

**Federal Highway Administration**  
**Title VI Nondiscrimination Program:**  
Certification Acceptance  
Implementation Plan & Goals and  
Accomplishments Report

Presentation by ADOT Civil Rights Office  
July 11, 2018

# Agenda

- Welcome 8:30 AM – 8:45 AM
- FHWA Title VI Program Overview 8:45 AM – 9:45 AM
- Break 9:45 AM – 10:00 AM
- Program Area Reviews (Activity) 10:00 AM – 12:00 PM
  - Analysis of Data Collection
- Break 11:00AM – 11:10AM
  - Mock Internal Program Area Review
- Questions/Closing Remarks 12:00 PM – 12:30 PM

# Title VI Plan – Procedures

- The Agency submits the Plan to **ADOT** for review and acceptance
- Once accepted, ADOT sends an **acceptance letter, signed by the Civil Rights Compliance Manager**

# Title VI Plan – Procedures

- **23 CFR §200.9(b)(11)**: States “shall **annually** submit an **updated** Title VI implementing plan to the Regional Federal Highway Administrator for **approval** or **disapproval**.”
- The Plan represents policies and procedures for implementation in the **next Federal Fiscal Year**.
  - **Example**: A Plan submitted on **October 1, 2018** is a **Federal Fiscal Year 2019** Plan.
- **Certification Acceptance** – August 1, 2018, State Fiscal Year 2019 Plan (July 1-June 30)

# Title VI Plan – Elements

- 1. Policy Statement**
- 2. Standard USDOT Title VI Assurances**
- 3. Organization & Staffing**
- 4. Program Area Review Procedures**
- 5. Special Emphasis Program Areas**
- 6. Sub-recipient Review Procedures**
- 7. Data Collection**
- 8. Training**
- 9. Complaint Procedures**
- 10. Dissemination of Title VI Information**
- 11. Limited English Proficiency**
- 12. Environmental Justice**
- 13. Review the Agency's Directives**
- 14. Compliance & Enforcement Procedures**

# 1. Policy Statement

- An **express commitment** to the Title VI Program
- Specific **programs and activities** covered by the Title VI Program
- The **Agency Title VI Program Coordinator**
- A **delegation of authority and responsibilities** to appropriate Bureau/Division Managers
- The Policy should be **signed by the Chief Executive Officer** and **circulated** throughout the organization and made available to the public

## 2. Signed Assurances

- Attach the latest USDOT Assurances, including Appendices—signed by head of Agency (head of the operating administration)
  - Attach Appendix [A](#) and [E](#) to all contracts that are federally funded
  - Attach Appendix [B](#), [C](#), & [D](#) to contracts that correspond

### 3. Organization & Staffing of Civil Rights Unit

- Include a description of the relationship between the **Title VI Coordinator and the head of the Agency**
- A **description of the Title VI Coordinator's Unit** along with an organizational chart
- Outline the **roles and responsibilities** of the Title VI Coordinator, Title VI Specialist/Manager & staff

# 4. Program Area Review Procedures

- **Describe** pertinent **program areas** and the Title VI **responsibilities** of each program area and the process for conducting **yearly reviews**. The process should define:
  - The **types** of reviews and their objectives,
  - What **activities** will be reviewed for the program,
  - What **data** will be sought from the program area(s),
  - How the **data obtained** will be analyzed, and
  - How will the review determine **effectiveness**.

# 5. Special Emphasis Program Areas



*They're all Special!*

- Definition – A Program Area in which the Agency has identified a **trend** or **pattern of Discrimination** during a review of the Program Area. Once a special emphasis program has been identified:
  - Track the progress made
  - Report on progress in the Annual Report
- This section of the Plan should also:
  - Describe the process the Agency uses to identify their special emphasis program areas
  - How they address identified trends or patterns of discrimination in those areas

# 5. Special Emphasis Program Areas



- *What are some Program Areas in your Agency that have high interaction with the Public?*

*They're all Special!*

## 6. Sub-recipient Review Procedures

- Describe the process for conducting reviews of the sub-recipients. The process should define:
  - A **schedule** or **amount** of reviews anticipated per year,
  - The **types** of reviews and their objectives,
  - Where and when the **outcome** of the reviews will be reported,
  - What **activities** will be reviewed, and
  - How will the review determine **effectiveness**.

# 7. Data Collection



- Develop a process for collecting data that should describe:
  - How the Agency collects data,
  - What data is collected, and
  - How the data is analyzed.
- The Agency must collect Title VI Program-related data on an on-going basis.
  - The data collected needs to be directly related to the specific processes in a Program Area.
- For example: Right-of-Way collects data on race and sex of relocations of property owners. This data should be analyzed for disparate impact.

# 7. Data Collection

Demographic Data Collected	Program Area/Activity
Race and sex of all bidders	Public Meetings
Race and sex of all attendees (Self-ID Surveys)	Maintenance
Race and sex of people whose property has been acquired	Procurement (Purchasing)
Mapped areas of maintenance work	Right-of-Way (Real Estate)

## 7. Data Collection

*What additional Title VI (race, sex) data can be collected from internal Program Areas?*



## 8. Title VI Training

- Describe **how** and **when** members of the following will be **trained** on Title VI Program requirements and responsibilities:
  - Agency's Civil Rights **staff**,
  - Title VI **liaisons**, and
  - Other **employees** within the agency.
- Include procedures as to **how** and **when** training will be conducted for **subrecipients** and **stakeholders**



## 8. Title VI Training

- *What are some ways your Agency provides Title VI training to your staff? Consultants, contractors?*
  - *New hire orientation*
  - *Manager training*
  - *Quarterly liaison meetings*



# 9. Complaint Procedures

- Describe the Agency's procedures for prompt processing, investigation, and resolution of Title VI Program complaints (race, color, and national origin) received by the Agency.
- Procedures must include:
  - A description of the complaint process identifying how and where a complaint would be filed, with which department or person, and all applicable timeframes.
  - A statement that investigations will be conducted by personnel trained in compliance investigations.
  - A description of the process by which the Agency will track the complaints and keep the required data for each complaint received.
  - Title VI complaints related to an FHWA funded program or activity received by the Agency, must immediately be forwarded to ADOT Civil Rights Office.

# 9. Complaint Procedures

FHWA Title VI Complaint Against:	Jurisdiction
Agency	ADOT/FHWA
Subrecipient, Contractor, or Consultant	Your Agency

- Agency
  - All FHWA Title VI complaints against the Agency should be referred to ADOT CRO within 72 hours of receipt.
- Subrecipients
  - Once a complaint has been accepted by the Agency, ADOT CRO should be notified.
  - The Agency will forward a copy of the FHWA Title VI complaint preliminary findings to ADOT CRO within 60 days for concurrence.

# 10. Disseminate Title VI Information



- What are ways in which your Agency disseminates Title VI information with the Public?
  - Notice to the Public
  - FHWA Title VI Nondiscrimination brochures
  - FHWA Title VI Nondiscrimination Implementation Plan posted on website

# 10. Disseminate Title VI Information



- Describe your processes and procedures to:
  1. elicit and solicit public participation and involvement
  2. educate the public of their Title VI program rights and
  3. obligations in the Transportation decision-making process
- Include the **tools, techniques, and strategies** to involve and educate public including Limited English Proficient populations

# 11. Limited English Proficiency (LEP)

- Describe how the Agency reaches populations with Limited English Proficiency (LEP), by including processes for:
  1. Identifying LEP Individuals Who Need Language Assistance
  2. Language Assistance Measures
  3. Training Staff
  4. Providing Notice to LEP Persons
  5. Monitoring and Updating the LEP Plan

# 11. Limited English Proficiency (LEP)

- *What are some ways your Agency identifies their LEP population?*
  - *School districts*
  - *Community organizations*
  - *Previous requests*
  - *Census data (Table B16001)*

# Four Factor Analysis

1. **Demography** – Number or Proportion of LEP Persons Served or Encountered in the Eligible Service Population
2. **Frequency** - Frequency With Which LEP Individuals Come in Contact With the Program
3. **Importance** - Nature and Importance of the Program, Activity, or Service Provided by the Program
4. **Resources** – Resources Available to the Recipient and Costs

# 12. Environmental Justice (EJ)

- *What is Environmental Justice?*
  - *Environmental Justice (EJ) at the Federal Highway Administration (FHWA) means identifying and addressing disproportionately high and adverse effects of the agency's programs, policies, and activities on **minority populations** and **low-income populations** to achieve an **equitable distribution of benefits and burdens**.*

# 12. Environmental Justice (EJ)

- Describe the process of **how** EJ is integrated into **each** program area.
  - How does Agency collect minority (race) and low-income population data?
    - Current sources? Potential sources?
    - Describe how the affected program area is using the minority (race) and low-income data to further evaluate impacts to these populations according to the EJ Executive Order and available Federal guidance (i.e., identify disproportionate and highly adverse impacts, conduct a benefits and burdens analysis, etc.)
  - Describe how each program integrates EJ into Public Participation

# 13. Review of Agency Directives

- Agency must describe the process of reviewing directives for potential Title VI implications.
  - Agency's should periodically review their local directives
- Agency must also describe process for reconciling issues if directives have Title VI implications.
  - If it is determined to have Title VI implications, then the Agency needs to interpret how the Local Government Directive impacts each program area from a Title VI perspective.



# 14. Compliance and Enforcement Procedures

- How are trends/patterns of discrimination:
  - Identified
  - Eliminated
- How are compliance reviews of sub-recipients:
  - Conducted
  - Determined compliant
  - Enforced



# Other Optional Elements

- Introduction; Overview; or Background
- Glossary of definitions
- Nondiscrimination Authorities & Resources
- State Laws and other mandates applicable to the Federal-aid Program and Title VI program Implementation

# Implementation Plan Wrap-Up

- Plan should have the submittal date (August 1<sup>st</sup>) on it
- Post ADOT CRO approved FHWA Title VI Nondiscrimination Plan on your Agency's public website
- ADOT may "conditionally approve" Plan with changes to be made in upcoming year
- Agencies will should submit a Plan every year, updating Title VI Assurances and Policy Statement signed by the head of the Agency
- Plan should contain the Agency Title VI processes and NOT updates and accomplishments

# Goals and Accomplishments – Procedures

- **23 CFR §200.9(b)(10)**: States “prepare a yearly report of Title VI **accomplishments** for the past year and **goals** for the next year.”
- FHWA advises **against** combining the Implementation Plan with the Report.

# Accomplishments should include:

1. **Program Area Reviews** - Number of reviews, results, and actions taken
2. **Subrecipient Reviews (contract compliance)** - Number of reviews, results, and actions taken
3. **Training** - Number of trainings, topics covered, audience, number of attendees, and follow up (if any)
4. **Title VI Complaints** - Summary for each complaint, disposition, and current status

# Goals should include:

5. Number of reviews planned for the next year
  - Program Area Reviews
  - Sub-recipient Reviews (Contract Compliance)
6. Number and description of sessions planned for FHWA Title VI training
  - Internal (to Agency staff)
  - External (has the Title VI Coordinator attended any trainings)
7. Any other Title VI related goals the Agency anticipates for the upcoming year

# Questions



# CONTACT US

LUCY SCHRADER  
EXTERNAL CIVIL RIGHTS PROGRAM ADMINISTRATOR

FELICIA BELTRAN  
CIVIL RIGHTS COMPLIANCE MANAGER

JOANNA LUCERO  
CIVIL RIGHTS SPECIALIST

602-712-8946  
CIVILRIGHTSOFFICE@AZDOT.GOV