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**.

23 CFR 200.9(b)(5),(6) & (13), 23 CFR 200.9(a)(4)
5. Special Emphasis Program Areas

• 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

They're all Special!
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

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

- **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.

<table>
<thead>
<tr>
<th>FHWA Title VI Complaint Against:</th>
<th>Jurisdiction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency</td>
<td>ADOT/FHWA</td>
</tr>
<tr>
<td>Subrecipient, Contractor, or Consultant</td>
<td>Your Agency</td>
</tr>
</tbody>
</table>
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\textsuperscript{st}) 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 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
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