

North Dakota Department of Transportation

Title VI and Nondiscrimination Program

prepared by

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

Bismarck, North Dakota
www.dot.nd.gov

DIRECTOR

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CIVIL RIGHTS

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submitted to

FEDERAL HIGHWAY ADMINISTRATION

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I. INTRODUCTION

The North Dakota Department of Transportation (NDDOT) is a recipient of federal financial assistance. Title VI of the Civil Rights Act of 1964 requires recipients to comply with various nondiscrimination laws and regulations. Title VI of the Civil Rights Act of 1964 bars discrimination against anyone in the United States because of race, color, or national origin by any agency receiving federal funds.

The broader application of nondiscrimination law is found in other statutes, regulations, and Executive Orders which are detailed in this Title VI and Nondiscrimination Program. The Federal-Aid Highway Act of 1973 added the requirement that there be no discrimination based on sex. Disability was added through Section 504 of the Rehabilitation Act of 1973, **and the Americans with Disabilities Act of 1990**. Age was subsequently added in 1975 under the Age Discrimination Act.

Additionally, the Civil Rights Restoration Act of 1987 defined “program” to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal financial assistance. Thus, subrecipients are required to comply with Title VI and related nondiscrimination laws and regulations.

Title VI was further defined in 1994, Executive Order 12898 – Environmental Justice (EJ), directed federal agencies to identify and address the effects of all programs, policies, and activities on “minority populations and low-income populations.”

In 2000, Executive Order 13166 – Limited English Proficiency (LEP), was also signed into effect requiring federal agencies to assess and address the needs of otherwise eligible limited English proficient persons seeking access to the programs and activities of recipients of federal financial assistance.

Title VI regulations are for the protection of the public in regard to NDDOT’s activities and effects. NDDOT is the primary recipient of federal financial assistance. Subrecipients may include contractors, subcontractors, suppliers, consultants, cities, local governments, or any other entity receiving funds directly from NDDOT.

NDDOT is required to protect the public interest by developing a Title VI and Nondiscrimination Program for their benefit. Title VI Assurances are the foundation of our commitment to nondiscrimination. This Title VI plan identifies the implementation, compliance, and enforcement policies and procedures NDDOT has developed to ensure compliance with Title VI at all levels.

Title VI and Nondiscrimination Authorities are listed in Exhibit K.

A. Title VI and Nondiscrimination Policy Statement

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
CIVIL RIGHTS DIVISION

Policy 1-1 Title VI

Original Date: July 11, 2011
Revised: May 23, 2013

TITLE VI AND NONDISCRIMINATION POLICY STATEMENT

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in all federally assisted programs. The Federal-aid Highway Act of 1973 (23 U.S.C. 324) added sex as a protected status in all Federal Highway Administration activities. Title VI was amended by the Civil Rights Restoration Act of 1987 (P.L. 100-259), effective March 22, 1988, which added Section 606, expanding the definition of the terms "programs or activities" to include all of the operations of an educational institution, government entity, or private employer that receives federal funds if any one operation receives federal funds.

The North Dakota Department of Transportation (NDDOT) is a state governmental entity. It is the policy of NDDOT to ensure compliance with Title VI of the Civil Rights Act of 1964 and all related statutes or regulations in all programs and activities.

I, as Director of the North Dakota Department of Transportation, am personally committed to and support taking all steps to ensure that no person or groups of persons shall, on the grounds of race, color, national origin, sex, age, disability/handicap, or income status*, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by NDDOT, its recipients, subrecipients, and contractors.

The NDDOT Civil Rights Division Director is appointed as the Title VI Liaison Officer and is granted the authority to administer and monitor the Title VI and Nondiscrimination Program as promulgated under Title VI of the Civil Rights Act of 1964 and any subsequent legislation. The Title VI Liaison Officer will provide assistance as needed.

Further, I delegate Title VI responsibilities to the Division Directors and District Engineers and charge them with the responsibilities to develop and implement procedures and guidelines to adequately monitor and administer their programs.

NDDOT recognizes the need for and provides Title VI training for NDDOT personnel.

Anyone who believes that he or she has been discriminated against should contact the NDDOT Title VI Liaison Officer at 701-328-2576. TTY users may call Relay North Dakota at 711 or 1-800-366-6888 (toll free).

*Title VI of the Civil Rights Act of 1964 governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.



Grant Levi, P.E., Director
North Dakota Department of Transportation

5/23/13
Date

II. ORGANIZATION, STAFFING, AND RESPONSIBILITIES

A. Director of Transportation

The Director of Transportation (Agency Director) is responsible for the overall implementation and administration of the Title VI Program for the North Dakota Department of Transportation (NDDOT). The Agency Director is responsible for the establishment of a Civil Rights Division, designation of a liaison officer, and providing adequate staffing to effectively implement the civil rights requirements. The Agency Director signs the FHWA Title VI Assurances ensuring compliance in all of NDDOT's programs, activities, and services. [See Exhibit A.](#)

B. Director of Operations

The Office of Operations Director reports directly to the Deputy Director of Engineering. The Director of the Office of Operations is responsible for the Civil Rights Division. [See Exhibit B.](#)

C. Civil Rights Division Director (Title VI Liaison Officer)

The Civil Rights Division (CRD) was established to ensure that NDDOT is in full compliance with the Civil Rights Act of 1964 and all related laws, regulations, directives, and executive orders in all its programs, services, and activities. The Civil Rights Division is staffed by a Civil Rights Division Director, three Civil Rights Program Administrators, and an Administrative Assistant. The CRD serves as the focal point for equal opportunity compliance by Divisions and Districts statewide.

The Civil Rights Division Director, acting as the Title VI Liaison Officer, provides the CRD with the administrative direction necessary to ensure that NDDOT policies and procedures relating to the Title VI Plan are implemented and that its established goals are appropriately attained.

As the chief civil rights administrator for NDDOT, the Civil Rights Division Director is responsible for the development, implementation, and administration of the following programs: Disadvantaged Business Enterprise (DBE), On-the-Job Training (OJT), DBE/On-the Job Training Supportive Services, Contractor Compliance, Labor Compliance, Title VII, and Title VI. [See Exhibit C.](#)

The Title VI Liaison Officer is charged with the responsibility for implementing, monitoring, and ensuring NDDOT's compliance with Title VI regulations, including:

1. Develop and coordinate the implementation of NDDOT's Title VI and Nondiscrimination Program. Provide technical assistance, guidance, and advice to all levels of NDDOT management on the Title VI program.
2. Develop and implement procedures for the prompt processing and resolution of Title VI discrimination complaints.
3. Coordinate the Title VI and Nondiscrimination Program with Division Directors and District Engineers and their appointed Title VI Specialists.
4. Review NDDOT's central office and district procedures and guides as they relate to various program directives, manuals, and other regulations to determine whether Title VI provisions are contained. Where corrections are necessary, the Title VI Liaison Officer will coordinate revisions with the appropriate Division Director or District Engineer.
5. Review findings and recommendations of annual and tri-annual division and district Title VI reviews. Provide summation of findings to the Director by December 1 annually.
6. Review findings and recommendations of subrecipient reviews. Establish procedures and processes to resolve determinations of noncompliance.

D. Title VI Program Administrator

The Title VI Program Administrator's responsibilities include the following:

1. Annually updating the Title VI and Nondiscrimination Program Plan for submission to FHWA by **November 1**.
2. Upon approval by the Federal Highway Administration (FHWA), disseminating the annual update to executive management, all Division Directors and District Engineers, and all Title VI Specialists and to post the annual update on the department's website.
3. Disseminate the annual update to subrecipients (Metropolitan Planning Organizations, consultants, cities, counties, local governments, etc.). Coordinate with the appropriate Title VI Specialist, to obtain signed Title VI Assurances from subrecipients to adopt or develop and follow a Title VI and Nondiscrimination Program approved by NDDOT.
4. Assist Title VI Specialists in developing and implementing monitoring activities deemed necessary for contractors, consultants, suppliers, vendors, lessors, universities, colleges, planning agencies, cities, counties, and other subrecipients of all NDDOT's programs and NDDOT offices.
5. Review NDDOT program directives in coordination with Title VI Specialists and, where applicable, include Title VI and related requirements.
6. Monitor NDDOT procedures and programs for compliance with Title VI requirements in all program areas.
7. Conduct Title VI training programs for Title VI Specialists.
8. Provide technical assistance and advice on Title VI matters to the Title VI Liaison Officer and Title VI Specialists.
9. Develop and publish other Title VI, Limited English Proficiency (LEP), and Environmental Justice (EJ) information for dissemination to the public, where appropriate.
10. Monitor inclusion of the Appendix A of the Title VI Assurances in all applicable construction and non-construction contracts, consultant agreements, etc., and disseminate the clause and instructions for its use to all division and district Title VI Specialists and to all subrecipients.
11. Conduct annual or tri-annual reviews of divisions and districts. Write reports reflecting findings, conclusions, and corrective action for each unit reviewed.
12. **Provide guidance** in conducting subrecipient reviews to assure their compliance with Title VI, LEP, and EJ requirements.

E. Title VI Specialists

Title VI Specialists in all of the divisions and districts were appointed to assist in the development and implementation of the NDDOT's Title VI responsibilities. The Department's Division Directors, District Engineers, and executive management selected one or more Title VI Specialists for each division and district. The individuals selected have responsibilities in their current positions in the divisions and districts, therefore adequate time is being made available for the individuals to carry out the additional Title VI duties.

Small divisions may share a Title VI Specialist with another division. However, there are certain Title VI duties that cannot be handled by one specialist covering both divisions due to lack of detailed knowledge of the other division. Each division will be responsible for providing updated information, annually, on individual division goals and accomplishments. Divisions must separately prepare for their Three Year Review on an annual basis. See Exhibit D.

Division and District Title VI Specialist's responsibilities include the following:

1. Work closely with the NDDOT Title VI Liaison Officer and Title VI Program Administrator to develop and implement policies and procedures to monitor and ensure Title VI compliance in all of NDDOT's programs and activities.
2. Communicate to their respective Division Directors and District Engineers all deficiencies found in the program and promote new concepts to the program.
3. Provide and prepare data, information, and reports as requested by the Title VI Liaison Officer.
4. Receive and report concerns of Title VI issues or complaints to the Title VI Liaison Officer for guidance and/or processing.
5. Include a Title VI clause in all contracts or information distributed or advertised to the public.
6. Collect statistical data necessary to evaluate the effectiveness of compliance with Title VI requirements within their individual division or district and of any subrecipient.

The Title VI Specialists will work with the Title VI Program Administrator to:

1. Review each division's and district's procedures and guidelines relating to program directives, manuals, and other regulations to determine whether Title VI, LEP, and EJ provisions are included. Where corrections are necessary, make revisions.
2. Communicate to their respective Division Directors and District Engineers all deficiencies found in the program and promote new concepts to the program.
3. Incorporate the detailed policies and procedures into the Title VI and Nondiscrimination Program Plan.
4. Annually review and update their program area's portion of the Title VI and Nondiscrimination Program Plan.
5. Determine and prepare data, information, and reports necessary to evaluate compliance with the Title VI, LEP, and EJ requirements in the Division's and District's respective program areas and by subrecipients.
6. Devise and implement monitoring activities deemed necessary for subrecipients.
7. Annually conduct Title VI reviews of subrecipients. This includes developing universal and program-specific questions for subrecipients based on the federal Title VI, LEP, and EJ regulations and the FHWA Title VI Desk Reference Manual.

8. Review all construction and non-construction related contracts, and consultant agreements to ensure Appendix A of the Title VI Assurances is included, where appropriate.
9. Train other division and district staff members in the Title VI, LEP, and EJ requirements.
10. **Maintain current Title VI and Title VIII EEO dual posters with complaint forms in divisions/outlying areas and districts/sections including public areas in all NDDOT buildings.**

F. Title VI Program Area Division Directors and District Engineers

Division Directors and District Engineers responsibilities include the following:

1. Ensure compliance with Title VI requirements in their respective program areas.
2. Maintain knowledge of and adhere to NDDOT's Title VI and Nondiscrimination Program.
3. Assure prompt reporting, processing, and disposition of Title VI issues or complaints in their respective program areas.
4. Support and assist the Title VI Specialists in their involvement in the program.
5. Communicate and coordinate with the Title VI Liaison Officer all program area Title VI issues or concerns in a timely manner.
6. Assure that practices and procedures involving all programs and activities within their area of responsibility are applied uniformly and equitably in conformance with federal Title VI regulations.

G. Procedures Manual

Day-to-day administration of the Title VI Program will be incorporated in a CRD Procedures Manual that will be updated regularly to incorporate changes.

H. Resources Allocated

The Civil Rights Director is fully involved in NDDOT's budget process to ensure that NDDOT has an earmarked budget and appropriation for external civil rights enforcement. The Civil Rights Director has authority over the funds received for salaries, office resources, equipment, and sufficient staff has been appointed for conducting pre-awards, post-awards, complaint inquiries, investigations, outreach, education, technical assistance, and Title VI enforcement.

III. PROGRAM ADMINISTRATION

The Civil Rights Division shall be responsible for coordinating the overall administration of the Title VI and Nondiscrimination Program, plan, and assurances. The Title VI Program Administrator, under the direct supervision of the Civil Rights Division Director, located in the Civil Rights Division office, will be responsible for the program's day-to-day administration. The Title VI Program Administrator works directly with the Title VI Specialists located in each of the divisions and districts.

A. Data Collection

Data collection ensures that transportation programs, services, activities, facilities, and projects effectively meet the needs of "all persons" without discrimination; i.e., disproportionately benefiting or harming one group over another is a violation of Title VI. Timely and accurate data allows for better decision-making and provides support to the decisions made. Statistical data on race, color, national origin, sex, age, disability, **limited English proficiency**, and when feasible, income

status, based on the U.S. Department of Health and Human Services Poverty Guidelines definition of low income, of participants in and beneficiaries of NDDOT programs, e.g., relocatees, impacted citizens, and affected communities will be collected and maintained by NDDOT. Each of the Title VI program areas, as appropriate, will maintain data to be incorporated in the Title VI Annual Update. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI program administration.

B. Public Involvement

NDDOT disseminates the Title VI and Nondiscrimination Program internally, via Intranet, to NDDOT employees and externally, via Internet, to subrecipients, contractors, beneficiaries, and the general public as well as in other formats as requested. Public dissemination of other Title VI information will include posting the Title VI and Nondiscrimination Policy Statement in NDDOT buildings and publishing announcements of hearings, meetings, and other activities in minority media and in local newspapers having a general circulation in the vicinity of proposed projects. NDDOT's Public Involvement Process is located in the NDDOT Design Manual, Chapter II, Section 4.

C. Complaints

If any individual believes that she/he or any other program beneficiaries have been subjected to unequal treatment or discrimination in their receipt of benefits and/or services, or on the grounds of race, color, national origin, sex, age, disability, **limited English proficiency**, or income status, she/he may exercise their right to file a complaint with the NDDOT. All complaints will be recorded on a Complaint Log. [See Exhibit E.](#)

D. Monitor and Review

NDDOT monitors Title VI compliance by conducting program reviews. NDDOT has developed a process to conduct Title VI reviews of program areas and subrecipients to determine the effectiveness of program activities at all levels. Further detail regarding this process may be found in Section IV. E, pages 12-14.

E. Training Program

The Title VI Program Administrator conducts Title VI training for the Title VI Specialists and new Title VI Specialists.

The Title VI Specialist conducts Title VI training for division and district staff within their areas. Each NDDOT employee will receive a minimum of one hour of Title VI training per year.

Contractors, subrecipients, and other recipients can access training through Upper Great Plains Transportation Institute, Transportation Learning Network, and NDDOT website.

The training provides comprehensive information on Title VI and related nondiscrimination provisions, its application to program operations, identification of Title VI issues, and resolution of complaints. Scheduled training events will be recorded documenting the training topic, date, time, hours, location, and participants. The Title VI training schedules will be reported in the annual update. [See Exhibit F.](#)

F. Limited English Proficiency Plan

Limited English Proficiency is a term used to describe individuals who are not proficient in the English language. According to the US Census, North Dakota is home to a small number of individuals who are not proficient in the English language. Executive Order 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. NDDOT is committed to affording individuals affected by a NDDOT activity(s) with meaningful access to

programs and services through the development and implementation of NDDOT's Limited English Proficiency Plan. [See Exhibit G.](#)

G. 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, NDDOT 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. NDDOT's "Environmental Documentation" process which includes this requirement is located in the NDDOT Design Manual, Chapter II, Section 5.

H. Title VI Plan Update, Accomplishments, and Goals

The Title VI Liaison Officer will be responsible for coordination and preparation of the Title VI Program Update, including a goals and accomplishment report for the preceding year, and goals for the coming year. Title VI Specialists will be responsible to prepare and submit annual reports for their division or district program area including Title VI responsibilities, operational guidelines, goals and annual accomplishments for the past year, and goals for the coming year. It is required to be submitted to FHWA by **November** 1, annually.

IV. MONITOR AND REVIEW

A. Program Areas

Title VI Specialists and Division Directors and District Engineers will coordinate efforts to ensure equal participation in all their programs and activities at all levels in addition to their day-to-day monitoring. Program area reviews are required to be conducted annually for Bridge, Construction Services, Design, Environmental and Transportation Services, Local Government, Maintenance, Materials and Research, Planning/Asset Management, and Programming Divisions and every three years for Audit **Services**, Civil Rights, Communications, Drivers License, Financial Management, Human Resources, Information Technology, Legal, Motor Vehicle, Safety, State Fleet Services Divisions, and the eight District Offices, Bismarck, Devils Lake, Dickinson, Fargo, Grand Forks, Minot, Valley City, and Williston. The Title VI Program Administrator will conduct reviews to determine the effectiveness of program area activities at all levels. The Title VI Review Schedule for program areas spans three years and is included in the annual update. [See Exhibit H.](#)

B. Subrecipient Reviews

Title VI Specialists will conduct Title VI pre-award and post-award compliance reviews of their program area subrecipients. NDDOT developed a web page for subrecipients to access information and sample forms regarding the federal financial assistance approval process and to develop their Title VI and Nondiscrimination Programs. [See Exhibit I.](#)

Reviews will be conducted with local governments, Metropolitan Planning Organizations, and other recipients of federal highway funds. NDDOT provides guidance and training to subrecipients in the development of their Title VI Program. The Title VI Review Schedule Subrecipient Report documents the status of the reviews conducted during the reporting period and is included in the annual update. [See Exhibit H.](#)

C. Operational Guidelines

All NDDOT directives, policies, procedures, and operational guidelines provided to contractors, subrecipients, and internal programs are reviewed annually to ensure the required Title VI provisions, state law, and related requirements are included, where applicable, by the Title VI Specialist appointed to that specific program area.

D. Remedial Action

NDDOT actively pursues the prevention of Title VI deficiencies and violations and takes the necessary steps to ensure compliance with all program requirements, both within NDDOT and its subrecipients of federal highway funds. When irregularities occur in the administration of the federal-aid highway program's operation, corrective action will be taken to resolve Title VI issues. When conducting Title VI compliance reviews on its subrecipients, NDDOT will define a remedial action with agreement of FHWA to provide to the subrecipient within a period not to exceed 90 days.

E. Review Selection and Procedures

1. NDDOT subrecipients

- a) All subrecipients will complete a pre-award checklist.
- b) Subrecipients shall be randomly selected for review in the year in which the project is constructed. Ten percent of the available pool or a minimum of one review will be conducted in the year the project is constructed.
- c) If deficiencies are found during the review, the subrecipient shall be reviewed the following year.
- d) Conducted by Program Area Title VI Specialist
- e) The review procedures for subrecipients are as follows:
 - (1) Send written notice of review date
 - (a) Provide list for production of documents
 - (2) Send Notice of Compliance, or
 - (3) Send Deficiency Notice with corrective actions
 - (a) Including a reasonable time not to exceed 90 days after receipt of deficiency notice, to voluntarily correct deficiencies; and possible sanctions.
 - (b) Schedule meeting with recipient within 30 days from receipt of deficiency notice
 - (1) Provide technical assistance and guidance to aid the recipient to comply voluntarily
- f) Failure of recipient to comply within the allotted time frame
 - (1) Notice of Non-compliance identifying specific details of deficiencies
 - (2) NDDOT shall submit to FHWA two copies of the case file and a recommendation that the recipient be found in non-compliance
- g) FHWA shall review the case file for a determination of concurrence or non-concurrence with a recommendation to the NDDOT
- h) Implement FHWA recommendations

- i) Title VI Review Schedules will be maintained documenting the required information as follows:
 - (1) Date Review Notice sent
 - (2) Date Review Conducted
 - (3) Date of Notice of Compliance
 - (4) Date of Notice of Deficiency, if any
 - (a) Date of follow-up review meeting with recipient
 - (b) Date of Notice of Non-compliance
- j) Date of Last Review
- k) Date of Last Review Notice of Compliance

[See Exhibit I.](#)

V. TITLE VI COMPLAINT PROCESS

A. Scope of Title VI Complaints

The scope of Title VI covers all external NDDOT activities. Adverse impacts resulting in Title VI complaints can arise from many sources, including advertising, bidding, and contracts.

Complaints can originate from individuals or firms alleging inability to bid upon or obtain a contract with NDDOT for the furnishing of goods and/or services. Examples include advertising for bid proposals; prequalification or qualification; bid proposals and awards; selection of contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc., or the allocation of funding (FTA).

Complaints can originate as a result of project impacts on individuals or groups. For example, social and economic, traffic, noise, air quality, access, accidents, and failure to maintain facilities.

B. Formal Title VI Complaint Procedure

NDDOT's Title VI Policy, as outlined in its Title VI and Nondiscrimination Program, assures that no person or groups of persons shall, on the grounds of race, color, national origin, sex, age, disability/handicap, or income status*, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by NDDOT, its recipients, subrecipients, and contractors. In addition, Executive Order 12898 (Environmental Justice) prohibits discrimination based on income status.

NDDOT uses the following detailed, internal procedures for prompt processing of all Title VI complaints received directly by any of its divisions or districts having responsibilities under Title VI. These procedures include but are not limited to:

1. Any person or groups of persons who believe they have been aggrieved by an unlawful discriminatory practice under Title VI may individually, or through a legally authorized representative, make and sign a complaint and file the complaint with the North Dakota Department of Transportation Title VI Liaison Officer. Allegations received do not have to use the key words "complaint," "civil rights," "discrimination," or their near equivalents. It is sufficient

if such allegations imply any form of unequal treatment in one or more of NDDOT's programs for it to be considered and processed as an allegation of a discriminatory practice.

2. The complaint must be filed, in writing, no later than 180 calendar days after the date of the alleged discrimination. NDDOT's Title VI Complaint Form (SFN 51795) must be used.
3. The complaint may also be filed with the U.S. Department of Transportation, Office of the Secretary, 1200 New Jersey Avenue, SE (S-33), Washington, D.C. 20590. The complaint must be filed, in writing, no later than 180 calendar days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary **of the** U. S. Department of Transportation.
4. Upon receipt of a Title VI complaint, the Title VI Liaison Officer immediately advises the NDDOT Director of the complaint. The Director confers with the appropriate NDDOT Deputy Director, appropriate NDDOT Office Director, and the Title VI Liaison Officer to determine a course of action. Possible courses of action may include but are not limited to:
 - a) Title VI complaints filed against NDDOT are referred to the Federal Highway Administration (FHWA) Division Office for processing.
 - b) Title VI complaints filed against NDDOT recipients and subrecipients (e.g., contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc.) are processed by NDDOT in accordance with the FHWA approved complaint procedures as required under 23 Code of Federal Regulations Part 200.
 - c) A copy of the complaint, together with a copy of NDDOT's report of the investigation and recommendations, are forwarded to the FHWA Division Office within 60 days of the date the complaint was received by NDDOT.
 - d) The FHWA Headquarters Office of Civil Rights makes the final agency decision.
5. The NDDOT Director reviews and determines the appropriate action regarding every complaint. NDDOT will recommend, to the FHWA Division Office, not to proceed with or continue a complaint investigation if:
 - a) The complaint is, on its face, without merit.
 - b) The same allegations and issues of the complaint have been addressed in a recently closed investigation or by previous federal court decisions.
 - c) The complainant's or injured party's refusal to cooperate (including refusal to give permission to disclose his or her identity) has made it impossible to investigate further.
6. If an investigation is to be initiated, the NDDOT Director designates a specific NDDOT Deputy Director to whom the investigation team will report in order to facilitate communication with the Director. The Deputy Director and NDDOT Office Director confer with the Title VI Liaison Officer and NDDOT Legal Counsel to establish guidelines for the investigation team. The Title VI Liaison Officer is instructed to appoint a team leader and an on-call team member to conduct the investigation. The team leader apprises the Deputy Director of the team's progress throughout the investigation.

7. The team leader determines the timeframe in which the investigation should be completed based on the date the complaint was filed. The entire investigation process, including the submission of the report of the investigation and recommendations to the FHWA Division Office, is to be carried out in a period not to exceed sixty (60) calendar days from the date the original complaint was received by NDDOT.
8. The Title VI Liaison Officer acknowledges receipt of the allegation(s) within ten (10) working days. The complainant is notified of the proposed action to be taken to process the allegation(s). The notification letter contains:
 - a) The basis for the complaint.
 - b) A brief statement of the allegation(s) over which NDDOT has jurisdiction.
 - c) A brief statement of NDDOT's jurisdiction over the recipient to investigate the complaint; and
 - d) An indication of when the parties will be contacted.
 - e) Depending on the nature of the complaint, the complaint will be referred to the following for final decision:
 - (1) Federal Highway Administration (FHWA)
 - (2) U.S. Department of Justice (USDOJ)
9. The Title VI Liaison Officer also notifies the FHWA Division Office within ten (10) calendar days of receipt of the allegations. The following information is included in the notification to FHWA:
 - a) Name, address, and phone number of the complainant.
 - b) Name(s) and address(es) of persons alleged to have been involved in the act.
 - c) Basis of alleged discrimination (i.e., race, color, national origin, sex, age, disability/handicap, or income status*).
 - d) Date of alleged discriminatory act(s).
 - e) Date complaint was received by NDDOT.
 - f) A brief statement concerning the nature of the complaint.
 - g) Other agencies (federal, state, or local) with which the complaint has been filed.
 - h) An explanation of the actions NDDOT proposes to take to resolve the issues raised in the complaint.
10. The investigation team leader notifies the Division Director or District Engineer of the Division or District in which the problem occurred that a complaint has been received. The team leader identifies the members of the investigation team and accepts relevant comments from the Division Director or District Engineer.
11. The investigation team conducts an in-depth, personal interview with the complainant(s). Information gathered in this interview includes: identification of each complainant by race,

color, national origin, sex, age, disability/handicap, or income status*; name of the complainant; a complete statement concerning the nature of the complaint, including names, dates, places, and incidents involved in the complaint; the date the complaint was filed; and any other pertinent information the investigation team feels is relevant to the complaint. The interviews are recorded either on audio tape or by a team member taking notes. The team arranges for the complainant to read, make necessary changes to, and sign the interview transcripts or interview notes.

12. Following the interviews, the team leader develops a report of the investigation and recommendations based on the facts. The report contains the investigation team's findings, conclusions concerning each issue raised in the complaint, and recommendations for corrective action. The report is completed with the coordination and consultation of NDDOT's General Counsel. The report is the last document prepared as part of the investigation. Any other actions taken as a result of the investigation team's findings and conclusions are the responsibility of NDDOT management.
13. The complainant receives a letter from the NDDOT Director detailing the findings and any recommendations for corrective action to be taken based on the facts. All issues in the complaint are addressed. The complainant is informed that the final determination is made by the FHWA Headquarters Office of Civil Rights.
14. The NDDOT Director forwards the report of the investigation and recommendations to the FHWA Division Office. Included with the report is a copy of the complaint, copies of all documentation pertaining to the complaint, the date the complaint was filed, the date the investigation was completed, and any other pertinent information.
15. The FHWA Headquarters Office of Civil Rights makes the final agency decision.

C. Informal Title VI Complaint Procedure

1. Title VI complaints may be resolved by informal means. When informal means are used, the complainant is informed of his or her right to file a formal written complaint.
2. Such informal attempts and their results are summarized by the Director-Engineer of the division or district in which the problem occurred, or by their respective Title VI Specialist, and are forwarded to the Title VI Liaison Officer.
3. Any complaint received in writing is considered to be a formal complaint and is handled under the formal complaint procedure outlined above.
4. The Title VI Liaison Officer periodically informs the FHWA Division Office of the status of all complaints.
5. When a complaint has been directly filed with another federal or state agency, the Title VI Liaison Officer is to be informed by the agency where the complaint has been filed and is to coordinate any action needed by NDDOT to resolve the complaint.

* Title VI of the Civil Rights Act of 1964 governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.

[See Exhibit J.](#)

VI. PROGRAM AREAS AND RESPONSIBILITIES

The following information describes the location of program functions within NDDOT and identifies responsibilities and processes, and applicable operational guidelines for the various divisions and districts. Employee demographics are submitted to FHWA in NDDOT's EEO-4 Report and therefore not included in this manual.

A. Audit Services Division

Audit Services Division addresses Title VI compliance matters relating to the completion of internal and external audit projects.

1. Title VI Responsibilities

- a) The Audit Services Division's primary responsibilities include performing internal and external audits of operations affecting the NDDOT. Internal audits include reviews of internal department operations, annual reviews of physical inventory of NDDOT fixed assets and inventoried materials, and other special investigations that may be requested by management. External audits include reviews of motor carrier programs, consultant engineers indirect cost rates, railroad and utility projects, contracts or other special reviews that may be requested.

2. Operational Guidelines

- International Fuel Tax Agreement (IFTA)
- International Registration Program (IRP)
- IFTA/IRP Audit Manuals
- Government Auditing Standards
- AASHTO Uniform Audit and Accounting Guide

B. Bridge Division

Bridge Division consists of three sections as follows: preliminary engineering and hydraulics, design, and structural management. These sections work together to fulfill all responsibilities of the Division under the direction of the Office of Project Development. Bridge Division's primary responsibilities include the development of project concept reports, hydraulic reports, and environmental documents; design and preparation of plans for the construction and rehabilitation of bridges and drainage structures on the state and federal highway system; inspection, rating, and inventory of bridges on the city, county, state, and federal system; lighting, signal, and high mast foundation design and plan preparation; design and plan preparation of overhead and dynamic message sign structures; drainage investigations; issuance of drainage permits on the city, county, state, and federal system; updating of the **Structural Design section and the Hydraulic Studies and Drainage Design sections of the NDDOT Design Manual**; and providing technical guidance to districts and consultants. The preliminary engineering and hydraulics section is the only section within Bridge Division that is involved with the public as it relates to Title VI.

1. Title VI Responsibilities

The preliminary engineering and hydraulics section encourages participation by EJ, LEP, and ADA related populations for all proposed projects through both environmental documentation and public involvement. Full consideration is given to all persons, regardless of race, color, sex, age, National origin, disability, **limited English proficiency**, or income status.

a) Environmental Documentation

- (1) All federal aid projects require environmental clearance. Environmental documents are used to help obtain this clearance and are addressed through one of three main documents: Environmental Impact Statement (EIS), Categorical Exclusion, or an

Environmental Assessment (EA). The type of document used for a project is dependent on the project complexity and potential social, economic, and environmental impacts. The draft project concept report is often the basis for determining the need for environmental documentation and may develop into an EIS or EA upon further study. Based on comments received through solicitation of views and the location of the project, the need and level of public input is determined. Any **comments or** concerns from **all** public meetings held are included in the final document. A more detailed description of the NDDOT environmental documentation process is contained within Chapter II, Section 5 of the NDDOT Design Manual.

b) Public Involvement

(1) To ensure decisions are made in the best overall public interest, full consideration is given to all possible adverse economic, social, and environmental effects relating to any proposed project. Public involvement begins in the planning phase and ends after the construction phase. It is intended to assist in the understanding of the proposed project. It is also a tool to encourage input and provides the decision-makers valuable information to be considered in the process. The scope of proposed projects are made known to other jurisdictions and government agencies through solicitation of views **letters**. This provides an opportunity to comment on the proposed project's impacts determined during the environmental documentation process. In addition, public meetings are held to encourage participation by the public. Citizen and technical advisory groups are also established on complex projects to obtain early public as well as expert involvement and input for proposed projects. The public involvement process is described in more detail within Chapter II, Section 4 of the NDDOT Design Manual.

2. Operational Guidelines

- Design Manual
- AASHTO/AWS Bridge Welding Code
- AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals
- NDDOT Erosion and Sediment Control Handbook
- NDDOT Standard Specifications for Road and Bridge Construction
- NDDOT Standard Drawings

C. Civil Rights Division

The Civil Rights Division is comprised of seven programs as follows: Disadvantaged Business Enterprise (DBE), On-the-Job Training (OJT), DBE/On-the-Job Training Supportive Services, Contractor Compliance, Labor Compliance, Title VII, and Title VI.

1. Title VI Responsibilities

a) [See pages 7-10](#)

2. Operational Guidelines

- DBE Goal Setting Methodology
- DBE and OJT Contract Special Provisions
- DBE Program Administration Manual
- Disadvantaged Business Enterprise (DBE) Directory
- OJT Supportive Services Contract
- DBE Supportive Services Contract
- Davis-Bacon Wage and Payroll Requirements Handbook
- Title VII Update
- External Civil Rights Manual

- Labor Rates from U.S. Department of Labor
- On-the-Job Training Program
- Resources for Affirmative Action Representatives Manual
- Supportive Services Newsletter
- Guidelines for Conducting a Workplace Investigation
- North Dakota Century Code

D. Communications Division

The Communications Division is responsible for disseminating information to NDDOT stakeholders- primarily to the public; to local governments, civic groups and other legislative bodies; and to NDDOT employees.

1. Title VI Responsibilities

- a) NDDOT informs the public about public meetings and public hearings; submits letters to the editor and newspaper columns; coordinates appearances on local TV, radio talk shows, and media interviews; writes articles on NDDOT's internal Web site; submits ads and notices in newspapers; prepares presentations to various civic and local government groups; sends news releases on key issues and events of public interest; drafts speeches; and produces videos. Additionally, the Communications Division has a Facebook page which allows for another avenue to disseminate information out to the public.
- b) Communications creates and maintains relationships with media across the state. With this type of relationship, NDDOT is better able to communicate both ongoing and time-sensitive messages to the public through the media including use of the Advocacy Distribution List.
- c) The multi-media section develops videos for public hearings, public meetings, employee orientations, and other presentations including incorporating language accommodations on request.

2. Operational Guidelines

- Communication Plan

E. Construction Services Division

The Construction Services Division administers construction contracts. The division is responsible for highway construction bid openings, contracts, bonds, and contract payments. The division provides services in contractor pre-qualifications, construction scheduling, project staffing, engineering reviews, contractor claims, construction records, DBE program, and other various services. The division also provides technical support for the Construction Automated Records System (CARS) and updates road construction conditions map that affect the traveling public during the construction season on NDDOT's external website.

1. Title VI Responsibilities

- a) Disadvantaged Business Enterprise (DBE) Program
 - (1) The Construction Services Division reviewed many apparent low bidders bid differentials, as part of the good faith efforts process, after multiple bid openings. This type of review occurs on projects with Race-Conscious goals, where the goal has not been met. A Construction Services Division staff member serves on the DBE Participation Review Committee which makes recommendations to the Agency Director to award or not to award, on all federally funded projects with a race conscious goal that has not been met.
 - (2) Construction Services Division staff members serve on the DBE Unified Certification Board which reviews applicants for initial certification, annual renewal, removal of

eligibility, withdrawal requests, expansion of services, joint ventures, review third party challenges, conduct oral interviews, and make recommendations to the Agency Director.

b) Project Advertising

(1) The Construction Services Division complied with the North Dakota Century Code, Section 24-02-17, that requires bids for construction work or improvement that exceeds \$20,000, be advertised once by publication at least three weeks prior to the date of the bid opening. There were no requests for reasonable accommodations during this reporting period.

c) Notice to Bidders

(1) The division sent out electronic "Notice to Bidders" to inform contractors, subcontractors, suppliers, and other interested parties as to the time, location, and projects to be bid for all bid openings. The Bidders Proposal includes Appendix A of the Title VI Assurances.

d) Addendums

(1) The division was faced with many revisions and clarifications during this reporting period. This information was posted to the NDDOT website prior to the bid openings. A prebid question and answer forum is developed/available on an as needed basis.

e) Prequalification

(1) Contractors must be prequalified to bid on NDDOT projects. The division publishes the list of pre-qualified contractors annually on the website. Contact information is available to those needing accommodations. Prequalification is open to all.

f) Bid Opening Process

(1) Bidding procedures for federally-assisted highway construction projects are conducted in a nondiscriminatory manner and are in compliance with the Civil Rights Act of 1964. The NDDOT receives bids through an electronic online system. All of the bid results are then posted on the NDDOT website after the bid openings. Additionally, the NDDOT prints and distributes the bid results to those attending the bid opening in person.

g) Award of Contract

(1) The award of contracts, if made, will be to the lowest responsible bidder whose proposal complies with the requirements specified. The awards will be made within 30 days after the bid opening, unless an extension is agreed upon by both parties. All good faith efforts and DBE participation, are reviewed prior to award for both Race-Neutral and Race-Conscious projects.

h) Subcontracts

(1) Contractors participating in highway construction contracts for NDDOT may not discriminate in their selection and retention of subcontractors. Required Title VI Contract Provisions (U. S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21) are incorporated in all federal-aid contracts by the insertion of the U. S. Department of Transportation Form FHWA 1273.

(2) The contractor shall not subcontract more than seventy percent of the work on any project. The contractor shall not transfer, convey, or otherwise dispose of his or her right, title, or interest therein to any other person, firm, or corporation without the written consent of the NDDOT in accordance with the NDDOT Standard Specifications for Road and Bridge Construction, Section 104.

(3) The Title VI responsibilities contained in the contract are also attached and made a part of all subcontracts. This attachment is designed to further the provision of equal employment opportunity and nondiscrimination to all persons without regard to their race, color, sex, age, national origin, disability, **limited English proficiency**, or income status, and to promote the full realization of equal opportunity through a positive, continuous program.

i) Records

(1) The division is responsible for all initial highway project record administration. Project related records are maintained by the division and are stored in the NDDOT's document management system FileNet.

j) Engineering Special Forces (Pool)

(1) The division is responsible for administration of the "pool." This includes the recruitment and retention of entry level engineers and engineering technicians that provide support to the engineering divisions and districts. The division works closely with the Human Resources Division on recruitment, selection, and hiring rules and regulations.

2. Operational Guidelines

- **North Dakota Century Code**
- **Code of Federal Regulations**
- **North Dakota Standard Specifications for Road and Bridge Construction**

F. Design Division

The Design Division's primary responsibilities are to develop environmental documents, hold public meetings and public involvement, design plans and specifications for construction projects on the state and federal highway system; and obtain federal approval; coordinate and conduct all aerial photographs and surveys; coordinate utility relocations; prepare right-of-way plats; maintain the Computer Assisted Drafting and Design (CADD) Program; write and update the Design Manual and Standard Drawings, and the ADA Transition Plan for NDDOT public right-of-way.

1. Title VI Responsibilities

a) DBE Estimates

(1) Calculate the amount of work possible on construction projects related to DBE participation. This information is forwarded to the Civil Rights Division for DBE goal setting on projects.

b) ADA Accessibility

(1) The Americans with Disabilities Act (ADA) of 1990 is a civil rights statute that prohibits discrimination against people with disabilities. Designing and constructing pedestrian facilities within the public right-of-way that are not usable by people with disabilities may constitute discrimination.

c) ADA Transition Plan

(1) ADA accessibility items within the Public Rights of Way are described within the NDDOT ADA Transition Plan, available on the NDDOT website on the "Title VI and Nondiscrimination Program/ADA" webpage at: <http://www.dot.nd.gov/divisions/civilrights/titlevi.htm> The Design Division implements, monitors and updates Section 2 – "Public Rights of Way" of the NDDOT ADA Transition Plan.

d) Environmental Justice

(1) Environmental justice is a primary element of the environmental documentation process. There are three fundamental environmental justice principles:

- (a) To 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.
- (b) To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- (c) To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

(2) Environmental concerns are addressed through one of three main documents: Environmental Impact Statement, Categorical Exclusion, or an Environmental Assessment. The type of document used for a project is dependent on the project complexity and expected social, economic, and environmental impacts. A more detailed description of the NDDOT environmental documentation process is contained within Chapter II, Section 5 "Environmental Documentation" of the NDDOT Design Manual.

- (a) The NDDOT environmental documentation process contains environmental justice measures such as public involvement/meetings, social impacts, economic impacts, and low-income and minority living areas impacts.
- (b) NDDOT reviews alternatives within the environmental document to ascertain the effects and impacts on minority groups and low-income neighborhoods.
- (c) The normal procedures begin with land-use studies, social and economic studies, public hearing reactions, environmental statements, and associated feedback. The areas affected are given opportunities to learn and comment on possible alternatives. Minority groups are given consideration during environmental studies by land-use studies, right-of-way investigations, and social and economic studies. Also, meetings are arranged with civic groups, local officials, and individuals who are concerned or involved.
- (d) If low income and/or minority living areas are potentially impacted from any alternate identified in the environmental document, further investigation to the impacts within the environmental document may include:
 - (1) The approximate number of persons by race and families affected by each alternative.
 - (2) The social and economic character of the area through which alternatives pass includes levels of income, whether the area is commercial, residential, or rural, and the approximate number of minority owners of businesses and residences in the area.
 - (3) The racial character of the people employed in the area affected by each alternative.
 - (4) Racial and ethnic data may be used to identify possible problem areas and adverse impacts such as relocation difficulties, possible changes in minority

income capabilities, mobility, or community cohesion. Assistance for the above-mentioned problems is available through relocation assistance procedures.

- (5) Input from minority groups for planning goals and need.
- (6) Other impacts contained in NDDOT environmental documents include, but are not limited to:
 - Land Use
 - Prime and Unique Farmlands
 - Social
 - Relocations
 - Economic
 - Considerations Relating to Pedestrians and Bicyclists
 - Air Quality
 - Noise
 - Water Quality
 - Wetlands
 - Water Body Modification, Wildlife and Invasive Plant Species
 - Floodplain
 - State Scenic Rivers
 - Threatened and Endangered Species
 - Cultural Resources
 - Hazardous Waste
 - Visual
 - Energy
 - Trees
 - Temporary Construction - The following items should be discussed:
 - Work Zone Traffic Control
 - Project Phasing
 - Detours and Alternate Routes
 - Air, Noise, and/or Water Quality Impacts
 - Adjacent Construction Projects
 - Low Income and Minority Living Areas
 - Section 4(f), 6(f) involvement

e) Public Involvement

- (1) A public meeting is any meeting which the public is encouraged to attend. The meeting will include information about the proposed project as well as time for the public to voice concerns or ask questions. A few types of public meetings are Public Information Meetings, Public Input Meetings, and Public Hearings. A more detailed description of the NDDOT public involvement process is contained within Chapter II, Section 4 "Public Involvement" of the NDDOT Design Manual.
- (2) NDDOT ensures all persons are entitled to participate in public meetings. This is done by advertising the meetings in papers circulated in the area affected by the project or study. Also, news releases are issued to local radio and television stations for coverage in the affected areas. Every effort is made to provide reasonable accommodations when requested if possible. The advertisements list contact persons for reasonable accommodation requests.
- (3) In instances where Indian lands are involved, notices of the public meetings are sent to the Tribal Councils.

- (4) Following public meetings, incoming comments are analyzed and consideration is given to all problems.
- (a) Public meetings are held in locations reasonably convenient for minority and low income living areas participation. If distances are a factor, the meetings may be held in more than one location.
 - (b) The building in which the public meeting is held in shall be **readily accessible to and usable by individuals with disabilities**.
 - (c) Avoid holding meetings on Saturday, Sunday, or Wednesday nights, or to avoid conflicts with religious activities
 - (d) Public meetings are advertised in local newspapers and on radio and television stations for coverage in the affected areas. Information may also be sent, by direct mail, to individuals affected.
 - (e) Minorities are invited to attend public meetings through direct mailings to individuals, their organizations, and councils.
 - (f) Questions and objections are analyzed and consideration is given to problems on an equal basis, regardless of race, color, sex, age, national origin, disability, **limited English proficiency**, or income status.
 - (g) Information regarding relocation assistance requirements is discussed at public meetings.
 - (h) Every effort is made to provide reasonable accommodations when requested if possible. The advertisements lists contact person for reasonable accommodation requests.
 - (i) Sufficient time is allotted to reasonably answer questions of persons attending the public meetings, and the personnel conducting the meeting shall stay for the entire time of the meeting.

2. Operational Guidelines

- Design Manual
- Standard Drawings
- ADA Transition Plan

G. Drivers License Division

The Drivers License Division represents one-half of NDDOT's front-counter services where a driver's permit, license, renewal, or identification card can be obtained. The division maintains and processes driving records and crash reports, and collects reinstatement fees for suspension-related driving behavior. In addition to the Central Office located in Bismarck, the division provides service at twenty-seven fully automated drivers license sites for customer convenience. The sites are visited by more than a quarter of the state's population each year. The Drivers License Division is comprised of three sections: the Licensing Section, Driver Record Services Section, and Administrative Support Section.

1. Title VI Responsibilities

Title VI Responsibilities are related to the testing and issuance of commercial and non-commercial driver permits, licenses, and renewals; identification cards, driving records, and reinstatement requirements.

(a) The Licensing Section

- (1) Implements the federal hazardous materials requirements of the USA PATRIOT Act and the commercial driver license requirements of the Commercial Motor Vehicle Safety Act and the Motor Carrier Safety Improvement Act.
- (2) Implements identity, testing, and licensing requirements according to state statute.

(b) The Driver Records Services Section

- (1) Works with law enforcement, the court system, insurance companies, and employers pertaining to conviction and crash report data.
- (2) Assists the general public in matters regarding driving records, suspensions, insurance information, reinstatement requirements, and driving privileges.

(c) The Administrative Support Section

- (1) Responsible for telephone coverage to handle incoming calls from the general public, courts, law enforcement, and staff.
- (2) Responsible for opening the mail, receipting, scanning documents, routing, preparing written correspondence, vouchers, and depositing daily receipts.

2. Operational Guidelines

- North Dakota Century Code
- Federal Code of Regulations
- Drivers License Division Policies
- NDDOT Administrative Rules
- Examiner Manual
- Driver Records Manual

H. Environmental and Transportation Services Division

The Environmental and Transportation Services Division provides support and allied services necessary to carry out the project development activities within North Dakota Department of Transportation (NDDOT). Activities are coordinated with road or structures design units to assure that projects are designed in a timely and cost effective manner while maintaining appropriate sensitivity to environmental and cultural concerns and assuring that affected property owners are treated fairly in conformance with applicable state and federal laws and all applicable rules.

The Environmental and Transportation Services Division is made up of 5 sections; Environmental, Cultural Resources, Right-of-Way, Consultant Administrative Services (CAS), and Technical Services. All sections are responsible for ensuring nondiscrimination based on race, color, national origin, sex, age, disability, **limited English proficiency**, or income status.

1. Title VI Responsibilities

a) DBE Program

(1) Several Environmental and Transportation Services Division staff members serve on the DBE Unified Certification Board which reviews applicants for initial certification, annual recertification, removal of eligibility, withdrawal requests, expansion of services, joint ventures, review third party challenges, conduct oral interviews, and make recommendations to the Agency Director.

b) Environmental Section

(1) The Environmental Section is responsible for ensuring nondiscrimination when reviewing, preparing, writing, and applying for permits, wetland delineations, wetland mitigations, and Environmental Assessments (EA), Environmental Impact Statements (EIS) and Project Concept Reports (PCR).

c) Cultural Resources Section

(1) The Cultural Resources Section is responsible for ensuring nondiscrimination when reviewing, preparing, and writing for cultural resource compliance, completing archaeological studies, and Tribal consultation.

d) Right-of-Way Section

(1) The Right-of-Way Section is responsible for ensuring nondiscrimination when reviewing, preparing, conducting, and writing for appraisals, appraisal review, relocation, property management, right-of-way acquisition and payments, and mailboxes.

(a) Real Estate Appraisers

(1) The section seeks, on a continuing basis, qualified minority and female fee appraisers.

(2) Through contact with professional appraisal societies, the section maintains a listing of qualified fee appraisers.

(3) The section assures, on a continuing basis that selections for fee appraisers are made non discriminately, giving consideration to the following on the complexity of work to be undertaken and skills necessary to provide such services; the individual's experience in appraising the type of property involved; the availability of the appraiser to complete the assignment in the time allowed; and the location and conditions pertinent to the project.

(4) The section assures that standards and practices are uniformly applied to all undertakings.

(b) Negotiations

(1) Title VI assurance is made that everyone is treated equally and has received the amount of the approved valuation for the property. When necessary, because of language barriers, age, or other factors, a representative, interpreter, relative, or friend are used to aid the property owner in understanding NDDOT's proposed action.

- (c) Relocation Assistance and Advisory Services
 - (1) Documentation is maintained of all relocation assistance activities showing no disparities in interviews to assure nondiscrimination in providing relocation assistance.
 - (2) Relocation services are provided by employees who are able to communicate with the relocatee. When necessary, because of language barriers, age, or other factors, a representative, interpreter, relative, or friend are used to aid the property owner in understanding NDDOT's proposed action.
- e) Consultant Administrative Services (CAS) Section
 - (1) The CAS Section is responsible for acquiring consultants and ensuring nondiscrimination when reviewing, administering, preparing, and writing on non-construction contracts for preliminary and construction engineering, research, environmental and archaeological, and right-of-way services.
 - (2) This section utilizes the list of certified Disadvantaged Business Enterprises (DBE) for consultants, provided by the Civil Rights Division.
 - (3) Non-construction contracts developed by CAS Section are reviewed by Legal Division to ensure Appendix A of the Title VI Assurances are included.
- f) Technical Services Section
 - (1) The Technical Services Section is responsible for maintaining and developing standard specifications, supplemental specifications, and special provisions for road and bridge construction, and developing and negotiating Tribal Employment Rights Ordinance (TERO) agreements for all NDDOT projects located on or near Indian Reservations, and with the Specifications Committee.
 - (2) The section provides each newly certified DBE a courtesy copy of the Standard Specifications for Road and Bridge Construction, Volumes 1 and 2.
 - (3) The section is also NDDOT's liaison with Tribal governments on TERO issues. The section develops and negotiates agreements with TERO offices for all NDDOT projects located on or near Indian Reservations.

2. Operational Guidelines

- Design Manual
- North Dakota Century Code
- Code of Federal Regulations
- North Dakota Administrative Code
- National Environmental Policy Act
- Section 106 of the National Historic Preservation Act
- National Environmental Policy Act
- Federal Regulations
- Programmatic Agreement among the Federal Highway Administration the North Dakota Department Of Transportation and Fort Peck Assiniboine & Sioux Tribes; Turtle Mountain Band of Chippewa Indians; Mandan, Hidatsa, and Arikara Nation; Spirit Lake Dakotah Nation; Sisseton-Wahpeton Oyate; Standing Rock Sioux Tribe; Northern Cheyenne Tribe; and Crow Tribe Regarding Implementation of Tribal Consultation Requirements of the National Historic Preservation Act for the Federal Transportation Program in North Dakota
- Right-of-Way Manual
- Local Government Manual

- Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 and its Amendments
- Consultant Administrative Services (CAS) Procedure Manual
- Contract Manual (Legal)
- State Procurement Guidelines
- Federal Acquisition Regulations

I. Financial Management Division

The Financial Management Division is responsible for NDDOT's accounting and fiscal or related reporting functions, budgeting, payroll, procurement, revenue forecasting, central supply, cash management, and the disposal of highway equipment and materials.

1. Title VI Responsibilities

a) DBE Program

- (1) Two Financial Management Division staff members serve on the DBE Unified Certification Board which reviews applicants for initial certification, annual recertification, removal of eligibility, withdrawal requests, expansion of services, joint ventures, review third party challenges, conduct oral interviews, and make recommendations to the Agency Director.
- (2) A Financial Management Division staff member serves on the DBE Participation Review Committee which makes recommendations to the Agency Director to award or not to award, on all federally funded projects.

b) Procurement

- (1) The procurement section is responsible for all non-exempt procurement activities. Some divisions and districts have received specific delegated authority. Delegation varies between the divisions and districts dependent upon need and employee training levels. Authority is specific and unique to the certified individual within the division or district. Authority is not universal. The division and district delegated authority is documented and monitored by the Procurement Liaison.

The majority of purchases the Procurement section makes are state funded. When federal funding is involved, the known guidelines for that funding are followed. The Procurement Section currently includes non-discrimination statements in every formal procurement document.

- (2) Affirmative Action in bid document. The contractor will take affirmative action in complying with all Federal and State requirements concerning fair employment and employment of **individuals with disabilities**, and concerning the treatment of all employees without regard to discrimination by reason of race, color, religion, sex, national origin, or disability.
- (3) Assistance to Bidders with a Disability in bid document. Bidders with a disability that need an accommodation must contact the Procurement Officer prior to the deadline for receipt of bids so that reasonable accommodations can be made.
- (4) Compliance with Laws, Nondiscrimination and Affirmative Action in bid document. The contractor must, in performance of work under this contract, fully comply with all applicable federal, state or local laws, rules, regulations and policies, including those relating to nondiscrimination, affirmative action, accessibility and civil rights including Title VI of the Civil Rights Act of 1964. The contractor agrees to file all required reports on time, to make required payroll deductions, and to pay all taxes and premiums owed

on time, including sales and use taxes and unemployment compensation and workers' compensation premiums. The contractor shall have and keep current at all times during the term of this contract all licenses and permits required by law.

- (5) Assistance to Offerors with a Disability in Request For Proposal (RFP) and Bid documents. Offerors with a disability that need an accommodation should contact the procurement officer prior to the deadline for receipt of proposals so that reasonable accommodation can be made. (This advisory is also in the pre-proposal conference and Best & Final sections.)
- (6) Offeror's Certification in RFP and Bid documents. By signature on the proposal, an offeror certifies that it complies with: the laws of the State of North Dakota;
- Appendix A of the Title VI Assurances;
 - North Dakota Administrative Code;
 - All applicable local, state, and federal laws, code, and regulations;
 - The applicable portion of the Federal Civil Rights Act of 1964;
 - The Equal Employment Opportunity Act and the regulations issued by the federal government;
 - The Americans with Disabilities Act of 1990 and the regulations issued by the federal government;
 - All terms, conditions, and requirements set forth in this RFP or Bid;
 - A condition that the proposal submitted was independently arrived at, without collusion;
 - A condition that the offer will remain open and valid for the period indicated in this solicitation; and
 - A condition that the firm and any individuals working on the contract do not have a possible conflict of interest (e.g. employed by the State of North Dakota).

If any offeror fails to comply with the provisions stated in this paragraph, the State reserves the right to reject the proposal, terminate the contract, or consider the contractor in default.

- (7) Incorporates Appendix A of the Title VI Assurances into all sealed bids and proposals.

2. Operational Guidelines

- Accounting Manual
- North Dakota Century Code
- North Dakota Administrative Code
- North Dakota Office of Management & Budget Fiscal and Administrative Policies

J. Human Resources Division

The Human Resources Division provides the following services for the department: recruitment and selection, employment records, performance management, workforce development, staffing and salary plans, payroll and benefits, position classifications and essential functions, employment law compliance, workplace investigations, wellness programs, personnel policies, employee recognition programs, and general information to public by telephone or in person.

1. Title VI Responsibilities

The Title VI and Nondiscrimination Policy Statement poster is located in the Human Resources Division and on a bulletin board right outside of Human Resources Division office.

Human Resources Division follows department-wide policies and procedures in place for all non-engineering contracts and request for proposals.

a) Recruitment

- (1) The Department of Transportation advertises vacancies internally and externally at the same time and candidates are considered together. Advertisements go to DOT web site, Job Service web site, and state of ND web site; major ND newspapers are also used.
- (2) Career Fairs are attended throughout the state to keep NDDOT visible as a potential employer for full time and summer employment.
- (3) Scholarships are offered in the fields of civil engineering, civil technology, and construction engineering. Minorities and females are encouraged to apply and are given preference when awarding.

b) Limited English Proficiency (LEP)

- (1) Human Resources Division will follow procedures put in place as directed by department management regarding LEP.

c) Training

- (1) Training is provided for employees of the NDDOT on a wide variety of subjects. The type of training is identified by need from Division Directors and District Engineers, management, and employees.
- (2) Established contract procedures are followed.
- (3) Information on NDDOT participants, by race and sex, is determined for each training session and is reported on an adverse impact analysis report each year.
- (4) Transportation and Civil Engineering (TRAC) is a hands-on math and science curriculum designed around transportation focused projects that are intended to introduce and interest students (7-12 grades) in civil engineering and transportation professions. The program is available without regard to gender or ethnicity; however, it targets minorities and females.

d) Americans with Disabilities Act (ADA)

- (1) Federal and state laws are followed.

2. Operational Guidelines

- North Dakota Century Code
- North Dakota Administrative Rules
- Applicable Federal Rules such as American with Disabilities Act, Family Medical Leave Act, Fair Labor Standards Act
- Department personnel policies

K. Information Technology Division

Title VI compliance matters relating to technology-related activities, including the biennial Information Technology Plan; information systems maintenance, design, development, and project management; network and PC support; telecommunications; radio communications; Internet and Intranet Web development, including e-business applications; information processing, technology training, records management; photography; printing; mailing; and building security.

1. Title VI Responsibilities

- a) The division staff is responsible for the continued maintenance and enhancement of over 200 business applications and the development of new applications needed to support state and federal requirements and NDDOT's objectives including Internet and Intranet web development, such as e-business applications including CARS and Map Sales.
- b) The division supports computer hardware and connectivity in eight district offices, 68 section offices, construction field offices, and 28 drivers license testing sites by providing support to resolve problems.
- c) Services provided directly to divisions and districts include bulk typing, mail list management and envelope and label printing, bulk printing and mailing and photography – both aerial and personal shots, and training on new and updated software. Records Management requirements are researched and developed and the Central Office building security policies are implemented.
- d) NDDOT performs monthly accessibility testing of websites that it manages and funds. Any items developed for the websites by the NDDOT are tested prior to release.
- e) ADA accessibility items within communications are described within the NDDOT ADA Transition Plan, available on the NDDOT website on the "Title VI and Nondiscrimination Program/ADA" webpage at: <http://www.dot.nd.gov/divisions/civilrights/titlevi.htm> The Information Technology Division implements, monitors and updates Section 4 – "Communications" of the NDDOT ADA Transition Plan.

2. Operational Guidelines

- Agency policies and procedures
- Information Technology Plan
- State Procurement Guidelines
- NDDOT Web Standards
- ADA Transition Plan

L. Legal Division

The Legal Division provides legal services and advice to NDDOT in all areas, with emphasis on pre-litigation issues; drivers license administration matters; contract development, negotiation, drafting, and administration assistance; review of non-construction and construction-related contract documents; risk management; legislation; and administrative rulemaking.

1. Title VI Responsibilities

- a) Provide the department with legal advice, as necessary and appropriate, in matters relating to Title VI.

2. Operational Guidelines

- North Dakota Century Code
- North Dakota Administrative Code
- United States Code
- Code of Federal Regulations

M. Local Government Division

The Local Government Division administers, coordinates, and allocates funds for county, urban, Transportation **Alternatives Program**, Metropolitan Planning Organizations (MPO), and transit **state and** federal-aid programs and projects. The division also provides a liaison between

Federal Transit Administration (FTA), FHWA, county and city officials, and NDDOT divisions and districts during project development; assists local entities in preparing their projects for the bid openings; and coordinates the Emergency Relief Program on a statewide basis on behalf of NDDOT.

1. Title VI Responsibilities

a) Title VI responsibilities in the Local Government Division are:

- 1) The reviewing of subrecipients at the county, urban, and MPO level.
- 2) Ensure public involvement for local projects is carried as required by our operational guidelines.
- 3) Ensure Appendix A of the Title VI Assurances is included in all applicable contracts related to Local Government.
- 4) Calculate the amount of work possible on construction projects related to DBE participation on local projects (this information is forwarded to the Civil Rights Division for DBE goal setting on projects).
- 5) Title VI requirements related to the Transit federal-aid program are reported directly to FTA.
- 6) Continue with annual compliance reviews on all transit providers.
- 7) ADA accessibility items within Transit are described within the NDDOT ADA Transition Plan, available on the NDDOT website on the "Title VI and Nondiscrimination Program/ADA" webpage at <http://www.dot.nd.gov/divisions/civilrights/titlevi.htm> The Local Government Division implements, monitors and updates Section 5 – "Transit" of the NDDOT ADA Transition Plan.

2. Operational Guidelines

- Local Government Manual
- Design Manual
- Manual On Uniform Traffic Control Devices (MUTCD)
- AASHTO Policy on Geometric Design of Highways and Streets
- AASHTO Roadside Design Guide
- Code of Federal Regulations
- Transit State Management Plan
- ADA Transition Plan

N. Maintenance Division

The Maintenance Division is responsible for NDDOT's implementing of capital improvements of property and facilities; static traffic control devices; safety, and health; budgeting for maintenance operations, capital improvements, and equipment; maintenance specifications; the pavement preservation program; Roadway Weather Information Systems (RWIS); Intelligent Transportation Systems (ITS); load restriction and road condition reports; 511 Traveler information system; living snow fence program; trucking issues; aircraft pool; master equipment operator testing; **non-project related right-of-way activities**; and emergency response/incident management.

1. Title VI Responsibilities

a) Static Traffic Control Devices

- (1) The division develops detailed sign layouts for the districts including internationally recognized symbol signs.
- (2) Administers the Tourism Signing Advisory Committee (TSAC) program, which includes an application process, recommendations, and formal agreement.

b) Facilities Management

- (1) Responsible for facilities management activities that include: capital improvements of NDDOT property and facilities, coordination of construction administration, budget, and visitor center/rest area operations. Provides assistance to districts in the maintenance and repair of NDDOT property, facilities, and visitor center/rest area operations to maintain ADA accessibility.
- (2) ADA accessibility items within the Building and Related Site Elements are described within the NDDOT ADA Transition Plan, available on the NDDOT website on the “Title VI and Nondiscrimination Program/ADA” webpage at: <http://www.dot.nd.gov/divisions/civilrights/titlevi.htm>. The Maintenance Division implements, monitors and updates Section 3 – “Building and Related Site Elements” of the NDDOT ADA Transition Plan.

2. Operational Guidelines

- Maintenance Operations Manual
- Road and Vehicle Restrictions Manual
- ***NDDOT DMS Guidelines Manual – DMS (Dynamic Message Sign)***
- Design Manual
- Manual on Uniform Traffic Control Devices (MUTCD)
- Safety Manual
- Contract Manual (Legal)
- State Procurement Guidelines
- Traffic Control Requirements for NDDOT Operations on Highways and Streets
- Executive Office Policy Manual
- AASHTO Guidelines
- North Dakota Standard Specifications for Road and Bridge Construction
- North Dakota Century Code
- Code of Federal Regulations
- ADA Transition Plan

O. Materials and Research Division

The Material and Research Division is responsible for all bituminous testing, locating and analyzing new aggregate sources, collecting and analyzing soil samples, testing laboratory, and NDDOT’s pavement design and research programs.

1. Title VI Responsibilities

a) Gravel Prospecting

- (1) Locates and analyzes new aggregate sources. Negotiates gravel pit option agreements with private landowners. These sources are chosen strictly on location, quality, and quantity of the material.

b) Pavement Design And Research

- (1) Materials and Research contracts research with ND University System. The university is selected based on qualification.

(2) Evaluate potential research using the Research Advisory Committee. Research is selected based on management need.

c) Testing Laboratory

(1) Assists in the administration of the Technician Certification Program. This program provides training for NDDOT, contractors, and consultant personnel.

2. Operational Guidelines

- Field Sampling and Testing Manual
- State Procurement Guidelines

P. Motor Vehicle Division

The Motor Vehicle Division administers all programs relating to the titling and registration of vehicles. The division regulates motor vehicle dealers, interstate motor carriers, mobility-impaired parking privileges, and intrastate household goods carriers. The division serves the public at a central office, thirteen privatized branch offices located throughout the state, and seven county treasurer offices. Branch offices located within the same building as NDDOT's drivers license testing sites are in Dickinson, Minot, Grafton, and Jamestown.

1. Title VI Responsibilities

- a) To provide registration and title services of vehicles.
- b) Regulation of motor vehicle dealers, interstate motor carriers, and intrastate household goods carriers.
- c) Issuance of mobility-impaired parking privileges.
- d) To provide access to services in person, by mail, by fax, by email, and through the Internet.
- e) Five of the branch offices also provide partial registration services to interstate motor carriers, who no longer need to conduct their transactions at the central office.
- f) Dealer enforcement inspectors meet with each new motor vehicle and used motor vehicle dealers each year, via regularly scheduled inspections.

This effort, plus increased enforcement efforts from division staff, ensures dealer compliance and dealer relations. Language assistance is provided for all North Dakota Dealers. At present, we have several dealers who speak foreign languages.

- g) Provide Title VI training and technical assistance for all motor vehicle branch office staff. All branch office locations have access to telephonic interpreter services.

2. Operational Guidelines

- North Dakota Century Code
- The Federal Truth in Mileage Act of 1986

Q. Planning/Asset Management Division

The Planning/Asset Management Division receives federal highway planning and research funds (SPR funds) to conduct a variety of rural and urban highway planning activities. Other activities performed include mapping and cartography, highway-rail grade crossings and signal programs, rail freight assistance programs, roadway data gathering (traffic counts and inventories), traffic operations, and the production of study reports and statistics.

1. Title VI Responsibilities

- a) The major Planning/Asset Management activities relating to the Title VI requirements are the production of the Statewide Transportation Plan (TransAction III), the administration of Transportation Planning Studies, and the management of various contracts.

Statewide Transportation Plan

- (1) The Statewide Transportation Plan is developed approximately every five years. The plan provides broad strategic direction for collaborative transportation efforts across all modes, the public and private sectors, and governmental jurisdictions. The plan identifies the state's mission, vision, goals and initiatives, and strategies for achieving a statewide transportation system.
 - (a) An advisory group made up of state agencies, local government representatives, shippers, freight haulers, business leaders, Tribal representatives, and others is formed to make recommendations to the NDDOT Agency Director for plan components. Meetings are conducted throughout the state to gather input from both transportation stakeholders and the public on ideas for improving our transportation system. Inputs from the advisory group, stakeholders, and the public culminate in developing the plan's strategic initiatives. These initiatives provide direction for improving the state's transportation system. The Agency Director ultimately recommends the plan to the Governor for final approval.
 - (b) Protected groups may be identified using the North Dakota State Data Center and the state demographer. If protected groups are involved, these groups are notified through personal contacts in the given area using the department's advocacy distribution list. The advocacy distribution list will be used to disseminate information about public meetings or hearings held in the affected area or throughout the state. This advocacy distribution list includes, but is not limited to, contacts such as social service agencies, advocacy groups, and transportation service agencies throughout the state. News media is also utilized through advertisements and news releases giving pertinent information concerning transportation planning matters.
- (2) Transportation Planning Studies
 - (a) Transportation Planning Studies are done on a "by request" basis. These studies are typically conducted on roadways or corridors. Proposed transportation plans, including alternative location studies, are reviewed by the project manager to determine if protected groups (minority, low income, female, individuals with disabilities, and the elderly) are involved; and if so, those protected groups are identified as such.
 - (b) If applicable and appropriate, public meetings are held in areas where protected groups reside in the affected community as part of the transportation planning study. This allows discussion of the transportation planning activities or plan and receipt of input from low income populations, minorities, females, persons with Limited English Proficiency, and persons with disabilities for the further developing and processing of the activities or plan. Efforts are made to set the time and location of such meetings to be accommodating to those who might attend and to be appropriate with the proper phasing of the study activities.
 - (c) If protected groups are involved, these groups are identified and notified through personal contacts in the given area using the department's advocacy distribution list.

- (3) Consultant Agreements and Contracts
 - (a) Due to limited staff and time constraints, the division hires planning and engineering consultants on an as-needed basis to conduct various transportation studies ranging from spot location studies to development of long-range, statewide transportation plans.
 - (b) The consultant administrative services (CAS) section of NDDOT's Environmental & Transportation Services Division maintains a list of consultants who are providing, or who might provide in the future, planning studies and services for NDDOT. The division supplements this list, depending on the type of expertise they are looking for.
 - (c) The Title VI Liaison Officer attempts to identify minority, female, and socially-economically disadvantaged-owned firms, and firms with significant minority and female employment, for inclusion on that list.
 - (d) Procedures for selecting consultants have been established and are set forth in NDDOT's Consultant Administration Services Manual.
 - (e) The Title VI requirements are incorporated in all agreements associated with transportation planning activities and studies.

2. Operational Guidelines

- Design Manual

R. Programming Division

The Programming Division receives federal highway programming and research funds (SPR funds) to conduct a variety of rural and urban highway programs. Other activities performed include traffic operations, preparation for bid openings, authorization of federal funds, and the production of **scoping** reports.

1. Title VI Responsibilities

- a) The major programming activities relating to the Title VI requirements are the production of the Statewide Transportation Improvement Program (STIP) and the creation of Cost Participation & Maintenance agreements.

Statewide Transportation Improvement Program (STIP)

- (1) Each year, NDDOT prepares the STIP **which** is a four-year program of transportation improvements **using** federal highway and transit **funds**. Improvements include state and county highways, urban streets, roadway safety features, pedestrian facilities, and busing programs. During the draft phase of the STIP, the public is given an opportunity to view the document and provide comment by letter, email, or using the NDDOT website.

- (a) The programming section uses the department's advocacy distribution list to disseminate information about the STIP's public comment process throughout the state.

2. Operational Guidelines

- Design Manual
- Statewide Transportation Improvement Program
- **Map 21**

S. Safety Division

The Safety Division is tasked with advancing roadway safety.

The Data Analysis Section is responsible for the collection, maintenance and analysis of crash data and ancillary data sources pertinent to roadway safety. The section conducts a variety of crash data analysis and is responsible to develop the annual *Crash Summary* which includes a comprehensive analysis of the traffic safety problems in the state.

The division's Traffic Safety Office (TSO) administers programs that address unsafe driver and occupant behavior. Program areas include impaired driving, seat belt use, child passenger safety awareness, distracted driving, speed, motorcycle safety education, alcohol awareness activities (especially among the state's youth), and other areas as identified through data.

Grants are provided to local law enforcement agencies, community-based organizations, health care organizations, state agencies, and/or other entities to support statewide traffic safety programs.

1. Title VI Responsibilities

- a) Title VI responsibilities for the Safety Division includes compliance matters related to crash reporting.
- b) Administration of all National Highway Traffic Safety Administration (NHTSA) federal grant dollars.
- c) The development of the state's Highway Safety Plan, ***the Strategic Highway Safety Plan***, and associated projects within the plans.

2. Operational Guidelines

- Highway Safety Plan (***National Highway Traffic Safety Administration***)
- ***Strategic Highway Safety Plan (Federal Highway Administration)***

T. State Fleet Services Division

The State Fleet Services Division is responsible for managing, operating, maintaining, purchasing, and disposing of the state's licensed motor vehicles. The number of vehicles in the state fleet varies throughout the year from a low of approximately 3,300 to a peak of approximately 3,500, which is based on need, summer programs, and purchasing/disposal patterns. In addition, the division conducts National Safety Council defensive driving training for state employees that use the fleet, manages all insurance programs and the alcohol and controlled substance testing program for all state agency and ND University System Commercial Drivers License (CDL) drivers.

1. Title VI Responsibilities

- a) Purchasing
 - (1) The division uses the guidelines as set forth by the Office of Management and Budget State Purchasing Office for the procurement of all new vehicles to ensure a fair process of vendor award.
- b) Disposal
 - (1) North Dakota Century Code requires that all surplus equipment be sold by public auction. Therefore the division conducts several surplus vehicle auctions each year that are open to the public. The auctions are advertised on the NDDOT and NDGOV website, every county newspaper, several freely distributed shoppers throughout the state, farming magazines both in print and online, and through radio advertising. The Communications Division assists state fleet to ensure that as many people as possible

are reached to give them the opportunity to come and purchase a surplus vehicle. The auctions are held at the Bismarck and Fargo districts and are ADA accessible.

c) Transportation Needs for State Agencies/Universities

(1) The division provides vehicles for the transportation needs of all state agencies and universities. State Fleet keeps several ADA equipped vehicles in the inventory for checkout and/or permanent assignment and informs all of the government agencies and universities to request vehicles as needed so that all special transportation needs are met where possible.

d) Defensive Driving Training

(1) The division conducts the National Safety Council defensive driving training for all state employees that use fleet vehicles. The training is held in ADA accessible facilities throughout the state. Reasonable accommodations are made upon request.

(2) Alcohol and Drug Testing for CDL Drivers

(a) The division contracts with a private testing company to manage the alcohol and drug testing program for all state agency drivers requiring a CDL driver's license according to the guidelines as outlined and required in the CFR Part §382.305 Random testing. The contract is with Global Safety Network who administers all testing and random computer generated draws.

2. Operational Guidelines

- North Dakota Century Code
- State Fleet Services Policy Manual
- State Procurement Guidelines
- Federal Office of Management and Budget Circular A-87
- Code of Federal Regulations

U. District Offices

NDDOT operates eight District Offices located across the state. The districts have continuous contact with the public through various duties and responsibilities. Press releases are issued by the NDDOT and district staff are contacted to provide additional information. The districts also partner with cities and counties to work together on transportation issues. In addition, the districts complete yearly inventories of billboards and signs and also works with the public on encroachments, driveway permits, utility permits, the Adopt-a-Highway program, and noxious weed program, and dealing with other right-of-way issues.

Bismarck District

The Bismarck District is located in the south central part of the state and is responsible for 2,800 **lane** miles of roadway.

Devils Lake District

The Devils Lake District is located in the north central part of the state and is responsible for **2,304 lane** miles of roadway.

Dickinson District

The Dickinson District is located in the southwestern part of the state and is responsible for 1,978 **lane** miles of roadway.

Fargo District

The Fargo District is located in the southeast corner of the state and is responsible for 1,853 **lane** miles of roadway.

Grand Forks District

The Grand Forks District is located in the northeast part of the state and is responsible for **1,981 lane** miles of roadway.

Minot District

The Minot District is located in the northwestern part of the state and is responsible for **2,300 lane** miles of roadway.

Valley City District

The Valley City District is located in the south central part of the state and is responsible for **1,965 lane** miles of roadway.

Williston District

The Williston District is located in the northwestern part of the state and is responsible for **2,121 lane** miles of roadway.

1. Title VI Responsibilities

- a) District maintenance staff provides the public with winter snow removal according to the Snow Plow Route Priorities.
- b) District construction staff administers state and federal aid highway construction contracts for reconstruction and rehabilitation of major roadways and bridges ensuring standard specifications are met, work is completed correctly and timely, employees are classified and paid properly, payments are made, necessary forms are filed, etc. The staff also monitors Disadvantaged Business Enterprise (DBE) participation at the project level, which includes contractor compliance with the DBE Program and Prompt Payment and Retainage Contract Special Provisions.
- c) The Fort Berthold Indian Reservation is partially located within the Dickinson, Minot, and Williston District borders. Construction staffs assure that requirements of TERO Special Provisions are followed for compliance.
- d) The Spirit Lake and Turtle Mountain Indian Reservations are located within the Devils Lake District borders. Construction staff assures that requirements of TERO Special Provisions are followed for compliance.
- e) The Standing Rock Indian Reservation is partially located within the Bismarck and Dickinson District borders. Construction staffs assure that requirements of TERO Special Provisions are followed for compliance.

2. Operational Guidelines

- CADD Related Manuals
- Chip Seal Manual
- Contract Manual (Legal)
- Design Manual
- Design Manual – Prep Guide
- Draft STIP
- Final STIP

- Erosion & Sediment Control Handbook
- Maintenance Operations Manual
- Peer to Supervisor
- Road & Vehicle Restrictions Policy Manual
- Safety Manual
- Time & Labor Employee Manual
- Time & Labor Supervisor Manual
- Executive Policies
- Financial Management Policies
- Human Resource Policies
- Information Technology Policies
- External Civil Rights Manual

VII. PROGRAM AREAS FY 2013 GOALS AND ACCOMPLISHMENTS

The following information describes the location of program functions within NDDOT and identifies goals and accomplishments made during the past year for the various divisions and districts.

A. Audit Services Division

1. To ensure that a nondiscriminatory process is established and maintained regarding the selection of IFTA/IRP motor carriers and that this process complies with Title VI requirements.
 - a) Maintained our random selection of 50% for motor carriers. The Motor Carrier System is used to download the carrier data for the year. Audit runs the Random Number Generator with the number of random audits needed.
2. Audits of Architectural and Engineering consulting (A&E) firms' overhead rates are initiated at the request of the A&E firm to verify rates as required for work through the NDDOT.
 - a) Audits of A&E firms' rates were conducted to verify rates for work through the NDDOT for all firms that submitted rate proposals.
3. To develop a more formal risk-based audit plan.
 - a) We continue to work towards this. It is a goal in 2014.
4. Review consultant construction contracts to verify subcontractors comply with Title VI requirements.
 - a) Audits were conducted on contracts prior to the implementation of the process for Audit to monitor for this contract requirement. This goal continues to be a goal for 2014.

B. Bridge Division

1. The Title VI and Nondiscrimination Program manual will be reviewed annually and updated as needed.
 - a) A review was conducted and the "Title VI Responsibilities" section was updated.
2. Data collection procedures used in our environmental documentation process will be reviewed to determine whether they are successful in providing meaningful access to the public. Specifically, what data will be collected and how will the data be collected, stored, and analyzed.

- a) Bridge Division did not gather data because we did not hold any public meetings during this reporting period.

3. Other Accomplishments

- a) The division's Title VI Specialist assisted in the development of a draft Solicitation of Views (SOV) letter for advocacy groups. It was created in order to inform these groups of upcoming projects and to help minimize impacts. This letter will be implemented in the next reporting period.

C. Civil Rights Division

1. Title VI and Nondiscrimination Program

- a) Submit an updated Implementation Plan including goals and accomplishments for the past year and goals for the coming year to the FHWA Division Office by October 1 of each year for approval.
 - (1) NDDOT's Title VI and Nondiscrimination Program was submitted to FHWA on September 27, 2012. FHWA approved it on October 22, 2012.
- b) Develop and provide Title VI and related nondiscrimination training to Title VI Specialists on a quarterly basis including guidance and assistance on training other NDDOT division and district staff.
 - (1) Thirty-five Title VI Specialists were provided 7.5 to 9.5 hours of Title VI and related nondiscrimination training. [See Exhibit F.](#)
 - (2) Title VI and related nondiscrimination training materials were posted on NDDOT's internal webpage as an educational resource for Title VI Specialists, for training division and district staff, and for NDDOT employees. Materials included Public Funds for Public Benefit and ADA and Section 504 by FHWA, Breaking Down the Language Barrier DVD by the Department of Justice, and other Title VI/ADA materials.
 - (3) A syllabus and checklist for Title VI and Nondiscrimination introductory training for new NDDOT employees was disseminated to Title VI Specialists. Training includes Public Funds for Public Benefits, Breaking Down the Language Barrier, and CTS LanguageLink instruction.
- c) Develop and provide Title VI and related nondiscrimination training to new Title VI Specialists including introductory and other materials to provide a good working background on Title VI.
 - (1) Title VI and related nondiscrimination training was developed and provided to new Title VI Specialists appointed by the Agency Director.
 - (a) Four new Title VI Specialists were appointed by the Agency Director in October of 2012 and received 9 hours of Title VI and Nondiscrimination training. [See Exhibit F](#)
 - (b) Reviewed and revised the new specialists Title VI Training Syllabus and Checklist. Training materials included watching the Public Funds for Public Benefit and ADA and Section 504 DVD's by FHWA; a recorded training session by the Interagency Program for Assistive Technology (IPAT); Breaking Down the Language Barrier by the Department of Justice; and materials and recorded presentations by NDDOT staff. [See Exhibit F.](#)

- (c) Two new Title VI Specialists were appointed by the Agency Director in April and June of 2013 and received one-on-one instruction. They will attend new Title VI Specialist training in the next reporting period.
 - (d) Two new Title VI Specialists were appointed by the Agency Director in September of 2013 and will attend new Title VI Specialist training in the next reporting period.
 - (e) One Title VI Specialist was appointed by the Agency Director to represent a second division and has been a Title VI Specialist since 2009.
- d) Conduct annual Title VI reviews of program areas in July. In 2013, Civil Rights, Devils Lake District, Dickinson District, Grand Forks District, Human Resources, Safety, and State Fleet Services Divisions will be reviewed. This will complete a three year cycle of all program areas on three year reviews. [See Exhibit H.](#)
- (1) Title VI Annual and Three Year Reviews were conducted according to the Title VI Review Schedule. [See Exhibit H.](#)
 - (2) The reviews inquired about the implementation of programs, activities, and services in the following areas, if a division or district responsibility:
 - (a) Public access to Title VI information such as Title VI Complaint Form, Instructions, Title VI Complaint Process, and Americans with Disabilities Act (ADA) information, etc.
 - (b) Interaction with limited English proficiency (LEP) individuals.
 - (c) Coordination with Tribal Governments.
 - (d) Public Outreach/Involvement including women, minorities, LEP, low-income populations.
 - (e) Compliance with ADA.
 - (f) Contracts and agreements.
 - (g) Employee Title VI awareness and training.
 - (3) The results of the FY 2013 Annual Reviews are as follows:
 - (a) Bridge: Contracts and agreements is not a responsibility of this division. All other areas were reviewed and no concerns were identified.
 - (b) Construction Services: Coordination with Tribal Governments is not a responsibility of this division. All other areas were reviewed and no concerns were identified.
 - (c) Design: Contracts and agreements is not a responsibility of this division. All other areas were reviewed and no concerns were identified.
 - (d) Environmental and Transportation Services: No area of concern was identified.
 - (e) Local Government: Coordination with Tribal Governments is not a responsibility of this division. The Transit Section 5310, 5311, 5316, and 5317 Programs were

included in this division's review. All other areas were reviewed and no concerns were identified.

- (f) Maintenance: Coordination with Tribal Governments is not a responsibility of this division. All other areas were reviewed and no concerns were identified.
 - (g) Materials and Research: We requested that three contracts be reviewed to clarify whether they are a contractual status or a subrecipient status. It was determined they should be classed as contractors because both contracts define deliverables and payment to be made for receipt of said product.
 - (h) Planning/Asset Management: We requested that two contracts be reviewed to clarify whether they are a contractual status or a subrecipient status. It was determined they were a contractual status because both contracts define deliverables and payment to be made for receipt of said product. Also, it was identified that the Director's Advisory Council selection process was not in writing. This is a responsibility that has been assigned to the Civil Rights Division as a goal for the next reporting period.
 - (i) Programming: No area of concern was identified.
- (4) The results of the FY 2013 Three Year Reviews are as follows:
- (a) Civil Rights: Coordination of Tribal Governments is not a responsibility of this division. We requested that the Workplace Investigation team selection process be put in writing. A goal to address this issue is one of their FY 2014 goals.
 - (b) Devils Lake District: Coordination of Tribal Governments is not a responsibility of this division. All other areas were reviewed and no concerns were identified.
 - (c) Dickinson District: Coordination of Tribal Governments is not a responsibility of this division. All other areas were reviewed and no concerns were identified.
 - (d) Grand Forks District: Coordination of Tribal Governments is not a responsibility of this division. We requested that division staff training be completed and documentation provided to Civil Rights by November 30, 2013.
 - (e) Human Resources: Coordination of Tribal Governments is not a responsibility of this division. The Internship Programs were included in this review. All other areas were reviewed and no concerns were identified.
 - (f) Safety: No area of concern was identified.
 - (g) State Fleet Services: Coordination of Tribal Governments is not a responsibility of this division. All other areas were reviewed and no concerns were identified.
- e) Assist Title VI Specialists in conducting Title VI reviews of subrecipients, as required.
- (1) The Title VI Program Administrator provided assistance to the Local Government Division by reviewing the random selection process, answered Title VI program questions, and was available to attend the onsite review. Local Government conducted two subrecipient onsite reviews, independently. [See Exhibit I.](#)

- (2) Local Government provided Civil Rights a copy of the results of the reviews with the following results.
 - (a) Grand Forks-East Grand Forks MPO: Civil Rights concurred with review results that are reported in Local Government accomplishments.
 - (b) Barnes County: Civil Rights concurred with review results that are reported in Local Government accomplishments.
- f) Review our Title VI and Nondiscrimination Program and revise as necessary, annually.
 - (1) It was reviewed throughout the year.
- g) Review and revise the NDDOT Title VI Complaint Process.
 - (1) The NDDOT Title VI Complaint Form with instructions and Title VI Complaint Process was reviewed and revised. [See Section V, pages 14-17](#), and [Exhibit J](#).
- h) Update Title VI and CTS LanguageLink Poster Charts that identify the locations throughout NDDOT Central Office and outlying facilities.
 - (1) The NDDOT Title VI Specialists provided the locations where they displayed posters in Central Office and for outlying NDDOT facilities in the annual and there year review process. The charts were updated.
- i) Search out new advocacy groups to be added to the Advocacy Distribution List and verify current list for accuracy.
 - (1) Civil Rights and Communications worked together to update and verify the Advocacy Distribution List. Title VI Specialists provide new contacts as encountered to be added to the list. A few new contacts were added to the list.
- j) Provide training on the use of the NDDOT Public Participation Survey form including data collection and analysis.
 - (1) Training was provided to all Title VI Specialists on the use of the survey. Instructions and codes were developed for NDDOT staff and consultants and subrecipients. Consultants and subrecipients received one-on-one instructions from NDDOT staff as needed.
 - (a) The survey instructions and codes for staff and consultants can be accessed at <http://www.dot.nd.gov/manuals/design/designmanual/reference-forms.htm>
 - (b) The survey instructions and codes for subrecipients can be accessed at <http://www.dot.nd.gov/divisions/civilrights/subrecipients-titlevi.htm>
 - (c) The Pre-qualified Consultant's Identification survey codes can be access at <https://www.dot.nd.gov/business/consultants.htm>
 - (2) The survey analysis training process was not completed this reporting period. Survey analysis training for Title VI Specialists will be conducted in the next reporting period.
- k) Other Accomplishments

- (1) During the reporting period, Civil Rights received Public Participation Surveys from NDDOT staff and consultants that conducted 31 Public Information, Public Input, and Public Hearings for proposed construction projects. Civil Rights received Public Participation Surveys from Planning/Asset Management Division that conducted 20 public meetings for TransAction III, NDDOT's long-term transportation plan. The survey data is scanned and verified and stored in a database.
 - (a) Civil Rights Division conducted an analysis of the Public Participation Survey data for the timeframe July 1, 2012 through June 30, 2013. During this timeframe, NDDOT Staff and consultants conducted 33 public meetings/hearings for proposed construction projects. The analysis included data from five targeted samples of the 33 public meetings/hearings for proposed construction projects and the 20 TransAction III public meetings held throughout North Dakota.
 - (1) The survey gathered data on sex, disability, age, race, language, public assistance, and source of meeting notification.
 - (2) The survey data was compared to the U.S. Census demographics and informed NDDOT what populations were participating in the transportation decision making process.
 - (3) The results of the analysis showed most categories were under represented at one or more of the public meetings. It is important to note that North Dakota has a very low number of minorities and LEP individuals as reported by the U.S. Census.
 - (4) The results of the analysis has prompted NDDOT to improve their outreach to all people in North Dakota with a special emphasis on sex, disability, age, race, and low income populations to increase participation in the transportation decision making process. Plans to address this issue are included in the FY 2014 Goals. A copy of the analysis and reports are available upon request.
- (2) Met with Design, Bridge, and Local Government to review the Solicitation of Views (SOV) process. It was decided to develop a letter specific to the advocates on the Advocacy Distribution List and to develop a method to track participation by using the SOV letter during the next reporting period.
- (3) NDDOT utilized CTS LanguageLink to provided 388.1 minutes of telephonic interpreter services to LEP individuals between October 1, 2012 and September 30, 2013 as follows:
 - (1) A NDDOT Consultant utilized Spanish interpreters for 31.1 minutes.
 - (2) Drivers License Division utilized French, Mandarin, Somali, Spanish, and Swahili interpreters for 141.2 minutes.
 - (3) Legal Division utilized Spanish interpreters for 9.4 minutes.
 - (4) Motor Vehicle Division utilized Spanish interpreters for 206.4 minutes.
- (4) Updated the Title VI and Nondiscrimination/Title VII/EEO posters and replaced the old posters displayed throughout NDDOT Central Office and outlying facilities.

- (5) Reviewed and revised the Environmental and Transportation Services Division Request for Proposal nondiscrimination language and provided it to the division.
- (6) Reviewed and revised the Request for Accommodation language used in newspaper ads, press releases, manuals, books, and other notices.
- (7) Prepared and posted a Request For Proposal (RFP) for Deaf and Hearing Impairment Services throughout the state. No responses were received.
- (8) Prepared an Invitation For Bid for Deaf and Hearing Impairment Services throughout the state. One response was received. The contract was not finalized in this reporting period. It was carried over to the FY 2014 goals. We are continuing to provide services by using the past contracted service provider.
- (9) Reviewed advertisements for airport projects. A reference to the DBE directory will be included in future advertisements for bids for airport projects.
- (10) Developed list of employees and telephone numbers to transfer incoming LEP telephone calls to ensure prompt assistance.
- (11) The subrecipient webpage was reviewed and several subrecipient sample forms were updated on the webpage located at <http://www.dot.nd.gov/divisions/civilrights/subrecipients-titlevi.htm>

D. Communications Division

1. Continue to update the Advocacy Distribution List for distribution of press releases and announcements.
 - a) Advocacy lists were updated with current personnel.
2. Continue to work with media and other sources to get timely information to all segments of the population.
 - a) Information was distributed to media and advocacy groups on public meetings through 39 press releases.
3. Assist project consultants to ensure they are getting information about public meetings to all population segments.
 - a) Communications did not review all press releases distributed from consultants to ensure the Advocacy Distribution List was included in the notifications. We will continue to work towards this in 2014.
4. Utilize other communication tools to inform the public: i.e., community bulletin/man camp newsletters.
 - a) We have utilized newsletters and will continue to work towards other methods in 2014.

E. Construction Services Division

1. Continue to provide a high level of service to our customers in compliance with the established rules and regulations, including those of Title VI.
 - a) The previous Title VI Specialist has left his position with the NDDOT and it is unknown what was done to accomplish this goal.

2. Continue to monitor and report any Title VI concerns or issues that may arise during the daily operations of our division.
 - a) No Title VI issues needed to be reported.
3. Continue to support Civil Rights Division on any needs that may arise.
 - a) The previous Title VI Specialist has left his position with the NDDOT and it is unknown what was done to accomplish this goal.
4. Maintain presence at career fairs and make good efforts in meeting the department affirmative hiring goals.
 - a) Staff attended career fairs at ND State University, ND State School of Science, Bismarck State College, University of ND, and SD School of Mines and Technology.
 - b) As of June 2013, this duty was removed from Construction Services Division.
5. Expand recruitment efforts to out-of-state institutions; primarily in South Dakota, Minnesota, and Montana.
 - a) Staff attended Staff attended career fairs at ND State University, ND State School of Science, Bismarck State College, University of ND, and SD School of Mines and Technology.
 - b) As of June 2013, this duty was removed from Construction Services Division.
6. Continue to find ways to potentially collect data that can be used to support the NDDOT Title VI Program.
 - a) The previous Title VI Specialist has left his position with the NDDOT and it is unknown what was done to accomplish this goal.
7. Work with Records Section to perform random screenings on project final records to ensure that Appendix A is being used in the pre-construction conference form.
 - a) The previous Title VI Specialist has left his position with the NDDOT and it is unknown what was done to accomplish this goal.

F. Design Division

1. Public Involvement
 - a) Data Collection. Summarize the data collected for all public meetings to reflect demographics of public meeting participants.
 - (1) The data is now collected utilizing SFN 59531 and SFN 60149. Demographic information is tabulated through computer scanning capabilities department wide.
 - b) Title VI Information. Develop information displays and/or handouts to be made available and displayed at public meetings describing Title VI to inform the participants of Title VI.
 - (1) Displays and handouts will continue to be a goal for the next year. Increased emphasis on the purpose and public information of Title VI at public meetings shall be a goal for 2013-2014.

- c) Public Meetings. Continue to update Design Manual and Public Meeting Displays, Advertisements, and Press Releases as needed with respect to Title IV.
 - (1) No updates were necessary for this reporting period. The public advocacy distribution list is an additional useful tool for notifying awareness of upcoming meetings in addition to standard advertising.
 - (2) The division's Title VI Specialist assisted in the development of a draft Solicitation of Views (SOV) letter for advocacy groups. It was created in order to inform these groups of upcoming projects and to help minimize impacts. This letter will be implemented in the next reporting period.

2. ADA Transition Plan Development

- a) Continue to implement, monitor, and update Section 2 – “Public Rights of Way” of the NDDOT ADA Transition Plan.
 - (1) No updates found necessary for this reporting period. Standalone ADA curb ramp projects are bid annually. The criterion is continually reviewed to be in compliance with FHWA policies and accessible standards.

3. Title VI Awareness

- a) Keep Design Division employees current and aware of the Title VI initiatives and purposes through the Title VI Specialists briefings at Design Division Staff meetings.
 - (1) Design Division employees were made aware of Title VI initiatives and purposes through staff meetings and annual Title VI training. Title VI training this reporting period consisted of the “Lives Worth Living” video which documented the struggles of enacting the ADA.

4. DOTSC Program

- a) Data will be collected, monitored, and reported on for hiring processes for DOTSC students through Upper Great Plains Transportation Institute (UGPTI).
 - (1) Data was collected and summarized for DOTSC hiring process.

G. Drivers License Division

- 1. Complete the Dickinson Drivers License office upgrade to improve security and accessibility for the public.
 - a) Anticipated completion date is early Fall 2012.
 - (1) The upgrade to the Dickinson Driver License office to improve security and accessibility was completed on October 5, 2012.
- 2. Utilize the Drivers License Division logsheet to track written translation requests.
 - a) Review requests to determine the necessity for formal document or study guide translation.
 - (1) Drivers License Division staff utilized logsheets to track written translation requests to determine the necessity for formal documents or study guide translation.

- (2) Drivers License Division received requests for translation of the Rules of the Road Study Guide and Rules of the Road Knowledge Test. No review was conducted. This goal was carried over to FY 2014.
- 3. Continue to utilize LEP phones at the 8 major Drivers License offices and the Driver Record Services counter.
 - (1) Have division staff note any request for language assistance not currently provided by CTS LanguageLink.
 - (a) The Drivers License Division utilized LEP phones at the 8 major Driver License offices and the Driver Record Services counter. There were no requests for language assistance not currently provided by CTS LanguageLink.
- 4. Ensure the Title VI Statement continues to be printed in all of the 2011-2013 Rules of the Road, Motorcycle, and CDL study guides.
 - a) Additional copies are generally needed as we near the end of the biennium. Review to ensure the Title VI Statement is not inadvertently omitted.
 - (1) The Title VI Statement was printed in all of the copies of the 2011-2013 Rules of the Road, Motorcycle, and CDL Study Guides.
- 5. Maintain continued accessibility to all of the Drivers License offices; both district and field sites.
 - a) At times the examiners are required to temporarily re-arrange an office for field site due to unforeseen circumstance; for example, unexpected building maintenance or street work.
 - b) If access is hindered, the examiners contact Drivers License in Central Office so other arrangements can be made for the individual until the problem is fixed.
 - (1) Accessibility to all of the Driver License offices located at both the district and field sites was maintained throughout the year. There were no reports of hindered access.
 - (2) Three individuals who are deaf were provided interpreting services during the drivers license permit test and motorcycle permit test.
 - (a) Utilized CSD Interpreting Services
 - (3) Thirty-five individuals whose primary language is Spanish were provided interpreting assistance for general information.
 - (a) Utilized Drivers License Division employees.
 - (4) Audio testing in English is offered at each of the 8 major offices to accommodate individuals with various reading/learning disabilities.
 - (a) 41.1 percent or 11,758 out of 28,614 basic Rules of the Road tests were administered via audio from October 1, 2012 through September 30, 2013.
 - (5) The Rules of the Road knowledge test is offered in nine foreign languages at the 8 major offices.
 - (a) Of the total number of Rules of the Road tests administered:

- (b) 1.49 percent or 427 out of 28,614 were administered in Spanish
- (c) 1.18 percent or 337 out of 28,614 were administered in Somali
- (d) 0.81 percent or 233 out of 28,614 were administered in Arabic
- (e) 0.29 percent or 83 out of 28,614 were administered in Russian
- (f) 0.29 percent or 84 out of 28,614 were administered in Vietnamese
- (g) 0.16 percent or 46 out of 28,614 were administered in Swahili
- (h) 0.08 percent or 23 out of 28,614 were administered in Nepali
- (i) 0.05 percent or 14 out of 28,614 were administered in Turkish
- (j) 0.04 percent or 11 out of 28,614 were administered in Serbo-Croatian

6. Other Accomplishments

- a) Sixty-seven Drivers License Division employees completed a minimum of one hour of annual Title VI training.
 - (1) Ten new drivers license employees completed an additional half-hour of introductory Title VI training.
- b) Eleven driver license orientation sessions geared toward New Americans and University Students were presented by drivers license staff.
 - (1) Driver license information and requirements are made clear.
 - (2) Question and answer session is conducted.
 - (3) Sponsoring entities provide interpreters as needed during the sessions.

H. Environmental and Transportation Services Division

- 1. Conduct an annual meeting with Spirit Lake Nation, Three Affiliated Tribes, Turtle Mountain Bank of Chippewa, and Standing Rock to discuss upcoming construction projects and TERO procedures.
 - a) Conducted two meetings, one in New Town and one in Bismarck with Three Affiliated Tribes and discussed upcoming construction projects and updated the TERO procedures.
 - b) Conducted a phone meeting with Spirit Lake Nation, Turtle Mountain Band of Chippewa, and Standing Rock and discussed upcoming construction projects and the current TERO procedures.
- 2. Research and update the data base to create a report that states the number of DBE's that received a courtesy copy of the Standard Specifications for Road and Bridge Construction.
 - a) A work order was submitted to ITD Division in June 2013 to begin the research for the data base to create a report that states the number of DBE's that received a courtesy copy of the Standard Specifications for Road and Bridge Construction.

3. Implement NDDOT Public Participation Survey (SFN 60149) to collect demographic data for negotiations and relocations.
 - a) The NDDOT Public Participation Survey (SFN 60149) was revised to accommodate the data collection need for negotiations and relocations.

4. Other Accomplishments

- a) Revised Request For Proposal for consultants with updated Title VI and nondiscrimination language along with a link to the Title VI and Nondiscrimination Program.

I. Financial Management Division

1. All Title VI and agency contact information will be up to date on solicitation documents.
 - a) No updates, there have not been changes to be incorporated in solicitation documents.
2. To continue to incorporate the NDDOT Public Participation Survey, SFN 60149 and the Sign-in Sheet, SFN 59531, for bid openings.
 - a) From 10/1/12 to 9/30/13, seven suppliers attended from various bid openings. Form SFN 59531 was completed at the meeting. Information was supplied to Civil Rights Division.
3. New Financial Management employees will receive training via video – “Public Funds for Public Benefit – Overview presentation parts 1 and 2” and “Intro Presentation – parts 1 and 2.” They will also receive instruction on the LEP posted contract information.
 - a) New employees were informed to watch “Public Funds for Public Benefit – Overview presentation parts 1 and 2” and “Intro Presentation – parts 1 and 2” and were informed of the LEP instructions and where it is located in their area. Information was supplied to Civil Rights Division.

J. Human Resources Division

1. We will use NDDOT Public Participation Survey (SFN 60149) for non-DOT attendees at training events.
 - a) It was determined that SFN 60149 will not be used for training events hosted by NDDOT.
2. TRAC will continue to pursue adding more schools including those on the Indian Reservations.
 - a) Provide TRAC reports yearly.
 - (1) Based on a school year, seven new schools were added this reporting period: Belfield Public School; Circle of Nations Wahpeton Indian School; Kindred Public School District #1; Midkota Public School (Glenfield and Binford); Mohall, Lansford, Sherwood Public School District; Washburn Public School District #4; Williston High School.
 - (2) TRAC report was provided to appropriate parties in July 2013.
3. Other Accomplishments
 - a) During this reporting period training for the following was held: NHI Stream Stability and Stormwater Pump; NHI Stream Stability and Scour at Highway Bridges; NHI Stormwater Pump Station Design; Implementing Quality Environmental Documentation Webinar; Design Discipline Webinar on Selecting Successful VE Teams; FHWA Designing for Pedestrian

Safety workshop; MHI HEC-RAS River Analysis System; NHI Using the AASHTO Audit Guide for the Procurement and Administration of A/E Contracts; NHI Using the AASHTO Guide for the Development of A/E Consultant Indirect Cost Rates; NHI Using the AASHTO Audit Guide for the Auditing and Oversight of A/E Consultant Indirect Cost Rates. Consultant firms, FHWA, CPA firms, Minnesota Department of Transportation, State Water Commission, and City Engineers were invited to attend the various training. All correspondence included a statement that reasonable accommodations are available on request. No reasonable accommodations were requested during this reporting period.

K. Information Technology Division

1. Provide the department with technological services in matters relating to Title VI.
 - a) Updates were made to website as necessary to make available Title VI material and information.
 - b) Determined that SFN 60135 (Request for Reasonable Accommodations) would be used to handle any requests for electronic materials available on the web.
2. Continue to implement, monitor, and update Section 4 - "Communications" of the NDDOT ADA Transition Plan.
 - a) Any changes requested or needed were made to ensure it was up to date and accurate.
3. Other Accomplishments
 - a) Launched the smart phone app and email/text message service for road conditions and other NDDOT information.

L. Legal Division

1. Continue to provide the department with legal advice, as necessary and appropriate, in matters relating to Title VI.
 - a) Assisted department personnel in addressing various questions related to Title VI.
2. Record data on requests for accommodations for language assistance in Administrative Hearings by location and language requested.
 - a) CTS Language Link telephonic interpreter services were used as follows:
 - (1) One Hearing Officer in Grand Forks utilized a Spanish interpreter for 9.4 minutes.

M. Local Government Division

1. Conduct reviews on 10% or a minimum of one subrecipient for the upcoming reporting period.
 - a) Local Government Division had a total of eleven subrecipients in 2013, and therefore; two subrecipients were audited for Title VI compliance. The two entities were the Grand Forks-East Grand Forks MPO and Barnes County. [See Exhibit I.](#)
 - b) The reviews inquired about the following information:
 - (1) Public access to Title VI information such as Title VI Complaint Form, Instructions, Title VI Complaint Process, and Americans with Disabilities Act (ADA) information, etc.
 - (2) Interaction with limited English proficiency (LEP) individuals.

- (3) Public Outreach/Involvement including women, minorities, LEP, low-income populations.
 - (4) Compliance with ADA.
 - (5) Employment related items
 - (6) Title VI Assurances and Policy Statements.
 - (7) Complaint procedures
 - (8) Title VI Forms
 - (9) Employee Title VI awareness and training
- c) A summary of the results of the reviews are as follows:
- (1) Grand Forks-East Grand Forks MPO: Review was conducted on June 24, 2013. No areas of concern were identified. Only minor items such as updating forms and increasing the locations for posting the Title VI forms were noted.
 - (2) Barnes County: Review was conducted on June 25, 2013. No areas of concern were identified. Only minor items such as updating forms and increasing the locations for posting the Title VI forms were noted.
2. Ensure public involvement is carried out on local projects.
 - a) Local Government Division directs the local entities to follow the NDDOT public involvement requirements as outlined in the Design Manual.
 3. Calculate the amount of work possible on construction projects related to DBE participation on local projects DBE goal setting.
 - a) DBE goals were calculated for each bid opening on every project that Local Government was responsible for. The calculations were provided to Civil Rights for their use in determining if a Race Neutral or Race Conscious goal will be required on a particular project.
 4. Conduct Transit provider training.
 - a) The Transit Section holds provider training every other year for Title VI, LEP, and Drug and Alcohol.
 5. Better data collection from transit providers on meeting material.
 - a) Transit providers did not have any service changes so there were no meetings held.
 6. Contract with a consultant to assist contacting and obtaining contracts with DBE firms for transit use.
 - a) The Transit Section is working toward this goal for FY 2014.
 7. Continue to implement, monitor, and update Section 5 – “Transit” of the NDDOT ADA Transition Plan.

- a) The Transit Section is working toward this goal for FY 2014.

8. Other Accomplishments

- a) The division's Title VI Specialists assisted in the development of a draft Solicitation of Views (SOV) letter for advocacy groups. It was created in order to inform these groups of upcoming projects and to help minimize impacts. This letter will be implemented in the next reporting period.

N. Maintenance Division

1. Static Traffic Control Devices

- a) Continue to provide detailed sign layouts to all eight districts including international symbol signs.

- (1) Developed 133 detailed sign layouts for the districts.

2. Facilities Management

- a) Implement capital improvements of NDDOT property, facilities, and visitor center/rest areas through the coordination of specification, bidding, and construction process to build new section buildings statewide which meet the ADAAG guidelines.

- (1) Built two section buildings, two salt/sand storage buildings, and one equipment storage building.

- b) Start and complete NDDOT owned facility inspection for ADA compliance.

- (1) Completed

- c) Amend ITS Steering Committee (ISC) Selection Process.

- (1) Completed

- d) Continue to implement, monitor, and update Section 3 – “Building and Related Site Elements” of the NDDOT ADA Transition Plan.

- (1) Will continue

3. Other Accomplishments

- a) Added Traveler app to NDDOT web

O. Materials and Research Division

1. To review and update division manuals to include Title VI language, if needed.

- a) Manuals were reviewed and it was determined current manuals did not require Title VI language.

2. To collect demographic information using the NDDOT Public Participation Survey (SFN 60149) at training events for non-NDDOT attendees.

- a) It was determined the survey would not be used for training events.

3. Other Accomplishments

- a) Reviewed three contracts to determine if they were a contractual status or a subrecipient status. All three contracts were a contractual status.

P. Motor Vehicle Division

1. To provide Title VI training and technical assistance for all motor vehicle branch office staff.

- a) We have provided training to a number of motor vehicle branch office employees, this is an ongoing process. Each time a new employee comes in for training on motor vehicle issues, they receive 1 hour of Title VI training as well. We have trained counter employees and managers from twelve branch offices during this reporting period. Our goal is to continue to train new employees and provide sustainment training to all 20 branch offices via the extranet.
- b) We provided training to all central office motor vehicle staff. Training included initial Title VI orientation as well as sustainment training for existing staff.
- c) We provided technical assistance to the branch offices including on site and via telephone. We also provided guidance on placement of posters and using the interpreter service. Technical assistance was provided on setup and use of the interpreter service.

2. Continue to serve mobility impaired individuals.

- a) Begin monitoring the number of mobility placards and plates issued relative to the population of the State of North Dakota.

(1) The Motor Vehicle Division is serving mobility impaired individuals by providing 793 temporary and 68,992 permanent mobility impaired placards and 6,201 mobility plates for accessible parking for individuals with disabilities as well as providing ADA accessibility for motor vehicle services.

3. Monitor branch office for customer accessibility, poster visibility (LEP and Title VI posters) and employee familiarity with interpreter services.

- a) When Dealer Services or Motor Vehicle support personnel were onsite at branch offices, they conducted a brief inspection of location and visibility of LEP and Title VI posters. Periodically audited branch office personnel verbally on familiarity and use of interpreter services.

4. Other Accomplishments

- a) Provided Title VI training to all new employees. We did a Title VI overview including Public Funds for Public Benefit, Introduction, and Overview, Breaking Down the Language Barrier, Lives Worth Living, and the LEP video.

Q. Planning/Asset Management Division

1. Continue to collect and analyze participation data at all public and semi-public meetings and determine effective ways to reach out to disadvantaged populations and encourage their participation in the transportation planning process.

- a) No meetings were held during this reporting period. However, due to the change in the reporting period, the following information was not reported in the previous reporting period. Demographic surveys were handed out at all 20 TransAction III public meetings held during

July and August 2012 and were returned to Civil Rights. A meeting was held on each Native American Reservation within the state. Invitations from the Director were sent to all Tribal Chairpersons and members of the Title VI Advocacy Distribution List were informed of the upcoming Title VI meetings electronically and via print ads by the North Dakota Newspaper Association.

2. Continue to include Appendix A of the Title VI Assurances in all future federal-aid contracts and agreements.
 - a) Returned contracts were reviewed for completeness and Appendix A inclusion.
3. For future public meetings, continue to contact all Tribal entities and redouble efforts to include minority/low income populations to participate in planning activities.
 - a) Personal invitations were sent to all Tribal Chairpersons, meetings were held on each reservation and the Title VI Advocacy Distribution List was utilized to inform the public about the upcoming meetings.
4. Work with Rail Planning Project Manager to develop special focus areas this year for Operation Lifesaver in 2012-2013.
 - a) Two trainings, 182 Presentations, and 22 Special events reached 13,677 people. Three distinct program areas were:
 - (1) Eastern ND Blitz – multiple “Officer on a Train” events in Grand Forks, the wrecked car trailer display in Grand Forks and Fargo, Positive Enforcement events in Fargo, and media interviews and TV news story coverage. New relationships and partnerships with law enforcement and media in new cities were undertaken and relationships reinforced with BNSF, CP and RR/VW Railroads.
 - (2) Western ND Blitz – multiple “Officer on a Train” events in Minot and the surrounding area, the wrecked car trailer display in Minot, Stanley, and Berthold, Positive Enforcement events in Stanley, and media and TV news story coverage in the region. New relationships with Amtrak were undertaken, and relationships were reinforced with local police, Highway Patrol, the media and BNSF and CP railways.
 - (3) Special BNSF Grant – BNSF granted Operation Lifesaver over \$20,000 to run an “Off the Wall” Advertising Campaign from March 2013 through July 2013. This allowed the Operation Lifesaver program to have a continuous and consistent message across western North Dakota, giving the program heightened brand awareness and an increased number of people seeing the safety message.
 - b) Increased attention to western North Dakota yielded only one fatality during the reporting period through September 30.
5. Other Accomplishments
 - a) Reviewed two contracts to determine if they were a contractual status or a subrecipient status. Both contracts were a contractual status.

R. Programming Division

1. Review the STIP amendment process to see if it would be feasible to collect demographic information from that process.

- a) This goal will be continued for 2014, the 2013 STIP did not receive any comments from the general public to collect any demographic information. Comments for future STIPs will continue to be monitored for possible collection of demographic information.

S. Safety Division

- 1. Increase the number of contracts with the tribes for traffic safety programming.
 - a) The Safety Division maintained contracts with three of North Dakota's four tribes to provide culturally appropriate traffic safety programming on tribal lands. Contracts are with Turtle Mountain Band of Chippewa, Standing Rock Sioux Tribe, and Three Affiliated Tribes. The Safety Division hopes to add a contract with Spirit Lake Nation next fiscal year.

T. State Fleet Services Division

- 1. Continue to survey for additional ADA transportation needs.
 - a) Surveyed all state agencies and universities for ADA vehicle needs and as a result no additional ADA vehicles were requested.
- 2. Work toward the goal of having ADA equipped minivans available in all eight motor pool locations.
 - a) Added an ADA minivan to the Valley City and Dickinson motor pools so seven of the eight motor pools have ADA vehicle availability.

U. District Offices

Bismarck
Devils Lake
Dickinson
Fargo
Grand Forks
Minot
Valley City
Williston

- 1. Provide ADAAG training to employees who will then assess ADAAG compliance in NDDOT.
 - a) Bismarck, Devils Lake, Dickinson, Fargo, Minot, Valley City, and Williston: District employees received training on ADA and compliance and facilities were reviewed for compliance.
 - b) Grand Forks: District facilities were reviewed for ADA compliance.
- 2. Continue to provide general support for all maintenance activities state wide.
 - a) Bismarck, Devils Lake, Dickinson, Fargo, Grand Forks, Minot, Williston:
 - (1) No stranded motorists were encountered that needed language assistance.
 - b) Valley City:
 - (1) A mother and son from India were stuck in the median in the Valley City District. State Radio was notified only a wrecker was needed. The son spoke English, but his mother did not. If the son would have been incapacitated language assistance would have been needed.

- c) All districts provided general support services for all maintenance activities.
3. On Urban projects, work with the designer to ensure accessibility to all users of the roadway when the only access is through the construction zone. In addition, be prepared to accommodate all users when temporary water lines are placed along the work zone that would not meet ADAAG.
- a) Bismarck, Dickinson, Minot, Valley City, and Williston: Plans are developed to facilitate and update pedestrian facilities to meet ADA Guidelines during construction and after completion.
 - b) Devils Lake: As work is done on Urban Projects, work is done to replace or repair curb ramps to meet ADA requirements. During construction ADA is addressed for accessibility.
 - c) Fargo: Accessible path was provided when a pedestrian bridge was closed for maintenance.
 - d) Grand Forks: High pedestrian traffic cross walks have been redesigned to meet ADA requirements.
 - e) Dickinson and Minot: No request for accommodation was received for access across temporary water lines.
 - f) Bismarck, Devils Lake, Fargo, Grand Forks, Valley City, and Williston: No temporary water lines used.
4. Other Accomplishments
- a) Bismarck:
 - (1) Projects were completed in McClusky and Hague specifically to address ADAAG.
 - b) Devils Lake:
 - (1) A project was completed in Rolette to address ADAAG and also in Devils Lake there were curb ramps repaired on a project through town.
 - c) Dickinson:
 - (1) District Office facilities have been remodeled to accommodate ADA. Rest Area has been reviewed for ADA access; items that were of concern will be addressed.
 - d) Fargo:
 - (1) Projects were completed in Arthur and Hunter specifically to address ADAAG.
 - e) Grand Forks:
 - (1) District completed External Civil Rights Training.
 - f) Valley City:

- (1) New employees were provided introductory Title VI training. Training included viewing the introduction and overview of the Public Funds for Public Benefits DVD and LEP DVD.
- (2) All employees attended one hour of training in April and May of 2013. Training included "Lives Worth Living" DVD.

g) Devils Lake:

- (1) New Employee Training on "Public Funds for Public Benefit" and "Breaking Down the Language Barrier" to help familiarize new employees with Title VI.

VIII. PROGRAM AREAS FY 2014 GOALS

The following information describes the location of program functions within NDDOT and identifies goals for the coming year for the various divisions and districts.

A. Audit Services Division

1. Ensure that a nondiscriminatory process is established and maintained regarding the selection of IFTA/IRP motor carriers and that this process complies with the Title VI requirements.
2. Audits of Architectural and Engineering consulting (A&E) firms' overhead rates are initiated at the request of the A&E firm to verify rates as required for work through the NDDOT. Implement the project work plan for Safe Harbors indirect cost rates and the related risk-based oversight procedures as approved by the FHWA.
3. Continue to work on the development of a more formal risk-based audit plan.
4. Review consultant construction contracts to verify subcontractors comply with Title VI requirements.

B. Bridge Division

1. Distribute and collect demographic surveys at all public meetings and encourage disadvantaged population participation in the transportation decision making process.
2. Conduct a statistical analysis on the survey data for a targeted sample of public meetings receiving state, federal, or transit funds.
3. Data collection procedures used in our environmental documentation process will continue to be developed. Specifically, what data will be collected and how will the data be collected, stored, and analyzed.
4. Implementation of the SOV letter for advocacy groups shall be completed to send out for all urban projects. Responses to these letters shall be documented and analyzed to determine the effectiveness of these letters.

C. Civil Rights Division

1. Title VI and Nondiscrimination Program
 - a) Submit a Title VI/Nondiscrimination Plan, an Annual Work Plan and Accomplishment Report including goals and accomplishments for the previous year and goals for the present year to the FHWA Division Office by November 1 of each year for approval.

- b) Develop and provide Title VI and related nondiscrimination training to Title VI Specialists on a quarterly basis including guidance and assistance on training other NDDOT division and district staff.
- c) Develop and provide Title VI and related nondiscrimination training to new Title VI Specialists including introductory and other materials to provide a good working background on Title VI.
- d) Assist each program area to identify the processes that impact the Public and place each process on a schedule to be reviewed within a three year period beginning FY 2014.
- e) Conduct Annual and Three Year Title VI reviews of divisions and districts in June and July according to the Title VI Review Schedule. FY 2014 will begin a three year cycle of divisions and districts on three year reviews. [See Exhibit I.](#)
- f) Provide guidance to Title VI Specialists in conducting Title VI reviews of subrecipients.
- g) The Workplace Investigation (WPI) member selection process will be put in writing including steps to increase diversity and stored in an accessible location.
- h) Put Director's Advisory Council (DAC) Selection Process in writing and stored in an accessible location.
- i) Review our Title VI and Nondiscrimination Program and revise as necessary, annually.
- j) Review the NDDOT Title VI Complaint Process and revise as necessary.
- k) Update Title VI and CTS LanguageLink Poster Charts that identify the locations throughout NDDOT Central Office and outlying facilities.
- l) Search out new advocacy groups to be added to the Advocacy Distribution List and verify current list for accuracy.
- m) Work with Title VI Specialists to develop a SOV letter specific to the advocates on the Advocacy Distribution List and a method to track participation by using the SOV letter.
- n) Review the NDDOT Public Participation Survey process, instructions, and codes and revise as necessary.
- o) Scan/verify NDDOT Public Participation Surveys and monitor/update database for accuracy.
- p) Provide training on the use of the NDDOT Public Participation Survey form including data collection and analysis.
- q) Assist Title VI Specialists conduct a statistical analysis on the survey data for targeted samples of NDDOT public meetings/hearings receiving state, federal, or transit funds.
- r) Secure contract for Deaf and Hearing Impairment Services statewide.
- s) Civil Rights Director will meet with all ADA staff to develop a schedule for updating the ADA Transition Plan.

D. Communications Division

1. Continue to work with media and other sources to get timely information to all segments of the population.
2. Provide project specific information on our website or other forms of media.
3. Assist project consultants to ensure they are getting information about public meetings to all population segments.
4. Utilize other communication tools to inform the public: i.e., community bulletin/man camp newsletters.

E. Construction Services Division

1. Make quarterly checks of project final records to verify Appendix A of the Title VI Assurances is included. Checks will be done in January, April, July, and October.
2. We will select one project at random each November to ensure the proper time between Project Announcements and Bid openings are printed in newspapers local to the project site.

F. Design Division

1. Public Involvement

- a) Title VI Information. Develop additional information concerning the purpose of Title VI available for public meetings.
- b) Public Meetings. Continue to update Design Manual and public meeting displays, advertisements, and press releases as needed with respect to Title VI.
- c) Solicitation of Views. Develop a specific solicitation of views letter to send to the advocacy group mailing list informing constituents of upcoming urban projects to improve public involvement throughout project development including a method to track participation by using the SOV letter.
- d) Distribute and collect demographic surveys at all public meetings and encourage disadvantaged population participation in the transportation decision making process.
- e) Conduct a statistical analysis on the survey data for a targeted sample of public meetings receiving state, federal, or transit funds.

2. ADA Transition Plan Development

- a) Continue to implement, monitor, and update Section 2 – “Public Rights of Way” of the NDDOT ADA Transition Plan.

3. Title VI Awareness

- a) Keep Design Division employees current and aware of Title VI initiatives and purposes through Title VI Specialist briefings at Design Division Staff meetings

4. DOTSC Program

- a) Data will continue to be collected, monitored, and reported on for hiring processes for DOTSC students through Upper Great Plains Transportation Institute (UGPTI).

5. Standard Drawings

- a) Review Standard Drawings for curb ramps and sidewalks to ensure accessible design standards are implemented and current.

G. Drivers License Division

1. Conduct a review of the written translation request logsheets.
 - a) Identify potential documents and languages for written translation.
 - b) Assess the need and feasibility of each translation and provide the information to Civil Rights.
2. Utilize LEP phones at the 8 major Drivers License offices and the Driver Record Services counter for in-person customer service.
 - a) Utilize “conference call” feature on supervisor phones to conference CTS LanguageLink personnel to interpret for drivers license phone customers.
3. Ensure the Title VI Statement continues to be printed in all of the 2013-2015 Rules of the Road, Motorcycle, and CDL study guides.
 - a) Additional copies are generally needed as we near the end of the biennium. Review to ensure the Title VI Statement is not inadvertently omitted.
4. Maintain continued accessibility to all of the Drivers License offices; both district and field sites.
 - a) At times the examiners are required to temporarily re-arrange an office or field site due to unforeseen circumstances; for example, unexpected building maintenance or street work.
 - (1) If access is hindered, the examiners contact Drivers License in Central Office so other arrangements can be made for the individual until the problem is fixed.

H. Environmental and Transportation Services Division

1. Complete the research and update the data base to create a report that states the number of DBE's that received a courtesy copy of the Standard Specifications for Road and Bridge Construction.
2. Conduct an annual meeting with Spirit Lake Nation, Three Affiliated Tribes, Turtle Mountain Band of Chippewa, and Standing Rock to discuss upcoming construction projects and TERO procedures.
3. Update the “Public Information for Highway and Street Projects Brochure” and the “When I Must Move Brochure” to include the Title VI Disclaimer and Civil Rights Division contact information.
4. Distribute and collect demographic surveys at all public meetings and encourage disadvantaged population participation in the transportation decision making process.
5. Conduct a statistical analysis on the survey data for a targeted sample of public meetings receiving state, federal, or transit funds.

I. Financial Management Division

1. Continue to review and monitor that all changes to Title VI/ADA compliance are incorporated into solicitation documents as necessary.

2. New Financial Management employees will receive training via video – “Public Funds for Public Benefit – Overview presentation parts 1 and 2” and “Intro Presentation – parts 1 and 2.” They will also receive instruction on the LEP posted contract information before 9/30/14.
3. To continue to incorporate the Public Participation Survey, SFN 60149, and use the Sign-in Sheet, SFN 59531, for bid openings.

J. Human Resources Division

1. Continue efforts to add more schools to the TRAC program.
2. Make efforts to increase numbers of minorities and females to apply for scholarships offered by NDDOT.
3. Make efforts to place minorities and females for available summer temporary positions.

K. Information Technology Division

1. Provide the department with technological services in matters relating to Title VI.
2. Continue to implement, monitor, and update Section 4 - “Communications” of the NDDOT ADA Transition Plan.

L. Legal Division

1. Continue to provide the department with legal advice, as necessary and appropriate, in matters relating to Title VI.
2. Record data on requests for accommodations for language assistance, in Administrative Hearings, by location and language requested.

M. Local Government Division

1. Conduct reviews on 10% or a minimum of one subrecipient for the upcoming reporting period.
2. Ensure public involvement process is carried out on local projects.
3. Implementation of the SOV letter for advocacy groups shall be completed to send out for all urban projects. Responses to these letters shall be documented and analyzed to determine the effectiveness of these letters.
4. Distribute and collect demographic surveys at all public meetings and encourage disadvantaged population participation in the transportation decision making process.
5. Conduct a statistical analysis on the survey data for a targeted sample of public meetings receiving state, federal, or transit funds.
6. Calculate the amount of work possible on construction projects related to DBE participation for on local projects DBE goal setting.
7. To have a drug and alcohol DBE consultant hired to train and educate the state providers and our staff. Help ensure we are in federal compliance with federal drug and alcohol rules and regulations.
8. Conduct annual compliance reviews on all 31 rural transit providers this fiscal year.
9. Work toward getting all 31 transit providers in federal compliance.

10. Continue to implement, monitor, and update Section 5 - "Transit" of the NDDOT ADA Transition Plan.

N. Maintenance Division

1. Static Traffic Control Devices
 - a) Provide detailed sign layouts to all eight districts including international symbol signs.
2. Facilities Management
 - a) Implement capital improvements of NDDOT property, facilities, and visitor center/rest areas through the coordination of specification, bidding, and construction process to build new section buildings statewide which meet the ADAAG guidelines.
 - b) Analyze NDDOT owned facility inspection data for ADA compliance.
 - c) Continue to implement, monitor, and update Section 3 - "Building and Related Site Elements" of the NDDOT ADA Transition Plan.

O. Materials and Research Division

1. To review process of solicitation and awarding bid recipients to aid in the determination of subrecipient status.

P. Motor Vehicle Division

1. Continue to serve Mobility Impaired individuals by continuing to monitor year over year statistics of how many mobility impaired placards and plates are issued.
2. Monitor branch offices for customer accessibility, poster visibility (LEP and Title VI posters), and employee familiarity with interpreter services.

Q. Planning/Asset Management Division

1. Distribute and collect demographic surveys at all public meetings for later analysis and encourage disadvantaged population participation in the transportation planning process.
2. Continue to include Appendix A of the Title VI Assurances in all future federal-aid contracts and agreements.
3. For future public meetings, continue to contact all Tribal entities and redouble efforts to include minority/low income populations to participate in planning activities.
4. Work with Rail Planning Project Manager to develop special focus areas this year for Operation Lifesaver in 2013-2014. The special focus areas this year for Operation Lifesaver in 2013-2014, will include a multi-faceted media campaign with messages on trespassing and driving safety tips, campus and company outreach for college students and employees, a new rolling/mobile display with the Operation Lifesaver safety message and volunteer update and recruitment.

R. Programming Division

1. Review the training information for new employees.
2. Review the Title VI and Non-discrimination information in the STIP.
3. Review the STIP amendment process.

S. Safety Division

1. Update the Traffic Safety Office's Operations Manual to assure consistency with the NDDOT's Title VI and Non-discrimination Program.
2. Update the Traffic Safety Office's Operations Manual with a procedure for selecting advisory or workgroup representation to assure selection without regard to race, ethnicity, or national origin.

T. State Fleet Services Division

1. Review and update requests for accommodation language on the Auction Bills by November 1, 2013.
2. Increase the space between parked sale vehicles to better accommodate individuals with mobility impairments by October 3, 2013.
3. Increase the visibility of the accessible parking areas for individuals with disabilities at the vehicle auctions by October 3, 2013.

U. District Offices

Bismarck
Devils Lake
Dickinson
Fargo
Grand Forks
Minot
Valley City
Williston

1. Bismarck, Devils Lake, Dickinson, Fargo, Grand Forks, Minot, Valley City, and Williston District Goals:
 - a) Continue to review and update facilities.
 - b) Provide ADAAG training to employees who will then assess ADAAG compliance in NDDOT.
 - c) Continue to provide general support for all maintenance activities state wide.
 - d) On urban projects, work with the designer to ensure accessibility to all users of the roadway when the only access is through the construction zone.

Title VI Assurances

[Appendix A](#)

[Appendix B](#)

[Appendix C](#)

To electronically access, go to or click on the following link:

<http://www.dot.nd.gov/divisions/civilrights/docs/titlevi/titlevi-assurances.pdf>

TITLE VI ASSURANCES

The State of North Dakota (hereinafter referred to as the Recipient) HEREBY AGREES THAT, as a condition to receiving any federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives to the end that, in accordance with the Act, regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, sex, age, disability/handicap, or income status**, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance from the Department of Transportation, including the Federal Highway Administration; and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal-aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility," as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or materials subject to the regulations and made in connection with the Federal-aid Highway Program and, in adapted form, in all proposals for negotiated agreements:

The North Dakota Department of Transportation, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4, and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation, issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, Disadvantaged Business Enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, disability/handicap, or income status** in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal-aid Highway Program; and (b) for the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal-aid Highway Program.
8. That this assurance obligates the Recipient for the period during which federal financial assistance is extended to the program, except where the federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein, or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom he or she delegates specific authority, to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed by or pursuant to the Act, the Regulations, and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts, or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal-aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants in the Federal-aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

**The Act governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.



 Grant Levi, P.E., Director
 North Dakota Department of Transportation

 5/23/13
 Date

Attachments: Appendixes A, B, and C

APPENDIX A OF THE TITLE VI ASSURANCES

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor), agrees as follows:

1. Compliance with Regulations: The Contractor shall comply with the regulations 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 herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, age, disability/handicap, or income status**, in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The 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.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, either by competitive bidding or negotiation, made by the Contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, disability/handicap, or income status**.
4. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the North Dakota Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the North Dakota Department of Transportation, or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the North Dakota Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to:
 - a. withholding of payments to the Contractor under the contract until the Contractor complies, and/or
 - b. cancellation, termination, or suspension of the contract, in whole or in part.
6. Incorporation of Provisions: The Contractor shall include the provisions of paragraphs 1 through 6 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto.

The Contractor shall take such action with respect to any subcontract or procurement as the North Dakota Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions, including sanctions for noncompliance provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation by a subcontractor or supplier as a

result of such direction, the Contractor may request the North Dakota Department of Transportation to enter into such litigation to protect the interests of the State; and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

**The Act governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.

APPENDIX B OF THE TITLE VI ASSURANCES

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures, or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law and upon the condition that the State of North Dakota will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways, and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation, and also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations), pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim, and convey unto the State of North Dakota all the right, title, and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the State of North Dakota and its successors forever, subject, however, to the covenant, conditions, restrictions, and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits, and shall be binding on the State of North Dakota, its successors, and assigns.

The State of North Dakota, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree, as a covenant running with the land, for itself, its successor, and assigns that (1) no person shall, on the grounds of race, color, national origin, sex, age, disability/handicap, or income status**, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the State of North Dakota shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land; and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assignees as such interest existed prior to this instruction.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

**The Act governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.

APPENDIX C OF THE TITLE VI ASSURANCES

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the State of North Dakota, pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate), for him or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases, add “as a covenant running with the land”] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended, or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, the State of North Dakota shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deed.]*

That in the event of breach of any of the above nondiscrimination covenants, the State of North Dakota shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of North Dakota and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the State of North Dakota, pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate), for him or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases, add “as a covenant running with the land”] that (1) no person, on the grounds of race, color, national origin, sex, age, disability/handicap, or income status**, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person, on the grounds of race, color, national origin, sex, age, disability/handicap, or income status**, shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, the State of North Dakota shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds.]*

That in the event of breach of any of the above nondiscrimination covenants, the State of North Dakota shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of North Dakota and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

**The Act governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.

**NDDOT Organization Chart
December 1, 2013**

To electronically access, go to or click on the following link:

<http://www.dot.nd.gov/divisions/exec/docs/nddot.pdf>

**NORTH DAKOTA DEPARTMENT OF TRANSPORTATION
ORGANIZATION CHART
December 1, 2013**

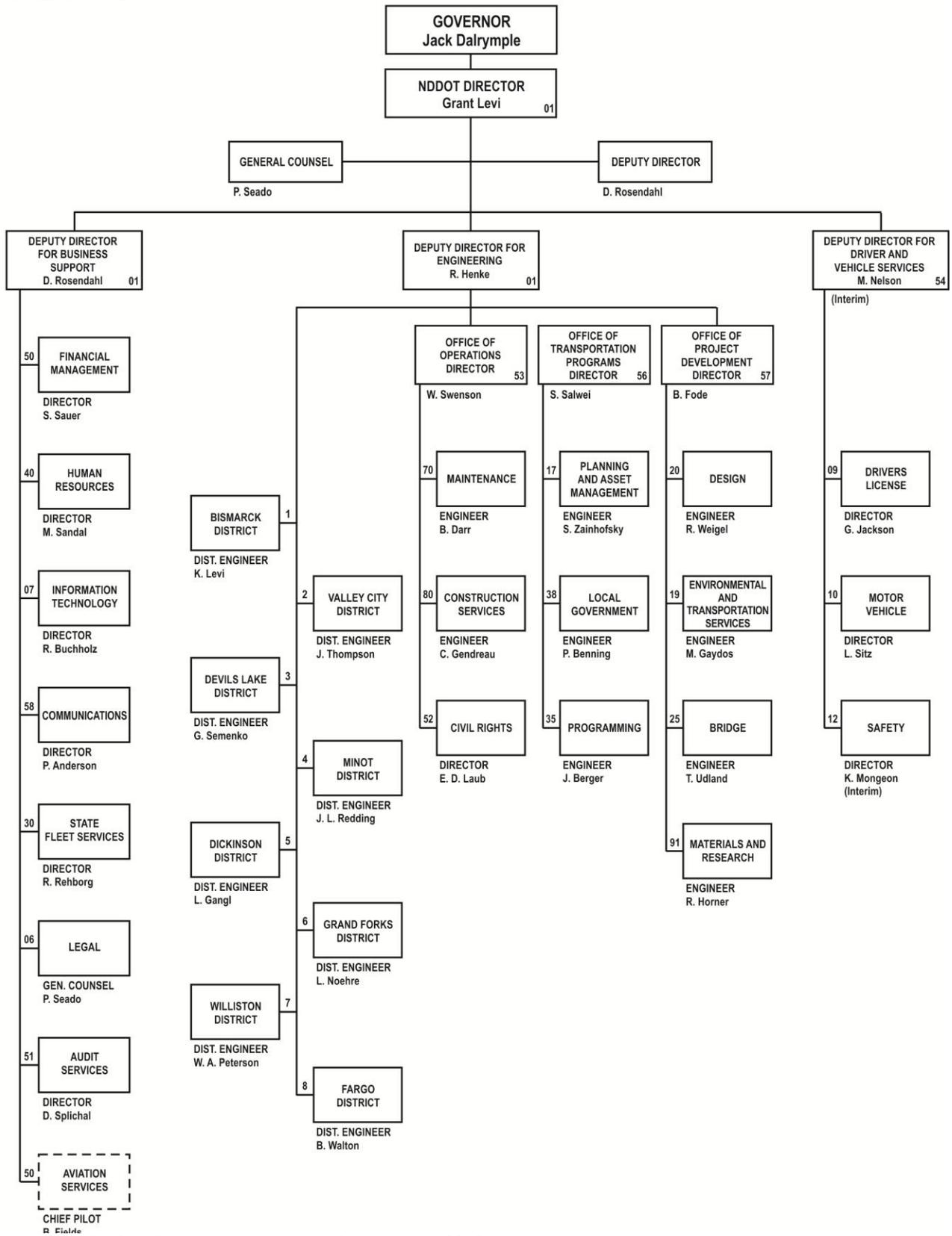


Figure 1-NDDOT - Organization Chart – December 1, 2013

NDDOT Civil Rights Division Organizational Chart

**CIVIL RIGHTS DIVISION
ORGANIZATIONAL CHART
October 2013**

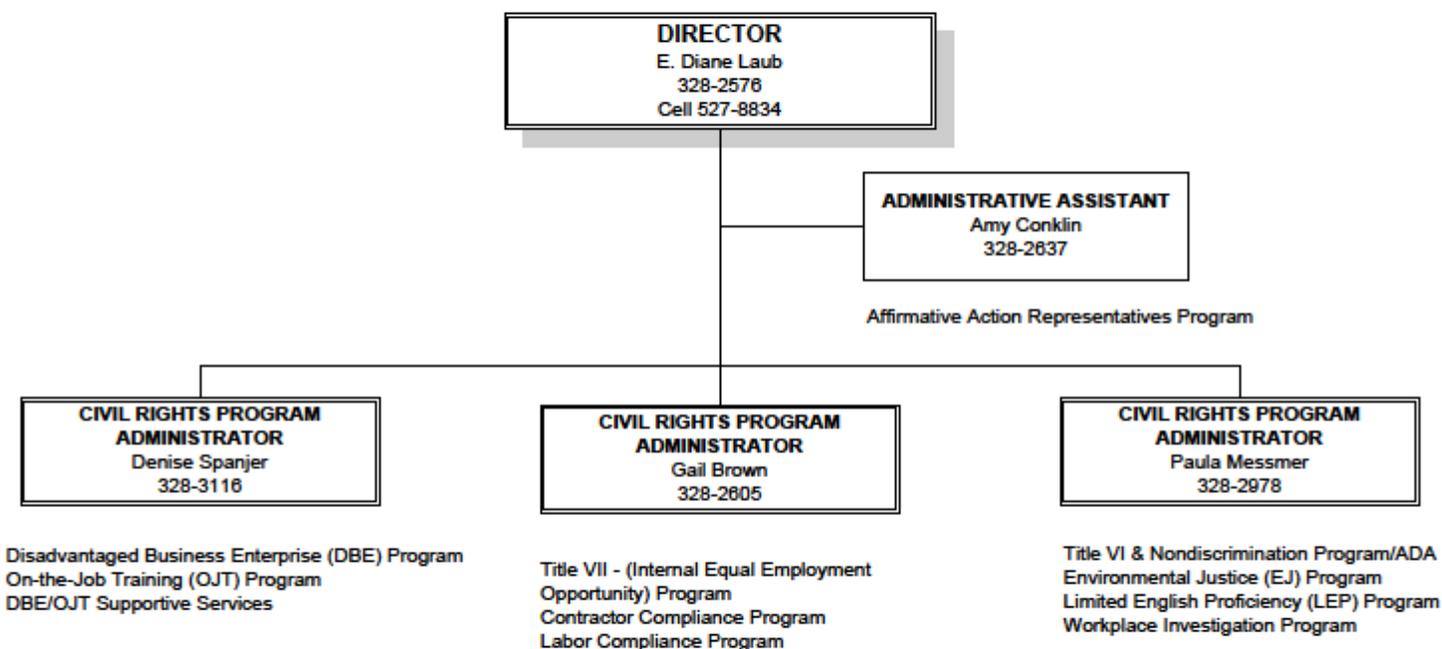


Figure 2- NDDOT - Civil Rights Division Organizational Chart - October 2013

Title VI Specialists-Divisions and Districts, Contact List 2012-2013

Title VI Specialists are a key component in assisting the Civil Rights Division's Title VI Program staff in fostering its mission to ensure nondiscrimination in the delivery of NDDOT's programs, activities, and services. The names of the Specialists listed below represent dedicated staff that has taken on this task in addition to their regular work assignments. They have engaged with the Title VI program because they too are committed to ensuring compliance within their division. Their efforts are appreciated.

Audit Services Division Jamie R. Olson	Environmental & Transportation Services Division Ray S. Barchenger Roxinne A. McPhail Nathan A. Haaland	Materials & Research Division Scott W. Wutzke
Bridge Division Lindsay Bossert	Financial Management Division Sue M. Eberle Vanessa N. Brosten	Motor Vehicle Division Jody M. Isaak Heather F. Howell
Civil Rights Division Paula A. Messmer	Human Resources Division Pat E. Frohlich	Planning/Asset Management Division Stewart M. Milakovic
Communications Division Jamie R. Olson	Information Technology Division Ramona M. Bernard Carey D. Schreiner	Programming Division Chad T. Abrahamson
Construction Services Division Jesse Carlsen	Legal Division Dreux C. Kautzmann	Safety Division Karin L. Mongeon
Design Division Matt L. Gangness	Local Government Division Kim S. Adair Bryon L. Fuchs Michael Johnson	State Fleet Services Division Jonel D. Linder
Drivers License Division Syndi G. Worrel	Maintenance Division Verna A. Kadrmias	
Bismarck District Doug V. Fercho Sean Lackner	Fargo District Kevin O. Gorder	Valley City District Kevin R. Hanson Keith R. Nelson
Devils Lake District Joanne M. Legacie	Grand Forks District Vern Flemming	Williston District Bill P. Gathman
Dickinson District Belinda J. Urlacher	Minot District Greg D. Olson	

Figure 3- Title VI Specialists - Divisions and Districts - Contact List 2012-2013

NDDOT Complaint Log

To electronically access NDDOT Complaint Log, go to or click on the following link:

<http://www.dot.nd.gov/forms/sfn59892.pdf>

TITLE VI COMPLAINT LOG

North Dakota Department of Transportation, Civil Right Division
 SFN 59892 (Rev. 12-2013)

Reporting Year

Name		
Address	State	Zip Code

Status of Complainant:

Race	Color	National Origin	Sex	Age	Disability	Income Status
------	-------	-----------------	-----	-----	------------	---------------

Nature of Complaint (If you need more space please attach additional sheets)
--

Recipient (Processor of Complaint)

Date Filed	Date Investigation Completed	Date of Disposition
------------	------------------------------	---------------------

Disposition (If you need more space please attach additional sheets)
--

Name		
Address	State	Zip Code

Status of Complainant:

Race	Color	National Origin	Sex	Age	Disability	Income Status
------	-------	-----------------	-----	-----	------------	---------------

Nature of Complaint (If you need more space please attach additional sheets)
--

Recipient (Processor of Complaint)

Date Filed	Date Investigation Completed	Date of Disposition
------------	------------------------------	---------------------

Disposition (If you need more space please attach additional sheets)
--

Name							
Address						State	Zip Code
Status of Complainant:							
Race	Color	National Origin	Sex	Age	Disability	Income Status	
Nature of Complaint (If you need more space please attach additional sheets)							
Recipient (Processor of Complaint)							
Date Filed			Date Investigation Completed			Date of Disposition	
Disposition (If you need more space please attach additional sheets)							

Name							
Address						State	Zip Code
Status of Complainant:							
Race	Color	National Origin	Sex	Age	Disability	Income Status	
Nature of Complaint (If you need more space please attach additional sheets)							
Recipient (Processor of Complaint)							
Date Filed			Date Investigation Completed			Date of Disposition	
Disposition (If you need more space please attach additional sheets)							

Figure 4- NDDOT – Title VI Complaint Log (SFN 59892)

Title VI Training Schedules

Program Areas Title VI Specialists

Program Areas New Title VI Specialists – Fall Training

**TITLE VI TRAINING SCHEDULE
PROGRAM AREAS
OCTOBER 1, 2012 – SEPTEMBER 30, 2013**

TOPIC	DATE	TIME	HRS.	LOCATION	PARTICIPANTS
Title VI and Nondiscrimination Program 2012-2013 Update/Approval by FHWA; Discuss meeting Goals for coming year/Program Development; Training NDDOT staff/new employees; Public Participation Survey use; Data Collection & Analysis; Lives Worth Living DVD	10/29/2012	10:00-12:00pm	2	NDDOT Central Office, Rm 127	Title VI Specialists
Title VI Program Updates; CTS LanguageLink discussion. Speakers: Dept. of Public Instruction and Lutheran Social Services	1/07/2013	10:00-12:00pm	2	NDDOT Central Office, Rm 127	Title VI Specialists
The Nexus: Title VI/Nondiscrimination and Public Involvement, Webinar by FHWA Resource Center Civil Rights Team (optional training)	2/14/2013	1:00-3:00pm	2	NDDOT Central Office, Rm 10-C	Title VI Specialists
Title VI Program Updates; Program Area Reviews (annual/3 year)-Schedule date and time for review. Speakers: Lutheran Social Services; Negotiating Effectively with a Diverse Clientele; Transition Plan Update Panel; Complaint Process Update; and Request for Accommodations Update	4/08/2013	10:00-12:00pm	2	NDDOT Central Office, Rm 127	Title VI Specialists
Title VI Program Updates; Discuss review process and questions; Annual Reports discussion-format/changes. Speaker: Goal Setting by Dave Leingang	6/10/2013	9:00-10:30pm	1.5	NDDOT Central Office, Rm 127	Title VI Specialists
TOTAL TRAINING HOURS			9.5		

Figure 5- Title VI Training Schedule - Program Areas - October 1, 2012 - September 30, 2013

**NEW SPECIALIST'S TITLE VI TRAINING SCHEDULE
PROGRAM AREAS – FALL TRAINING
OCTOBER 1, 2012 – SEPTEMBER 30, 2013**

TOPIC	DATE	TIME	HRS.	LOCATION	PARTICIPANTS
New Specialist's Welcome and Introductions; Brief Overview of the Title VI and Nondiscrimination Program. Disseminate syllabus and training materials; and Questions and Answers	10/22/2012	2:30–3:30pm	1.00	NDDOT Central Office Rm 407N	New Title VI Specialists
Public Funds for Public Benefits: Introduction, Overview, Title VI Responsibilities, Title VI Impacts, and Strategies for Prevention of Discrimination (FHWA video)	11/26/2012	Independent Study	2.00	MyDOT	New Title VI Specialists
Breaking Down the Language Barrier (DOJ video); CTS LanguageLink (handouts)	11/26/2012	Independent Study	1.00	MyDOT	New Title VI Specialists
Meet with Specialists to review materials to date.	11/26/2012	9:00-9:30am	.50	NDDOT Central Office Rm 407N	New Title VI Specialists
ADA and Section 504: Introduction, General Overview (FHWA video)	1/09/2013	Independent Study	1.50	MyDOT	New Title VI Specialists
Interagency Program for Assistive Technology (IPAT) presentation (recorded); Communicating Effectively with People Who Have A Disability (booklet).	1/09/2013	Independent Study	1.00	1 DVD from Civil Rights Division	New Title VI Specialists
Essential ADA Requirements Relative to Transit Systems in ND presentation (recorded)	1/09/2013	Independent Study	.50	1 DVD from Civil Rights Division	New Title VI Specialists
NDDOT Public Involvement Panel presentations (recorded)	1/09/2013	Independent Study	1.00	1 DVD from Civil Rights Division	New Title VI Specialists
New Specialist's Training Review & Closing	1/09/2013	9:00-9:30am	.50	NDDOT Central Office Rm 407N	New Title VI Specialists
TOTAL TRAINING HOURS			9.00		

Figure 6- New Specialist's Title VI Training Schedule - Program Areas – Fall Training - October 1, 2012 - Sept. 30, 2013

NDDOT Limited English Proficiency Plan

Limited English Proficiency Plan

October 2013

INTRODUCTION

This *Limited English Proficiency Plan* has been prepared to address the North Dakota Department of Transportation's (NDDOT) responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with Limited English Proficiency language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including all NDDOT.

Plan Summary

The NDDOT has developed this **Limited English Proficiency Plan** to help identify reasonable steps for providing language assistance to individuals with Limited English Proficiency (LEP) who wish to access services provided. As defined Executive Order 13166, LEP individuals are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English. This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP individuals that assistance is available.

In order to prepare this plan, the NDDOT used the four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP individuals in the service area who may be served by the NDDOT.
 2. The frequency with which LEP individuals come in contact with NDDOT services.
 3. The nature and importance of services provided by the NDDOT to the LEP population.
 4. The interpretation services available to the NDDOT and overall cost to provide LEP assistance.
- A summary of the results of the four-factor analysis is in the following section.

MEANINGFUL ACCESS: FOUR-FACTOR ANALYSIS

1. The number or proportion of LEP individuals in the service area who may be served or are likely to require NDDOT's services.

The NDDOT staff reviewed the **2007-2011** American Community Survey 5-Year Estimates for North Dakota and determined that **33,158** individuals, in North Dakota [**5.3%** of the population] speak a language other than English. Of those **9,137** individuals have limited English proficiency; that is; they speak English less than "very well" or "not at all." This is only **1.46%** of the overall population in North Dakota. In North Dakota, of those individuals with Limited English Proficiency, **0.30%** speaks German, **0.25%** speaks Spanish, **0.16%** speaks African languages, 0.13% speaks Chinese, 0.10% speaks Serbo-Croatian, 0.06% speaks Japanese, 0.06% speaks Vietnamese, **0.05%** speaks Russian, **0.05%** speaks Scandinavian, **0.04%** speaks Arabic, 0.03% speaks French (Patois, Cajun), **0.03%** speaks other Native North American languages, 0.03% speaks Tagalog, **0.02% speaks other Asian Languages, 0.02%** speaks other Indic languages, **0.02% speaks Korean, 0.02% speaks other Pacific Island languages, 0.02%** speaks other Slavic languages, **0.02% speaks**

Polish, 0.01% speaks other Indo-European languages, 0.01% speaks other and unspecified languages, 0.007% speaks Gujarati, and 0.004% speaks French Creole, 0.004% speaks Mon-Khmer, Cambodian, 0.004% speaks Persian, 0.004% Portuguese or Portuguese Creole, 0.003% Hungarian, 0.003% speaks Italian, 0.003% speaks Laotian, 0.003% speaks Thai, 0.003% speaks Urdu, 0.001% speaks Hebrew, 0.002% speaks Greek, 0.001% speaks Hindi, 0.001% speaks Yiddish. NDDOT has contracted with a telephone based interpreter service that provides immediate interpreter services.

2. The frequency with which LEP individuals come in contact with NDDOT services. The NDDOT staff reviewed the frequency with which NDDOT division and district staff have, or could have, contact with LEP individuals. This includes documenting phone inquiries or office visits. NDDOT utilizes a telephonic interpreter service for requests for oral interpretation. **NDDOT Drivers License Division received requests for the translation of the Rules of the Road Study Guide and Rules of the Road Knowledge Test in other languages. NDDOT will assess the requests.** The Drivers License Division **previously received** requests for drivers tests to be offered in other languages **and obtained translations.** The Rules of the Road test is offered in nine foreign languages at the eight major offices. Of the total number of tests administered, **1.49 %** was Spanish, **1.18%** Somali, **0.81%** Arabic, **0.29%** Russian, **0.29%** Vietnamese, **0.16%** Swahili, **0.08%** Nepali, **0.05%** Turkish, **0.04%** Serbo-Croatian. **Drivers License Division provided telephone based language interpreter services for French, Mandarin, Somali, and Spanish speaking individuals 17 times. Drivers License Division provided Spanish interpretation through the use of NDDOT staff 35 times. The Legal Division provided language interpreter services one time for a Spanish speaking individual. Motor Vehicle division provided telephone based language interpreter services for Spanish speaking individuals 15 times. A NDDOT Consultant provided telephone based language interpreter service one time for Spanish speaking individuals for a road construction project. The other division and district staff have had very little to no contact with LEP individuals.**

3. The nature and importance of services provided by the NDDOT to the LEP population.

There is no large geographic concentration of any type of LEP individuals in the North Dakota. The overwhelming majority of the population, **94.7%**, speaks only English. As a result, there are only a few social, service, or professional and leadership organizations within North Dakota that focus on outreach to LEP individuals. The NDDOT Drivers License Division staff is most likely to encounter LEP individuals through testing sites, office visits, telephone conversations, and drivers license notifications. **Motor Vehicle Division staff are most likely to encounter LEP individuals through vehicle licensing sites at NDDOT Central Office and outlying Branch Offices, telephone conversations, and motor vehicle licensing notifications. NDDOT considered the importance of immediate and long-term effects of a delay in written translations. All services have several days to weeks allowed for comment or completion. Immediate oral interpretation is provided. Written translation is considered within a reasonable timeframe.**

4. The resources available to the NDDOT and overall cost to provide LEP assistance.

The NDDOT reviewed its available resources that could be used for providing LEP assistance **for oral interpretation and written translation. NDDOT has contracted with a telephone based interpreter service to provide immediate interpreter services at no cost to LEP individuals. NDDOT has identified and contacted written translation service providers. NDDOT provides notice to the public of the availability to request accommodations for language assistance. All requests for translation are considered based on the possible impacts and known LEP population.**

LANGUAGE ASSISTANCE

A person who does not speak English as their primary language or who has a limited ability to read, write, speak or understand English may be a Limited English Proficient person and may be entitled to language assistance with respect to NDDOT services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

How the NDDOT staff may identify an LEP person who needs language assistance:

- Post notice of LEP Plan and the availability of interpretation or translation services free of charge.
- All NDDOT division and district staff will be provided with **language lists** to assist in identifying the language interpretation needed.
- All NDDOT staff **who has encountered LEP** will be informally surveyed periodically on their experience concerning any contacts with LEP individuals during the previous year.
- When the NDDOT sponsors an informational meeting or event, a staff person may greet participants as they arrive. By informally engaging participants in conversation it is possible to gauge each attendee's ability to speak and understand English. Although translation may not be able to be provided at the event it will help identify the need for future events.

Language Assistance Measures

Although there are a very low percentage of LEP individuals in the State of North Dakota, that is, individuals who speak English less than "very well" or "not at all", NDDOT will strive to offer the following measures:

1. The NDDOT staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating in English.
2. The following resources will be available to accommodate LEP individuals:
 - Language interpretation will be accessed for most languages through a telephone interpretation service.

STAFF TRAINING

The following training **is** provided to all staff:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Use of the language **lists**.
- Documentation of language assistance requests.
- Title VI Complaint Process.

TRANSLATION OF DOCUMENTS

NDDOT **has an** outreach process. **NDDOT has a Request For Accommodation procedure that refers all requests to Civil Rights for processing. NDDOT has translation services available. NDDOT places a notice of accommodation in public ads, meeting notices, flyers, and agendas.** NDDOT considers **requests as** follows:

- NDDOT **Civil Rights Division** will assess requests for translation of documents based on the possible impacts and known LEP population.

MONITORING

Monitoring and Updating the LEP Plan - The NDDOT will update the LEP Plan as required. At a minimum, the plan will be reviewed and updated when data from the **2020** U.S. Census is available, or when it is clear that higher concentrations of LEP individuals are present in North Dakota. Updates will include the following:

- The number of documented LEP person contacts encountered annually.
- How the needs of LEP individuals have been addressed.
- Determination of the current LEP population in the service area.
- Determination as to whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the need.
- Determine whether the NDDOT's financial resources are sufficient to fund language assistance resources needed.
- Determine whether the NDDOT fully complies with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.

DISSEMINATION OF THE NDDOT LEP PLAN

- Post signs at NDDOT division and district offices notifying LEP individuals of the LEP Plan and how to access language services.
- State on agendas and public notices that **a Request For Accommodation is available to request** documents in various languages at NDDOT division and district offices.
- Post on NDDOT's website the LEP Plan and how to access language services.
- **NDDOT's website has a "Contact Us" webpage with a contact person and telephone number for "Language Interpreter Service" assistance.**

Title VI Review Schedules

Program Areas 2011-2013

Subrecipients 2012-2013

Program Areas 2014-2016

TITLE VI REVIEW SCHEDULE 2011-2013

YEAR OF REVIEW	PROGRAM AREAS
Annual	Bridge
Annual	Construction Services
Annual	Design
Annual	Environmental and Transportation Services
Annual	Local Government
Annual	Maintenance
Annual	Materials and Research
Annual	Planning/Asset Management
Annual	Programming

YEAR OF REVIEW	PROGRAM AREAS
2011	Audit Services
2011	Bismarck District
2011	Communications
2011	Drivers License
2011	Legal
2011	Valley City District
2012	Fargo District
2012	Financial Management
2012	Information Technology
2012	Minot District
2012	Motor Vehicle
2012	Williston District
2013	Civil Rights
2013	Devil Lake District
2013	Dickinson District
2013	Grand Forks District
2013	Human Resources
2013	Safety
2013	State Fleet Services

Figure 7- NDDOT Title VI Review Schedule 2011-2013

**NDDOT TITLE VI REVIEW SCHEDULE
SUBRECIPIENT REPORT
2012-2013**

SUBRECIPIENT	DATE REVIEW NOTICE SENT	DATE REVIEW CONDUCTED	DATE NOTICE OF COMPLIANCE	DATE OF NOTICE OF DEFICIENCY	DATE OF REVIEW MEETING	DATE OF NOTICE OF NON-COMPLIANCE	DATE OF LAST REVIEW	DATE OF LAST REVIEW-COMPLIANT	NOTES
Barnes County	5-16-13	6-25-13	7-10-2013	None	None	None	None	None	
GF-EGF MPO	5-16-13	6-24-13	7-10-2013	None	None	None	None	None	

Figure 8- NDDOT Title VI Review Schedule - Subrecipient Report 2012-2013

TITLE VI REVIEW SCHEDULE 2014-2016

YEAR OF REVIEW	PROGRAM AREAS
Annual	Bridge
Annual	Construction Services
Annual	Design
Annual	Environmental and Transportation Services
Annual	Local Government
Annual	Maintenance
Annual	Materials and Research
Annual	Planning/Asset Management
Annual	Programming

YEAR OF REVIEW	PROGRAM AREAS
2014	Audit Services
2014	Bismarck District
2014	Communications
2014	Drivers License
2014	Legal
2014	Valley City District
2015	Fargo District
2015	Financial Management
2015	Information Technology
2015	Minot District
2015	Motor Vehicle
2015	Williston District
2016	Civil Rights
2016	Devil Lake District
2016	Dickinson District
2016	Grand Forks District
2016	Human Resources
2016	Safety
2016	State Fleet Services

Figure 9- NDDOT Title VI Review Schedule 2014-2016

Subrecipient Title VI Forms

To electronically access, go to or click on the following link:

<http://www.dot.nd.gov/divisions/civilrights/subrecipients-titlevi.htm>

Title VI Complaint Form and Instructions

North Dakota Department of Transportation, Civil Rights Division
SFN 51795 (Rev. 03-2012)

To electronically access SFN 51795, click on or go to the following:

www.dot.nd.gov/forms/sfn51795.pdf

TITLE VI COMPLAINT FORM

North Dakota Department of Transportation, Civil Rights Division
SFN 51795 (Rev. 03-2012)

For instructions see page 2

PART I - COMPLAINANT INFORMATION (Print all items legibly.)

Name		Telephone
Mailing Address		Email Address
City	State	Zip Code

PART II - CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es).)

- Race Color National Origin
 Sex Age Disability/Handicap Income Status

PART III - THE PARTICULARS ARE (Include names, dates, places, and incidents involved in the complaint.)
(If additional space is needed, attach extra sheet[s].)

PART IV - REMEDY SOUGHT (State the specific remedy sought to resolve the issue[s].)

PART V - VERIFICATION

Complainant's Signature _____ Date _____

Figure 10- NDDOT – Title VI Complaint Form (SFN 51795)

NDDOT INSTRUCTIONS

General

1. Under Title VI of the Civil Rights Act of 1964 and the related statutes and regulations, no person or group(s) of persons shall, on the grounds of race, color, national origin, sex, age, disability/handicap, or income status*, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the North Dakota Department of Transportation. Any person or group(s) of persons who feel they have been discriminated against may file a complaint.
2. Instructions provided within this form are not meant to be all inclusive. Complainants are responsible for all procedural requirements.
3. Complainants **must** include all required information and **must** meet all time frames as defined in the NDDOT Title VI Complaint Procedure.
4. Legible copies of all available pertinent documentation should be attached to this form.
5. All inquiries on how to complete this form should be directed to the Civil Rights Division, North Dakota Department of Transportation, 608 East Boulevard Avenue, Bismarck, ND 58505-0700, Telephone (701) 328-2576, TTY users 711 or (800)366-6888 (toll free).

Part I

Complete all information in this section.

Part II

Check all boxes that apply indicating the basis for the complaint. The discrimination **must** be based on at least one of the listed categories.

Part III

State the specific complaint in a manner that clearly identifies the issues upon which the complaint is based.

Part IV

State the minimum remedy acceptable for resolution of this complaint.

Part V

Sign and date this section to verify the information contained in Parts I through IV.

Title VI Complaints are filed according to the Title VI Complaint Process.

*Title VI of the Civil Rights Act of 1964 governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.

Title VI and Nondiscrimination Authorities

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
2. Federal-Aid Highway Act of 1973 (23 U.S.C. §324 *et seq.*), (prohibits discrimination on the basis of sex);
3. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
4. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. §794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
5. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. §12101 *et seq.*), (prohibits discrimination on the basis of disability);
6. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. §4601;
7. The National Environmental Policy Act of 1969, 42 U.S.C. § 4321;
8. 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
9. 49 C.F.R. Part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
10. 49 C.F.R. Part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
11. 49 C.F.R. Part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
12. 23 C.F.R. Part 200 (FHWA's Title VI/Nondiscrimination Regulation);
13. 28 C.F.R. Part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
14. 28 C.F.R. Part 50.3 (DOJ Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964).

Definition of Terms

AASHTO -- American Association of State Highway Transportation Officials

Administrative Program Area - Identifies program areas that are required to have Title VI reviews according to an FHWA approved review schedule. 23C.F.R.200.9(b)5

Adverse Effects - 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 nonprofit organizations;
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income 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.

Advocacy Distribution List - A mailing list of agencies, organizations, and individuals that provide services to underserved populations including individuals or groups of persons with limited English proficiency, disabilities, low-income, or minorities.

Affirmative Action - A good faith effort to eliminate past and present discrimination in all federally assisted programs, and to ensure future nondiscriminatory practices.

Beneficiary - Any person or group of persons (other than States) entitled to receive benefits, directly or indirectly, from any federally assisted program, i.e., relocates, impacted citizens, communities, etc.

Citizen Participation -- An open process in which the rights of the community to be informed, to provide comments to the Government and to receive a response from the Government are met through a full opportunity to be involved and to express needs and goals.

Compliance - That satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.

Discrimination - That act (or action), whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, national origin, or sex has been otherwise subjected to unequal treatment under any program or activity receiving federal assistance from the Federal Highway Administration under title 23 U.S.C.

Disproportionately High and Adverse Effect - An adverse effect that is

- Predominately borne by a minority population and/or a low-income population, or;

- 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.

Environmental Justice --Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

FHWA further affirms three fundamental environmental justice principles:

1. *To 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.*
2. *To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.*
3. *To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.*

Federal Assistance - Includes:

1. Grants and loans of Federal funds;
2. The grant or donation of Federal property and interests in property, the detail of Federal personnel, 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;
3. Any Federal agreement, arrangement, or other contract, which has, as one of its purposes, the provision of assistance.

Low Income - A person whose median household income is at or below the **U.S.** Department of Health and Human Services poverty guidelines.

Low Income Population - Any readily identifiable group of low-income persons (a person whose median household income is at or below the Department of Health and Human Services poverty guidelines) 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.

Minority - Means a person who is:

Black - A person having origins in any of the black racial groups of Africa.

Hispanic - A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

Asian - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.

American Indian and Alaskan Native - A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

Native Hawaiian or Other Pacific Islander - A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

Minority Population - Any readily identifiable groups of minority 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.

Persons - Where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: "White not of Hispanic origin", "Black not of Hispanic origin", "Hispanic or Latino", "Asian", "Native Hawaiian or Other Pacific Islander", "American Indian or Alaskan Native." Additional subcategories based on national origin or primary language spoken may be used, where appropriate, on either a national or a regional basis.

Program - Includes any highway, project, or activity for the provision of services, 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 recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Recipient - Any State, City, County, political subdivision or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual to whom Federal assistance is extended, either directly or through another recipient (sub-recipient), for any program. Recipient includes any successor, assignee, or transferee thereof.

Special Emphasis Program Areas - Identifies major program areas that are required to have annual Title VI reviews to determine the effectiveness of program area activities at all levels.
23C.F.R.200.9(a)4(b)6

Title VI Program - The system of requirements developed to implement Title VI of the Civil Rights Act of 1964. References in this part to Title VI requirements and regulations shall not be limited to only Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of other Federal statutes to the extent that they prohibit discrimination on the grounds of race, color, national origin, or sex in programs receiving Federal financial assistance of the type subject to Title VI itself. These Federal statutes are:

1. Title VI of the Civil Rights Act of 1964 (42 U.S.C §§ 2000d - 2000d-7)
2. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C 4601-4655)
3. Title VIII of the Civil Rights Act of 1968, amended 1974 (42 U.S.C 3601-3619)
4. 23 U.S.C § 109h
5. 23 U.S.C § 324
6. Subsequent Federal-Aid Highway Acts and related statutes.