

Title VI/ Nondiscrimination and ADA Program Goals and Accomplishments FY 2024

prepared by

NORTH DAKOTA DEPARTMENT OF TRANSPORTATION

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submitted to

FEDERAL HIGHWAY ADMINISTRATION

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NDDOT GOALS AND ACCOMPLISHMENTS REPORT

ACCOMPLISHMENTS

PROGRAM AREA REVIEWS CONDUCTED DURING FY 2023

- 1) Civil Rights conducted one Program Area Internal Review. The division selected for review was the Public Input and Public Involvement Report program within the Division of Local Government.
 - a. Held via Teams.
 - 1) Conducted May 21,2023 through August 24, 2023.
 - b. Corrective actions taken or planned.
 - 1) Recommendations: All PIR Templates are to be changed to include Title VI Information to confirm compliance. The Title VI Survey when completed should not be included the PIR. The Title VI survey data is essential to the PIR, but only including how many people completed the form, and how many forms were distributed. NDDOT LG program will continue to collect Title VI survey data and Title VI Survey Information and include relevant Title VI information in the Public Involvement Report. This only includes how many surveys were completed, and how many were handed out. This does not include the survey itself. The template for the PIR will be changed to include Title VI information specifically. Also, the new information and rules should be included in a checklist.
 - c. See Exhibit A.

SUB RECIPIENT REVIEWS CONDUCTED DURING FY 2023

- 1) Local Government conducted one subrecipient review. The sub recipient selected for review was the Bismarck-Mandan MPO (BM-MPO).
 - a. Held in person at Bismarck-Mandan MPO.
 - 2) Conducted June 28, 2023.
 - b. Corrective actions taken or planned.
 - 1) Recommendations: Findings will be provided to BM-MPO for their review, response, and revision after their final documentation is reviewed. BM-MPO uploaded this documentation on July 24, 2023, for review.
 - c. See Exhibit B.
- 2) Transit Section had a total of 28 sub recipients that received 5310, 5311 or 5339 federal

funds, therefore three transit providers were required to be audited. A total of four audits were completed in 2023.

- a. See Exhibit B.

TITLE VI RELATED TRAINING – INTERNAL

1. Title VI Specialists

- a. Number of Trainings conducted.
 - 1) Seven trainings were conducted for Title VI Specialists.
- b. Topics covered: Title VI Specialist Training (5 trainings), Title VI Specialist Training (held twice). These trainings include Title VI Jeopardy, Language Link, Implementation Plan, Relating Title VI to your division, and Goals and Accomplishments reporting.
- c. Attendees: Title VI Specialists
- d. Audience: Title VI Specialists
- e. Follow-up, if any: Title VI Specialist Training, quarterly, will resume November 2023 via Teams.
- f. See Exhibit C for the Title VI Specialist Training Schedule for 2023-2024 and Exhibit B for the Title VI Specialist Training Schedule for 2022-2023.
- g. Civil Rights provided 36 Title VI Specialists (25 Division and 8 District Specialists) one and a half hours of training on a quarterly cycle. See Exhibit C and D.
- h. Results of Training
 - 1) The training increased the Title VI Specialists knowledge and understanding of the purpose of Title VI/Nondiscrimination and ADA Program and the impact of NDDOT programs, activities, and services on the people of North Dakota.
 - 2) The training assisted the Title VI Specialists to monitor activities related to nondiscrimination, provide guidance and assistance to division staff and the public, and complete the requirements for annual reporting.

2. New Title VI Specialists

- a. Number of Trainings conducted.
 - 1) Two training sessions were held for New Title VI Specialists.
 - a) Once a Title VI Specialist is appointed, a New Title VI Specialist Training will be scheduled.
 - 2) Civil Rights will assign New Title VI Specialist training throughout the reporting

period as new Specialists are appointed.

b) Description of training session planned.

a. New specialists will take a Title VI Specialist Class entitled "Intentional Discrimination and Disparate Impact". The Title VI Program Administrator will provide group online training 1-2 times per year, or as Title VI Specialists are assigned. Training is approximately a total of 3-4 hours. This includes case studies, historic speeches, ADL information and student comprehension.

c) Topics covered: FHWA power point about important case laws. The difference between disparate impact and disparate treatment. The training also goes over Title VI Specialist responsibilities.

d) Attendees: All newly appointed Title VI Specialists, and all current Title VI Specialists.

e) Audience: 36

f) Follow-up: New Title VI Specialists attend regular Title VI Specialist Training quarterly, and one extra meeting is conducted in May totaling 5 training courses per year.

a. Three new Title VI Specialists were appointed in the fourth quarter of FY2022, and no new Specialist appointed in second quarter of FY2023, and one in the last quarter of 2023. The New Title VI Specialists completed 2-3 hours of new specialist training in FY2023.

b. Results of training

i. The training enabled the new Title VI Specialists to take on the Title VI responsibilities with the knowledge and confidence necessary to carry out the Title VI responsibilities for their division or district.

3. New Employee Title VI Training

a. Number of trainings

1) One training session is planned for independent study.

2) Training is assigned to all new employees of ND DOT in the ELM system, and for newly appointed employees.

b. Topics covered.

1) New employee Title VI training is independent study of FHWA Title VI videos Local Program Agency Civil Rights Program, Library of

Congress Videos and Reference Civil Rights Act of 1964 Page, The Civil Rights Act of 1964 - The Civil Rights Act of 1964: A Long Struggle for Freedom | Exhibitions - Library of Congress, and Impact History Channel video in Epilogue. ADA Videos including what is the ADA? disability etiquette, requesting an accommodation, How and when to disclose your disability with your employer, Job Accommodation Network (JAN) Information and a Limited English Proficiency (LEP) Video. ND DOT is working hard to update this training currently.

c. Attendees

- 1) All new ND DOT employees.

d. Audience

- 1) All ND DOT employees.

e. Follow-up, if any:

- 1) All NDDOT new employees are required to complete the Title VI New Employee Training. Employees are assigned this training via online when first becoming employed. This is a multi-segment training course with videos about the Civil Rights Act of 1964 and Library of Congress interactive webpage. It also provides videos about ADA topics and LEP training.

f. Results of training: This will confirm all new NDDOT employees will have a strong base knowledge of Title VI and the Civil Rights Act of 1964.

4. NDDOT Staff

a. Number of trainings

- 1) One Employee Annual Training

b. Topics covered.

- 1) Bias Training held by Katarina Domitrovich with ND Dept of Health and Human Services.

c. Attendees

- 1) All NDDOT employees

d. Audience

- 1) All NDDOT employees

e. Follow-up, if any:

- 1) All NDDOT employees were required to complete the one-and-a-half-hour

Title VI annual training. Employees were provided Title VI Nondiscrimination annual training via online TEAMS and ELM. Bias Training was about conscious and unconscious bias. Attendance is stored in NDDOT online ELM training files.

- 2) Results of training
 - a) NDDOT employees learned important Bias Training. Being able to recognize and understand from another person's viewpoint is an important way to prevent discrimination.

TITLE VI TRAINING – EXTERNAL

1. Sub Recipients

- a. Number of Trainings
 - 1) 1
- b. Topics covered
 - 1) Updating their Title VI Plan.
- c. Attendees
 - 1) Bismarck-Mandan MPO (BM-MPO).
- d. Audience
 - 1) N/A
- e. Follow-up, if any
 - 1) The Bismarck-Mandan MPO was selected for a Sub Recipient Review.
- f. See Exhibit E for a link to the Sub Recipient Title VI Forms
 - 1) NDDOT Local Government staff provided one-on-one training in person. They explained the Sub Recipient Audit Checklist and the Title VI/Nondiscrimination and ADA Program Requirements, Guidance. Sub recipients were directed to the NDDOT Title VI/Nondiscrimination and ADA Program web page where a specific sub recipient information web page provides helpful information to enhance their Title VI and ADA programs. See Exhibit E.
 - 2) NDDOT's Title VI/Nondiscrimination and ADA Program has a sub recipient training web page with a variety of training materials. NDDOT provides access to FHWA online training videos specific to local public agencies for developing Title VI and ADA programs. Also included is a video by the Department of Justice (DOJ) regarding communicating with limited English proficient (LEP) individuals.
 - a) Results of training:

- (1) Sub recipients gained knowledge and understanding about Title VI/Nondiscrimination and ADA programs and how to enhance their program. Sub recipients strengthened their Title VI and ADA Programs and received federal financial assistance from NDDOT.

2. Stakeholders

- a. Number of trainings provided: One recorded training; Website Training materials
- b. Descriptions of training session provided
 - i. External Civil Rights Training
 - 1) Prospective sub recipients and stakeholders were provided guidance in developing Title VI programs through one-on-one guidance from the Civil Rights Division, by telephone or email communications.
 - 2) NDDOT has training materials available on their website for easy access to stakeholders and prospective sub recipients.

EXTERNAL COMPLAINTS OF DISCRIMINATION

1. Number and status of Complaints received and forwarded to FHWA:
 - a. One Title VI Complaint was received by NDDOT and forwarded to FHWA.
2. Summary for each complaint with status:
 - a. See External Complaints of Discrimination Log.
3. Corrective Action Plans- detailed report of ongoing or completed CAP activities:
4. Special Emphasis Program Area- only if applicable, FHWA will review results and actions taken:
 - a. None identified.
5. The External Complaints of Discrimination Log of the complaints filed with the NDDOT includes information such as the Complainant, Nature of Complaint, Date Filed/Completed, and Disposition. A copy is submitted with this Goals and Accomplishments Report.

OTHER TITLE VI RELATED ACTIVITIES

1. Bridge Division

- a. Distribute and collect demographic surveys at all public meetings and encourage disadvantaged population participation in the transportation decision making process.

- 1) Five public input meetings were held during the reporting period. All events were conducted in person utilizing a traditional open-house meeting format. A summary of each event is listed below:
- November 7th, 2022: An in-person public input meeting was held to discuss structure improvements/work zone traffic control for the Driscoll and Robinson interchange bridges at I-94 Exit 190 and I-94 Exit 205. The public input meeting was held at the Steele Community Center in Steele, ND. Four individuals attended the meeting and all submitted demographic surveys.
 - January 31st, 2023: An in-person public input meeting was held to discuss structure replacement/work zone traffic control for the SE Jamestown interchange bridge at I-94 Exit 260. The public input meeting was held at Jamestown City Hall in Jamestown, ND. Two individuals attended the meeting. Participation was encouraged, but no demographic surveys were submitted by those in attendance.
 - February 16th, 2023: An in-person public input meeting was held to discuss structure replacement/work zone traffic control for the Lynchburg interchange bridge at I-94 Exit 328. The public input meeting was held at the Days Inn Hotel in Casselton, ND. Three individuals attended the meeting. Participation was encouraged, but no demographic surveys were submitted by those in attendance.
 - March 20th, 2023: An in-person public input meeting was held to discuss structure improvements/work zone traffic control for the Lake Ardoch and Minto interchange bridges at I-29 Exit 164 and I-29 Exit 168. The public input meeting was held at the Minto Community Center in Minto, ND. Nine individuals attended the meeting. Two individuals submitted demographic surveys.
 - June 8th, 2023: An in-person public input meeting was held to discuss structure replacement/work zone traffic control for the Pettibone interchange bridge at I-94 Exit 217. The public input meeting was held at Tappen City Hall in Tappen, ND. Three individuals attended the meeting. One individual submitted a demographic survey.

2. Civil Rights Division

- a) Civil Rights worked with the Local Government Division to ensure the Public Involvement Meetings/Public Involvement Report is in compliance with CFR and the Design Manual. Civil Rights worked with ETS and the Local Government Divisions to ensure Title VI data surveys and information is included in all PIR templates.
- b) Record data on request for reasonable accommodations for language assistance.
- i) Three Requests for Reasonable Accommodations for language assistance were received.
- c) Collect and report data on telephonic interpreter services provided to Limited English Proficient persons for NDDOT divisions and districts.

- i) NDDOT utilized two telephonic interpreter vendors. The language and total minutes provided is reported in each division and district accomplishments.
- ii) Civil Rights reports the Consultants usage. Consultants utilized 627.19 minutes of telephonic interpreter services for a Spanish, Haitian Creole, Dari and Polish speaking individuals.
- d) NDDOT updated the USDOT Standard Title VI/Non-Discrimination Assurances with the NDDOT Interim Director's signature and dated October 6, 2022.
- e) NDDOT updated the Title VI/Nondiscrimination and ADA Policy Statement in English and Spanish with the revision date of October 6, 2022, and the NDDOT Interim Director's signature and dated October 6, 2022.
- f) NDDOT prepared the FY2024 External Complaints of Discrimination Log and submitted with this report to FHWA.
- g) Civil Rights annual training is now in ELM which is an online program that automatically records and assigns the course and hours completed for each person into NDDOT's ELM training record.
- h) The Civil Rights Division assisted Driver License and Motor Vehicle Divisions with implementing Cultural Competency Training. Which will be on-going for both divisions.
- i) ADA
 - i) Two Requests for Reasonable Accommodations for disabilities was received, processed, and documentation stored in NDDOT electronic files.

3. Communications Division

- a. Maintain documentation to report on public involvement activities.
 - 1) Communications provides information to the public about critical road information, including flooding, road closures, incidents and accidents, and construction activities using various media sources. The public can link to our social media platforms by visiting the NDDOT's homepage and clicking on the links provided to Facebook, Twitter, LinkedIn, You Tube, and Instagram. <https://www.dot.nd.gov/>
- b. All employees completed Annual Employee Title VI Training online in ELM.
- c. Monitored contracts for Title VI provisions. 136 Press releases sent out between June 31 and July 1st.
- d. All the new contracts were monitored by the Administrative Assistant for completeness. This included the Title VI provisions required for all contracts.
- e. ADA
 - 1) Monitor press releases to make sure ADA compliance notice is included in Public Notices.

- 2) Public can always request ADA assistance through accessibility link through the DOT website. <https://www.dot.nd.gov/>
- 3) Communications monitors all social media to verify ADA contact information is included in public input social media posts.

4. Construction Services Division

- a. Construction Services reviewed its goals for the period 7/1/2022 through 6/30/2023. The listed goal was: Continue to monitor construction contracts for inclusion of the Standard Title VI Assurances Appendix A and Appendix E and to monitor for any updates to the assurances.
 - 1) The Construction Services review found that there was a change made to required inclusions of contracts. Appendix A and Appendix E of the Title VI Assurances is no longer required. Now required is Form FHWA-1273, Revised July 5, 2022. FHWA-1273 includes and incorporates appendices A and E of the Standard Title VI Assurances by reference.
 - 2) Construction Services updated its review for compliance for the period by checking for the inclusion of Form FHWA-1273 into contracts entered by the North Dakota Department of Transportation. This was done by randomly choosing federal aid contracts from the previous year and looking for inclusion of Form FHWA-1273. The projects chosen at random were IM-X-1-094(210)162, H-1-806(056)031, IM-2-094(163)209, SS-2-009(024)000, NH-3-002(162)212, SS-3-015(033)083, INF-HEN-4-052(093)036, NHU-SU-4-083(155)920, NH-5-021(026)023, NH-5-200(037)124, NH-6-002(140)336, SS-6-066(032)112, NH-7-002(166)069, SS-7-050(023)020, SS-8-018(113)055, and IM-8-094(098)342. All the monitored project documents contained Form FHWA-1273 except for project H-1-806(056)031, which still included the Title VI Assurances Appendix A and Appendix E.
- b. Construction Services goals for the upcoming period 7/1/2023 through 6/30/2024 are to continue to monitor construction contracts for inclusion Form FHWA-1273, Revised July 5, 2022, and to monitor for any updates to the assurances. If updates to the assurances are made, Construction Services will monitor the inclusion of the updates into contracts.

5. Design Division

- a. Collected data on public involvement activities.
- b. Review the Public Participation Survey collection process for virtual public meetings.
- c. ADA
 - 1) Continue to implement, monitor, and update Section 2 – “Public Rights of Way” of the NDDOT ADA Transition Plan.
- d. Design division hosted or through their consultants 12 Public Meetings
 1. PCN 23273, 26 attendees, 0 surveys answered.
 2. PCN 23480, 10 attendees, 2 surveys answered.
 3. PCN 23272, 9 attendees, 0 surveys answered.
 4. PCN 23388, 16 attendees, 6 surveys answered.
 5. PCN 23481, 22 attendees, 152 views, 10 surveys answered.
 6. PCN 23288, 15 attendees, 1 survey answered.
 7. PCN 23543, 15 attendees, 8 surveys answered.

8. PCN 23596, 22 attendees, 2 surveys answered.
 9. PCN 23594, 20 attendees, 115 views, 18 surveys answered (11 in person, 7 virtual)
 10. PCN 23114, 9 surveys answered.
 11. PCN 23321 and 23324, 18 attendees, 7 surveys answered.
 12. PCN 23109 and PCN 22616, 0 attendees, 0 surveys answered.
- e. The Information for the PIM Title VI surveys is input into a spreadsheet. The following analysis was completed:
1. 71 surveys were completed.
 2. 68 surveyed spoke English
 3. 58 identified as White, 2 as Black/ African American, 1 as Hispanic or Latino and 6 as American Indian
 4. 24 were female, 46 were male and 1 was blank
- f. All Division employees will complete the Employee Title VI Annual Training online by September 30, 2023.
- g . Continue to implement, monitor, and update Section 2 – “Public Rights of Way” of the NDDOT ADA Transition Plan.
- 1) Constructed, planned/programmed/design the curb ramps as outlined in Appendix B Schedule for Providing Curb Ramps of the ADA Transition Plan.
 - 2) Constructed, planned/programmed/design the curb ramps as outlined in Appendix B Schedule for Providing Curb Ramps of the ADA Transition Plan.
- i. Central office and some District staff are planning on attending specialized training with the North Dakota Local Technical Assistance Program (NDLTAP) that’s tentatively scheduled for spring 2023 that specialized in ADA design.

6. Driver License Division

- a. Collected and reported data on services provided to Limited English Proficient persons.
 - 1) The Noncommercial Class D knowledge test is offered in 13 foreign languages and automated American Sign Language at the eight major offices and 11 field offices. A total number of 25,341 Noncommercial Class D tests were administered which included tests in foreign languages as follows:
 - a) 1,144 administered in Spanish
 - b) 38 administered in Somali
 - c) 246 administered in French
 - d) 102 administered in Arabic
 - e) 12 administered in Nepali
 - f) 38 administered in Chinese

- g) 180 administered in Russian
- h) 31 administered in Swahili
- i) 62 administered in Vietnamese
- j) 6 administered in Turkish
- k) 7 administered in Serbo-Croatian
- l) 13 administered in American Sign Language
- m) 45 administered in Dari (added 2022)
- n) 39 administered in Pashto (added 2022)

- 3) Twenty new driver license employees completed a minimum of one hour of Title VI new employee training.
- 4) Driver License Division utilized 313.65 minutes of telephonic interpreter services for Spanish, Dari, Polish, and Haitian Creole speaking individuals.
- 5) Driver License Division had 5 LEP persons take the driving test, all accompanied by an individual interpreter. All 5 LEP persons passed their driving test.

b. ADA

- 1) Maintained continued accessibility to all the Driver License offices, both the district and field sites.

7. Environmental and Transportation Services Division

a. Collected data on appraisals, negotiations, and relocations.

- 1) Six Appraisers were utilized during the reporting period. The ETS Division maintains a list of qualified fee appraisers. The ETS Division seeks, on a continuing basis, qualified minority appraisers on the list. The selection of appraisers is on a nondiscriminatory basis and selected by the appraisal and skills necessary to complete the appraisal.
- 2) 277 Negotiations took place during the Reporting Period. There were no Title VI concerns raised and no interpreters were requested during the reporting period.
- 3) No Business or Residential Relocations were conducted during the reporting period.

b. ETS had two new employees in the reporting period.

8. Executive Division

a. Ensured all NDDOT Directives are reviewed annually; and make identified revisions.

- 1) All Divisions were sent their policies for review in October of 2022. They have been reviewed and some are still being completed as of March 2023. There is also a new policy being created for the Employee Safety Group.

9. Financial Management Division

a. Ensured Appendix A and E are included in contracts.

- 1) Verified that Appendix A and E are attached to procurement contracts.
- b. Verified that LEP customers are notified of the availability of language assistance services within solicitation documents.
- c. Conducted 65 bid openings.
- d. ADA
 - 1) Verified that bidders are advised that reasonable accommodations for disabilities will be made within solicitation documents.

10. Legal Division

- a. Continued to provide the department with assistance in relation to contracts and administrative hearings.
 - 1) Assisted department personnel in addressing various questions in relation to contracts and administrative hearings.
- b. Reviewed new contracts in Contract Management System for inclusion of Title VI Assurances.
 - 1) Confirmed that appropriate Title VI clauses were attached or incorporated into contracts.
- c. Recorded data on requests for accommodations in Administrative Hearings.
 - 1) Legal Division utilized a total of 169.36 minutes of telephonic interpreter services for Spanish and Vietnamese speaking individuals.
- d. ADA
 - 1) Legal Division provided reasonable accommodations for disabilities in administrative hearings through the Hearing Notice and the Hearing Officer asking each petitioner if they need an accommodation to participate in the hearing.

11. Local Government Division

- e. Conducted reviews on 10% or a minimum of one sub recipient for the upcoming reporting period.
 - 1) Local Government Division had a total of five sub recipients in 2022, therefore one sub recipient was audited for Title VI compliance. The entity was the Bismarck-Mandan Metropolitan Planning Organization (Bis-Man MPO). The review has not concluded. See Exhibit B.
- f. Conducted reviews on 10% or a minimum of three Transit Providers that receive 5310, 5311 or 5339 federal funds for the upcoming reporting period.

- i) Transit Section had a total of 28 sub recipients that received 5310, 5311 or 5339 federal funds, therefore three transit providers were required to be audited. A total of three audits were completed in 2023. See Exhibit B

12. Maintenance Division

- g. Collected data on public involvement activities.

Additional improvements have been made to the Travel map, with cameras added to our snowplows.

- 1) ADA
 - a) Edgely Section Building is complete and ADA compliant
 - b) Fargo Driver License is complete and ADA compliant
 - c) Fargo Materials Lab is complete and ADA compliant

13. Materials and Research Division

- h. Monitored the following contracts for Title VI provisions: 91211002A, 91220940, 19221653.

- 1) All the new contracts were monitored by the Office Manager for completeness. This included the Title VI provisions required for all contracts.

- i. New hire employees completed the New Employee Title VI Training.

- 1) We hired two new employees and one summer intern this year.
 - a) All new employees completed the online training on ELM.

14. Motor Vehicle Division

- j. Provided Title VI training and technical assistance for all motor vehicle branch office staff.

- 1) Our division provided 10 Motor Vehicle eLearning training sessions with an average of 48 attendees per class. We provided 3 dealer eLearning sessions with an average of 39 attendees. We also had 9 weeklong new employee training courses with a total of 15 employees attending those. This training is open to all 18 of our branch offices as well as our central office staff. Dealer training courses are open to all our 1,000+ licensed dealerships throughout the state. Additionally, we had a 4-day branch review training for two of our contract MTI agents and had a mandatory branch review training for all Bismarck staff.

- 2) All employees completed the Annual Employee Title VI Training in ELM. Provided Title VI training and technical assistance for all motor vehicle branch office staff.

- 3) All employees completed the Annual Employee Title VI Training in ELM.

- k. Collect and report data on services provided to Limited English Proficient persons.

- 1) Motor Vehicle Division utilized 181.76 minutes of telephonic interpreter

services for Spanish speaking individuals.

15. Planning/Asset Management Division

1. Distribute and collect demographic surveys at all in-person and virtual public meetings for later analysis and encourage disadvantaged population participation in the transportation planning process.

A virtual public meeting on the State Freight and Rail Plan was held on September 12, 2022, at 2:00 in the afternoon Central Time which was attended by 27 people. Advertisements for the meetings were posted in the Bismarck Tribune, Devils Lake Journal, Dickinson Press, Fargo Forum, Grand Forks Herald, Jamestown Sun, Minot Daily News, and Williston Herald and promoted through social media. A recording of the meeting was also posted on the website for 24/7 access to the public through December 2022 – the website also included a standalone demographic participant survey. Unfortunately, no demographic surveys were submitted during or after this meeting. Since we were at the end of the plan process, we suspect people were checking in to monitor progress on the plan and didn't have much to offer at that stage.

Web site analytics offered the following public interaction from April 9 2022 through the end of the plan development in December. The total number of individual web page users was 452, with North Dakota-based users at 178. There were 437 engaged sessions, with sessions in North Dakota consisting of 215. This fits the stage of plan development where we ask our partners in neighboring states and provinces to weigh in on the plan elements that complement their plans. Average engagement time was around 1-1.5 minutes. Users viewed the plan mostly on desktop computers (306), while some were on mobile devices (144) and tablets (6). There were 170 file downloads during this timeframe, as people were reviewing final draft portions of the plan. Users of the web page originated from various domain sources, most were direct access where they typed in the plan page address (313), some came in through social updates (65), some via a web search (65), and 20 were referrals to the plan page. We had a good participation rate, but again we have no idea what the demographic breakdown was of this audience. How to measure this audience would be a good topic for discussion with other Divisions and Districts during one of our regular meetings.

Attendance was an improvement from last year for the single meeting held. As stated in years past, policy meetings are notorious for low attendance nationwide, so we improved attendance by hosting a single live meeting in the afternoon instead of two during the afternoon/evening. Freight has a limited appeal to the general public, so our survey participation rate over the last two years was down markedly from our long-range transportation plan, Transportation Connection.

2. Continue to review returned Rail Contracts for Appendices A and E of the Title VI Assurances in P/AM contracts.

Appendices A and E are automatically included by CMS when a new contract is generated. Six returned rail contracts were spot audited by Stewart Milakovic and reviewed for completeness and the returned inclusion of Appendices A&E on June 23, 2023. The contracts consisted of three signal upgrades and three surface rehabs, each one representing a different operating railroad in the state. Five of the contracts were found to be complete – the sixth was a contract amendment and while it did not contain the

two appendices, states "All other terms and conditions of the above-referenced contract are incorporated herein by reference and remain in full force and effect."

3. For future public meetings, continue to contact all Tribal entities and increase efforts to include minority/low-income populations to participate in planning activities.

Bubar and Hall (a Tribal DBE) was the subcontractor assigned for continued Tribal outreach to the state's five tribes (MHA Nation, the Sisseton Wahpeton Oyate, the Turtle Mountain Band of Chippewa Indians, Spirit Lake Nation, and Standing Rock) for completing the development of the State Freight and Rail Plan. A virtual meeting was held on October 13, 2022 with Tribal Transportation Directors to collect information about their freight transportation needs and issues. Page A-51 of Appendix A provides further information on the topics discussed. A total of 221 stakeholders contributed to development of the State Freight and Rail Plan – seven were tribal stakeholders.

For any future public meetings, the Tribal Planners and Title VI Advocacy Distribution Lists will continue to be utilized to inform the public about any meetings through the Planning/AM Division.

4. Work with Rail Planning Project Manager to develop special focus areas for Operation Lifesaver in 2023-2024 after reviewing current year's Operation Lifesaver summary and rail accident trends.

Rail accident data from 2022 was reviewed between Stewart Milakovic, NDDOT Rail Manager Jim Styron and Kevin Brown with the ND Safety Council (NDSC) during February and March of 2023 to determine outreach to specific populations in 2023.

NDSC outreach efforts in the coming year will continue to focus on public awareness of potential highway-rail grade crossing hazards and improving driver and pedestrian behaviors at crossings; specifically, the focus will be on maintenance drivers who operate machinery near ditches and rail tracks, Cass and Grand Forks counties, photographers, and Title VI populations (i.e., homeless, Spanish speakers, and Native Americans), farmers, trespassers, mature drivers, commercial truck drivers, pedestrians, school bus drivers, and motorcyclists.

5. Planning/AM will participate as an active member of the internal NDDOT Public Involvement Committee to revamp and refresh Department Policies and Processes.

Stewart Milakovic represented the Planning/AM Division and participated during the July 26th and Aug 8th 2022 meetings of the internal Public Involvement Committee.

Additional 2023 Accomplishments

Of the seven discretionary grants awarded to the Department since April 2022, two had direct benefit to North Dakota's Title VI Populations.

- The RAISE Tribal Safety Grant was awarded in August 2022, and provides \$19.5M for six safety projects on MHA Nation and the Standing Rock Reservation on ND-23, ND-24 and ND-73. Projects include Major Reconstruction of ND-73, Lighting, Adding Turn Lanes, other safety improvements and Roundabouts.
- The National Scenic Byways Grant award of \$400K will construct a Multi-use Trail along ND-43 which will connect to the Lake Metigoshe State Park system. This area is close to the Turtle Mountain Reservation, an area that is both disadvantaged for both

transportation and health according to the USDOT's database of Transportation Disadvantaged Census Tracts.

16. Programming Division

The Programming Division accomplished sending out notifications properly for public comment. The NDDOT distributes a spring news release, tailored to each district, as well as to statewide media, including all North Dakota daily and weekly newspapers and broadcast media outlets. The news release identifies major projects in each district and requests public comments.

We attended presentations and continued to evaluate and analyze options for an electronic STIP software.

17. Audit Services

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

1. Title VI Responsibilities
 - a) Conducting internal audits of NDDOT district and division activities.
 - b) Conducting audits of consulting engineers indirect cost rates and project costs.
 - c) Conducting motor carrier program audits, including federally required audits of International Fuel Tax Agreement (IFTA) and International Registration Program (IRP) registered North Dakota based motor carriers.
 - d) Completing other special reviews as requested
2. The Division continues to use the risk-based analysis of audited indirect overhead rates submitted by A&E firms.
3. Title VI concerns are considered to ensure determinations were not discriminatory under Title VI requirements.
4. Continued education to Audit Division employees as provided by the NDDOT Civil Rights Division.

18. Safety Division

- The Highway Safety Office Manager monitored new contracts for Title VI provisions.
- The Highway Safety Title VI Representative (Office Manager) reviewed 10 random contracts. These contracts were: 12221339, 12221417, 12221510, 12221346, 12221355, 12221366, 12221419, 12221420, 12230319, and 12221380. They all contained the Title VI Nondiscrimination statement and Appendices A & E of the Title VI Assurances that are required on all contracts.
- The Highway Safety Division did not have any new employees this past year.
- All the Highway Safety Division employees attended the Title VI Training – “Bias Training.”

19. State Fleet Services Division

- I. Maintained records for all public involvement activities for vehicle auctions.

- 1) State Fleet will provide parking assistance for people with disabilities during our in-person vehicle auctions. We are using online auctions currently. There is no longer a physical public presence at our auctions. They, however, are allowed to view the vehicles at the location.
- 2) Monitor if the State Fleet Auction Site is accessible to the public in being ADA compliant.
- 3) Vehicle Auction Posters included contact information to request accommodations for language assistance.
- 4) All new employees completed New Employee Title VI Training in ELM.

m. ADA

- 1) Vehicle Auction Posters included contact information to request accommodations for disabilities.

20. District Offices

n. Bismarck

- 1) Continued to monitor projects for discriminatory activity and promptly report complaints.
 - a) District ADE monitored 34 projects and no discriminatory activity were identified.
 - b) District ADE monitored 34 projects and 0 complaints were received.
- 2) Disseminated Title VI information, including the Title VI brochure, Complaint Form, and Access to Language Assistance information to city, county, consultants at a local presentation or explained Title VI requirements at a meeting with officials.
- 3) Three New Employees to the District completed New Employee Title VI Training online in ELM.
- 4) Bid out the Apple Creek Rest Area Cleaning Contract.
- 5) ADA
 - a) Provided zero Request for Accommodations form for persons with a disability.

o. Devils Lake

- 1) Continue to monitor projects for discriminatory activity and promptly report complaints.
 - a) District ADE monitored 22 projects and no discriminatory activity were identified.
- 2) Disseminated Title VI information, including the Title VI brochure, Complaint Form, and Access to Language Assistance information to city, county, consultants at a local presentation or explained Title

VI requirements at a meeting with officials.

- 3) Six new employees to the district completed New Employee Title VI Training online in ELM.
- 4) ADA
 - a) In 2022, the Devils Lake District repainted parking stripes for mobility parking spaces in the Hefti Rest Area.
- p. Dickinson
 - 1) Continued to monitor projects for discriminatory activity and promptly report complaints.
 - a) Jason Fisher (District ADE) monitored 26 projects and no discriminatory activity were identified.
 - b) Disseminated Title VI information, SFN 9423, which address the Title VI Assurances and where the information is located for further inquiries.
 - c) Four new employees to the district and completed new employee Title VI Training online in ELM.

2) ADA

Pedestrian walkway from the city of Bowman out to local business, also ADA applied to curb & gutter along state highway.

- b) ADA sidewalks were added to city of Scranton along state highway.

q. Fargo

- a) Continue to monitor projects for discriminatory activity and promptly report complaints.
- b) Joe Peyerl, District ADE monitored 18 projects and no discriminatory activities were identified.
- c) Disseminated Title VI information, including the Title VI brochure, Complaint Form, and Access to Language Assistance information to city, county, consultants at a local presentation or explained Title VI requirements at a meeting with officials.
- d) 4 New Employees to the District completed new employee Title VI Training online in ELM.

ADA Accomplishments

- i. Provided ADA accommodations on two separate jobs in the Fargo District; Fargo 64th Ave S & West Fargo Drain 45 sidewalk (phase 2) reconstruction.
- ii. Repainted parking stripes for mobility parking spaces in the district parking lot.

- iii. Re-established ADA markings at all Fargo District's Visitor Centers.
- r. Grand Forks
- 1) Continued to monitor projects for discriminatory activity and promptly report complaints.
 - a) Assistant District Engineer (ADE) Jesse Kadrmas monitored 25-30 projects and no discriminatory activity was identified.
 - b) ADE monitored projects and 0 complaints were received.
 - 2) All new employees to the district completed New Employee Title VI Training online in ELM within the first week of employment.
 - 3) All District Employees completed Title VI/Nondiscrimination Annual Employee training via the online ELM system.
 - 6) ADA Repainted parking stripes for mobility parking spaces in the district parking lot, as well as the two rest areas in our District, which are the Alexander Henry Rest Area and the Larimore Rest Area.
- s. Minot
- 1) Continued to monitor projects for discriminatory activity and promptly report complaints.
 - a) District ADE has made multiple visits to Minot District Projects with no discriminatory activity identified.
 - 2) Disseminated Title VI information, including the Title VI brochure, Complaint Form, and Access to Language Assistance information to city and county consultants at a local presentation. Also explained Title VI requirements at a meeting with officials and went over SFN 9423 at preconstruction meetings mentioning Title VI requirements.
 - 3) Two New Employees to the District completed New Employee Title VI Training online in ELM.
- t. Valley City
- 1) Continue to monitor projects for discriminatory activity and promptly report complaints.
 - a) Valley City District ADE monitored 25 projects and no discriminatory activity were identified.
 - 2) Disseminated Title VI information, including the Title VI brochure, Complaint Form, and Access to Language Assistance information to city, county, consultants at a local presentation or explained Title VI requirements at a meeting with officials.

- 3) Eight new Employees to the District completed new employee Title VI Training online in ELM.
- 4) ADA
 - a) Repainted parking stripes for mobility parking spaces.
- u. Williston
 - 1) Continued to monitor projects for discriminatory activity and promptly report complaints.
 - a) District ADE monitored all projects, and no discriminatory activity was identified.
 - b) District ADE monitored all projects, and 0 complaints were received.
 - c) Disseminated Title VI information, including the Title VI brochure, Complaint Form, and Access to Language Assistance information to city, county, consultants at a local presentation or explained Title VI requirements at a meeting with officials.
 - d) All New employees to the district completed New Employee Title VI Training online in ELM.
 - 2) ADA
 - a) Parking stripes for mobility parking spaces in front of the district office building is refreshed as needed.

SPECIAL EMPHASIS PROGRAM AREAS

NDDOT and FHWA did not identify any areas of discriminatory practices.

i. GOALS

The following information describes the NDDOT Program Area Internal Reviews, Sub Recipient Reviews, Internal and External Training, and Other Related Title VI Activities planned for the coming year.

A. PROGRAM AREA INTERNAL REVIEWS SCHEDULED FOR FY2024

- 1. Number of reviews planned
 - a. One Program Area Review planned.
 - 1) The Civil Rights Division will conduct one major program area review during the reporting period 10/1/2023 – 9/30/2024. The program area will be selected according to the NDDOT’s Title VI Internal Review Process in NDDOT’s Title VI/Nondiscrimination and ADA Program, Implementation Plan for FY2024.

B. SUB RECIPIENT REVIEWS SCHEDULED FOR FY2024

2. Number of reviews planned

- a. One Sub Recipient review planned. This is an estimate based on the Sub Recipient Review and Selection Process.
 - 1) Local Government Division conducts reviews of sub recipients. Sub recipient reviews cannot be determined or scheduled at this time. The sub recipients subject to review will be selected from the pool of applicants that receive Federal financial assistance from October 1, 2023, through June 30, 2024. The number of reviews that will be scheduled is determined by the number of sub recipients NDDOT has as of June 30, 2024. The sub recipients to be reviewed will be selected as defined in the Review and Selection Process for sub recipients in the NDDOT Title VI/Nondiscrimination and ADA Program Implementation Plan.
 - 2) Last year's review with Grand Forks MPO the following findings and actions were taken:
 - a) FINDING
The MPO Transportation Improvement Program (TIP) does include a map showing demographics with transportation projects overlaid to display the distribution of federal and state dollars.
 - b) However, this map does not appear in the MPO's Title VI Plan.
 - c) RECOMMENDED CORRECTIVE ACTION
 - d) The MPO needs to update their Title VI plan to include the most up to date TIP projects with the demographic information overlaid to meet the guidance in the FTA circular. The MPO should update the map within the Title VI plan with each new TIP document as part of your monitoring process.
 - e) Section III
 - f) The MPO acknowledged during the audit that the appropriate EEO documentation was inadvertently omitted from the recent job posting of the Executive Director. This information is standard in all job postings for the MPO and will be included in all future postings.
 - g) Section III, Item 3.c
 - h) REMINDER
 - i) The MPO does not currently have any subcommittees associated with the MPO. During the audit the MPO was reminded if any subcommittees are to be created in the future, then the MPO will need to develop a process and procedures for the selection of committee members.
 - j) Section IV, Item 5.a
 - k) FINDING
 - l) Title VI should be a "one-click" access for the public and employees on the MPO's website. The website currently does not have this feature.
 - m) RECOMMENDED CORRECTIVE ACTION
 - n) The MPO needs to update their website to provide a "one-click" location for the public to access their Title VI Plan and related documentation.
 - o) Section VI, Item 1.a

- p) The Limited English Proficiency (LEP) Plan needs to include an analysis of the demographics within the MPO area using the most up to date data available. The MPO noted this information does need to be updated, but they are waiting for the release of the final 2020 Census information. This information is scheduled for release in late 2022.
- q) Section VII, Item 7
- r) FINDING
- s) During the audit review, the MPO was not sure if there is currently a documented process for how the MPO analyzes demographic information gathered at public input opportunities.
- t) RECOMMENDED CORRECTIVE ACTION
- u) If the MPO is unsure or unaware of a process in place, the MPO needs to develop a process for analyzing demographic data received at public input opportunities.
- v) Section XI, Item 1
- w) REMINDER
- x) The MPO was reminded during the audit review to make sure they are conducting monitoring and compliance of MPO policies and practices on a yearly basis as it relates to Title VI and nondiscrimination.
- y) SUBMITTAL COMMENTS
- z) Environmental Justice Manual
- aa) RECOMMENDATION
- bb) The MPO should review Executive Order 14008, Justice40 Initiative to determine if any adjustments or modifications are needed in their Environmental Justice Manual.
- cc) MPO Self-Certification
- dd) FINDING
- ee) The MPO's self-certification document has language under the Title VI section noting that requests for reasonable accommodations can be sent to Earl Haugen.
- ff) RECOMMENDED CORRECTIVE ACTION
- gg) The MPO needs to update their self-certification document to account for staff changes at the MPO.
- hh) FINDING
 - 1. The MPO's LEP plan does not identify the vital documents to be translated when a significant number of percentages of the population eligible to be served, or likely to be directly affected by the program/activity, needs services or information in a language other than English to communicate effectively.
- (ii) RECOMMENDED CORRECTIVE ACTION

The MPO needs to update their LEP plan to identify vital documents for possible translation.

Auxiliary Aids and Services

- ii) ACTION NEEDED

This document is outdated and no longer used by NDDOT; please remove it from your Title VI plan. NDDOT is currently working on a newer document that will be provided on the subrecipient website when available.

Complaints of Discrimination Template
- jj) FINDING

The MPO Title VI plan is referencing an older version of the Complaints of Discrimination form and process; specifically, the instructions page for FTA

Jurisdiction, the MPO is not listed as an authorized agency per the template and the subrecipient instructions are no longer valid as shown in the MPO's plan.

kk) **RECOMMENDED CORRECTIVE ACTION**

The MPO needs to update their plan to account for the latest template on the NDDOT website.

ll) **OTHER GENERAL COMMENTS**

•Please continue to review the information and templates on the NDDOT Title VI Program website as they are updated frequently. (<https://www.dot.nd.gov/divisions/civilrights/titlevi-subrecipients.htm>)

•Please make sure the MPO's Title VI information on your website is updated because of the changes from this audit, as well as reviewed periodically for any necessary updates. Here are some additional comments related to the website:

The following should be clearly posted on the page with a "quick link" from the main page for easy access:

- Full Non-discrimination Policy Statement (if combined, Title VI needs to be clearly identified from other forms of discrimination);
- Complaint form & instructions link added to access the form.
- LEP free of charge language should be included; and
- How to request reasonable accommodations.

- 3) NDDOT is requesting the MPO respond to each of these items as to the course of action the MPO will take on implementing the recommended corrective actions. These changes are recommended to ensure the MPO stays Title VI compliant in the future. Please respond back to this letter by October 28, 2022 with your plan of action for each item. The MPO has until December 28, 2022 to submit an updated Title VI plan and related documents in response to this audit to remain Title VI complaint and eligible for federal funding programs.

C. TITLE VI TRAINING - INTERNAL

1. Title VI Specialists

b. Number of trainings planned

- 1) Five trainings planned

c. Description of training sessions planned

- 1) Civil Rights will conduct five quarterly trainings in one and a half hour sessions for a total of seven hours of annual training for division and district Title VI Specialists. Five trainings are planned in November 14, 2023, January 23, 2024, March 26, 2024, and May 28, 2024, and August 27, 2024, all at 10:30am – 11:30am CST.

- 2) Title VI Program processes; review procedures; complaints; and Goals and Accomplishments tracking; storing information on activities and data

electronically; Program Area Monitoring and Internal Reviews; data collection and supporting documentation; deadlines; Goals and Accomplishment Reporting requirements and submission deadlines. Training or Video presentation of the presenter's choice will also be part of each training.

- 3) The Title VI Specialist Training Schedule was prepared identifying the subject matter, materials, and dates and times of the training sessions. See Exhibit D.

2. New Title VI Specialists

d. Number of trainings planned

- 1) Two training sessions were held for new Title VI Specialists.
 - a) Once a Title VI Specialist is appointed, the New Title VI Specialist Training will be held for them via TEAMS meeting with other New Title VI Specialists.
- 2) Civil Rights will assign New Title VI Specialist training throughout the reporting period as new Specialists are appointed.

e. Description of training session planned

- 1) New specialists will complete the TEAMS online training called New Specialist Title VI Training. This section will take approximately 2-3 hours to complete, dependent on how the group progresses through the class and participation with the Title VI Program Administrator. The Administrator will provide additional individual or group online training. Training is approximately a total of 3 hours.
- 2) Topics covered: FHWA training regarding important case laws. The difference between disparate impact and disparate treatment. The training will also cover Title VI Specialist responsibilities.

3. New Employee Title VI Training

f. Number of trainings planned

- 1) One training session is planned for independent study.
- 2) Training is assigned to all new employees of ND DOT in the ELM system.

g. Description of training session planned

- 1) New employee Title VI training is independent study of FHWA Title VI videos Local Program Agency Civil Rights Program, Library of Congress Videos and Reference Civil Rights Act of 1964 Page, The Civil Rights Act of 1964 - The Civil Rights Act of 1964: A Long Struggle for Freedom | Exhibitions - Library of Congress, and Impact History Channel video in Epilogue. ADA Videos including what is the ADA? disability etiquette, requesting an accommodation, How and when to disclose your disability with your employer, Job Accommodation Network (JAN) Information and a Limited

English Proficiency (LEP) Video.

4. NDDOT Staff

h. Number of trainings planned

1) One training session is planned.

i. Descriptions of training session planned

1) Civil Rights will develop one hour of Title VI/Nondiscrimination and ADA related annual training for all NDDOT employees. The Title VI Specialist's may choose to provide Title VI Annual Training to their division or district employees using training materials from previous trainings. The one-hour annual training is mandatory for all NDDOT employees. This annual training will be completed during this reporting period, October 1, 2023 – September 30, 2024.

D. TITLE VI TRAINING – EXTERNAL

1. Sub Recipients

j. Number of trainings planned

1) 1 sub recipient training planned

2) NDDOT Website Training Materials is planned for independent study or training.

k. Descriptions of training session planned

1) Local Government staff will provide one-on-one training for sub recipients during the application process for federal financial assistance and throughout the duration of the project. NDDOT staff explains Sub Recipient Audit Checklist and the Title VI/Nondiscrimination and ADA Program Requirements, Guidance, and Templates. NDDOT staff provides guidance on NDDOT Sub recipient web page templates and location. See Exhibit G.

2) NDDOT has training materials available on their Title VI/Nondiscrimination and ADA Program webpage specifically for sub recipients to use for independent study or training. NDDOT utilizes FHWA's training videos which are available through NDDOT's website or on the FHWA web site.

2. Stakeholders

l. Number of Trainings planned

1) One live and/or recorded training session is planned.

2) NDDOT Website Training Materials is planned for independent study or training.

m. Descriptions of training sessions planned

- 1) External Civil Rights Training and Manual
- 2) In March or April of 2024, Civil Rights Division staff plans to conduct External Civil Rights Training. The External Civil Rights Manual will be updated along with a PowerPoint presentation. The training will be conducted through a live online webinar, if possible; otherwise, it will be recorded. It will be placed on the Civil Rights Division webpage for easy access by stakeholders and the public. The Title VI/Nondiscrimination and ADA Program is under Section I. It includes information on Title VI of the Civil Rights Act of 1964; Americans with Disabilities Act; Standard Title VI/Non-Discrimination Assurances; Title VI/Nondiscrimination and ADA Program Implementation Plan specifically, public involvement, Title VI and ADA compliance oversight, and External Complaints of Discrimination Process. It is available online at <https://www.dot.nd.gov/divisions/civilrights/civilrights.htm>.
- 3) Prospective sub recipients and stakeholders were provided guidance in developing Title VI programs through one-on-one guidance from the Civil Rights Division, by telephone or email communications.
- 4) NDDOT has training materials available on their website for easy access to stakeholders and prospective sub recipients.
- 5) NDDOT Website Training Materials
 - a) NDDOT has training materials available on their Title VI/Nondiscrimination and ADA Program webpage specifically for stakeholders to use for independent study or training. NDDOT utilizes FHWA's training videos which are available through NDDOT's website or on the FHWA web site.

E. OTHER TITLE VI RELATED ACTIVITIES

1. Bridge Division

- n. Add all demographic survey data collected by Bridge Division into the Excel Spreadsheet on the NDDOT Title VI Specialist page.

2. Civil Rights Division

- a. Conduct Program Area Reviews as recommended from FHWA guidance.
- b. Record data on requests for reasonable accommodations.
- c. Collect and report data on telephonic interpreter services provided to Limited English Proficient persons for NDDOT divisions and districts.
- d. Continue to collect data and analyze data from each division regarding the Public Participation Survey on the working Excel spreadsheet. Meet with this group when appropriate.

- e. Work with our ETS division to assist in getting the PIR document to include Title VI survey information.
- f. Be present and prepared for each New Employee Orientation Training and give out information regarding employees using Language Link.
- g. Continue to speak with each division of the ND DOT as needed to find out where Title VI can be improved. This includes some new job shadowing before a process review to ensure the validity of the review.
- h. Civil Rights will also work closely with Driver License and Motor Vehicle along with Human Resources to make sure Cultural Competency Training is an ongoing learning experience.

3. Communications Division

- a. Utilize social media platforms to increase the public's awareness on public involvement activities.
- b. Utilize the LEP website manual for guidance with the new DOT website.

4. Construction Services Division

- a. Monitor for annual update of the Standard Title VI Assurances and update related documents.
- b. Monitor construction contracts for the inclusion of the updated Standard Title VI Assurances.

5. Design Division

- a. Collect data on public involvement activities.
- b. Review the Public Participation Survey collection process for virtual public meetings.
- c. ADA
 - 1) Continue to implement, monitor, and update Section 2 – “Public Rights of Way” of the NDDOT ADA Transition Plan.

6. Driver License Division

- a. Continue to collect and report data on services provided to Limited English Proficient persons, for at least the next 5 years. Specifically looking at the following data:
 - i. Number of LEP individuals who took the driving portion of the test.
 - ii. Number of LEP individuals who passed the driving test.
 - iii. Language assistance for the driving portion of the test, broken down by each language.
 - iv. The type of language assistance provided to each applicant by the

driving tester during the driving portion.

- b. Driver License division will put policy in place regarding when LEP individuals come in for a driving test, so all employees' responses are uniform.
- c. Maintain continued accessibility to the Driver License offices, both the district and field sites.

7. Environmental and Transportation Services Division

- a. Collect data on appraisals, negotiations, and relocations.

8. Executive Division

- a. Annually review all NDDOT Directives to ensure the required Title VI provisions are included.

9. Financial Management Division

- a. Ensure Appendix A and E are included in contracts.
- b. Ensure bidders are advised that reasonable accommodations will be made within solicitation documents.
- c. Ensure LEP customers are notified of the availability of language assistance services within solicitation documents.

10. Legal Division

- a. Continue to provide the department with assistance in relation to contracts and administrative hearings.
- b. Review new contracts in Contract Management System for inclusion of Title VI Assurances.
- c. Record data for reasonable accommodations in Administrative Hearings.

11. Local Government Division

- a. Conduct reviews on 10% or a minimum of one FHWA sub recipient for the upcoming reporting period.
- b. Conduct reviews on 10% or a minimum of three Transit Providers that receive 5310, 5311 or 5339 federal funds for the upcoming reporting period.
- c. Local Government has been working with Civil Rights to utilize the new Audit and Preauthorization form to use with audits. This form is in the process of changes after an audit was performed.

12. Maintenance Division

- a. Collect data on public involvement activities.

13. Materials and Research Division

- a. Monitor contracts for Title VI provisions.

14. Motor Vehicle Division

- a. Verify Title VI training is complete and technical assistance for all motor vehicle branch office staff.
- b. Collect and report data on services provided to Limited English Proficient persons.

15. Planning/Asset Management Division

1. Distribute and collect demographic surveys at all in-person and virtual public meetings for later analysis and encourage disadvantaged population participation in the transportation planning process.
2. Continue to review returned Rail Contracts for Appendices A and E of the Title VI Assurances in P/AM contracts.
3. For future public meetings, continue to contact all Tribal entities and increase efforts to include minority/low-income populations to participate in planning activities.
4. Work with Rail Planning Project Manager and the North Dakota Safety Council to develop special focus areas for Operation Lifesaver in 2024 after reviewing current year's Operation Lifesaver summary and rail accident trends.
5. Report on any discretionary grant awards specifically benefiting Title VI populations.
6. Planning/AM will continue to utilize Environmental Justice screening tools such as the USDOT Equitable Transportation Community (ETC) Explorer, EJ Screen, US Census, and other data resources for grants and planning efforts.

16. Programming Division

- o. Our goal for 2023-2024 is to continue to explore options and work on obtaining electronic STIP software, which will help us expand to include an interactive facing STIP allowing the public to query, search, and map future projects.

17. Audit Services

- a. 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.
- b. Audit Service will continue to analyze through their program to ensure determinations were not discriminatory under Title VI requirements.
- c. Audit Services will add the accommodations statement to the website for consulting engineers.

18. Safety Division

- a. The Highway Safety Division Office Manager will monitor all new contracts to ensure they include all the Title VI assurances and nondiscrimination statements.
- b. The Office Manager will randomly select contract numbers and check to ensure they include all the Title VI assurances and nondiscrimination statements.

- c. The Office Manager will have all new Highway Safety Division employees complete “New Employee Title VI Training” and Annual Title VI Training through ELM.
- d. The Office Manager will ensure that all the Highway Safety Division employees attend the required annual Title VI Training.

19. State Fleet Services Division

- a. Maintain records for all public involvement activities for vehicle auctions.
- b. State Fleet Services informed the public about State Vehicle Auctions by conducting the following public involvement activities: Auction posters, publishing Press Releases, news stories, newspaper ads, YouTube videos, Facebook posts, ND website posts, and radio announcements.
- c. State Fleet will provide parking assistance for people with disabilities during our in-person vehicle auctions.
- d. Monitor if the State Fleet Auction Site is accessible to the public in being ADA compliant.

20. District Offices

- a. Bismarck
 - b. Devils Lake
 - c. Dickinson
 - d. Fargo
 - e. Grand Forks
 - f. Minot
 - g. Valley City
- 1) Continue to monitor projects for discriminatory activity and promptly report complaints.
 - 2) Disseminate, as needed, Title VI information, including the Title VI brochure, Complaint form, and Access to Language Assistance information to: (1) all sections within the district; and (2) city and county officials and consultants at local presentations. Explain Title VI requirements at meetings with officials as necessary.
 - 3) Ensure all new employees to the district completed New Employee Title VI Training online in ELM; ensure all District employees complete one hour of annual Title VI training.

F. Exhibits A – E

Exhibit A: PUBLIC INVOLVEMENT REPORT/PUBLIC MEETING PROGRAM REVIEW REPORT 2023
 Exhibit B: NDDOT TITLE VI REVIEW – SUB RECIPIENT REPORT 2022-2023
 Exhibit C: TITLE VI SPECIALISTS TRAINING SCHEDULE 2023-2024
 Exhibit D: SUB RECIPIENT TITLE VI FORMS

G. Appendix A-B

Appendix A: SFN 60149 PUBLIC PARTICIPATION SURVEY

Appendix B: TITLE VI PUBLIC SURVEY DATA/WORKING EXCEL SPREADSHEET

Exhibit A

NDDOT PUBLIC INVOLVEMENT REPORT/PUBLIC MEETING PROGRAM REVIEW REPORT 2023



U.S. Department
of Transportation

**Federal Highway
Administration**

Civil Rights
Division, and Local
Government
Division, North
Dakota
Department of
Transportation

Program Review

NORTH
Dakota | Transportation
Be Legendary.

Public Information/Input Meetings/Involvement Reports Review

FINAL REPORT

August 24, 2023

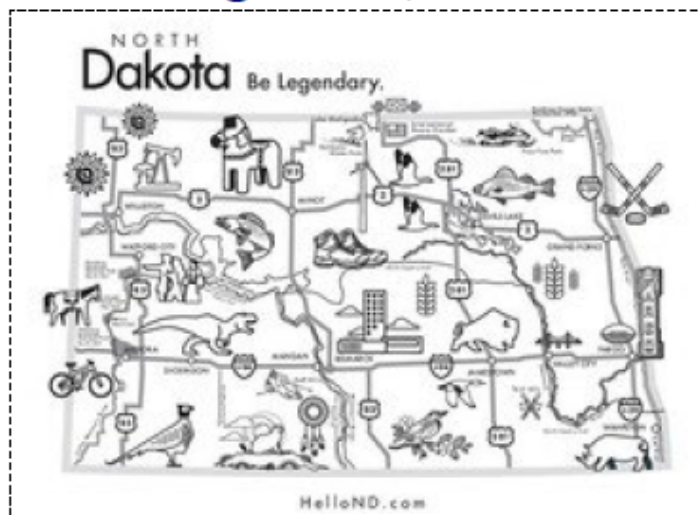




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Executive Summary

A review was conducted on the North Dakota Department of Transportation's (NDDOT) Public Input Meetings (PIM) program area. PIM functions as a section of the Local Government (LG) Division. The purpose of this review was to determine if the NDDOT PIM program area fulfills the requirements of the Federal Title VI Nondiscrimination and ADA program (49 CFR sec 21.9 (b) and 23 CFR, 200.9 (b)(4)).

The review team examined documentation on Public Involvement Reports regarding the meetings held through virtual or in-person formats.

Public Involvement Reports from 11 projects, were reviewed for Fiscal Year October 1, 2021, through September 30, 2022. Interviews were conducted with PIM staff. The NDDOT Design manual PIM/PIR process in Chapter 2, AASHTO Responding to Comments on an Environmental Impact Statement Practitioner's Handbook 02, NDDOT Public Involvement Template, NDDOT Title VI Public Participation Survey (SFN 60149), were reviewed.

The below observations and recommendations are outcomes from this review.

Observation #1:

In reviewing documentation for Title VI/Nondiscrimination and ADA compliance, it was found that data and information from the NDDOT Title VI Public Participation Survey (SFN 60149) at times (6/11 times) is not included in the PIR document itself. The PIR template the NDDOT provides says "Do Not Include Title VI Information" which is incorrect.

See Design Manual Chapter 2 II-03.02.04, stating "a copy of any handouts; a copy of the exhibits presented; the video script (if video was used); Power Point slides; a copy of the roster; transcript; a copy of all comments received, and responses provided; and *any other information* about the Public Meeting(s)." This includes the Title VI Survey and Title VI information and how it relates to the project.

NDDOT LG PIM/PIR program must develop a method to include the Title VI Information and Title VI Survey. The Title VI Survey when completed should *not* be



included the PIR. The Title VI survey data is essential to the PIR, but only including how many people completed the form, and how many forms were distributed. This is to ensure involvement in all meetings regarding Title VI and the Title VI Participation Survey (SFN 60149). This includes a slide or information about the Title V information and Title VI Survey. This is necessary for compliance with the Federal Title VI program (49 CFR sec 21.9 (b) and 23 CFR, 200.9 (b)(4)).

This review indicates that improvements are required regarding the Title VI Public Participation Survey and Title VI information being a part of the Public Involvement Report. An Action Plan outlining the actions NDDOT LG PIM program has agreed to is included in this report. Civil Rights looks forward to partnering with NDDOT LG PIM Program in accomplishing needed improvements.

Observation #2:

The Design Manual in Chapter 2 also states in the Public Hearing Response Period II-03.02.02.04 there is a minimum of 15 calendar day response period following the Public Hearing. In the AASHTO 02 Handbook and 40 CFR 1506.10(c) advise the waiting period should be no less than 45 days. The 45-day period is determined based on calendar days (including weekends), not business days. Section 139 also sets an upper limit: the comment period must be no more than 60 days, unless (1) the lead agency, project sponsor, and all participating agencies agree on a longer period, or (2) the comment period is extended by the lead agency for good cause.



Background

The North Dakota Civil Rights Office assessment identified Title VI Public Input Meetings/Public Involvement Reports processes at risk for noncompliance for FY2023. The risk statement was identified as, "IF processes and procedures are not effectively and consistently in place for Title VI information in a Public Input Meeting/Public Involvement Report, this could result in legal action against NDDOT, finding of non-compliance, and jeopardizing Federal funding."

The goal for this review is to determine if LG PIM/PIR's Title VI/Nondiscrimination program requirements are being met and to implement or improve NDDOT LG's procedures, data collection, analyzing and reporting to reduce the risk of Federal non-compliance.



Purpose and Objective

The purpose of this review is to assess the NDDOT's Local Government's policy for Public Input Meetings/Public Involvement Reports to include Title VI/Nondiscrimination slides and information, which are requirements for Federally funded projects. This includes ensuring proper procedures, data collection and analysis, reporting and forms are in place and utilized to effectively reduce the risk of FHWA non-compliance in public input meetings and public involvement reports.

Objective #1 – To determine if the NDDOT Local Government's policy for Public Input Meeting/Public Involvement Reports include Title VI/Nondiscrimination and ADA processes are in accordance with FHWA regulations (49 CFR, Part 21) in public input meetings/reports.

Objective #2 – To determine NDDOT Local Government's policy for Public Input Meeting/Public Involvement Reports include Title VI/Nondiscrimination program's strengths and weaknesses regarding the public input meeting and public involvement reporting process.



Scope and Methodology

The following areas of the NDDOT's Local Government policy for Public Input Meetings/Public Involvement Reports were reviewed.

- NDDOT Local Government Fiscal Year (FY) October 1st, 2021-September 30, 2022, identified 11 (eleven) projects meeting the requirements of a Public Input Meeting/Public Involvement Report.

The review team performed interviews of LG central office staff.

NDDOT manuals, policies, procedures, and internal Standard Operating Procedures (SOP) were examined to include:

- Design Manual Chapter 2
- AASHTO Practitioner's Handbook 02 Responding to Comments on an Environmental Impact Statement.

NDDOT LG Forms that were reviewed are:

- NDDOT Title VI Public Participation Survey (SFN 60149)
- NDDOT Public Involvement Report Template

Sample size included all 11 projects. The projects represented all projects that met the sample requirements for FY October 1, 2021-September 30, 2022.



Team Members

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Mr. Kent Leben	Section Leader Rural Environmental, Local Government Division, NDDOT



Observations and Recommendations

Observation #1: Procedures to collect, analyze, and retain data of Title VI survey data and participation in Public Input Meetings/Public Involvement Reports. In reviewing the documentation provided, CRD did conclude that data from the NDDOT Title VI Public Participation Survey (SFN 60149) which is provided at the Public Input Meeting was currently being manually collected and maintained in an Excel database, however it was not a part of the Public Involvement Report itself.

(SFN 60149) is handed out at all Public Input meetings and usually the consultant has information in a slide regarding Title VI data and why it is requested. The consultant attempts to collect the demographic data from all individuals attending the meeting. We feel this is a strength in their process by attempting to collect all the required data.

The sample size for this review contained 11 Public Involvement Reports through the ND DOT Local Government Division. Interviews were conducted with LG staff regarding data collection and practices.

Recommendation: All PIR Templates are to be changed to include Title VI Information to confirm compliance. The Title VI Survey when completed should *not* be included the PIR. The Title VI survey data is essential to the PIR, but only including how many people completed the form, and how many forms were distributed.

Compliance Issue (if any): Yes, see Design Manual Chapter 2 II-03.02.04 which states "a copy of any handouts; a copy of the exhibits presented; the video script (if video was used); Power Point slides; a copy of the roster; transcript; a copy of all comments received, and responses provided; and any other information about the Public Meeting(s)." should all be included in a Public Involvement Report.

Resolution (if any): NDDOT LG program will continue to collect Title VI survey data and Title VI Survey Information and include relevant Title VI information in the Public Involvement Report. This *only* includes how many surveys were completed, and how many were handed out. This does not include the survey itself. The template for the PIR



will be changed to include Title VI information specifically. Also, the new information and rules should be included in a checklist.

Observation #2: The Design Manual in Chapter 2 also states in the Public Hearing Response Period II-03.02.02.04 there is a minimum of 15 calendar day response period following the Public Hearing. In the AASHTO 02 Handbook and 40 CFR 1506.10(c) advise the waiting period should be no less than 45 days. The 45-day period is determined based on calendar days (including weekends), not business days.

Recommendation: LG and Civil Rights will work with all entities regarding the comment period as stated in the Design Manual, AASHTO 02 Handbook and CFR. Policy will need to be updated regarding comment periods for EIS projects only.

Compliance Issue (if any): No, since all projects reviewed are CATEX, this follows the CFR regulations, AASHTO Handbook, and the Design Manual Chapter 2.

Resolution (if any): None Recommended.



Successful Practices

In 23530 the report is exceptional at detailing the questions and responses. The report goes into a detailed breakdown of comment categories with appropriate graphics and pictures. This detail does not go unnoticed.

In Public Involvement Report 23217 has an excellent Letter to Citizens included. The report has traffic counts along with area history in the area that are easy to read and understand.

Also, in Public Involvement Report 23225 the Facebook reach information was included. This is important information to document. The importance of all media and how many people read or saw the information is immeasurable.



Conclusion

This review indicates that deficiencies were identified in the analyzing and documentation of procedures concerning the Public Involvement Report and Public Input Meetings regarding any Catex, EA or EIS project.

An Action Plan outlining the actions NDDOT LG Public Input Meetings/Involvement Reports has agreed to is included in this report. Civil Rights looks forward to working with LG, in assisting, in updating all references to the new process.



Action Plan

Observation #1:

Title VI Public Participation Survey Information and data is being collected however it is not being reported on some occasions in the Public Involvement Report. After review of the documentation provided by the NDDOT LG program, it was found some of the Title VI Surveys and information are not being documented in the Public Involvement Report. The NDDOT has a current PIR template that says specifically to not include Title VI information, however that is wrong. See Design Manual Chapter 2 II-03.02.04 which states "a copy of any handouts; a copy of the exhibits presented; the video script (if video was used); Power Point slides; a copy of the roster; transcript; a copy of all comments received, and responses provided; and any other information about the Public Meeting(s)." should all be included in a Public Involvement Report.

Resolution: NDDOT LG program will continue to collect Title VI survey data and Title VI Survey Information and include Title VI information in the Public Involvement Report. The template for the PIR will be changed to include Title VI information specifically. This *only* includes how many surveys were completed, and how many were handed out. This does *not* include the survey itself. Also, the new information and rules should be included in a checklist.

This process will be included in the NDDOT LG Program Manual and NDDOT's Title VI/Nondiscrimination Implementation Plan.

Observation #2:

The Design Manual in Chapter 2 also states in the Public Hearing Response Period II-03.02.02.04 there is a minimum of 15 calendar day response period following the Public Hearing. In the AASHTO 02 Handbook and 40 CFR 1506.10(c) advise the waiting period should be no less than 45 days. The 45-day period is determined based on calendar days (including weekends), not business days.

Resolution: None recommended, all projects selected were CATEX.



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Appendices



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For additional copies of this report, contact us.

Appendix A: SFN 60149 Public Participation Survey

NDDOT TITLE VI PUBLIC PARTICIPATION SURVEY

North Dakota Department of Transportation, Civil Rights
SFN 60149 (3-2022)

PLEASE USE DARK INK AND PRINT CLEARLY

The Civil Rights Act of 1964 and related nondiscrimination authorities require the North Dakota Department of Transportation to ensure everyone has the opportunity to comment on the transportation programs and activities that may affect their community.

To help with that, we ask that you respond to the following questions. You are not required to disclose the information requested in order to participate. Any information provided to the NDDOT will be retained solely for the purpose of collecting statistical data to ensure inclusion of all segments of the population affected by transportation programs and activities.

Sex:	<input type="checkbox"/> Female	<input type="checkbox"/> Male	<input type="checkbox"/> _____	Disability:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Age:	<input type="checkbox"/> Under 18	<input type="checkbox"/> 18-40	<input type="checkbox"/> 41-65	<input type="checkbox"/> 65+		
Race:						
<input type="checkbox"/> White	<input type="checkbox"/> Asian					
<input type="checkbox"/> Native Hawaiian/Other Pacific Islander	<input type="checkbox"/> American Indian/Alaskan Native					
<input type="checkbox"/> Hispanic or Latino	<input type="checkbox"/> _____					
<input type="checkbox"/> Black/African American						
Language Most Frequently Spoken in your Home:						
<input type="checkbox"/> Spanish	<input type="checkbox"/> Vietnamese	<input type="checkbox"/> Japanese				
<input type="checkbox"/> German	<input type="checkbox"/> Arabic	<input type="checkbox"/> Other Slavic Language				
<input type="checkbox"/> Other African Language	<input type="checkbox"/> Russian	<input type="checkbox"/> English				
<input type="checkbox"/> Chinese	<input type="checkbox"/> Other India Language	<input type="checkbox"/> _____				
Do you receive public assistance? <input type="checkbox"/> Yes <input type="checkbox"/> No						
How did you hear about this event?						
<input type="checkbox"/> Internet	<input type="checkbox"/> NDDOT Contact	<input type="checkbox"/> Television				
<input type="checkbox"/> Radio	<input type="checkbox"/> Newspaper	<input type="checkbox"/> Advocacy Group				
<input type="checkbox"/> Mailing	<input type="checkbox"/> Social Service Agency	<input type="checkbox"/> _____				

For Office Use Only

Event Date (MM/DD/YYYY)	City	County	Div/Dist Number	PCN
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

MPO:	ROW:	Subrecipient:
<input type="checkbox"/> Bismarck-Mandan	<input type="checkbox"/> Negotiation	<input type="checkbox"/> Yes
<input type="checkbox"/> Fargo-Moorhead Metro COG	<input type="checkbox"/> Relocation	<input type="checkbox"/> No
<input type="checkbox"/> Grand Forks-East Grand Forks		

*After you have completed this form, please place it in the designated location.

Exhibit B

NDDOT TITLE VI REVIEW – SUB RECIPIENT REPORT 2022-2023

NDDOT TITLE VI REVIEW SCHEDULE SUBRECIPIENT REPORT 2022-2023



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
Can-Do Public Transit	4/12/2023	5/17/2023	7/27/2023	ND	5/17/2023	NA	NA	7/27/2023	Closed – No findings or recommendations.
Senior Meals & Services	4/12/2023	5/31/2023		8/31/2023	5/31/2023	NA	NA		Pending agency response to findings.
Handi-Wheels Transportation	5/1/2023	6/8/2023			6/8/2023				Pending NDDOT review.
Bismarck-Mandan MPO	6/5/2023	7/11/2023			7/11/2023				The MPO post-audit submittal is under review.

Figure 1- NDDOT Title VI Review – Sub Recipient Report 2022-2023

EXHIBIT C

TITLE VI SPECIALISTS TRAINING SCHEDULE 2023-2024

Figure 2- Title VI Specialists Training Schedule – November 2023 – May 2024

TITLE VI SPECIALISTS TRAINING SCHEDULE 2023-2024					
TOPICS	DATE	TIME	HRS.	LOCATION	PARTICIPANTS
Title VI/Nondiscrimination and ADA Goals and Accomplishments Report; New Specialist's Introductions. Teams Jeopardy	11/14/2023	10:30am - 12:00pm	1.0	Microsoft Teams	Title VI Specialists, CRD Director
Title VI Goals and Accomplishments Report Title VI and Your Job Teams Jeopardy	1/23/2024	10:30am - 12:00pm	1.5	Microsoft Teams	Title VI Specialists
Title VI Internal Program Area Reviews and Sub Recipient Reviews- scheduling Title VI and Your Job Teams Jeopardy	3/26/2024	10:30am - 12:00pm	1.5	Microsoft Teams	Title VI Specialists
Title VI/Nondiscrimination Title VI and Your Job Teams Jeopardy	5/28/2024	10:30am - 12:00pm	1.5	Microsoft Teams	Title VI Specialists
Title VI/Nondiscrimination Goals and Accomplishments EMAILS to Divisions Title VI and Your Job Teams Jeopardy	8/27/2024	10:30am - 12:00pm	1.5	Microsoft Teams	Title VI Specialists
TOTAL TRAINING HOURS			7		

EXHIBIT D

SUB RECIPIENT TITLE VI FORMS

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

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