

North Dakota Department of Transportation
Title VI Pre-Authorization Checklist
April 15, 2011

Name of Subrecipient _____

Title VI Pre-Authorization Checklist:

All Subrecipients will be required to complete, sign, and return this checklist to the North Dakota Department of Transportation (NDDOT), _____ Division prior to project/program approval.

Compliance with these requirements is necessary to assure non-discrimination in Subrecipient transportation projects/programs.

- This checklist serves as a preview to the processes, procedures, policies, and documentation that must be in place prior to project authorization.
- This checklist covers a reporting period of the most recent July 1 to June 30 period.
- A “No” answer does not necessarily mean the Subrecipient is in “non-compliance,” but a written explanation must be provided for any ‘no’ or “N/A” responses.

A compliance or non-compliance determination will be made by the NDDOT after submittal of the checklist and the narrative explanation relative to “No” or “N/A” responses.

If the Subrecipient is selected to be audited, July 1 to June 30 will be the applicable time frame.

Copies of this information must be provided either in the annual compliance report or during a Title VI audit.

EMPLOYMENT

Yes No

- | | | |
|---|-------|-------|
| <p>1. Can the Subrecipient produce a current copy of the Annual EEO-4 Report on employees? If you employ 15 or more employees, you are required by Public Law 88-352, Title VII of the Civil Rights Act of 1964, http://www.eeoc.gov/employers/eo4survey/e4instruct.cfm to submit an annual EEO-4 Report on your employees. <i>(NOTE: People who are compensated for serving as members of commissions, councils, boards or committees are considered Subrecipient employees.)</i></p> | _____ | _____ |
| <p>2. Can the Subrecipient produce a list showing members of commissions, councils, boards or committees, by race and sex?</p> | _____ | _____ |
| <p>a. Does the list show if the members are appointed or elected?</p> | _____ | _____ |
| <p>b. Is equal opportunity considered when appointments are made?</p> | _____ | _____ |
| <p>3. Are recruiting opportunities for both vacancies and promotions documented?</p> | _____ | _____ |
| <p>a. Does the documentation include race and sex of the applicants?</p> | _____ | _____ |

- b. Does the documentation include race and sex of the persons hired or promoted? ___ ___
- c. Are recruitment efforts made to hire minority or female applicants? ___ ___
 - If yes, are these efforts documented? ___ ___
- d. Are vacancies advertised both internally and externally? ___ ___

TITLE VI PLAN, ASSURANCES, AND POLICY STATEMENT

Yes No

- 4. Does the **Subrecipient** have a Title VI Plan? ___ ___
 - a. Can the **Subrecipient** provide documentation demonstrating dissemination of the Title VI Plan both internally to employees and externally to the public? ___ ___
 - b. Does the **Subrecipient** have a Title VI Coordinator? ___ ___
 - c. Is the Title VI Coordinator’s name, address, phone number and email address posted both internally and externally? ___ ___
 - d. If appropriate, based on the demographics of the communities the **Subrecipient** serves, can the **Subrecipient** provide documentation demonstrating that the policy was disseminated in languages other than English? ___ ___
 - e. Is the Title VI Plan posted in any other language? ___ ___

LIMITED ENGLISH PROFICIENCY

Yes No

- 5. Does the **Subrecipient** have a Limited English Proficiency (LEP) plan? ___ ___
 - a. Using the most current data (US Census or North Dakota census data) can the **Subrecipient** provide the population demographics within their **service area**? ___ ___
 - Resources:
 - See www.lep.gov Click on “Resources” for numerous planning tools, specifically “Accessing and Using Language Data from the Census Bureau” and “Language Assistance Self-Assessment and Planning Tool for Recipients of Federal Financial Assistance”
 - See www.census.gov
 - See also www.dpi.state.nd.us Click on “Programs & Services,” then click on “**English Language Learner Programs**,” then click on “Title III Information,” then click on “List of English **Language** Learners by Regional Education Cooperatives” for Limited English Proficient statistics for youth.
 - b. Has the **Subrecipient** conducted any activities and/or studies that provide data relative to minority persons, neighborhoods, income levels, physical environment and travel habits within the **Subrecipient’s service area(s)**? ___ ___
 - If yes, can the **Subrecipient** provide documentation? ___ ___
 - c. Has anyone else conducted a study that covers the **Subrecipient’s**

service area(s)?

- If yes, can the **Subrecipient** provide documentation?

___ ___
___ ___

PUBLIC OUTREACH

Yes No

6. Can the **Subrecipient** provide documentation describing any public outreach activities related to activities conducted for federally funded transportation project(s)/programs undertaken during the reporting period? *(For example: public announcements and/or communications for meetings, hearings, and project notices directed by a **Subrecipient** representative?)*

___ ___

a. Were special language needs assessed?

___ ___

- If yes, can the **Subrecipient** provide documentation listing the special language needs assessment(s) conducted and examples of those assessment(s)?

___ ___

b. Were outreach efforts made to insure that minority, women, elderly, disabled low income, and Limited English Proficiency population groups were provided equal opportunity to participate in any outreach activities? *(For example: provided written materials in languages other than English, met with local social services agencies, or advertised in a minority publication.)*

___ ___

c. When special language services are requested, can the **Subrecipient** provide a list of these services to include: the service provided, date, number of persons served, and any other relevant information?

___ ___

d. Are demographics gathered from attendees at public meeting, hearing, etc?

___ ___

e. Can the **Subrecipient** provide documentation regarding the demographics gathered?

___ ___

f. Do public meeting ads, public notices, or posters have a contact person and number, for attendees to contact, when accommodations are needed?

___ ___

g. **Is an effort made to hold meetings in ADA compliant facilities?**

___ ___

h. **Are offices from which subrecipient services are provided ADA compliant?**

___ ___

CONTRACTS AND AGREEMENTS

Yes No

7. During the reporting period, were **all** federally funded transportation projects/**programs** bid through NDDOT bid process?

___ ___

- If yes, skip to Question 10.

8. Do contracts, let through the **Subrecipient** bidding process, contain the required Title VI statements similar to those bid through the NDDOT?

___ ___

a. Do contracts for consultant agreements for planning, design, engineering, environmental, research, maintenance, etc. contain the required Title VI

statements? _____ _____

b. Were Disadvantaged Business Enterprise firms notified of and afforded the opportunity to bid on the federally funded transportation related projects/**programs**? _____ _____

MONITORING AND COMPLIANCE

Yes **No**

9. Does the **Subrecipient** have monitoring and compliance procedures in place to monitor Title VI activities and responsibilities for their organization? _____ _____

a. Does the **Subrecipient**'s monitoring and compliance provide for the following: _____ _____

- Develop a program to conduct Title VI reviews of program areas.
 - List the **Subrecipient**'s program areas
 - Define the process to review the **Subrecipient** program areas.
 - State if the **Subrecipient** has training scheduled for **its** subrecipients.
 - Include if and how project or program area is monitored by **the Subrecipient**, weekly, monthly, or annually.
 - State if the **Subrecipient** has plans for bringing discriminatory programs into compliance within a specified time period.

b. Has the **Subrecipient** scheduled and conducted an annual Title VI review of its program areas to determine the effectiveness of program area activities at all levels? _____ _____

c. Does the **Subrecipient** have any subrecipients of federal aid highway funds? _____ _____

- If yes, does the **Subrecipient** have monitoring and compliance procedures in place to monitor Title VI activities and responsibilities of **its** subrecipients? _____ _____
- If yes, has the **Subrecipient** scheduled and conducted Title VI reviews of **its** subrecipients? (*For example: cities, counties, consultants, contractors, colleges, planning agencies, and other recipients of federal-aid highway funds*) _____ _____

AMERICANS WITH DISABILITIES (ADA)

Yes **No**

10. **Subrecipient**'s with 50 or more employees are required by Title VI to develop and implement an Americans with Disabilities Act (ADA) Transition Plan.

a. Does the **Subrecipient** have 50 or more employees? (*Note: Comments on Page 1, Employment, Question 1*) _____ _____

- If no, continue to Question 11.

b. Does the **Subrecipient** have an ADA transition plan? _____ _____

c. Can the **Subrecipient** summarize progress towards meeting the plan's schedule of ADA corrections by: number and type of corrections made; number of deficiencies reduced by percentage, etc.? _____ _____

- d. Does the **Subrecipient** have an ADA Coordinator for the next year? ___ ___
- e. Is the ADA plan and the name and contact information of the ADA Coordinator posted externally for the public? ___ ___
- f. Is there a process available so a member of the public can request an accommodation? ___ ___

TITLE VI COMPLAINTS

Yes No

- 11. Does the **Subrecipient** have a Title VI complaint form and procedure for filing a complaint? ___ ___
 - a. Can the **Subrecipient** describe how the complaint form and procedures are disseminated to employees and the public? ___ ___
 - b. Does the **Subrecipient** have a Title VI complaint log which lists and describes any Title VI related complaints as a result of transportation activities and Projects/**programs**? ___ ___
 - c. Does the Title VI complaint log contain information regarding: **Name and address of complainant, status of complainant (race, color, national origin, sex, age, disability/handicap, income status), nature of complaint, date filed, date investigation completed, recipient (processor of complaint), date of disposition, and disposition?** ___ ___

TRAINING

Yes No

- 12. Have **Subrecipient** employees received Title VI training? ___ ___
 - If no, is training planned within the next 3 months? ___ ___

ENVIRONMENTAL IMPACTS

Yes No

- 13. During the reporting period, was there a Project Concept Report (PCR), Environmental Assessment (EA), or Environmental Impact Statement (EIS) prepared for any federally funded transportation-related projects/**programs**? ___ ___
 - If no, skip to Question 14.
 - If yes, can the **Subrecipient** provide documentation? ___ ___
 - If yes, were there any potential impacts (positive or negative) to minority, women, elderly, disabled, low income and Limited English Proficiency (LEP) population identified? Impacts such as displacements, increased noise, bisecting neighborhoods.
 - Include information about, if applicable, projects that specifically benefit community cohesion such as: adding sidewalks, improving access to properties that improve access for low-income populations. ___ ___
 - If yes, did the **Subrecipient** document what those impacts were and how they were minimized or mitigated? ___ ___

RIGHT OF WAY

Yes No

14. During the reporting period, was right of way acquired for any federally funded transportation related project? _____ _____
- If no, skip to **signature blocks**.
 - If yes, answer the following questions concerning right of way acquired:
- a. Were there any minority, women, elderly, disabled, low income and Limited English Proficiency(LEP) population groups affected by the project(s)? _____ _____
- If yes, can the **Subrecipient** identify based on race, sex, national origin, etc.? _____ _____
- b. Were there any LEP issues addressed? _____ _____
- If yes, can the **Subrecipient** provide documentation as to how they were addressed? _____ _____
- c. Were outside appraisers used? _____ _____
- If yes, were any of the appraisers a minority or a woman? _____ _____
- d. Does the **Subrecipient's** documentation demonstrate how many negotiations were made during the reporting period? _____ _____
- If yes, does the documentation report the information by race and sex? _____ _____
- e. Were there any concerns raised by minorities or women concerning their options in the negotiation phase? _____ _____
- If yes, did the **Subrecipient** document what action was taken to correct those concerns? _____ _____
- f. If relocations occurred, did the **Subrecipient** list the number of relocations made during the reporting period – including businesses, land, and residents by minority status, sex, age, disability, income status, or LEP? _____ _____

Person(s) who submitted information for the checklist, please indicate by signing below. By signing below you are stating that the answers above are true and accurate.

 Name Title Date

 Name Title Date