



Title VI Implementation Plan FY 2017

Oregon Department of Transportation

Table of Contents

Introduction2

Part 1—Organization and Staffing5

 Office of Civil Rights.....5

 Oregon Department of Transportation Organizational Chart.....9

Part 2—Administration 10

 Reports and Plans..... 10

 Complaint Disposition Procedure 10

 Process to Resolve Deficiencies Identified by FHWA..... 13

Part 3—Internal and External Program Reviews..... 14

 Special Emphasis Program Reviews Procedure 18

Part 4—External Monitoring Program 19

 Sub-Recipient Reviews..... 19

 Data Collection.....20

Part 5—Public Participation Plan.....22

Part 6—Training25

Part 7—Environmental Justice Plan27

Part 8—Language Access Plan29

Part 9—Appendices 31

 ODOT Map Examples34

 Assurances36

 Policy Statement.....37

 ODOT Standard Title VI Assurances and Non
 Discrimination Provisions38

 Your Rights Under Title VI of the Civil Rights Act.....41

 ODOT Title II Non-Discrimination Policy43

 Public Involvement Plan.....45

Introduction

The mission of Oregon's Department of Transportation (ODOT) is to provide a safe and efficient multi-modal transportation system supporting economic opportunity and livable communities within Oregon. ODOT was established to bring together programs that meet the objectives of contributing to the growth and economy of the state by providing for the movement of persons and goods rapidly, safely and economically; by protecting people and property through the effective administration of driver, motor vehicle, and aviation laws; and by meeting the recreational needs of Oregonians and touring visitors by providing recreational facilities.

ODOT develops and administers Oregon's system of highways and their infrastructure; public transportation services; rail passenger and freight systems; bicycle and pedestrian paths and routes; ports and marine transportation; pipelines; transportation safety programs; driver and vehicle licensing and registration; and the enforcement of statutes, policies and procedures relating to commercial motor carriers.

The Oregon Department of Transportation divides its operations into five geographical regions. Each region is responsible for developing and managing the construction of transportation projects, plus the maintenance of state, federal and interstate highways and other transportation infrastructure within its boundaries. There are five ODOT regions:



- Region 1:** Portland Metro
- Region 2:** Willamette Valley, North and Mid-Coast
- Region 3:** Southern Oregon and South Coast
- Region 4:** Central Oregon
- Region 5:** Eastern Oregon

The Oregon Department of Transportation (ODOT) is a recipient of federal financial assistance. As a condition of receiving these funds, the Department is required to comply with various non-discrimination laws and regulations including Title VI of the Civil Rights Act of 1964. Title VI provides that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance under this title or carried out under this title."

Title VI forbids discrimination against anyone in the United States because of race, color, or national origin by any agency receiving federal funds. Subsequently, related authorities have expanded Title VI protections to include gender, age, and disability (*Appendix A & E; Related Authorities Attached*).

In addition, on April 24, 2013, the Secretary of Transportation signed the DOT Standard Title VI Assurances and Non-Discrimination Provisions, Order 1050.2A (Title VI Assurances). The Title VI Internal reviews and requests for program information through the yearly Annual Accomplishments Report help to ensure that Appendix A and E authorities are included in contracting documents.

A 1994 Presidential Executive Order 12898 directed every Federal agency to make environmental justice (EJ) part of its mission by identifying and addressing disproportionately high and adverse effects of its programs, policies, and activities on “minority populations and low-income populations.” Additionally, the Order was designed to promote nondiscrimination in Federal programs substantially affecting human health and the environment, and to provide minority and low-income community’s access to public information and an opportunity for public participation in matters relating to human health or the environment.

The Order lays out the framework for integrating environmental justice considerations within Federal actions by requiring agencies to do the following:

- **Analyze environmental effects**, including human health and socio-economic impacts of Federal actions on minority and low-income communities
- **Provide opportunities for early and continuous input** by communities potentially affected by action, including opportunity to review and discuss environmental and/or health impacts, alternatives and mitigation measures

Further, the Order explicitly incorporates environmental justice considerations into Federal agency compliance with Title VI of the Civil Rights Act of 1964 and the National Environmental Policy Act (NEPA). NEPA Regulations: <https://ceq.doe.gov/welcome.html#regulations>

In August 2000, President Clinton signed Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” the Executive Order requires federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), develop and implement a system to provide those services in such a way that LEP persons can have meaningful access to them. The rights of LEP persons are guaranteed under Title VI national origin protections. FHWA requires ODOT to take the necessary actions to ensure that LEP persons be provided an equal opportunity to benefit from or have access to services that are normally provided in English.

Together, implementing a sound Title VI Program and integrating EJ and LEP principles into transportation decisions help protect against prohibited discrimination.

The ODOT Title VI Plan is being prepared in accordance with Title 23, CFR Part 200.9 (b) (11). The Federal Highway Administration (FHWA) specifically requires recipients of Federal-Aid Highway Program funds to prepare a Title VI Plan. This plan clarifies roles, responsibilities and procedures for assuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives.

The ODOT Office of Civil Rights Title VI Program is in place to ensure compliance with federal directives. The Title VI Coordinator is responsible for oversight and assistance with Title VI non-discrimination activities within ODOT program areas as well as the monitoring of sub-recipients who receive federal financial assistance through ODOT. The Title VI Program Plan provides specific information that outlines ODOT's Title VI processes and procedures that pertain to organization, monitoring, compliance reviews, discrimination complaints, and Title VI assurances (*See Appendix E*).

Part 1—Organization and Staffing

Office of Civil Rights

The Oregon Department of Transportation Title VI Program is led by the Title VI/ EJ/ADA Program Manager. This position reports to the ODOT Office of Civil Rights Manager. The Civil Rights Manager reports to ODOT's Director, and the Office of Civil Rights resides in the Office of the Director at the Oregon Department of Transportation. ODOT's Director has also issued and signed a Policy Statement dated September 9, 2016 that assures that the Title VI Program Manager, DBE Manager and the AA/EEO Manager will have direct access to him without any intermediary. A copy of this notice is included on page 36 of the appendices of this plan in accordance with 23 CFR 200.9 (b) (1).

Contact with the Oregon Department of Transportation, Title VI Program can be made at:

Rebecca Williams
Oregon Department of Transportation
Office of Civil Rights, MS 31
355 Capitol St NE
Salem, Oregon 97301
503-986-3870

Title VI Program Management:

It is the intent of ODOT to ensure non-discrimination in the programs and activities that it administers.

- Coordinate Title VI Program Development and Implementation with internal program areas
- Provide technical assistance and advice on Title VI matters to program area Subject matter Experts (SMEs) and program area managers
- Conduct Title VI reviews of internal program areas, Metropolitan Planning Organizations (MPOs) and local sub recipients to ensure Title VI compliance
- Review ODOT program areas to correct identified Title VI problems, including discriminatory practices of policies
- Provide Title VI training for ODOT SMEs, Field Coordinators, Supervisors and Managers, as well as other internal staff and sub-recipients
- Complete ODOT's Title VI Implementation Plan for submission to FHWA by October 1st of each year

- Complete ODOT's Title VI Annual Accomplishment Report for submission to FHWA by November 1st each year
- Complaint investigation and resolution
- Work with program areas to collect and document statistical data
- Distribute and, where necessary, translate Title VI documents for the public
- Review ODOT program manuals, contracts and policy documents to determine whether Title VI is appropriately addressed and implemented agency-wide
- Monitor Programs based on data collected and tracking of Programs progress.

Title VI/EJ/ADA Program Manager: Rebecca Williams (503) 986-3870

ODOT Civil Rights Manager:

- Works collaboratively with federal and state authorities in communicating Title VI program requirements
- Works closely with ODOT's Title VI Program staff to implement the Department's Title VI work plan through programs, procedures and ongoing monitoring
- Advise Title VI Program staff of Title VI related problems and discrimination complaints
- Communicate with the Title VI program staff regarding projects that are in development phases where Title VI issues may arise
- Reviews state and federal directives to determine if there are any Title VI implications

Program Area Subject Matter Expert Team (SMEs):

ODOT SMEs are appointed by Program Managers who have oversight of Special Program Areas. The Title VI Coordinator coordinates with SMEs throughout the AAR process. These staff meet as needed and reach out to each other by phone, email, and have in-person meetings.

- Participate in conducting Title VI Compliance reviews
- Identify and explain the focus area selected for review
- Where necessary, revise policies and procedures to include Title VI requirements
- Collaborate with program areas officials to develop program area summaries for OCR Annual Work Plan and Accomplishment Report
- Conduct research on processes concerning Title VI
- Collect and analyze data for trends, patterns, or areas that need improvement that drive public involvement decisions and determine whether programs

have disproportionately high and adverse effects on minority populations and low-income populations

- Conduct staff training on Title VI and related statutes for compliance purposes and to ensure an understanding of the relationship between the program goals and civil rights responsibilities

Civil Rights Field Coordinators:

- Serve as the liaison between the Office of Civil Rights and regional Planning and Development, Construction, Maintenance, and Operations staff
- Integrate OCR programs into the project delivery process
- Provide technical advice, monitor compliance and provide OCR program assistance and support
- Monitor OCR program delivery to local agency programs that receive funding through ODOT
- Provide assistance, guidance and training to regional programs pertaining to planning, monitoring, training, evaluation, reporting of DBE, ESB, EEO, Title VI, and Workforce development
- Facilitate internal pre-construction (pre-con) meetings; review affiliated information and document in civil rights Compliance Tracking system (CRCT). Reviews DBE forms for accuracy and completion
- Maintain contact with Title VI staff in OCR through monthly meetings, telephone and 1:1 meetings.
- Assists with questions and concerns from the public and directing them to Title VI staff for compliance and complaint process.
- Assists in fact finding and conducting investigations taking action to mitigate potential Title VI complaints.
- Collect and analyze data for trends, patterns, or areas that need improvement that drive public involvement decisions and determine whether programs have disproportionately high and adverse effects on minority populations and low-income populations

Civil Rights Programs Coordinator:

- Assists the Title VI/EJ/ADA Manager and the Intermodal Manager with implementation of the nondiscrimination programs within Civil Rights.
- Works collaboratively with the Title VI Coordinator to reach out to ODOT sub-recipients to provide training and guidance in writing Title VI Plans, over view of ODOTs ADA Title II Transportation Plan for technical assistance to ODOT staff and sub-recipients, assists with compliance through the Title VI

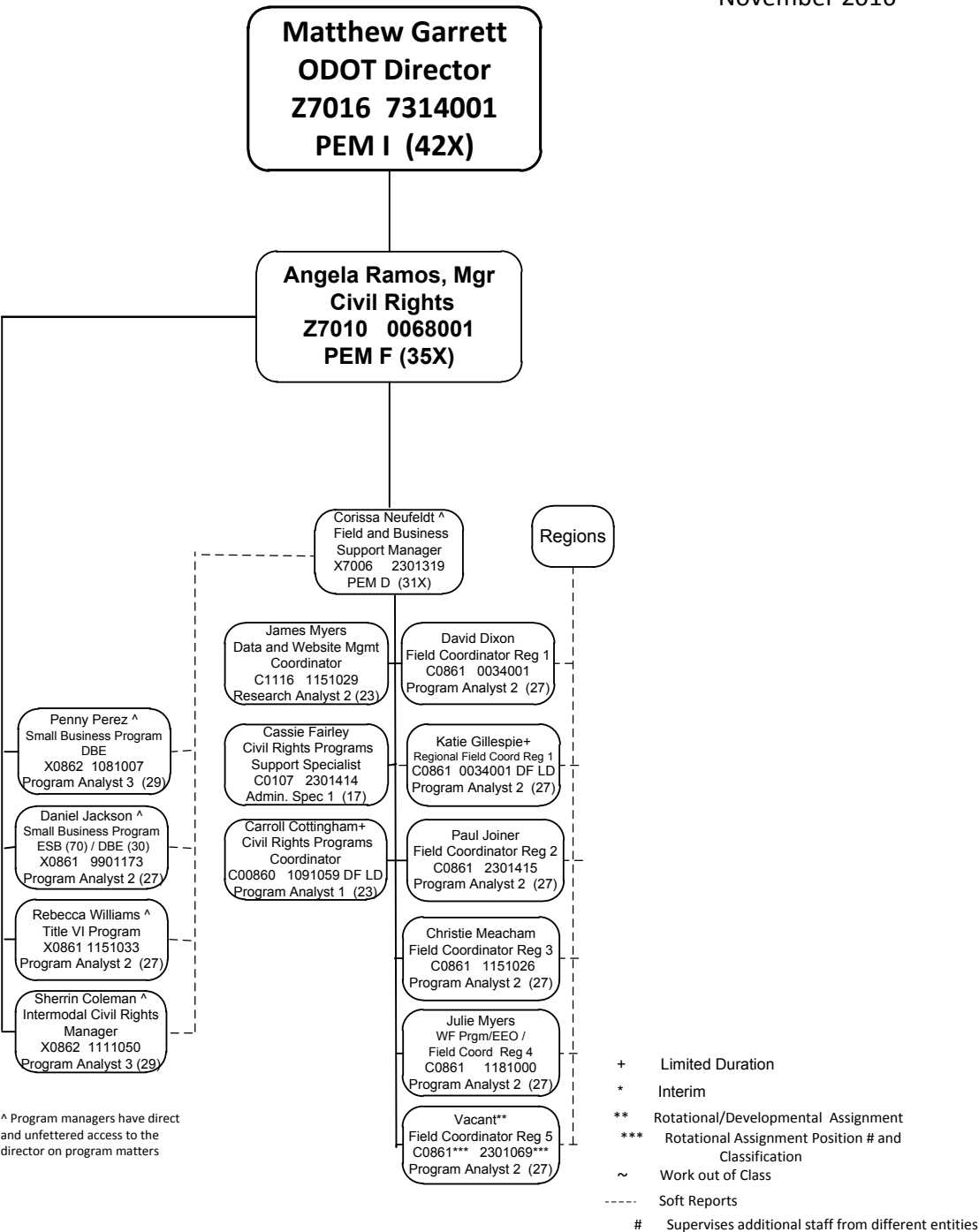
sub-recipient review process, works with Title VI, EJ and ADA community members to help resolve concerns.

- Works with OCR Data and Website Coordinator to create and maintain data systems that collect concerns, complaints, resolutions, outcomes and documents related to citizens requests for action from ODOT.
- The Civil Rights Coordinator is responsible for providing outreach and training to sub-recipients specifically related to the Title II ADA Transition Plan. Provides back up support to Title VI Coordinator with training, documenting concerns, tracking any needed data for reports, and attendance in meeting's related to non-discrimination programs where the Title VI Coordinator is not available.

Oregon Department of Transportation Organizational Chart

OFFICE OF CIVIL RIGHTS

November 2016



Part 2—Administration

Reports and Plans

ODOT's Office of Civil Rights is ultimately responsible for ensuring nondiscrimination in the programs which receive financial assistance. Consequently, OCR is charged with several reporting requirements that outline the steps the agency takes towards meeting FHWA regulations.

Annual Title VI Accomplishments Report to FHWA

ODOT's Annual Title VI Accomplishments Report summarizes ODOT program compliance activity from October 1st through September 30th coinciding with the Federal Highway Administrations federal fiscal year. This report outlines any annual updates related to the policy statement are incorporated into the Title VI Implementation plan, staffing changes, outcomes and conclusions of Title VI Reviews, summary of accomplishments for ODOT program areas, training information, resolved complaints, internal and external compliance review activities and any slated goals. Issuance of this report is consistent with 23 CFR 200.9 (10) requirements.

Annual Title VI Plan

ODOT has an approved Title VI Implementation Plan and submits an updated Title VI Plan for FHWA approval annually. This will guarantee that any new and revised guidance and directives are captured in the plan on a regular schedule

Complaint Disposition Procedure

An individual who has been subjected to discrimination or has identified possible noncompliance may file a complaint. Discrimination complaint procedures are intended to provide an avenue to raise complaints under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act (ADA) of 1990.

Complaints may be filed by any person who believes that he or she has been excluded from participation in, been denied the benefits of, or otherwise subjected to discrimination based on race, color, national origin, gender, age or disability under a program or activity that receives Federal financial assistance from the Oregon Department of Transportation, or its sub-recipients.

It is important to note, complaints may not expressly specify Title VI, however a report of denial of services or benefits offered on the basis of race, color, national origin, offered under any program administered by ODOT or a sub-recipient will be classified as a Title VI complaint.

Filing a Complaint:

Title VI Complaints of discrimination may be filed with:

- The ODOT Office of Civil Rights
- Federal Highway Administration (FHWA)
- U.S. Department of Justice (USDOJ)

Title VI complaints filed directly against ODOT will be forwarded to FHWA Civil Rights Headquarters for processing and investigation. FHWA makes final determination on all complaints filed within their jurisdiction.

Title VI complaints must be submitted in writing, signed and dated, no later than 180 days after:

- the alleged discrimination
- date when the person became aware of the alleged discrimination; or
- where there has been continuous course of conduct, the date on which the conduct was discontinued
- Include complainant contact information
- Location of where the alleged discrimination took place (ie. intersection, region, city, county, agency, building etc.)
- Any individual who needs assistance in completing a written complaint will receive help from the agency upon request.

Time line:

- When a written formal complaint is received, ODOT Title VI Coordinator is required to forward the complaint to FHWA and keep FHWA updated as to the progress of the complaint as it moves forward in the complaint process.
- The ODOT Title VI Coordinator will have 5 days to respond to the complainant as to whether the complaint is being accepted.
- Within 60 days of receipt of an accepted complaint, the ODOT Title VI Coordinator will have 60 days to investigate and prepare a written report to the complainant. A copy of the report will be submitted to the FHWA and the complaint data will be recorded in the complaint data base.
- The report shall include the appeal rights of the complainant.

- The complainant will have 180 days from the agencies decision on the complaint to appeal to FHWA. If no appeal is received the complaint decision becomes final.
- Any complaints received by ODOT will be documented in the AAR each year.
- Only qualified, well trained investigators should conduct these investigations.

Dismissal:

OCR will dismiss a complaint if it is determined that:

- OCR does not have jurisdiction to investigate the complaint
- Complainant fails to state a violation of the laws OCR enforces
- The complaint is untimely
- The complaint allegations have been resolved
- The complaint is being investigated by another agency

Evaluation Process:

Complaints filed against an ODOT sub-recipient are preliminarily examined by the sub-recipient to uncover any need to determine jurisdiction and merit. Furthermore, the preliminary investigation will uncover the need for any additional facts to proceed with the investigation. Title VI complaints filed against an ODOT sub-recipient, will be accepted subsequent to a sub-recipient's preliminary evaluation determining jurisdiction and merit. The preliminary investigation will uncover the need for any additional facts in order to proceed with the investigation.

Allegations, regardless of where they are reported, shall be immediately forwarded to the Title VI Program Manager or the Civil Rights Coordinator. All concerns, questions and requests are tracked and mitigated with the citizen making the request. Official complaints are tracked on a separate data tool for compliance.

Investigation:

Upon accepting a Complaint, the Title VI Manager will issue letters of notification to the interested parties (the complainant and sub-recipient) and begin the investigative process. All complaints are kept in an on-going log electronically and folders with pertinent information on each complaint are kept on file. OCR will serve as a neutral fact-finder during the investigation process. Initiating the process does not imply that OCR has made any determination regarding the merits of the complaint.

This process will incorporate a variety of fact-finding techniques including: reviewing documentary evidence, conducting interviews with the complainant and other

witnesses or staff, as well as site visits where the alleged discrimination occurred. To gather a complete understanding of the incident, the Title VI Management Team will conduct interviews with the Complainant, Respondent, and any other witnesses who may provide clarity relating to the information outlined in the complaint form.

At the close of the investigative process, the Office of Civil Rights will determine whether:

- There is insufficient evidence to support a conclusion that the sub-recipient operated in violation of the law, or
- A preponderance of the evidence supports a conclusion that the recipient failed to comply with the law

This determination will be communicated to all interested parties through an OCR-issued letter of finding and tracked in the complaint log accordingly. This letter should support all conclusions and explain why a recipient was found in compliance or in violation of Title VI and the corrective action. All complaints filed under the jurisdiction of FHWA will ultimately be forwarded to the appropriate office within FHWA for final determination of the complaint.

*The ODOT OCR complaint form can be filled out by a representative of the complainant. The complainant can ask one of the OCR staff to assist with the form. The form may be filled out electronically, faxed, emailed or printed out and mailed via the U.S. Postal Service. The complaint form can be found at the following link:

<http://www.odot.state.or.us/forms/odot/highway734/5008.pdf>

Process to Resolve Deficiencies Identified by FHWA

If, despite ODOT's best efforts we fall short of FHWA's expectations established in Title VI or the corresponding executive orders, we will work with FHWA to clearly identify the deficiency, clearly define what is expected from ODOT in order to be in compliance, and establish a timeline for correcting the deficiency. To increase the likelihood of success, prior to completion, we will review our corrective action plan with the FHWA at its inception and at agreed upon milestones.

Part 3—Internal and External Program Reviews

Reviews

The Title VI staff will conduct both internal and external Title VI Program Reviews. The purpose of the program reviews is to objectively evaluate administrative procedures and examine the staffing and resources that are available to meet Title VI compliance. The Title VI Manager will develop a schedule for conducting external sub-recipient compliance reviews which include; all LPA's, MPO's, cities, colleges and universities receiving federal funds from ODOT. The selection process is random but includes a process for reviewing which entities have been reviewed previously and which have the highest populations and are receiving the most federal funding through ODOT. In other words, the priority of reviews will be determined by those MPOs and other federal aid sub recipients with the greatest potential impact on populations served. At a minimum, two LPA and one MPO review will take place each year and rotating through sub recipients so that each MPO is reviewed no fewer than every three years. LPA's with previously identified corrective action will be the priority candidates selected for review. Both the internal and external compliance reviews will include a combination of a desk review to examine documents that outline processes, website accessibility, procedures, staff interviews, and on-site visits.

Critical elements of the external reviews will include: signed FHWA Assurances for Title VI and other Nondiscrimination Statutes and Regulations documents which are updated at least every three years; the Title VI Nondiscrimination Assurance paragraph in all solicitations for bid requests, proposals, prime and sub contracts, and including the FHWA-funded Project Agreement paragraph; requiring an appointed Title VI Nondiscrimination Coordinator; an approved Title VI Nondiscrimination Plan that is updated every third anniversary year of the original approved Plan; Annual reporting to ODOT OCR through the Annual Accomplishments Report mechanism. A complaint process that ensures prompt processing, investigation, and resolution of the sub recipient complaint(s) received by the MPO or LPA is essential and mandatory to the functionality of the agency.

The external compliance reviews will focus objectively on how effectively the MPOs or LPA's have implemented their approved Title VI Plan, how they are engaging the local community when planning projects that may affect quality of life, work with Limited English Proficiency (LEP) communities, and incorporate Environmental Justice (EJ) and data collection in their daily work. Specifically, the OCR staff review concerns, complaints and the tracking practices that the agency uses for ensuring that the public is heard. The LPAs are instructed to work with the public in a

mitigation process should concerns arise, whereby potential noncompliance by the agency can be corrected before a complaint is filed. Other areas of importance are the accessibility of the LPAs website, access to documents and the information that is posted which includes the contact information for the Title VI Coordinator, allowing the public direct contact for questions and assistance. The types of forms, mail outs and notices that are provided to the public are reviewed and suggestions given if needed in how to include Title VI populations in Public Outreach before, during and in the close out of projects within the agency. All LPAs must show that they are effectively using a data from varying sources such as U.S. Census Bureau, public school statistics and GIS systems to be as accurate as possible in identifying the populations affected by the LPA projects. When corrective action is needed, the MPO or LPA will have ninety-days to correct the deficiency or show progress towards correcting the area of concern. ODOT will work with these agencies to provide training and technical assistance when necessary.

The Local Certification Program works in concert with the OCR to ensure the compliance of LPAs. One way that this takes place is through tracking certified LPAs. The OCR tracks which of its subrecipients are in compliance with the federal requirements in accordance with Title 23, CFR Part 200.0 (b) (11) and shares that information with the Local Certification Program. A new database tool is being developed to track each Title VI Plan and Annual Accomplishments Report that comes in to the OCR. The Local Certification Program will have access to view which of the agencies has their compliance information in to ODOT. This same data tool will randomly select subrecipients of ODOT for Title VI reviews using the aforementioned and recommended criteria.

The Florida Department of Transportation (FDOT) has been working with OCR on “best practices” for Title VI Internal and External Review processes. A peer to peer telephone conversation took place between FDOT, FHWA and OCR to discuss FDOTs Title VI Program and how to best implement some of the practices happening in Florida’s Transportation Program at ODOT. Several forms and information on FDOTs Local Agency Program (LAP) and Quality Assurance Review (QAR) were shared via email and discussed over the telephone. The mechanisms that are put in place at FDOT are both innovative and interactive. Oregon would like to bring some of this technology to OCR in order to be more thorough and efficient with Title VI reviews and monitoring in the near future.

Equally, internal reviews will encompass the program areas within the ODOT project delivery system. These programs are known as Special Emphasis Programs. A Special Emphasis Program Area is a Program Area in which ODOT has identified the need for special tracking, training and data collection to ensure compliance and non-discrimination. All special emphasis programs will be reviewed by the Title VI Program staff jointly with program area SMEs to ensure effective compliance with the Title VI provisions; these reviews will be conducted annually. In the event, a deficiency is identified; the Title VI Program Manager and the Field & Business Support Manager will work together with OCR Field Coordinators to establish training opportunities that can be conducted in the regions. The Title VI Manager

will also work with program area SMEs on an effective means of corrective action be that training, program guidance or 1:1 meetings with management staff.

The following programs are considered “Special Emphasis Programs” by ODOT and in accordance with 23 CFR 200.9 (b) (c). These program areas are included in the Annual Accomplishments Report. The areas where data is required to be collected on a consistent basis which includes requirements set forth by the Local Agency Guidance (LAG) Manual. The LAG Manual Requirements include that MPOs and Certified Local Agencies submit non-discrimination assurances on a yearly basis to the Planning Department and to the Local Agency Program at ODOT. The Special Emphasis Programs Identified to have the most impact on Title VI and EJ populations, collect at a minimum, information that is listed under each program heading.

Planning:

- Statistical data on race, color, national origin, age, disability or sex of participants in attendance at public participation opportunities
- Data relating to LEP populations
- Demographics of membership of advisory councils and policy boards
- Number of public involvement opportunities (hearings, open houses, public meetings)
- Alternative languages used in translation of vital documents or communicating with LEP populations
- Requests for accommodation at public meetings

Environmental:

- Data relating to the health and environment of minority and low-income populations
- Information assessing and comparing environmental and health risks to determine whether their projects have a disproportionately high and adverse effect on minority or low-income populations
- Information on project alternatives
- Data related to public engagement by communities that are affected by the project

Right of way:

- Demographic data on relocatees
- Maintain database records of approved relocation and acquisition consultants and appraisers

- Supporting data that illustrates objectivity when valuing the property
- Ensure that Appendix D and Appendix C (as applicable) of the standard FHWA Assurances for Title VI and other Nondiscrimination Statutes and Regulations document need to be included in all Right of Way related excess land disposals (excess land sales) and air space leases/licenses.

Construction:

- Monitor grant language
- Gather data (race, color, national origin, sex, disability, age) illustrating the number of minorities and low-income populations participate in construction contracts
- Ensures that Appendix A of the standard FHWA Assurances for Title VI and other Nondiscrimination Statutes and Regulations document is included in prime contracts, consultant agreements and that prime contractors are ensuring that Appendix A is included in all sub-contracts regardless of tier.

Research:

- Compile data that supports the selection of projects and the consideration of Title VI and EJ populations
- Ensures that all State planning and research (SPR) and metropolitan funds (PL) used for research are awarded in a non-discriminatory manner.

Maintenance:

- Process to ensure that the development and implementation of the Maintenance Program is compliant with Title VI/Nondiscrimination requirements
- Process to periodically review the implementation of the actual process to ensure the Maintenance Program is being implemented in a non-discriminatory manner

Safety:

- Ensures its sub-recipients receiving federal funds include the Title VI Assurances
- Ensures that all Project Development phases for Safety projects follow the same processes that non-Safety projects follow
- The development of the Highway Safety Improvement Plan (HSIP), Strategic Highway Safety Plan (SHSP), and other Safety related documents requiring public input need to be developed according to ODOT's Public Participation Process.

Special Emphasis Program Reviews Procedure

Title VI has broad applicability. Title VI issues may arise during any phase of the Federal-aid program with potentially far-reaching consequences. Therefore, ODOT projects and programs are monitored for compliance with non-discrimination requirements. Procedures are developed and implemented and revised as necessary to eliminate the possibility of discrimination within any of ODOT's programs. Compliance is monitored through a proactive, collaborative approach in concert with the SMEs.

The OCR is responsible for development and implementation of the Title VI program, and establishing adequate procedures for identifying and addressing Title VI issues. While the Title VI Manager is the focal point for the Title VI program at the State level, it is essential that the program's implementation and monitoring activities be undertaken in a joint fashion with the SMEs.

The internal program area reviews will consist of reviewing the nondiscrimination-related data collected within each program area, evaluation of the nondiscrimination processes within a selected focus area of a program area. In certain instances, the Title VI Manager's role will be a lead role, such as in monitoring of program areas for Title VI compliance. In other instances, the Title VI Manager's role will be participatory with the SMEs, particularly in the preconstruction phases. In either case, it is essential that the Title VI Manager consult with the appropriate program area officials to ensure that the end product is accurate from a programmatic standpoint.

To demonstrate its oversight and monitoring responsibilities, the Title VI Manager will review and include the results of those reviews in the Title VI Annual Accomplishments Report (AAR). The following program areas are considered a priority: Planning, Environmental, Right of Way, Construction, and Research, Project Selection, Design, Training, Maintenance and Safety. All programs and departments at ODOT are subject to Title VI reviews by the OCR. Internal reviews have consisted mainly of questionnaire summary evaluations combined with assistance from the Title VI Program Manager and SMEs in interpretation of data and project documents. Beginning in late 2016 more intense internal reviews are planned using the FDOT model. Three internal reviews are set to be scheduled throughout the 2016-2017 reporting year. The outcomes will identify data collection, LEP inclusion, public outreach, EJ considerations, response to the needs of the disabled public, citizen concern documentation, organization and staffing and evidence of self-monitoring. The results will be published in the 2016-2017 AAR.

Part 4—External Monitoring Program

Sub-Recipient Reviews

23CFR 200.9(b) (7) part 4 External Monitoring Program

MPOs are responsible for the transportation planning process within their urbanized areas. Each MPO must develop a Transportation Improvement Program (TIP) and implement an annual Unified Planning Work Program (UPWP). The following are the MPOs for the state of Oregon:

- Portland Metro
- Salem-Keizer Area (MWVCG)
- Central Lane MPO
- Bend (BMPO)
- Corvallis (CAMPO)
- Rogue Valley (RVMPO)
- Albany (AAMPO)
- Middle Rogue (MRMPO)
- Walla Walla Valley MPO

As previously discussed in the review section, the reviews will be conducted under the direction of the Title VI Program Manager. Reviews to monitor compliance include MPOs; Local governments and TMA's and in fact all subrecipients of federal funding through ODOT are subject to compliance reviews. ODOT subrecipients are also charged with Title VI responsibilities such as submitting a Title VI Plan and an Annual Accomplishment Report for OCR approval and ensuring that any contractors follow the same regulations as ODOT and its subrecipients. The OCR Title VI Coordinator reviews MPOs to monitor how their review process is conducted and that all Title VI assurances and contract requirements are met in accordance with Federal and State requirements.

It is the goal of the OCR Title VI Manager to complete one MPO and two LPAs reviews in the 2016-2017 reporting year and include the results in the Title VI AAR to FHWA.

See appendix for list of subrecipients.

Data Collection

23 CFR 200.9 (b) (4), 771.111 (h) (ii)

An effective Internal Monitoring Program includes data collection and analysis. State transportation agencies are charged with collecting Title VI/ Nondiscrimination-related data. The analysis and monitoring of this data is critical in determining whether negative impacts/burdens are disproportionately impacting protected populations, and in ensuring the agency's services, projects, and programs are being administered without discrimination.

It is important to maintain an objective information gathering process. The data collected should directly correlate with decisions made and support the processes and procedures employed within each focus area. Examples of relevant data include:

- Statistical data on race, national origin, age and sex and statements of disability of participants in and beneficiaries of ODOT programs based on surveys and questionnaires completed by impacted individuals.
- Number of complaints filed each year and the outcomes reached
- Summary statements (final reports) of compliance reviews
- Training and technical assistance provided
- Population eligible to be served
- Community boundaries
- Public involvement techniques (e.g. minority citizen advisory committees)
- Compilation make up of any planning or advisory board that is an integral part of the program
- Income levels
- Board membership composition of advisory and policy committees

Data is gathered from various resources including the U.S. Census bureau, school districts, religious and/or community organizations, as well as data from state and local governments. Once the appropriate data has been collected, the agency is tasked with analyzing the data to identify any trends or patterns. Data analysis provides a link to the rationale behind selected policies and decisions and provides a measure of performance.

ODOT has developed a Geographic Information System (GIS) mapping tool to gather collect and analyze statistical data. The tool is available on ODOT's website so that other agencies and the public can utilize it for data research. This mapping tool illustrates the geographic location of Title VI and Environmental Justice populations (minority and low-income populations) using US Census tracts and by zip code. The tool provides a view of multiple indicators of interest and "overlay" multiple sets of data within ODOT's TransGIS or similar application. For instance, if a Limited English Proficient population is identified, the tool will extend a layer indicating what

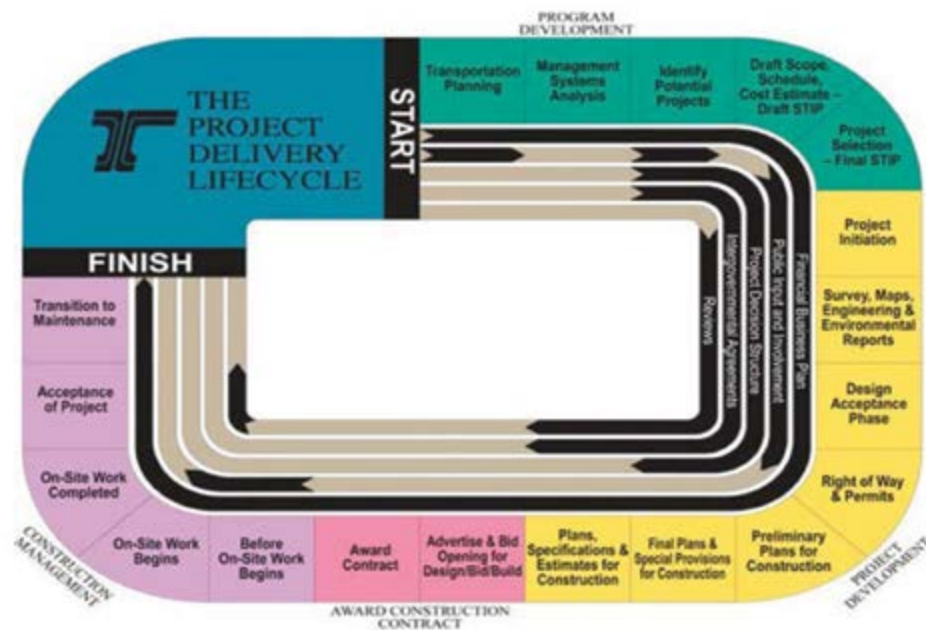
languages are spoken. The tool can be found by following this link to the Trans GIS site: <http://gis.odot.state.or.us/transgis/>

In addition to statistical data based on race, color, national origin, other relevant data collected will vary depending on each program area. Each program area SME works with staff in their perspective area to gather data for reporting purposes. Once the appropriate data has been collected, the SME will analyze the data to identify any trends or patterns in order to assist the Title VI Program Manager in identifying training needs and any compliance issues that may need to be addressed.

Part 5—Public Participation Plan

Projects develop as they move through the project delivery cycle. All ODOT representatives participating in project delivery are responsible for assisting in, providing for and supporting effective Public Involvement. As a result, public involvement is needed at different milestones. Accordingly, the methods used to include the public will vary based on the composition of the population impacted by the project.

The Planning, Project Development, Right-of-Way, and Environmental program areas implement public involvement based on the needs within the program area. Regardless of the strategy, a public involvement plan is required for each project.



Oregon employs several guidelines for inclusive public involvement:

Oregon DOT Public Involvement Policy, Oregon Transportation Commission-11, May 28, 2009.

http://www.oregon.gov/ODOT/COMM/docs/OTCpolicy11_PIP.pdf

This 2009 Public Involvement Policy provides policy direction applicable to the Public Involvement Policies and Procedures adopted by the Oregon Transportation Commission.

Oregon Department of Transportation Project Delivery Leadership Team Operational Notice – June 25, 2015

<http://www.oregon.gov/ODOT/HWY/TECHSERV/BPDS%20docs/pdlnotice12.pdf>

This 2015 Project Delivery Leadership Team Operational Notice provides guidance in Project Management and “Public Involvement Expectations for Project Delivery”.

The following guidelines are intended to aid local jurisdictions in the preparation or update of their transportation system plans.

The ODOT Title VI Implementation Plan is posted on the OCR website and available for guidance, clarification and distribution.

http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/docs/Title_VI/Title%20VI%20Implementation%20Plan%20FY%202016-WEB-2.pdf

Statewide Transportation Improvement Program (STIP) 2015-2018

ftp://ftp.odot.state.or.us/outgoing/STIP/OnlineSTIP_Public.pdf

According to the STIP, ODOT provides a 45-day public review period of the draft STIP and a 45-day public review period for any major revisions.

OREGON TRANSPORTATION PLAN Goals, Policies and Strategies

<http://www.oregon.gov/ODOT/TD/TP/pages/otp.aspx>

Provide equal access to public information and decision-making about transportation planning, financing, construction, operations and maintenance activities.

It is the policy of the State of Oregon to provide all Oregonians, regardless of race, culture or income, to provide equal access to transportation decision-making so all Oregonians may fairly share in benefits and burdens and enjoy the same degree of protection from disproportionate adverse impacts.

Citizens participate in developing the STIP by getting involved prior to the project's inclusion into the STIP. Citizens can get involved in the transportation planning process in their community and can influence what projects get included in adopted plans. Local plans that are used to prepare the STIP include:

- City and county transportation system plans (TSP);
- Regional transportation plans for metropolitan areas (RTP);
- Transit agency plans;
- Tribal government transportation improvement plans (TIP); and
- ODOT facility plans

ODOT accomplishes much of the public involvement on project selection for the STIP through the ACTs and the MPOs. ACTs provide a critical communication link between ODOT and local governments, the business community and the public. For regional and local planning, planners should develop a customized stakeholder list with appropriate local representatives of these groups. Federal agencies, Tribal governments, and local officials, including MPOs are members of the ACT.

The following agencies and interest groups are involved in project selection and the STIP development process:

- Area Commissions on Transportation (ACT);
- Cities and counties;
- Federal agencies;

- Freight Advisory Committee (FAC);
- Indian Tribal governments;
- Metropolitan planning organizations (MPO);
- ODOT program advisory groups; and
- Transit districts, port districts

The Title VI Manager is currently working with the Communications Department as part of a committee to update the Public Outreach tools within ODOT to enhance capabilities and create a more streamlined and easier to utilize mechanism for public involvement.

Part 6—Training

The Department designs and conducts (either with ODOT staff or through contracts) a variety of training and development classes through the Human Resource Development Section. Also, National Highway Institute (NHI) classes are sponsored by various units throughout the year depending on need and availability of classes. Training is a vital component of the overall Organization and Staffing duties for OCR staff (pages 4-6).

External Training:

The OCR provides various opportunities for training for our external partners and sub-recipients. The Title VI staff which includes the OCR Manager, the Field and Business Support Manager, four Program Managers, the Civil Rights Coordinator, five Field Coordinators and a Data and Website Coordinator will make available targeted training that addresses common questions and best practices surrounding specific Title VI activities such as data collection, complaint investigations, and reporting requirements and how ODOT works with subrecipients on projects, compliance and reporting. In addition to the training received from the OCR Staff, SME's have been implemented in specific program areas to assist with training and gathering information for reporting purposes.

Training of ODOT staff and subrecipients occurs throughout the program year within staff, regional, leadership, LPA and MPO meetings. During a subrecipients review the Title VI Officer will share information and answer any questions that the subrecipients may have and gather information regarding training needs which can be scheduled for the upcoming year.

When a subrecipient is found to be in noncompliance due to an outdated or nonexistent Title VI Plan for instance, they will receive notice that they are allowed 90 days to resolve the issue. However, ODOT will remain involved in assisting the subrecipient meet compliant standards and will allow extensions when necessary. (See pages 7-9)

Internal Training:

OCR has begun the process of creating training for ODOT employees on the core non-discrimination elements of the Title VI Program which include, LEP, ADA Title II and Section 504, Title VI and EJ. Examples from other successful agencies are being utilized to create an easy to follow, yet meaningful and straight forward learning experience through the use of training videos. The implementation of this type of training is supported by the Governor's Task Force on Environmental Justice. So far one agency has completed their process and others along with ODOT are

following suite as a means of reaching a broader audience and making the best use of staff and employee time. The first video trainings are scheduled for release in the 2017 reporting year.

The OCR staff takes advantage of internal management and various project meetings to provide training as broadly throughout ODOT as possible. The OCR is active in ensuring that ODOT has a presence on committees, reporting to boards and representing the Governors Environmental Justice (EJ) Task Force and educating internal and external staff and the public in some circumstances, on the importance of Title VI and other nondiscrimination programs that the OCR represents. The OCR Manager reports to the Oregon Transportation Commission (OTC) on a routine basis. (See pages 7-9)

The summary questionnaire's that are received from the ODOT Regions around the state consistently ask for training on Environmental Justice and NEPA requirements. The SME from ODOT's Environmental Department has been working FHWA to bring that training to ODOT staff in the coming year. The OCR staff continues to make presentations to the ODOT staff on the various nondiscrimination programs that fall under OCR responsibility through outreach events, group training and presentations at Brown Bag lunch meetings, committees and other such avenues to spread the message of nondiscrimination compliance within the organization.

Part 7—Environmental Justice Plan

Environmental Justice (EJ) directives stem, not only from Title VI, but also from Executive Order 12898, Department of Transportation (DOT) Environmental Justice Order 5610.2, and the EJ policies expressed in the Oregon Transportation Plan. The guidelines task the agency with the responsibility of integrating environmental principles into all planning and programming efforts. Additionally, EJ directives require that steps be taken to prevent disproportionately high and adverse effects on minority and low-income populations through Title VI and EJ analyses. As a result, ODOT has an obligation to ensure that the negative effects of transportation projects do not disproportionately impact traditionally underrepresented populations.

The goal of Environmental Justice (EJ) is to ensure that benefits and services are fairly distributed to all people, regardless of race, national origin, or income, and that all are afforded access to meaningful participation. The potential impact of proposed transportation investments on underserved and underrepresented population groups must be part of the evaluation process. ODOT will analyze each project considering the three fundamental principles of environmental justice:

1. To avoid, minimize, or mitigate the disproportionately high, adverse environmental and human health impacts.
2. To ensure full and fair participation by individuals comprising communities affected by the transportation project decision making process.
3. To prevent the denial of or significant delay in the receipt of benefits by minority and low-income populations.

Environmental justice and Title VI apply to every stage of the transportation decision-making process. As a recipient of federal funding, ODOT is responsible for implementing EJ requirements and nondiscrimination principles into transportation planning, project development and project-specific environmental reviews.

ODOT strives to seek meaningful involvement of minority and low-income populations. Maintaining established procedures to consult with these populations in the transportation decision-making process will ensure their input is considered prior to any policy or project decisions impact their communities. ODOT has the resources to complete demographic analysis to assist in identifying the racial and ethnic compositions as well as the income level of populations within the project area.

Consistent with this responsibility, ODOT will gather demographic information using Census data. The agency has expanded its GIS mapping tool to include EJ populations. (See data collection) Additionally, ODOT further captures EJ information in Part 3 of the NEPA documentation and in the ODOT Project Close-out form.

One way to ensure that EJ considerations are being conducted is through the performance of Internal Program Area Process Reviews. Accordingly, OCR's Title VI Manager is currently developing an internal review process using "best practices" developed through peer to peer training. The following EJ considerations will be assessed throughout the program area reviews:

- Whether EJ populations were identified and given a meaningful opportunity to participate in the planning processes
- Whether EJ populations were identified and included in the Environmental Document/Categorical Exclusion process and the Environmental Public Participation process.
- How Research and Design solicits public input and how public comments are addressed.
- How the Office of Right-of-Way ensures that nondiscrimination principles are included in property appraisals, acquisition, and relocation practice

A renewed emphasis has been placed on providing EJ training to each of the program areas and our external local government agency and Metropolitan Planning Organization (MPO's) through the work that has taken place during the Governors Environmental Justice Task Force Committee Meetings (EJ Task Force). The EJ Task Force has finalized a "best practices" manual that is being circulated at ODOT to help with outreach; compliance; and understanding of Environmental Justice; what it means in the work that takes place in public agencies; and for the citizens of Oregon.

The State of Oregon Environmental Justice Task Force Best Practices Manual can be found here: http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/docs/Title_VI/Oregon%20EJTF%20Handbook.v4.pdf

Part 8—Language Access Plan

The LEP Executive Order (Executive Order 13166) ensures that, consistent with Title VI, persons with Limited English proficiency (“LEP”) have meaningful access to federally conducted and federally funded programs and activities. The Order requires all agencies that provide Federal financial assistance to issue guidance on how Title VI applies to recipients of that assistance in their contact with persons who are LEP. The Order also requires that Federal agencies create plans for ensuring that their own activities also provide meaningful access for persons who are LEP.

To meet these requirements, the ODOT OCR will perform and document the Federally-recommended LEP four-factor analysis on a project level. Using US Census data, city/county data, and other information sources as appropriate, ODOT will:

1. Determine the number or proportion of LEP persons served by the program area;
2. frequency of LEP encounters in the program area;
3. nature or importance of the project in the lives of LEP persons; and
4. resources available for and costs assumed in providing LEP access.

The ODOT Director, Program Managers, and Region and Area Managers are responsible for ensuring that meaningful services to LEP persons are provided in their respective divisions, programs and regions. Additionally, designated Title VI Program Liaisons (SMEs) will be identified to continuously monitor their respective divisions, programs, and regions to ensure LEP requirements are fulfilled and report annual accomplishments and upcoming goals relating to LEP activities to the Civil Rights Title VI Program. Regionally, the assigned Civil Rights Field Coordinators will monitor compliance and provide guidance on LEP requirements or refer those working on projects with questions to the Title VI Coordinator.

ODOT has developed a GIS Mapping tool that incorporates census and ACS data to assist ODOT staff in identifying those populations with limited English proficiency. The GIS map can be found at this link: <http://gis.odot.state.or.us/transgis/> (Also, see Data collection in this plan.)

In determining LEP compliance, the Title VI Program will assess whether the division’s procedures allow LEP persons to overcome language barriers and participate in the division’s programs, activities and services in a meaningful way. Look for an updated Public Outreach and LEP hub for ODOT staff beginning in October of 2016 with expected completion within the 2016-2017 reporting year.

ODOT’s Plan for implementation of the above principles is as follows:

1. **Examine** ODOT’s prior experiences with LEP individuals (What are we doing right)

2. **Become familiar** with Census data – Through GIS Mapping Project
3. **Analyze the data** collected and make institutionalize its use
4. **Reach out** to community organizations that serve LEP persons to develop a network to garner information that is not readily available in census data, such as the services most frequently sought by the LEP population for ODOT
5. **Determine** what services are needed to provide meaningful access.
6. **Implement** services that provide access

ODOT's LEP Plan is posted on the OCR Website and a link is provided below.

http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/titlevi/docs/VI_LEP_PLAN_TEXT_2012_02_13.pdf

The LEP Plan for ODOT is in need of some updates and revisions. The updates were not completed in this reporting year. It is scheduled for completion in 2017.

Part 9—Appendices

Appendix E

Related Authorities

Environmental Justice (EJ), under Executive Order 12898, addresses disproportionate adverse environmental, social and economic impacts that may occur in communities with minority or low-income populations.

Limited English Proficiency (LEP), under Executive Order 13166, addresses access to services by person whose primary language is not English and who have limited ability to read, write, speak or understand English.

The 1970 Uniform Act (42 U.S.C. 4601) Prohibits unfair and inequitable treatment of person displaced or whose property will be acquired as a result of programs or activities receiving federal financial assistance.

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C 790) prohibits discrimination based on a disability.

The Federal Aid Highway Act of 1973 (U.S.C. 324) prohibits discrimination based on gender.

The Age Discrimination Act of 1975 (42 U.S.C. 6101) prohibits discrimination based on age.

ODOT Subrecipients

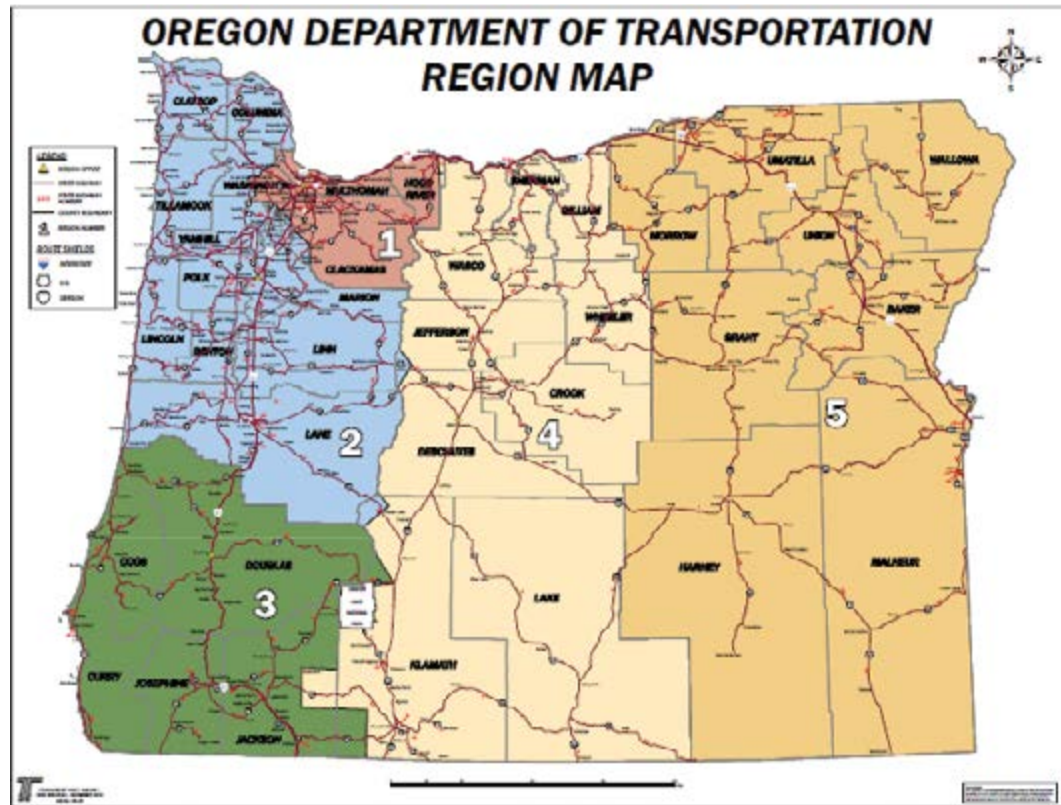
Oregon Department of Transportation
FHWA - CFDA 20.205 - Federal Distribution to Subrecipients
Fiscal Year 2016 (Sub-recipients are reviewed on a three year cycle.)

CFDA	SUBRECIPIENT	FEDERAL SHARE
20.205	BEND METROPOLITAN PLANNING ORGANIZATION	\$151,363.27
20.205	BICYCLE TRANSPORTATION ALLIANCE	44,080.46
20.205	CITY OF ASHLAND	30,140.30
20.205	CITY OF CORVALLIS	871,845.32
20.205	CITY OF EUGENE	836,957.95
20.205	CITY OF GRESHAM	1,603,787.16

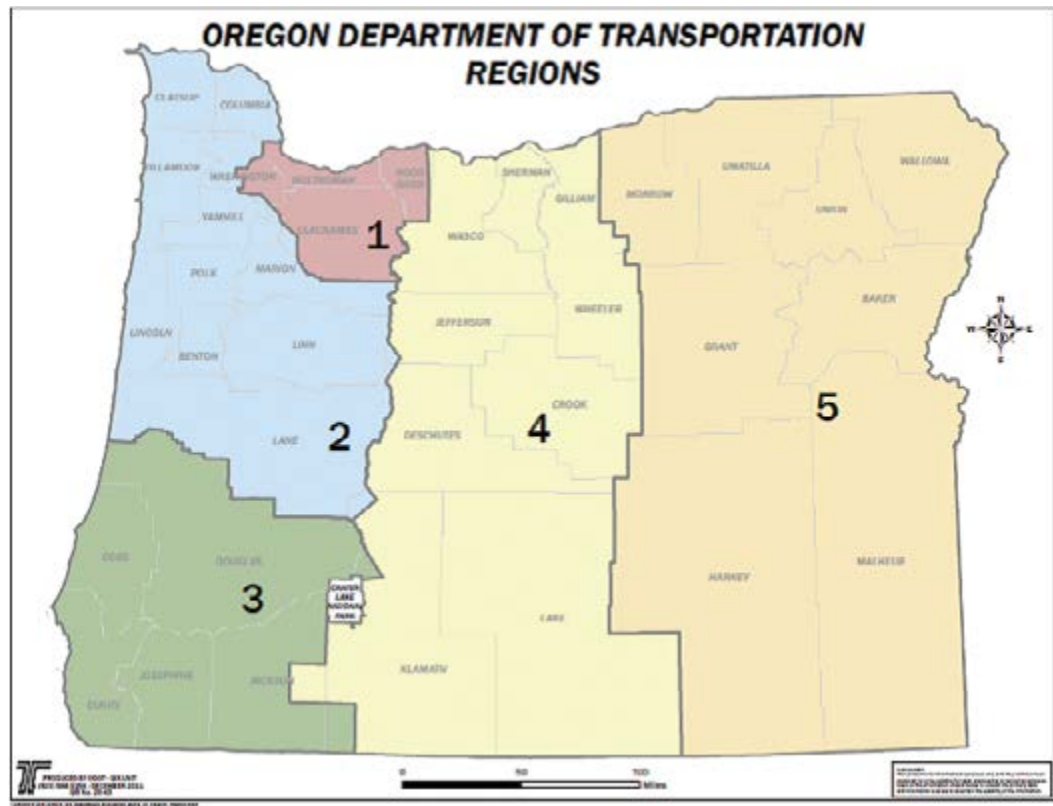
CFDA	SUBRECIPIENT	FEDERAL SHARE
20.205	CITY OF HILLSBORO	2,446.87
20.205	CITY OF LAKE OSWEGO	107,489.74
20.205	CITY OF MEDFORD	697,056.63
20.205	CITY OF MILWAUKIE	42,902.60
20.205	CITY OF NEWBERG	903.20
20.205	CITY OF NORTH PLAINS	565.40
20.205	CITY OF PORTLAND	2,141,763.00
20.205	CITY OF SALEM	3,612,784.78
20.205	CITY OF TIGARD	14,137.86
20.205	CLACKAMAS COUNTY	615,924.47
20.205	CLATSOP COUNTY	1,541.86
20.205	COMMUNITY CONNECTION OF NE OR	19,758.00
20.205	COMMUTE OPTIONS FOR CENTRAL OREGON	338,326.33
20.205	CORVALLIS SCHOOL DISTRICT 509J	65,757.14
20.205	COWLITZ-WAHKIAKUM COUNCIL	1,420.19
20.205	DESCHUTES COUNTY	693.74
20.205	JACKSON COUNTY	89.04
20.205	JEFFERSON COUNTY	9,605.47
20.205	JOSEPHINE COUNTY	15,856.19
20.205	LANE COUNCIL OF GOVERNMENTS	722,618.47
20.205	LANE COUNTY	445,144.72
20.205	LANE TRANSIT DISTRICT	172,198.06
20.205	LINN COUNTY	1,768,416.70
20.205	MARION COUNTY	3,252,570.92
20.205	METRO	4,608,322.30
20.205	MID-COLUMBIA ECONOMIC DEVELOPMENT	13,188.00
20.205	MID-WILLAMETTE VALLEY COUNCIL	735,430.39
20.205	MULTNOMAH COUNTY	207,661.63
20.205	OAKLAND SCHOOL DISTRICT 1	14,469.43
20.205	OREGON CASCADES WEST COUNCIL	404,339.10
20.205	OREGON STATE UNIVERSITY	234,319.48
20.205	ROGUE VALLEY COUNCIL OF GOVERNMENTS	543,606.96
20.205	ROGUE VALLEY TRANSPORTATION DISTRICT	151,829.65
20.205	SALEM AREA MASS TRANSIT DISTRICT	322,704.00
20.205	SOUTHERN OREGON UNIVERSITY	65,995.33

CFDA	SUBRECIPIENT	FEDERAL SHARE
20.205	SUNSET EMPIRE TRANSPORTATION DISTRICT	87,691.00
20.205	TILLAMOOK COUNTY	18,436.00
20.205	UNION COUNTY	17,894.00
20.205	UNIVERSITY OF OREGON	40,833.86
20.205	UNIVERSITY OF PORTLAND	172,039.21
20.205	WALLA WALLA VALLEY METROPOLITAN	19,538.32
20.205	WASHINGTON COUNTY	165,698.69
20.205	YAMHILL COUNTY	20,061.35
		<hr/> \$25,432,204.54 <hr/>

ODOT Map Examples



ODOT has region maps available on the Trans GIS site that show highway markings, boundaries and other points of interest.



The above map shows the five separate Regions at ODOT. Each Region is diverse in culture, resources and environment.

Maps can viewed on the GIS website: <http://transnet.odot.state.or.us/tdd/GIS/Shared%20Documents/Maps%20pubs.aspx>

Assurances



Oregon

Kate Brown, Governor

Department of Transportation

Office of the Director

355 Capitol St NE

Salem, OR 97301

TITLE VI AND RELATED STATUTES NONDISCRIMINATION STATEMENT

September 9, 2016

It is the Oregon State Department of Transportation's (ODOT) policy to assure that no person shall, on the grounds of race, color, national origin, age, sex, or disability, as provided by Title VI of the Civil Rights Act of 1964 and related statutes, be excluded from participation in, be denied the benefit of, or be otherwise discriminated against under any of the programs or activities it administers.

A handwritten signature in blue ink, appearing to read "M. Garrett".

Matthew L. Garrett
Director

Policy Statement



Oregon

Kate Brown, Governor

Department of Transportation

Office of the Director

355 Capitol St NE

Salem, OR 97301

Date: September 9, 2016

TO: Phil Ditzler, Administrator Oregon Federal Highway Administration
Rick Krochalis, Regional Administrator Federal Transit Administration Region 10
ODOT Executive Management Team

From: Matthew L. Garrett, Director

Subject: Civil Rights Reporting Policy
Delegated Authority to Title VI Coordinator
Disadvantage Business Enterprise Program Manager
Employee Civil Rights Manager


As the Director of the Oregon Department of Transportation (ODOT), I want to assure you of my commitment to making sure that ODOT is prepared to address concerns, issues, and complaints related to civil rights. I have established the following reporting policy to ensure that we are best able to respond to any of these needs should they arise in any of ODOT's transportation programs.

If there is a concern/complaint or issue that needs to be brought to my attention, whether internal to ODOT or through our external partners, customers or contractors, I have designated the Title VI Coordinator, Disadvantage Business Enterprise Manager, and the Employee Civil Rights Manager to have direct and unfettered access to contact and/or meet with me. This authority means that under this policy, these designated officials need not obtain any other organizational or managerial approval and will have the full support of my staff to work directly with me to address civil rights matters.

This declaration of designated authority speaks strongly to the high priority that ODOT places on ensuring the rights of those in protected classes, and those that comprise our most vulnerable populations, are not discriminated against in any way. This policy statement is consistent with provisions contained in 23 CFR 200.9(b)(1), 49 CFR 26.25, and 29 CFR 1614.102(b)(4).

DOT Standard Title VI Assurances and Non Discrimination Provisions

ODOT and all of ODOT sub-recipients are required to include all "Standard U.S. DOT Title VI Assurances" in all contracts and in Title VI Plans. The consequences for failure to include assurances as directed can include sanctions that include withholding of payments, cancellation, termination or suspension in whole or in part.



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

April 11, 2013

ACTION MEMORANDUM TO THE SECRETARY

From: *for Mary N. Whigham Jones*
Camille M. Hazbaur, Director
Departmental Office of Civil Rights, S-30
X64648

Through: Mary N. Whigham Jones, Deputy Director
Departmental Office of Civil Rights, S-30
X64648

Prepared by: Joseph E. Austin, Associate Director
External Civil Rights Programs Division, S-33
X65992

Subject: DOT Standard Title VI Assurances and Non-Discrimination Provisions

ACTION REQUIRED

I request that you sign the attached order, which contains the U.S. Department of Transportation (DOT) Standard Title VI Assurances and Non-Discrimination Provisions.

SUMMARY

The Departmental Office of Civil Rights has prepared the attached DOT Order, which revises the Standard DOT Title VI Assurances in DOT Order 1050.2, signed August 24, 1971. The Assurances apply to the Office of the Secretary and the operating administrations with regard to any program or activity for which Federal financial assistance is authorized under a law administered by the Department.

BACKGROUND

Section 21.7(a) of Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs of the Department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964, requires that all applications for Federal financial assistance from the U.S. Department of Transportation must contain Title VI Assurances. This order requires the Office of the Secretary and each operating administration to secure from applicants and recipients receiving Federal financial

assistance the attached Standard DOT Title VI Assurances. Those assurances are meant to ensure that no one is excluded from participation in Federally funded transportation projects on the grounds of race, color, or national origin. The assurances may be supplemented by additional paragraphs by the Office of the Secretary and the operating administrations desiring to expand the assurances in order to make them more applicable to a particular program or activity. All such changes or expansions shall be coordinated with the Departmental Office of Civil Rights.

RECOMMENDATION

I recommend that you sign the attached DOT Order 1050.2A, DOT Standard Title VI Assurances and Non-Discrimination Provisions.

Attachments

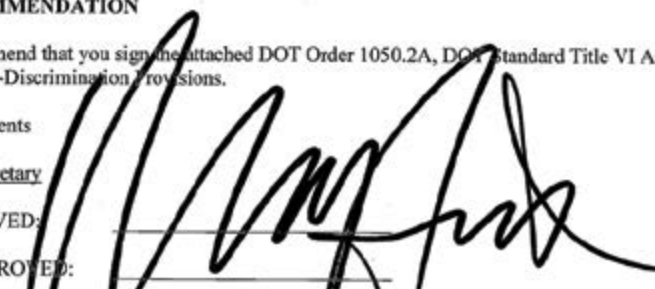
The Secretary

APPROVED: _____

DISAPPROVED: _____

COMMENTS: _____

DATE: _____


April 24, 2013

DOT Standard Title VI Assurances and Non Discrimination Provisions



U.S. Department of
Transportation
Office of the Secretary
of Transportation

1200 New Jersey Avenue, SE
Washington, DC 20590

April 11, 2013

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Your Rights Under Title VI Of The Civil Rights Act

The Oregon Department of Transportation (ODOT) complies with Title VI and the other federal nondiscrimination statutes which prohibit discrimination based on race, color, national origin, age, disability, or gender in ODOT's programs, activities, services, operations, delivery of benefits, or opportunities to participate.

In an effort to provide equitable access, ODOT provides accessibility aids, translation, and interpretation services for all public events and vital documents free of charge upon request. These services can be obtained by providing reasonable advance notice.

- Need assistance or information?
- Require translation of another ODOT publication?
- Require interpretation for an ODOT event or activity?
- Requesting an aid to improve accessibility to a public event?
- Believe you've been discriminated against?

Please contact the ODOT Office of Civil Rights:

Title VI Officer

ODOT.TITLEVI@odot.state.or.us

Toll Free: (855) 540-6655

For an Interpreter: 711

Internet Relay: <http://www.sprintip.com>

FAX: (503) 986-6382

Non Discrimination Policy



Sus Derechos Bajo El Título VI La Ley De Derechos Civiles



Braile



El Departamento de Transportación del Estado de Oregon (ODOT) cumple con las obligaciones del Título VI y otras leyes federales contra la discriminación. Estas leyes prohíben la discriminación en base a raza, color, origen nacional, edad, discapacidad, o sexo en nuestros programas, actividades, servicios, operaciones, otorgación de beneficios, o en las oportunidades de participación.

En nuestro esfuerzos para proveer acceso equitativo, ODOT provee, bajo su solicitud, accesorios de ayuda a personas con discapacidades, traducción, y servicios de interpretación, sin cobro, para todos los eventos públicos y documents importantes.

- ¿Necesita ayuda o información?
- ¿Requiere la traducción de alguna publicación de ODOT?
- ¿Requiere servicios de interpretación para algún evento o actividad patrocinada por ODOT?
- ¿Quiere pedir un accesorio para mejorar su acceso a un evento público?
- ¿Piensa que han discriminado en su contra?

Por favor, póngase en contacto con la Oficina de Derechos Civiles de Oregon:

Title VI Officer

ODOT.TITLEVI@odot.state.or.us

Toll Free: (855) 540-6655

Para un Intérprete: 711

Internet Relay: <http://www.sprintip.com>

FAX: (503) 986-6382

Política Contra la Discriminación





ODOT Title II Non-Discrimination Policy

The Oregon Department of Transportation (ODOT) does not discriminate on the basis of disability in admission and access to programs, information, services, benefits, events, outreach, or activities.

In an effort to ensure equitable access, ODOT provides accessibility aids or accommodations for people with disabilities upon request.

- Need assistance or information?
- Would like to request an accommodation?
- Want a copy of this notice or another ODOT publication in an alternative format?
- Believe you've been discriminated against?

Please contact:

Office of Civil Rights
ODOT ADA Title II Coordinator
ODOT.TITLEVI@odot.state.or.us
PHONE: (855) 540-6655
FOR AN INTERPRETER: 711
FAX: (503) 986-6382





Braille



ODOT Título II No Discriminación Política

El Departamento de Transportación del Estado de Oregon (ODOT) no discrimina en base a discapacidades en la admisión o el acceso a nuestros programas, información, servicios, beneficios, eventos, alcance, o actividades.

En nuestro esfuerzos para proveer acceso equitativo, ODOT provee, bajo su solicitud, accesorios de ayuda, ajustes o cambios para las personas con discapacidades.

- ¿Necesita ayuda o información?
- ¿Quiere pedir un ajuste a cambio a la manera en que proporcionamos nuestros servicios?
- ¿Quiere una copia de este aviso u otra publicación de ODOT en un formato diferente?
- ¿Piensa que han discriminado en su contra?

Por favor, comuníquese con:

Office of Civil Rights
ODOT ADA Title II Coordinator
ODOT.TITLEVI@odot.state.or.us
PHONE: (855) 540-6655
PARA UN INTÉRPRETE: 711
FAX: (503) 986-6382



PUBLIC INVOLVEMENT PLAN

A Template for ODOT Projects

Project name: _____

Project location: _____

Date of current version: _____

Key contact: _____

Name

Title

Phone number

This Public Involvement Plan template was developed in coordination with the Project Delivery Public Involvement Resource Guide, which reminds us of the Six Steps to an Effective Public Involvement Plan:

- 1 Identify stakeholders and their key issues/concerns (including previous commitments made and a strategy for ongoing updates to the list)
- 2 Establish Public Involvement objectives
- 3 Determine level of public involvement (including strategies for achieving your PI objectives)
- 4 Select the public involvement activities (and outline how they will be coordinated with other project efforts and processes)
- 5 Implement (develop and maintain schedule of tasks that includes team member roles, responsibilities, and timeframes)
- 6 Evaluate and incorporate

On the following pages, fill in sections (boxes will expand) and complete checklists

1. IDENTIFY STAKEHOLDERS AND THEIR KEY ISSUES/CONCERNS

Be as specific as possible. A list of potential stakeholders follows. Capture stakeholder information and the preferred contact method.

- Summarize any prior, related public involvement efforts in the project area. (Sources include Part 5 of the Project Prospectus, the project scoping report, past public involvement efforts, and/or agency history. Information to capture includes: commitments, issues, stakeholders, etc.)
- Who is affected by the project—who must receive the message? Typically, essential involvement is with:
 - affected property owners
 - the trucking industry (if any part of this project restricts freight movement, the MCTD Services Manager must be notified at least 21 days prior to restriction)
 - Title VI/Environmental Justice minority outreach audiences
- Who else do we want to communicate with? Differing group/stakeholders may need different messages at different times/frequencies.
- Identify issues stakeholders may have with your project

The SDIC/Bleiker Citizens Participation matrix is a good tool to review stakeholders and issues, and their worksheet can be useful in identifying messages you need to communicate with your stakeholders ("Potentially Affected Interests").

Use the Checklist of Possible Stakeholders and Potentially Affected Parties (attached to the end of this template) to help identify the complete list relevant to your project, and then complete the Stakeholder Contact Log – and remember to update both as your PI plans are revised and/or new information becomes available.

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2. ESTABLISH OBJECTIVES

Successful public involvement for this project means we create a common understanding with the public that:

1. There is a need or opportunity – one that must be addressed
2. We have the right team and it is our responsibility to address the need or opportunity
3. Our approach in addressing the need or opportunity is reasonable, sensible, and responsible
4. We do listen and we do care

The PI objectives can be a re-statement of these four points (for example, "Establish and maintain with the public that there is a critical need to solve the safety problem at..."). For more complex projects, consult the Bleiker/SDIC 15 Citizen Participation Objectives.

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3. DETERMINE LEVEL OF PUBLIC INVOLVEMENT

What are the major PI elements required by this project? Using the Tier Assessment Tool, what are the targeted strategies for achieving the PI objectives? (For example, inviting city public works director to be a member of the project team, hiring a public involvement firm, asking neighborhood association to serve as advisory group.) What resources do you have available to accomplish the objectives, and how much money is available/needed? Also outline your budget here.

4. SELECT THE PUBLIC INVOLVEMENT ACTIVITIES

Select the tools from the Public Involvement Tools checklist attached at the end of this template(or another source) that are best suited to involve the project stakeholders. Also outline how in the following box how activities will be coordinated with other project management efforts and processes.

5. IMPLEMENT

Develop a detailed schedule/table of tasks based on the above steps, that lists what is to be done, who is responsible, and the timing. As you execute on this schedule, don't forget to update it. Conditions, issues and stakeholder all change. Keep a record here of your updates, and any significant changes, commitments and course-adjustments you make. The PI Action Plan will be helpful in tracking the execution.

6. EVALUATE AND INCORPORATE

Take the time to establish measurements so you know if your efforts are successful. Periodically evaluate how your PI plan is working. Ask for feedback from stakeholders along the way. Answering the questions below may be a start; check the Evaluation Tools that follow for what may fit your project.

- *Did we work effectively and proactively to inform and coordinate with our jurisdictional partners?*
- *Was the need (or opportunity) for the project clearly understood? If not, what do we need to do differently?*
- *Did we correctly identify all of the important stakeholders? If not, what were the reasons we missed some, and how can we do a better job in the future?*
- *Did we correctly identify stakeholder issues? If not, how can we do a better job in the future?*
- *Were our messages about the project effective? If not, why?*
- *Did our communications tools work? Did we reach the target audience? If not, what other tools would have been more effective?*

Did we work effectively and proactively to inform and coordinate with our jurisdictional partners?

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Evaluation tools

Pre-Project Baseline Survey

- ☐ Postcard survey
- ☐ Telephone survey
- ☐ Other

PE Public Meeting Survey

- ☐ Ballot survey
- ☐ "Bean-jar" survey
- ☐ Other

Mid-Construction Survey

- ☐ Postcard survey
- ☐ Telephone survey
- ☐ Other

End-of-Project Survey

- ☐ Postcard survey
- ☐ Telephone survey
- ☐ Other

Checklist of Possible Stakeholders and Potentially Affected Parties

This is not a definitive list – tailor it to meet the complexity of the project

ODOT Internal Partners on PDT

- ☐ Maintenance District
- ☐ Region Planning
- ☐ Region Traffic Operations
- ☐ Program Managers (e.g., Bridge)
- ☐ Motor Carriers Division
- ☐ Rail Division
- ☐ Public Information Reps.
- ☐ Region Public Affairs
- ☐ ODOT Government Relations

ODOT Jurisdictional Partners

- ☐ City/county agency staff
- ☐ Federal regulatory and lands agencies
- ☐ FHWA
- ☐ Transit districts

- ☐ Other State agencies

Shipping/Freight Industry; Commodity Haulers

- ☐ Trucking industry
 - ☐ Trucking Associations
 - ☐ Heavy-haul trucking companies
- ☐ Annual permit holders
- ☐ Ports
- ☐ Railroads
- ☐ Agriculture
- ☐ Forest Products

Special Interest Groups

- ☐ Bicycle/pedestrian associations
- ☐ AAA in Oregon and neighboring states
- ☐ Oregon Farm Bureau

- ☐ 1000 Friends of Oregon
- ☐ Sierra Club

**Other Affected Community Agencies/
Emergency Services Providers**

- ☐ State/City Police/County Sheriffs
- ☐ Fire districts
- ☐ Hospitals/ambulance services
- ☐ 911 dispatch/Emergency Operations
- ☐ Hazardous Materials responders
- ☐ School Districts, schools and school bus managers
- ☐ Irrigation Districts/other public utilities
- ☐ Water/sewer/fire protection districts
- ☐ Parks

- ☐ Environmental Centers

- ☐ Area attractions/entertainment venues/fairgrounds/festival organizers

Environmental Justice

- ☐ Low-income communities
- ☐ Minority communities
- ☐ Spanish translations needed

Property Owners

- ☐ Directly affected by project (e.g., within "footprint")
- ☐ Adjacent to project (e.g., access, noise)
- ☐ Other property owners near right of way

Community Residents

- ☐ People living in the neighborhood
- ☐ People living in the vicinity
- ☐ People living in the same city
- ☐ People living along the highway corridor

Elected Officials/City, County and Regional Governments/Commissions

- ☐ Oregon Transportation Commission
- ☐ Area Commission on Transportation
- ☐ Mayor/city council
- ☐ County commission
- ☐ Council of Governments
- ☐ Metropolitan Planning Organizations
- ☐ Regional Economic Revitalization Teams (i.e., Governor's rep, other state agencies)
- ☐ State representative(s)
- ☐ State senator(s)
- ☐ U.S. Senator
- ☐ U.S. Representative

Local industrial and commercial Businesses

- ☐ Businesses affected by the project (e.g., "footprint" and/or access), top priority
- ☐ Businesses in the neighborhood
- ☐ Businesses in the vicinity
- ☐ Businesses along the highway corridor
- ☐ Commercial Business Areas
- ☐ Industrial Parks

Highway Users

- ☐ Utility companies in the existing or potential right-of-way
- ☐ Local delivery drivers/providers
- ☐ Commuters/regional and through trips
- ☐ Truck stops
- ☐ Agricultural and wood products haulers
- ☐ Vanpool/bus companies
- ☐ Charter bus companies

Civic Organizations

- ☐ Chamber of Commerce/city club/visitor association
- ☐ Local community service clubs
- ☐ Local neighborhood associations
- ☐ Grange

Public Involvement Tools

Ways to Involve the Public

- ☐ Person to Person
- ☐ Open Houses
- ☐ Informal/impromptu gatherings (ex: "Coffee with ODOT" near project site)
- ☐ Focus Groups (facilitation/mediation)
- ☐ Workshops/charrettes/brainstorming
- ☐ Advisory Teams
- ☐ Use existing organizations (civic groups, clubs, schools, transportation advisory groups, etc.)
- ☐ Ask stakeholders how they want to be involved
- ☐ Extend membership on project teams (e.g., local agency staff, district staff)
- ☐ Establish a project Web site, include interactive elements
- ☐ Follow up, let stakeholders know their feedback has been received, and the results

Ways for the Public to Get Information to You

- ☐ Provide your contact information on printed materials and on your Web site
- ☐ Develop hardcopy and electronic comment forms, and make them readily available
- ☐ Hearings
- ☐ Surveys (paper or electronic)

Ways for You to Get Information to the Public

Printed Communications

- ☐ Fact sheets
- ☐ Fliers
- ☐ Postcards
- ☐ Brochures
- ☐ Posters / Billboards
- ☐ Newsletters/project updates
 - ☐ Weekly
 - ☐ Monthly
 - ☐ Quarterly
 - ☐ As needed
- ☐ Table-toppers
- ☐ Hotlines

Electronic Information Distribution

- ☐ E-mail messages
- ☐ Project Web site
- ☐ Flash postings
- ☐ Update TripCheck/HTCRS
- ☐ OTIA Web site

Media Contact

- ☐ One-on-one visits with reporters
- ☐ News releases
- ☐ Editorial board visits
- ☐ Media kits
- ☐ News conferences
- ☐ News media site visits

Paid Advertising

- ☐ Newspaper display ads
- ☐ Radio production spot ads
- ☐ Television production spot ads
- ☐ Local public access programming
- ☐ Billboards
- ☐ Bus placards
- ☐ Websites

Events

- ☐ Ground breaking
- ☐ Block parties
- ☐ On-site progress tours
- ☐ Dedications/ribbon cuttings/opening celebrations etc.
- ☐ Participation in local community events

Legislators/Local Governments/Federal delegation

- ☐ In-person briefing
- ☐ Report(s) to or briefing(s) with ODOT legislative affairs staff
- ☐ Electronic updates (e-mail or fax)

Other

- ☐ Project-specific "stuff"

SAMPLE ACTIVITY OUTLINE

Project name: _____

Project leader: _____

Scheduled Let Date: _____

Construction rep: _____

Project Development

Open house	<input type="checkbox"/> Yes, date: _____	<input type="checkbox"/> No
Door-to-Door Delivery	<input type="checkbox"/> Yes, date: _____	<input type="checkbox"/> No
Mass Mailing	<input type="checkbox"/> Yes, date: _____	<input type="checkbox"/> No
News Release	<input type="checkbox"/> Yes, date: _____	<input type="checkbox"/> No
Advertising(TV/radio)	<input type="checkbox"/> Yes, date: _____	<input type="checkbox"/> No

Construction

Contract Awarded: _____ To: _____

Start Construction: _____

Open house	<input type="checkbox"/> Yes, date: _____	<input type="checkbox"/> No
Door-to-Door Delivery	<input type="checkbox"/> Yes, date: _____	<input type="checkbox"/> No
Mass Mailing	<input type="checkbox"/> Yes, date: _____	<input type="checkbox"/> No
News Release	<input type="checkbox"/> Yes, date: _____	<input type="checkbox"/> No
Advertising(TV/radio)	<input type="checkbox"/> Yes, date: _____	<input type="checkbox"/> No

Stakeholder Contact Log

Project Name:

[illegible]

PI ACTION PLAN

Action Item	Responsible	When/Frequency	Notes

AM = Area Manager CM = Construction Manager PL = Project Leader CLR = Community
Liaison Rep.
PIO = Public Information Officer T = Traffic ROW = Right Of Way