

Civil Rights Office FHWA Title VI On-site Compliance Review Process *for Certification Acceptance (CA) Agencies*

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Agenda

- Regulations and authority
- ADOT CRO's FHWA Title VI On-site Compliance Review process
 - Elements reviewed during an Title VI On-site Compliance Review

ADOT CRO FHWA Title VI Certification Acceptance oversight

- ADOT Civil Rights Office (CRO) has a responsibility to ensure that all of ADOT's FHWA funded programs, services, and activities comply fully with the provisions of Title VI

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.”

Title VI - Compliance and Oversight

- Compliance Oversight
 - Implementation Plan
 - Goals and Accomplishments
 - **On-site Compliance Reviews**
 - **23 CFR § 200(b)7 requires the State to conduct reviews of planning agencies and other recipients of Federal-Aid Highway funds**
- Training/Technical Assistance
 - Technical Assistance
 - Training
- Complaints/Investigations



What is an On-site Compliance review?

- An in person review of the Title VI processes and procedures for the Agency
- Are the current processes working and being implemented as stated in the Implementation Plan
- Identify potential gaps in processes and procedures

True or False

An On-site Compliance Review is the only method ADOT CRO conducts Title VI compliance oversight.

False.

Title VI compliance oversight is also conducted through the Agency's Implementation Plan and Goals and Accomplishments reports.

High/Low Risk Assessment

- Based on a risk assessment, determine which Agency will be reviewed:
 - Complaints
 - Date of last on-site
 - Deficiencies in Title VI reports

Steps during the On-site Compliance Review

Action items for each On-site Compliance Review

1. Notification
2. Questionnaire
3. Agenda/Logistics Email
4. Personnel questions
5. Check-in call
6. Desk review (documents reviewed)
7. On-site visit
8. Compliance Review Report
9. Corrective Action Plan meeting
10. Corrective Action Plan
11. Deficiencies addressed
12. Compliance Letter



- Notification Letter
 - 35 days prior to the On-site Compliance Review
 - Questionnaire is sent

Questionnaire

- Supplement to the on-site visit
 - Assist the Agency in preparing their examples of Title VI compliance
 - Provides ADOT CRO examples of processes in effect

IV. Public Involvement (PI)

The STA is responsible for monitoring how a CA effectively implements Title VI/Nondiscrimination requirements. The following questions are meant to demonstrate how the agency's Public Involvement acknowledges Title VI/Nondiscrimination requirements. Additionally, the following responses should demonstrate how PI ensures that all Federal Programs interact with members of the Public in a Title VI/Nondiscrimination compliant manner. Cite examples.

Does your agency have a Public Involvement plan? Yes No

(If "yes" provide documentation)

Provide documentation describing efforts to identify and involve minority and low-income residents and communities within your service area in the decision making process:

Provide a description of the methods used to inform low-income and minority communities of planning efforts for transportation related services and/or improvements:



- Logistics Email
 - Meeting room requests
 - Documentation to have prepared
 - Public meeting dissemination efforts
 - Accessibility of Language Assistance services
 - Notice to the Public poster locations
 - Training & Complaint Logs
 - Data collection analysis
 - Program area review analysis
- Agenda/Personnel questions
- Check-in call



- Conduct Desk Review
 - Questionnaire
 - Agency website
 - Project information
 - Public meeting collateral
 - Title VI reports

Desk Review

Standard Operating Procedure (SOP)

All processes should include:

- Who will be conducting the process?
 - How will the Title VI Coordinator have oversight over this process?
- How will the process be conducted?
- When or how often will the process be conducted?
- What is the process?
- How is this process disseminated?
 - to the Public?
 - to Agency employees?

Desk Review

Website

- Title VI information dissemination
- Public meeting notices
- Accessibility in identified LEP languages

True or False

A complaint against an Agency can trigger an On-site Compliance Review being conducted.

True.

A Title VI complaint against an Agency, date of last on-site, and deficiencies identified on the Title VI reports are factored in the high/low risk assessment to determine the order of the Agencies reviewed.



- On-site Visit
 - Review the items on the Questionnaire
 - Review two (recent) FHWA funded contracts
 - Personnel interviews
 - State the deficiencies prior to concluding the on-site

During an on-site

- All elements regarding the Agency's FHWA Title VI program:
 - Organization and Staffing
 - Complaint Policy and Procedures
 - Dissemination of Title VI Information
 - Training
 - Public Participation/Environmental Justice (EJ), Executive Order 12898
 - How is Title VI compliance being incorporated for virtual public participation?
 - Limited English Proficiency (LEP) Policy and Procedures, Executive Order 13166
 - Data Collection and Analysis
 - Contract Language




- Compliance Report from CRO is completed within 30 days after an on-site visit
 - Findings
 - Deficiencies
 - Recommendations



- Corrective Action Plan meeting
 - schedule to discuss an action plan to address deficiencies
 - Provide technical assistance
- Corrective Action Plan
 - Due to ADOT CRO 45 days after Compliance Report was received
 - The Agency submits a formal action plan on how the deficiencies will be addressed

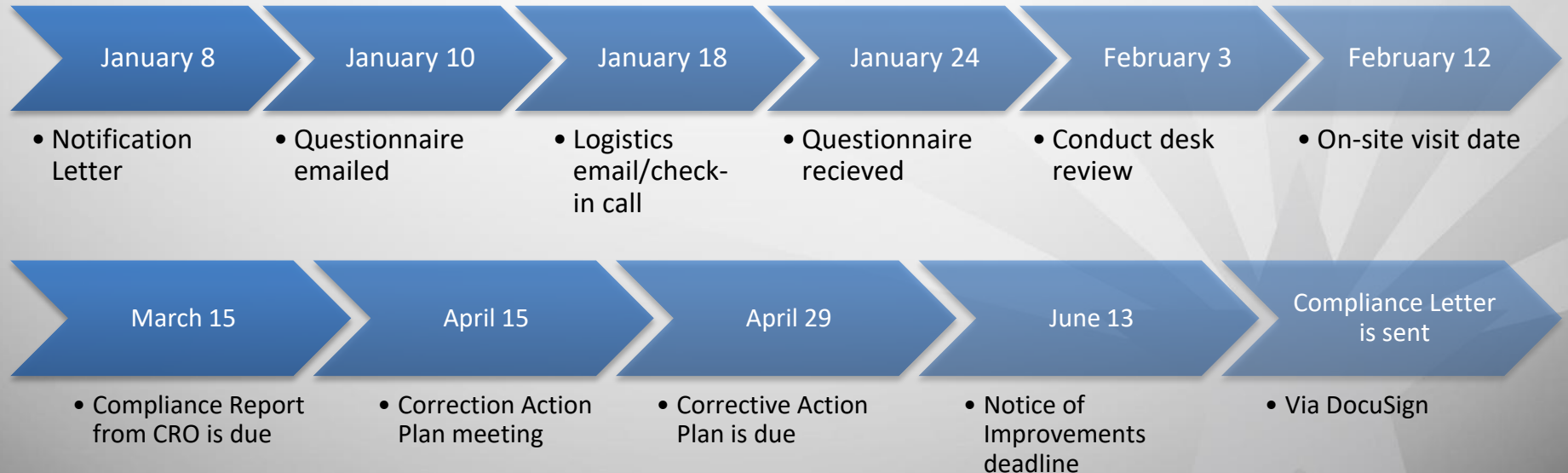
Corrective Action Plan

- Corrective Action (deficiency)
 - Responsible office
 - Activities to be conducted
 - Target Date
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- Deficiencies addressed
 - must be fully compliant on outstanding deficiencies, within 90 days of Compliance Report
 - If not compliant, ADOT will make a formal recommendation to the appropriate oversight division and/or federal authority
- Compliance Letter is sent once the deficiencies have been addressed

ADOT FHWA Title VI On-site Compliance Review Timeline



Post On-site Compliance review - *Next Steps*

- Implementation Plan updates
- Dissemination of updated Title VI processes
 - Training

True or False

An On-site Compliance review is limited to the elements on the Questionnaire.

False.

An ADOT CRO FHWA Title VI Compliance Review covers the Agency's FHWA Title VI program.

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