOT to ensure your compliance, it was necessary for the Title VI Program staff to conduct an on-site review.

According to our records, the following information is needed to support your commitment to ensure non-discrimination for the transportation services provided by your agency:

Deficiencies:

- 1.

Please submit the listed information to the Title VI Program within 30 days of receipt of this letter. Once provided, the Title VI Program staff will re-evaluate your Title VI compliance efforts. If you require further assistance, please contact TITLE VI SPECIALIST at PHONE NUMBER or visit the TDOT Title VI webpage at [www.tdot.state.tn.us/civil-rights/titlevi](http://www.tdot.state.tn.us/civil-rights/titlevi).

Sincerely,

Columba McHale  
Title VI Program Director

CMH/pn



**STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION  
Civil Rights Office**

Suite 1800, James K. Polk Building  
505 Deaderick Street, Nashville, Tennessee 37243  
Telephone No. 615-741-3681, Fax No. 615-741-3169

DATE

TITLE VI COORDINATOR  
ENTITY  
ADDRESS  
CITY, STATE ZIP

**CERTIFIED MAIL**  
Article Number

Dear COORDINATOR:

The ENTITY received an Enhancement Grant for the PROJECT DESCRIPTION. As part of the contractual agreement, any entity receiving federal assistance from the Tennessee Department of Transportation (TDOT) must comply with Title VI of the Civil Rights Act of 1964. In order for TDOT to ensure your compliance, it was necessary for the Title VI staff to conduct an onsite review.

According to our records, we the following information to support your commitment to ensure non-discrimination for the TDOT funded Enhancement Grant:

Deficiencies:

1. List Deficiencies

Please submit the above listed information to the Title VI Program within 5 days of receipt of this letter. Once received, the Title VI Program will evaluate your agency's Title VI compliance efforts. Failure to respond to this request will result in a physical Title VI on-site and may lead to a Title VI non-compliance status for the PROJECT DESCRIPTION funded by TDOT.

If you require further assistance, please contact TITLE VI SPECIALIST, at PHONE NUMBER.

Sincerely,

Columba McHale  
Title VI Program Director

CMH/pn

Enclosure



STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION  
Civil Rights Office  
Suite 1800, James K. Polk Building  
505 Deaderick Street, Nashville, Tennessee 37243  
Telephone No. 615-741-3681, Fax No. 615-741-3169

DATE

TITLE VI COORDINATOR  
ENTITY  
ADDRESS  
CITY, STATE ZIP

CERTIFIED MAIL  
Article Number

Dear COORDINATOR:

The ENTITY has received an Enhancement Grant for the PROJECT DESCRIPTION. As part of the contractual agreement, any entity receiving federal assistance from the Tennessee Department of Transportation (TDOT) must comply with Title VI of the Civil Rights Act of 1964. In order for TDOT to ensure your compliance, it was necessary for your agency to submit a Title VI assessment.

A letter was sent on DATE to your agency regarding Title VI compliance for the PROJECT DESCRIPTION. The ENTITY was given thirty (30) days from receipt of the aforementioned letter to notify the Title VI Program staff of your progress to correct the deficiencies. On DATE another letter was sent giving an additional five (5) days to submit the necessary information to support your commitment to comply with Title VI. According to our records, the following information remains outstanding:

Deficiencies:

- 1. List Deficiencies

Due to your failure to respond to previous requests, this office must conclude that the PROJECT DESCRIPTION funded by TDOT has not satisfied the provisions of Title VI. Being in non-compliance with the provisions of Title VI may result in withholding of payments to the recipient under the contract until the recipient complies, and/or cancellation, termination or suspension of the contract, in whole or in part.

If you require further assistance, please contact TITLE VI SPECIALIST at PHONE NUMBER or visit the TDOT Title VI webpage at [www.tdot.state.tn.us/civil-rights/titlevi](http://www.tdot.state.tn.us/civil-rights/titlevi).

Sincerely,

Columba McHale  
Title VI Program Director

CMH/pn



## TDOT Title VI Public Hearing/Meeting Monitoring

The TDOT Title VI program operates with very limited staff; therefore, it is necessary to develop unconventional monitoring methods to ensure the department fulfills its monitoring obligations. Due to the limited staff, it is impossible to attend every public meeting across the state; therefore, it was necessary for the program to develop a means of monitoring TDOT meetings and hearings.

The process is outline below:

Completed reviews will be submitted to the Title VI Director for review. The Title VI Director will determine if further action is necessary. If so, the Civil Rights Office Executive Director will be notified by way of copy and a meeting will be scheduled to discuss necessary action.

**Tracking-** Title VI support staff will be monitoring the TDOT public meeting/hearing calendar to obtain public meeting/notices information that will be entered on the Title VI Public Meeting tracking form. This form is stored on the Title VI shared directory. The tracking form will be used to ensure the program receives transcripts of all recorded TDOT meetings/hearings and appropriate reviews are conducted.

**Transcript** – Once received, the support staff will print document for processing.

**Transcript Review Template-** Support staff will complete the date of public meeting, region, county, state project number, name of public meeting, address of public meeting, the time of meeting and forward to the appropriate Title VI Specialist.

**Title VI Specialist** will complete the purpose of meeting, attendees, Advance Planning Report Completion date, and name of reporting service, summary and return to headquarters **within 10 days**. The Summary must include the status of the project and any possible Title VI issues. Once the review is completed the transcript and review template will be returned to Headquarters.

Support staff will enter the date received (date stamp) and the date reviewed by the Specialist and forward the information to the Director for approval.

**Concerns** -If Title VI violations are detected from the review of these transcripts this information will be forward to the Civil Rights Executive Director and the project manager of that project.

**FILE** -The transcript and transcript review template should be filed in the appropriate project file **within five** days of approval.

**Shared Directory** – the tracking form and review template form is available on the Title VI shared directory.



# TDOT Title VI Program Public Meeting/Hearing Monitoring

**Date of Public Meeting:**

**Region:**

**County:**

**State Project Number:**

**Name of Public Meeting:**

**Address of Public Meeting:**

**Time of Public Meeting:**

**Purpose of Public Meeting:**

**Attendees (TDOT/Consultants):**

**Attendees (OTHER/ELECTED OFFICIALS):**

**Advance Planning Report Completion Date:**

**Reporting Service:**

**Summary:**

\*Additional pages may be necessary for the Executive Summary

# APPENDIX M

## Subrecipient Reporting

### Local Transit Agencies

- Utah – Title VI Requirements for FTA Subrecipients
- Tennessee – 2007 Annual Title VI Reporting Requirements for Rural and Urban Public Transit Providers
- Maryland – Civil Rights Information Sheet from Annual Grant Application

### MPOs

- Tennessee – Metropolitan Planning Organization Title VI Annual Reporting Requirements

9/22/08

# UTAH DEPARTMENT OF TRANSPORTATION

## TITLE VI REQUIREMENTS FOR FTA SUB-RECIPIENTS

Purpose: The purpose of these instructions are to provide guidance and instructions necessary to carry out Title VI of the Civil Rights Act of 1964, as amended, as it applies to FTA sub-recipients, through the prescription of requirements and procedures which, if followed, will ensure that no person in the United States shall, on the grounds of race, color, creed 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 from the Federal Transit Administration.

All programs administered by Federal Transit Administration (FTA) are subject to Title VI of the Civil Rights Act of 1964, as amended, and the implementing regulations issued by the Department of Justice (DOJ) (28CFR Part 42, Subpart F) and the Department of Transportation (DOT) (49 CFR Part 21). This includes the assistance programs authorized by the UMT Act of 1964, as amended. Copies of these references are available upon request.

**NOTE: THE FIVE PARTS OF THIS INSTRUCTION PACKET WHEN FOLLOWED WILL ENABLE THE FTA SUB-RECIPIENT TO BE IN COMPLIANCE WITH THE CIVIL RIGHTS ACT OF 1964 TITLE VI PROGRAM.**

**PART 1** of this packet describes the general reporting requirements needed to build the Title VI report. This report is required under the DOJ regulation and must be submitted prior to the approval of any grant application. Sub-recipients should provide updated information as conditions warrant. Updates must at a minimum be provided every 3 years. Information previously submitted may be referenced in subsequent submissions, as appropriate.

**PART 2** Sub-recipients must have a monitoring program designed to track Title VI activities and requirements. Included is a list of needed items.

**PART 3** deals with procedures on how to handle discrimination complaints.

**PART 4** describes how UDOT will conduct compliance reviews.

**PART 5** is a set of accompanying appendices.

rev. 10-99

agreed



## **PART 1 LIST OF ITEMS FOR TITLE VI REPORT**

1. Name and address of agency submitting report.
2. Name and title of person compiling report.
3. Submission date of report.
4. List of any active lawsuits or complaints naming the sub-recipient which allege discrimination on the basis of race, color, or national origin with respect to service or other transit related benefits.
5. Should a complaint be filed, it should include:
  - Date the lawsuit or complaint was filed;
  - Summary of the allegation;
  - Status of the lawsuit or complaint, including whether the parties to a lawsuit have entered into a consent decree.

This information should be relevant to the organizational entity actually submitting the report, not necessarily the larger agency or department of which the entity is apart.
6. A description of all pending applications for financial assistance, and all financial assistance currently provided by other federal agencies. This information will be maintained and made available to UDOT upon request. Again, this information should be relevant to the organizational entity actually submitting the report, not necessarily the larger agency or department of which the entity is a part.
7. A summary of all civil rights compliance review activities conducted in the last 3 years. The summary should include:
  - Purpose or reason for the review;
  - Name of the agency or organization that performed the review;
  - Summary of finding and recommendations of the review;
  - Report on the status and/or disposition of such findings and recommendations.
8. A signed FTA Civil Rights Assurance that all records and other information required under FTA circular #C 4702.1 Appendix A, (see part 5) have been or will be compiled, as appropriate, and maintained by the sub-recipient.
9. A signed standard DOT Title VI Assurance. This assurance will be maintained as part of the FTA "One-Time Submission" file to be found in Appendix B. (see part 5)

10. For construction projects, a fixed-facility impact analysis to assess the effects on minority communities. If this information has been prepared as a result of an environmental assessment or environmental impact statement, the sub-recipient should reference the relevant information by document, page number and date of submission to FTA. The analysis should include:
- A discussion of the potential impact on minority communities and minority-owned businesses during and after construction;
  - A discussion of all potential negative environmental impact, such as noise, air, or water pollution;
  - A detailed list of minority-owned businesses and households that will be affected by the construction project;
  - A description of other significant changes or impacts on the minority community, such as increased traffic, reductions in the amount of available parking, etc.;
  - A description of the relocation program and/or other measures adopted by the sub-recipient that will be used to mitigate any identified adverse social, economic, or environmental effect of the proposed construction project.

**NOTE:** Again, this information should be relevant to the organizational entity contracting with UDOT and not necessarily the larger agency or department of which the entity is a part.

## **PART 2. LIST OF ITEMS FOR MONITORING PROCEDURES**

This section provides guidance to sub-recipients for their responsibilities in assuring FTA and UDOT that transit services and related benefits are provided on a nondiscriminatory manner consistent with Title VI. It also gives the sub-recipient the contents needed to have an ongoing monitoring program.

### **REQUIREMENTS FOR TRANSIT PROVIDERS**

1. Sub-recipients shall maintain subject records and other related information. Sub-recipients shall submit all requested Title VI reports, compliance reports, and other information as directed. This information may also be available to the public upon request.
2. Sub-recipient shall make available to participants, beneficiaries, and other interested parties information regarding the sub-recipients Title VI program. At a minimum, this shall include the display of posters which:
  - State that the sub-recipient operates programs subject to the nondiscrimination requirements under Title VI; (see Attachment for Statement of Rights, Appendix D, use as applicable)
  - Explain the availability of Title VI information
  - Brief explanation on how to file a Title VI complaint

3. Where a significant number or portion of the population eligible to be served needs service or information in a language other than English to participate in FTA assisted programs, the sub-recipient shall take every reasonable step to provide the information in appropriate languages.
4. Any and all deeds, licenses, leases, permits, or similar instruments entered into by the sub-recipient shall include specific language and clauses as outlined in FTA Circular #C 4702.1, Appendix C (See part 5).

### **PART 3. TITLE VI DISCRIMINATION COMPLAINTS**

Any person who believes that he or she, individually, or as a member of any specific class of persons, has been subjected to discrimination on the basis of race, color, or national origin with respect to service or other transit related benefits may file a written complaint with FTA or the Secretary of Transportation. A complaint must be filed within 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary.

UDOT recommends that all Title VI complaints be resolved at the local level whenever possible. It is also recommended that the sub-recipients have in place a policy, procedure, and a Board to handle complaints.

Complaints filed must include the following information:

- All complaints must be in writing and signed and dated by the complainant or his/her representative before action can be taken.
- Complaints shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination.

For those complainants who are not satisfied with the outcome on the local level, the complaint can be submitted to FTA or the Secretary of Transportation.

**NOTE:** In cases where the complainant is unable or incapable of providing a written statement, but wishes FTA or DOT to investigate alleged discrimination, a verbal complaint of discrimination may be made to the FTA Director, Office of Civil Rights. If necessary, the Civil Rights official will assist the person in converting the verbal complaint into writing. All complaints must, however, be signed by the complainant or his/her representative.

FTA Civil Rights Office Address: Federal Transit Administration, Region VIII  
Columbine Place  
216 16<sup>th</sup> Street Suite 650  
Denver, CO 80202  
ATTN: Civil Rights Officer  
Telephone: (303) 844-3242

#### **PART 4. UDOT MONITORING AND COMPLIANCE REVIEWS**

Compliance reviews will be periodically conducted by UDOT Transit Unit staff. Areas they will be reviewing are:

- Review files for descriptions of all pending applications for financial assistance and all financial assistance currently provided by other federal agencies.
- Inspection of all materials pertaining to implementation of Title VI and verification that all service standards are being implemented consistent with Title VI program
- Review any and all Title VI complaints and their outcomes. Make comments and advise sub-recipient of any needed follow-up action.
- Inquire about any problems involving service delivery to the minority community and their possible solution.
- Review other information necessary for compliance with Title VI program.

Upon conclusion of review, UDOT will issue a compliance report. This report will contain the sub-recipient's state of compliance, including recommendations and corrective actions regarding the Title VI program. Failure to submit requested information may delay consideration of any pending grant or grant application.

#### **PART 5 APPENDICES.**

For copies of all appendices, call Glenda Seelos at UDOT. Telephone number (801) 965-4141.

# Title VI Monitoring & Review Process



- Program Specific Monitoring
  - Construction
  - Design
  - Right-of-Way
  - Planning
  - Environmental
  
- SubRecipient Monitoring
  - Planning Agencies
  - Transit Agencies
  - Airports
  - Grantees





<p>2007 Annual Title VI Reporting Requirements for Rural and Urban Public Transit Providers</p>
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**The following transit providers submitted an annual Title VI report for the 2007 reporting period:**

Urban Systems	Report Submitted	Rural Systems	Report Submitted
Bristol Tennessee Transit System	3/21/07	East Tennessee Human Resource Agency	6/18/07
Chattanooga Area Regional Transportation Authority	5/18/07	First Tennessee Human Resource Agency	4/5/07
Clarksville Transit System	9/28/07	Hancock County Rural Transportation	3/26/07
Cleveland Urban Area Transit	3/21/07	Delta Human Resource Agency	3/21/07
Franklin Transit System	9/28/07	Mid-Cumberland Human Resource Agency	3/22/07
Jackson Transit System	5/1/07	Northwest Tennessee Human Resource Agency	4/2/07
Johnson City Transit System	3/21/07	South Central Tennessee Human Resource Agency	3/28/07
Gatlinburg Mass Transit System	5/16/07	Southeast Tennessee Human Resource Agency	4/25/07
Kingsport Area Transit System	3/24/07	Southwest Human Resource Agency	3/30/07
Knoxville Transportation Authority	5/7/07	Upper Cumberland Human Resource Agency	3/23/07
Memphis Area Transit Authority	5/31/07		
Morristown Transit Systems	3/21/07		
Murfreesboro Transit System			
Nashville Metropolitan Transit Authority	6/4/07		
Oak Ridge Transit System	9/28/07		
Pigeon Forge Fun Time Trolleys	9/28/07		

### General Reporting Requirements

Agency Name: \_\_\_\_\_

Title VI Coordinator: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email Address: \_\_\_\_\_

1. Has the Title VI Coordinator attended a Title VI orientation? Yes \_\_\_\_\_ No \_\_\_\_\_ Date \_\_\_\_\_
2. Are current copies of the Title VI of the Civil Rights Act of 1964 available and accessible to your unit?  
Yes \_\_\_\_\_ No \_\_\_\_\_

**Title VI Training Information**

**All Title VI Coordinators must attend a TDOT Title VI Training session**

1. Has the Title VI Coordinator attended a Title VI orientation? Yes  No   
If so, when? \_\_\_\_\_

If not, please contact the TDOT Title VI Program or check on our website for available training dates or register online by visiting the website at <http://www.tdot.state.tn.us/civil-rights/titlevi>.

2. What additional training, beyond the training offered to all employees, has the Title VI Coordinator received?
3. Are new employees trained on Title VI before beginning service? Yes  No   
If yes, how (Orientation, Newsletter, Brochures/Posters, etc.)?
4. Are current copies of the Title VI of the Civil Rights Act of 1964 available and accessible to your unit?: Yes  No

**Record Keeping**

Please respond to the following questions:  
(Please check one)

- |   | Yes                      | No                       |
|---|--------------------------|--------------------------|
| a. Are Title VI Posters displayed in areas where services are provided?                           | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Are posters or program brochures available in languages other than English, as needed?         | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Is information about Title VI disseminated to your contractees, sub-contractors?<br>how? _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Are the Title VI rules and regulations included in your planning, scheduling, contracts, etc.? | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Does your division/office have an appointed or non-appointed board:                            | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Are your contracts monitored for non-discrimination?<br>how? _____                             | <input type="checkbox"/> | <input type="checkbox"/> |

**Planning Boards or Commissions**

- Does your agency have an appointed or non-appointed board? Yes  no
- Number of minorities serving on your Commissions or Advisory board: \_\_\_\_\_
- Racial Demographics of Board Members and Gender {Number of}
- |                       |                         |
|-----------------------|-------------------------|
| African-American Male | African-American Female |
| Caucasian Male        | Caucasian Female        |

Hispanic Male  
 Native American Male  
 Other Male {Specify}

Hispanic Female  
 Native American Female  
 Other Female {Specify}

### **Complaints and/or Lawsuits**

1. List of all active lawsuits and/or complaints against recipient containing the date of filing, summary of allegation(s), and pending status.
2. Description of pending applications for state assistance and assistance currently being provided from other state agencies.
3. Summary of any civil rights reviews conducted within the last year, that includes the purpose for the review, name of the agency or organization performing the review, findings and recommendations and status and/or disposition of finds and recommendations.

### **Assurances**

4. Signed standard DOT Title VI Assurances, including those with **TDOT, FHWA** and **FTA**.

### **Projects**

5. If a construction project is presently proposed or to be completed within the last year, a fixed-facility analysis summarizing the effect on minority communities that includes:
  - The potential impact on minority communities and businesses during and after construction
  - The potential negative environmental impact
  - Detailed list of minority owned businesses and households to be affected
  - Any significant changes or impacts on minority communities and
  - Description of measures adopted to mitigate any identified adverse social, economic, or environmental effects.

### **Program Specific Requirements:**

**(For Public Transit Providers with population areas over 200,000 to be updated and submitted annually.)**

1. Demographic statistics and locations showing race, sex, age, and disability of total population served.
2. Service Standards and Policies – Information on the system-wide service policies and standards used by the local transit system describing the service considerations covered by Title VI.
3. Assessment of Compliance – Statement of the procedures and guidelines your transit system will use for monitoring compliance with Title VI, including answers to the following questions:
  - a) How often will assessments occur?
  - b) What actions will be taken to correct possible areas of noncompliance discovered during assessment?



- c) Describe procedures to be used in developing and maintaining local standards for compliance with Title VI.
- d) Identify internal guidelines for making determinations of compliance with Title VI as part of the local decision-making process and continuing project management and contract administration responsibilities.
- e) If system-wide service occurring or pending within the last year or improvements are proposed at the planning or programming stages within the last year, identify the overall benefits and cost of such changes or improvements and describe how the overall benefits and cost will be distributed equally or in a nondiscriminatory manner.
- f) Conduct and describe a compliance assessment using the following methodology:

Level of Service Methodology – minority communities are identified by census tracts or traffic analysis zones. Services to be measured in terms of the service policies and standards adopted by the recipient, such as vehicle load, vehicle assignment, head-ways, transit amenities, transit access, etc. by the following process.

Select an appropriate sample size. At a minimum, the sample must include each tract or zone that has a minority population (minority census tract) that is equal to or above the total percentage of all minorities within the service area should be monitored.

- Inventory the transit service provided in the selected sample areas.
- Assess the performance of each route operation within the selected areas for each of the grantee's service standards and policies.
- Compare the transit service provided to minority areas to the recipient's service policies and standards, and review and take action in all cases in which the service to minority areas does not meet the standards of the grantees.
- Compare the average performance for each route in the transit system to the grantee's service policies and standards, and take action on the observed differences.
- The report does not address (f) and states, "service is not based on demographics, it is based on performance."

#### 4. Other Title VI considerations:

- (a) Information dissemination: provide a description of the methods, specifically describing methods that have been most effective in informing the public, including minority communities of service changes, etc., that affect service and improvement. Include description of how the effectiveness of these methods are measured.
- (b) Minority and female representation on decision-making bodies: provide a race and gender breakdown of transit-relayed non-elected boards, advisory councils or committees and efforts made to encourage minority participation on such boards, councils and committees.
- (c) Multilingual facilities: provide a description of the extent to which bilingual persons and/or materials are or will be used to assist non-English speaking persons desiring use of the transit system.
- (d) Complaint procedure: provide a complete description of the complaint procedure that includes the contact person for complaints and any settlement procedure.

The report addresses all of question 4, including the breakdown of the board and an attachment of the complaint procedures.

Maryland's  
10 ATP forms  
printed 10/31/08

### CIVIL RIGHTS INFORMATION

As a condition of receipt of funding from Section 5307 and 5311 of the Federal Transit Act, information is needed from you on the implementation of Title VI, Civil Rights. You must submit the following as part of your application.

1. **Lawsuits or Complaints**

Attach to this certification a list of any active lawsuits or complaints naming your agency which allege discrimination on the basis of race, color, or national origin with respect to service or other transit benefits. The list should include; the date the lawsuit or complaint was filed, a summary of the allegation, the status of the lawsuit or complaint, including whether the parties to a lawsuit have entered into a consent decree.

\_\_\_\_\_ Check here if no such lawsuits or complaints have occurred within the past year, a statement to this effect must be submitted.

2. **Federal Financial Assistance**

Attach a description of all pending applications for financial assistance, and all financial assistance currently provided by other Federal agencies.

3. **Civil Rights Compliance Reviews**

Attach a summary of all civil rights compliance review activities conducted in the last three years. The summary should include; the purpose or reason for the review, the name of the agency or organization that performed the review, a summary of the findings and recommendations of the review, a report on the status and/or disposition of such findings and recommendations.

\_\_\_\_\_ Check here if a summary of all civil rights compliance review activities is not needed.

This review would be included as part of your A-128 or A-133 Single Audit or Triennial Review or conducted by the U.S. Office of Civil Rights, Federal Transit Administration.

\_\_\_\_\_  
(Signature of authorized official & date)

\_\_\_\_\_  
(Print authorized official's name)

\_\_\_\_\_  
(applicant's title)

Annual Transportation Plan for Fiscal Year 2010

Jurisdiction/Program: 0  
 Legal Applicant: 0

**Form 1a: EEO and DBE PLANS**

Do you employ 50 or more transit-related employees (including temporary, full-time or part-time employees either directly employed and/or through contractors)?  YES  NO

How much State/Federal funding did you receive in FY 09? \$0

Is the amount of State/Federal funds received in FY 09 more than \$1 million in capital or operating assistance or in excess of \$250,000 in planning assistance the previous federal fiscal year?  YES  NO

If "Yes" to both questions, attach EEO plan.  PLAN ATTACHED  
 If your organization does not have an FTA approved EEO plan, please contact your Regional Planner.  PLAN NOT ATTACHED

MTA Use Only Statewide Planning Division	
Reviewed By: _____ Name	_____ Date

The State and any subrecipients that receive funds from FTA for planning, capital, or operating assistance in excess of \$250,000 to award in prime contracts, exclusive of funds for transit vehicle purchases, in a given Federal fiscal year must prepare a DBE program.

Is the amount of State/Federal funds received in FY 09 for planning, capital, or operating assistance more than \$250,000?  YES  NO

If "Yes", please attach FTA approved DBE program.  PLAN ATTACHED  
 If your organization does not have an FTA approved DBE plan, please contact your regional planner.  PLAN NOT ATTACHED

If your project received <\$250,000, do you have an MTA approved plan?

If "No", when do you anticipate submitting a plan for MTA approval? \_\_\_\_\_

Do you have a purchase of service agreement with a private operator?  YES  NO

If "Yes", please attach the contractor's EEO Plan AND their MBE Plan.  EEO PLAN ATTACHED  
 PLAN NOT ATTACHED  
 DBE PLAN ATTACHED  
 PLAN NOT ATTACHED

MTA Use Only Statewide Planning Division	
Reviewed By: _____ Name	_____ Date



## METROPOLITAN PLANNING ORGANIZATION TITLE VI ANNUAL REPORTING REQUIREMENTS

**The following Metropolitan Planning Organizations submitted an annual report for the 2007 reporting period:**

	Report Submitted		Report Submitted
Bristol Metropolitan Planning Organization	4/18/07	Kingsport Transportation Planning Organization	5/01/07
Chattanooga-Hamilton County Metropolitan Planning Organization	5/10/07	Knoxville Metropolitan Planning Organization	5/11/07
Clarksville-Montgomery County Metropolitan Planning Organization	5/28/07	Lakeway (Morristown) Metropolitan Planning Organization	4/11/07
Cleveland Metropolitan Planning Organization	4/30/07	Memphis-Shelby County Metropolitan Planning Organization	4/30/07
Jackson Metropolitan Planning Organization	5/01/07	Nashville Metropolitan Planning Organization	4/30/07
Johnson City Metropolitan Planning Organization	4/12/07		

### General Reporting Requirements

**Organization - 42 USC 2000et seq.; 49CFR Part 21; 28CFR Part 42, subpart F, Executive Order 12898.**

- a. Executive Order 12898 on Environmental Justice and Title VI, suggests that planning commissions, boards, councils and/or advisory bodies reflect the racial/ethnic composition of the community affected by their programs. Please describe how the MPO has accomplished this on all levels of its various committees and subcommittees.
- b. Provide a racial breakdown for all MPO staff, transportation related non-elected boards, advisory councils or committees by race and gender.

**Documentation - 23 USC 109(h); Executive Order 12898; 49 CFR Part 21; Title VI.**

- a. Does the MPO have an Equal Employment Opportunity/Affirmative Action (EEO/AA) plan?
- b. Who has been designated as the Title VI Coordinator? Does the Title VI Coordinator have direct contact with the head of your department? (23 CFR 200.9(a)(1))
- c. Have there been any special studies of minority or low income communities conducted in the past five years? What type studies? Purpose?
- d. Is there evidence of adherence to a requirement in contracts and allocation of funds to sub-recipients prohibiting discrimination? How so? Does the MPO use Title VI assurances in advertisements for contracts? Does the MPO use a non-discrimination policy statement? Does the MPO use a non-discrimination policy clause? (23 CFR 200.9(a)(1)) Please supply supporting documentation.
- e. List all active civil rights lawsuits and/or complaints (including, but not limited to, actions brought pursuant to Title VI and Title VII) against recipient containing the date of filing; summary of allegation(s); and pending status.
- f. List of funding sources to the MPO and how this funding is allocated within the MPO area.
- g. List of funding sources and any applications (pending and/or approved) for enhancement projects.
- h. Summary of all civil rights activities for the last year that includes the purpose of any reviews; name of agency or organization performing review; any findings and recommendations; and status of and/or disposition of findings and recommendations.

- i. Provide a written description of the planning process responsive to the requirements of Title VI discussing how project selection and/or criteria for the Unified Planning Work Program (UPWP), Long Range Transportation Plan (LRTP) and Transportation Improvement Program (TIP) will be accomplished in a nondiscriminatory manner.
- j. For transportation enhancement, congestion and air quality projects, please provide an analysis assessing any effects on minority communities that include:
  - The potential impact on minority communities and businesses during and after project;
  - The potential environmental impact;
  - Detailed list of minority owned businesses and households to be effected;
  - Any significant changes or impacts on minority communities; and
  - Description of how this/these projects will mitigate any identified adverse social, economic, or environmental effects.

**Note:** If report(s) on the above-described projects have been conducted or are in the possession of TDOT personnel, provide the name, date and project termini date of each such project.

**Public Involvement – 42 USC 2000d et seq.; 49 CFR Part 21; 28 CFR Part 42, Subpart F, Executive Order 12898**

- a. Please describe the effectiveness of your public involvement process as well as any strategies to ensure low income and minority populations full participation in your planning process.
- b. Describe how minority media sources are appropriately included in all notification processes for public meetings or public review of agency documents.
- c. Describe how minority groups, leaders, or organizations are utilized in the planning process.
- d. Describe how meeting locations and formats encourage or facilitate participation by minorities and other traditionally under-served populations.
- e. Discuss the types of complaints and concerns received from the public and the MPO's responses or the extent to which these matters were addressed by the MPO in specific plans or activities.
- f. What are the MPO procedures for processing and responding to complaints and concerns from the public? (23 CFR 200.0(a))

**Contracting Opportunities – 42 USC 2000d et seq.; 49 CFR Part 21.5(b)(2) & (3); 28 CFR Part 42, Subpart F**

- a. Discuss primary or subcontracting opportunities for planning studies, corridor studies, or other work which have been provided to minorities and women owned firms in the last twelve months.

Please include documentation for the following information:

- \_\_\_\_\_ The number and nature of consultant contracts used by the MPO.
- \_\_\_\_\_ The number of minority and female consultants used by the MPO, including the nature of the work, type and description of projects, and locations.
- \_\_\_\_\_ Outreach methods used by the MPO to attract minority and female consultants.

- b. Please discuss any problems, complaints, or concerns by minority and female consultants.

**Program Specific Requirements**

**Community Impact Assessment – 23 USC 109(h) lists the types of adverse social and economic impacts that must be investigated and documented.**

- a. Describe how community value issues, social issues, neighborhood issues, environmental justice and civil rights issues are normally addressed by the MPO.

- b. Describe how the MPO evaluates the potential social, economic and environmental effects of their proposed plans and programs on a community.

**Service Equity – Executive Order 12898 Cumulative Impacts; 42 USC 2000d et seq.; 49 CFR Part 21; 28 CFR Part 42, Subpart F.** In the context of land use planning, cumulative impacts of the benefits and burdens (regional plan level), please address the following:

- a. Discuss to what extent the MPO coordinates with citizens and community-based agencies, groups and/or organizations in defining communities within the MPO's geographic area of responsibility in assessing potential benefits and impacts of transportation system investments, particularly related to minority populations and other traditionally under utilized populations.
- b. Discuss examples of planning related tools/methodology or programs sensitive to Title VI, EJ, and/or ADA adherence (a special, or unique effort and/or involvement where a protected class receives benefits)
  - Handicap ridership/transit needs
  - Impacts of reverse commute on protected groups
  - Welfare to work initiatives
  - Inter-city vs. suburban development impacts