

TITLE VI GUIDANCE FOR TRANSPORTATION PLANNING

PREPARED BY:

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TRANSPORTATION DEVELOPMENT DIVISION PLANNING

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Title VI Guidance for Transportation Planning

A. PURPOSE

ODOT Planning Sections are responsible for many of the transportation plans, programs and policies that provide the basis for the project selection and development process. These include the Oregon Transportation Plan (OTP), the Oregon Highway Plan (OHP) and related modal/topic plans, transportation facility plans, corridor plans, and participation in local transportation system plans.

Federal regulations require that any agency receiving federal funding comply with Title VI requirements during transportation planning activities. Title VI requires that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." Title VI bars intentional discrimination as well as disparate impact discrimination (e.g., a neutral policy or practice that has a disparate impact on protected groups).

The purpose of this guidance is to provide information and tools Planning staff to use when conducting Title VI activities for planning projects and to complete annual Title VI Accomplishment Reports.

B. BACKGROUND

[Title VI of the Civil Rights Act of 1964](#) and subsequent federal nondiscrimination statutes all prohibit discrimination based on race, color, national origin, economic status, disability and sex (gender) in the provision of benefits and services in programs and activities receiving federal funds. Other federal statutes include the [Federal-Aid Highway Act](#), the [Rehabilitation Act of 1973](#), the [Age Discrimination Act of 1975](#), the [Civil Rights Restoration Act of 1987](#), the [Americans with Disabilities Act of 1990 \(ADA\)](#), [Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations](#), and [Executive Order 13166 – Limited English Proficiency](#).

Additionally, the National Environmental Policy Act ([NEPA](#)) passed in 1969. The act aimed to provide "all Americans safe, healthful, productive, and esthetically pleasing surroundings," and required the use of a "systematic, interdisciplinary approach" so environmental and community factors would be considered in decision-making processes.

In 1994, President Clinton signed the [Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations](#). A series of orders followed requiring the incorporation of Environmental Justice (EJ) principles into federal programs and policies. Environmental Justice focuses on enhanced public involvement and an analysis of the distribution of benefits and impacts during project planning and development. The Environmental Justice orders further amplify Title VI

by providing that "each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." Environmental Justice is intended to ensure that the process of transportation planning is consistent with the provisions of [Title VI of the Civil Rights Act](#) that no person is denied benefits based on race, color, or national origin. Additional information is located at the Federal Highway Administration (FHWA) [Title VI](#) website.

These federal regulations also require ODOT to ensure that all local agencies and MPOs receiving USDOT funds administered by ODOT, are in compliance with these regulations, see [23 CFR 200.9\(b\)\(7\)](#), [49 CFR 21.3 & 21.7](#) for reference. The [Civil Rights Restoration Act of 1987](#) broadened the scope of Title VI coverage by expanding the definition of the terms "programs and activities" to include all programs and activities of federal-aid recipients, sub-recipients, and contractors, whether or not such programs and activities are federally funded.

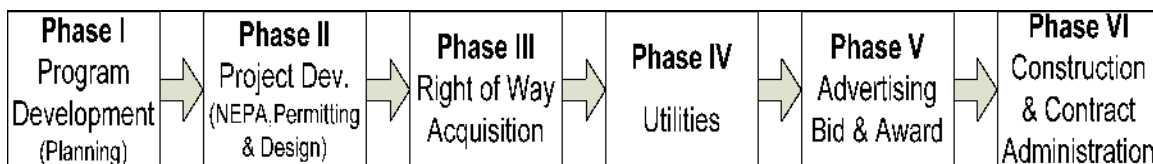
C. TITLE VI PROGRAM OVERVIEW

To meet the requirements of the [Title VI of the Civil Rights Act of 1964](#), state and local agencies are required to develop one of the following items:

- Title VI Program Plan or
- Nondiscrimination Agreement

Title VI issues must be considered from the very start of program development through the entire project development process.

Title VI Program



D. TITLE VI PROGRAM PLAN

Each state has a Title VI Program Plan intended to prevent discrimination in the provision of programs and services for federally funded highway programs and activities. The Title VI Program Plan is a system of policies and procedures designed to monitor agency (and sub-recipient agency) compliance, address complaints, and eliminate discrimination when found to exist. A Title VI Program Plan is a legal document that imposes individual legal liabilities to the signatory agency. The plan includes information for each of the reporting programs. See [ODOT's Title VI Plan](#).

All local governments and Metropolitan Planning Organizations (MPOs) that receive federal funds through ODOT are required to develop a Title VI Program Plan for their transportation projects. Please note that local agencies with populations under 200,000

may adopt ODOT's Title VI Plan or may use a Nondiscrimination Agreement (Title VI Assurances) which is an abbreviated Title VI Plan. Refer to the [FHWA Memorandum "Implementing Title VI Requirements in Metropolitan and Statewide Planning"](#) for additional information. USDOT's implementing regulations are contained in [49 CFR Part 21](#) and [23 CFR 200](#). These regulations require the following:

- Affirmative Action and
- Recipients execute Title VI Assurances as a condition of federal-aid

All ODOT consultant transportation planning project contracts must reference the Title VI requirements for contractors. Additionally, the following language contained in ODOT's Standard Provisions for Intergovernmental Agreements references civil rights laws, rules and regulations, including Title VI.

The Local Agency agrees to comply with all applicable civil rights laws, rules and regulations, including [Title V and Section 504 of the Rehabilitation Act of 1973](#), the [Americans with Disabilities Act of 1990 \(ADA\)](#), and [Title VI](#) and [Title VII of the Civil Rights Act of 1964](#).

E. REPORTING AND COMPLIANCE REVIEW

ODOT submits an annual Title VI Accomplishment Report to the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). Metropolitan Planning Organizations are to provide a local annual Title VI Accomplishment Report to ODOT for inclusion in the state report.

Planning is one of several ODOT programs that must submit an annual Title VI Accomplishment Report to the ODOT Title VI Program Manager. These programs include:

- Planning
- Project Development
 - Environmental
 - Design
 - Right of Way
- Research
- Construction

MPO Reporting for Planning:

MPOs are required to prepare and maintain on file an annual Title VI Accomplishment Report. The report is to include implementation compliance activities that occurred during the State of Oregon's fiscal year that ends on June 30th. USDOT's implementing regulations are contained in [49 CFR Part 21](#) 9(b). MPOs are required to send their Title VI Accomplishment Report to the Region Planning Staff and the ODOT Title VI Program Manager. (A report template for MPOs is located in the appendices of this guidance document.)

The ODOT planning staff reviews the planning information from Section 4 (Planning) of the MPO Title VI reports and summarizes the information to complete

Section 3 of their Title VI Accomplishment Report for planning. The planning staff forwards their report to the TDD Planning Section staff that sends the rolled-up report for all state planning activities and subrecipient monitoring to the ODOT Title VI Program Manager. (Planning staff should email reports to the [ODOT Planning Title VI Reporting email box](#) at TDD, if you have any questions about report submission contact Debbie Benavidez with questions at 503-986-4220.)

Local government Reporting:

Local governments with populations under 200,000 are required to prepare and maintain on file an annual Title VI Accomplishment Report. The report is to include implementation compliance activities that occurred during the State of Oregon's fiscal year that ends on June 30th. These agencies *do not* need to submit annual reports to the ODOT region planning staff unless they are subrecipients of ODOT. A subrecipient is an agency that receives federal pass through funds or funding programs such as the Transportation and Growth Management (TGM) program. Subrecipient agencies need to provide their annual reports to the region planning staff in a basic summary format. Only local governments with population of over 200,000 are required to submit their annual reports to the ODOT Title VI Program Manager. (A report template for local governments is located in the appendices of this guidance document.)

The ODOT planning staff reviews planning information from Section 4 (Planning) of local government Title VI reports and summarizes the information to complete Section 3 (Subrecipient Monitoring) in the region Title VI Accomplishment Reports for planning. The region planning staff forwards their report to the TDD Planning Section staff that sends the rolled-up report for all state planning activities and subrecipient monitoring to the ODOT Title VI Program Manager. (Planning staff should email reports to email reports to the [ODOT Planning Title VI Reporting email box](#) at TDD, if you have any questions about report submission contact Debbie Benavidez with questions at 503-986-4220.)

In general, the annual ODOT Title VI Accomplishment Report summarizes the following information:

- Planning activities, planning projects and/or studies conducted that provided data relative to minority persons, neighborhoods, income levels, physical environment, and travel habits.
- Types of public outreach efforts used during planning to enhance citizen participation, particularly minority populations, women, older adults, people with disabilities and people with low-income. (For example, public meetings and hearings, web sites, public announcements, press releases, etc.)
- Any information collected on attendance by minority populations, women, older adults, people with disabilities and people with low-income, both individually and through their organizations represented in the citizen participation efforts.
- Tools or methods used to identify what communities were represented at public meetings (such as project team, Citizen Advisory Committee member and stakeholder committee lists or attendance sign in sheets with organization affiliation).

- Any effects that Title VI public involvement activities had on planning outcomes.
- Any significant problem areas and any actions taken to improve Title VI process integration, documentation, and reporting for planning.
- Title VI goals/actions planned for the upcoming year.
- Type of region staff assistance to sub-recipients in planning activities, planning projects, and studies, etc.
- Summary of Title VI sub-recipient monitoring conducted for planning (general overview and assessment of the MPOs Title VI efforts such as public meetings and Citizen Advisory Committee (CAC) processes).

The annual Title VI Accomplishment Report templates located in the appendices of these guidelines provide questions that are offered as an aid to reviewing and verifying compliance with Title VI requirements. There are templates for the ODOT planning staff, MPOs and local governments. [ODOT's Office of Civil Rights](#) website provides additional information and assistance regarding Title VI compliance for each program listed above. Also, see [ODOT's current annual Title VI report](#).

Compliance Review:

The ODOT Title VI Program Manager and FHWA conduct Title VI periodic compliance reviews of all MPOs and of local governments with populations over 200,000. They review Title VI plans and reports to determine if agencies are in compliance with Title VI.

1. Local governments and MPOs found in compliance

If the ODOT Title VI Program Manager finds no deficiencies, he/she will tell the local government or MPO at the conclusion of the review and will follow up with written notification that they are in compliance.

2. Local governments and MPOs found in non-compliance

If the ODOT Title VI Program Manager finds deficiencies during the review period, he/she will notify the local government or MPO that the agency has 90 days to correct the problems. After the local agency corrects the deficiencies, the ODOT Title VI Program Manager sends written confirmation of compliance. If a local agency or MPO does not correct Title VI program deficiencies identified by ODOT or FHWA, it may be subject to sanctions including the suspension of FHWA funding.

F. OTHER NONDISCRIMINATION STATUTES RELATED TO TITLE VI

1. Limited English Proficiency (LEP) (Executive Order 13166)

As noted above, one of the categories covered under Title VI is national origin. One type of national origin discrimination is discrimination based on a person's inability to speak, read, write, or understand English. The federal government and those receiving federal financial assistance (recipients, sub-recipients, contractors) must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information those entities provide. This may require providing written and/or oral communications in a language other than English. More information regarding LEP responsibilities is located in the USDOT LEP Guidance

document, and by contacting ODOT’s Title VI Program Manager in the Office of Civil Rights.

2. Environmental Justice [\(Executive Order 12898\)](#)

Procedures for addressing environmental justice are contained in the FHWA document “An Overview of Transportation and Environmental Justice.” This document and additional Title VI information can also be found at the following websites:

- [FHWA Environmental Justice](#)
- [FHWA Office of Civil Rights.](#)

G. STEPS TO COMPLETE THE TITLE VI ACCOMPLISHMENT REPORT

Below is a table that provides the recommended steps and roles and responsibilities to complete the annual Title VI Accomplishment Report for planning. Each Planning Project Manager is responsible for reporting to their Planning Manager a summary of Title VI activities for all their planning projects, including information that they receive from subrecipients (MPOs and local governments). The Planning Managers are responsible for *summarizing* all the region Title VI activities and subrecipient monitoring for planning into a Title VI report and forwarding it to TDD staff to be included in the statewide planning report. TDD staff forwards the planning report to the ODOT Title VI Program Manager to be included in the ODOT Title VI Accomplishment Report for all the ODOT divisions.

Responsible Staff	STEPS TO COMPLETE TITLE VI REPORTING FOR PLANNING
Planning Project Manager	<p>Reviews the ODOT Title VI Plan for planning related information.</p> <p>Ensures that Title VI requirement language is included in the project request for proposals (RFPs) and work order contracts (WOCs) and Intergovernmental Agreements (IGAs). (example language at ODOT’s web site: http://intranet.odot.state.or.us/civilrights/title_vi/title_vi.html#Res)</p> <p>Includes language in the WOC or IGA that requires the contractor and sub-recipients to follow an approved local Title VI plan or adopts ODOT Title VI Plan.</p> <p>Determines if existing analysis or studies have been conducted that provide information on minority persons, neighborhoods, income levels, physical environment and travel habits within the planning project area. Reviews this information to determine the impact of transportation planning projects.</p>

	<p>Collects and analyzes project data to determine impact by transportation planning activities, transportation planning projects and/or studies conducted on minority persons, neighborhoods, income levels, physical environment and travel habits. http://intranet.odot.state.or.us/TP/docs/TitleVI/Tips.pdf</p> <p>Determines and describes tools needed to identify and document community (minority populations, women, older adults, people with disabilities and people with low income) representation. Tools could include membership lists of project teams, Citizen Advisory Committees, or stakeholder committees or public attendance sign-in sheets that ask for organization affiliation.) Documents information that was gathered and summarize for annual reporting.</p> <p>Strategizes to engage the public and enhance public participation in public involvement activities, particularly minority populations, women, older adults, people with disabilities and people with low-income. Develops project strategies to engage and communicate with affected communities based upon the data compiled. Explains intended use of the information and activities needed to meet the Title VI requirements.</p> <p>Prepares a project public involvement plan and corresponding communication plan for stakeholder and citizen participation that includes Title VI goals, strategies and tools.</p> <p>Reviews Section 4 of the Title VI Accomplishment Reports from sub-recipients each July to complete Section 3 of the region Title VI report.</p> <p>Summarizes Title VI region accomplishments, assistance to subrecipients and sub-recipient activities and submits the report to the Region Planning Manager in July of each year.</p>
<p>Planning Manager</p>	<p>Informs planning staff of Title VI requirements.</p> <p>Completes a region or section Title VI Accomplishment Report for planning, summarizing information received from planning project managers.</p> <p>Forwards the report to the ODOT Transportation and Development (TDD) Planning Section staff in August of each year. Email reports to the ODOT Planning Title VI Reporting email box at TDD, if you have any questions about report submission contact Debbie Benavidez with questions at 503-986-</p>

	4220.)
TDD Planning Staff	<p>Rolls up all the region annual reports and planning section reports for each planning section each August.</p> <p>Forwards the combined planning report by the end of August to ODOT's Office of Civil Rights Title VI Program Manager for review and approval.</p>
ODOT Title VI Program Manager	<p>Reviews Title VI Program Plans and Title VI Accomplishment Reports from the ODOT programs, the MPOs, and for local governments with populations over 200,000.</p> <p>Evaluates and approves the Title VI implementation activities according to approved Title VI Program Plans.</p> <p>Combines all the Title VI Report information into the ODOT Title VI Accomplishment Report.</p> <p>Submits the ODOT Title VI Accomplishment Report to FHWA and FTA for review and approval in September each year.</p> <p>Conducts periodic compliance review meetings with MPOs and with local governments with populations over 200,000.</p>

Appendices

APPENDIX A

Title VI Accomplishment Report Template for ODOT Planning and Subrecipient Monitoring

Purpose: This template is for ODOT planning staff to use in summarizing the Title VI activities that occurred over the past year, including subrecipient monitoring of MPOs and local governments. Each August, ODOT Planning Managers send their completed Title VI reports to the Transportation Development Division (TDD) staff that compiles the information into one planning report for the ODOT Title VI Program Manager. The Title VI Program Manager adds the planning summary to the ODOT Title VI Accomplishment Report and forwards it to Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). *Planning sections report on Section 4 (Planning) of the Title VI Accomplishment Reports for MPOs and Local Governments and the ODOT Title VI Program Manager reports on the other sections.* email reports to the [ODOT Planning Title VI Reporting email box](#) at TDD, if you have any questions about report submission contact Debbie Benavidez with questions at 503-986-4220.)

The following questions are offered as an aid to reviewing and verifying compliance with Title VI requirements:

1. Planning

A. Monitoring and Review Process:

- *Describe the planning activities performed by the planning section.*
- *Describe the actions taken to promote Title VI compliance regarding planning activities, including monitoring and review processes, and their outcomes or status.*

B. Studies and Plans

- *Were any transportation studies conducted or transportation plans completed during the reporting period that provided data relative to minority persons, neighborhoods, income levels, physical environments, and/or travel habits?*
- *If so, what type of region staff assistance was provided to ensure that Title VI considerations were included in conducting the studies or completing the plans?*

C. Public Hearings

- *Provide a summary of Title VI self-monitoring activities that were used, including findings, recommendations, action items and status.*
- *Were any public hearings held during the reporting period? If so, how many?*
- *What efforts were used to enhance citizen participation in the hearings?*

- *Were minorities and women, both individually and through their organizations, represented in the citizen participation effort?*
- *What tools and methods were used to identify and document what communities (minorities, women, elderly, disabled and low-income) were represented on Citizen Advisory Committees (CACs), stakeholder groups, project teams ([See Title VI Data Collection Tips](#)).*
- *Were project public involvement plans developed, including communication plans for stakeholder and citizen participation?*
- *Was there any use of bilingual advertisements, notices, announcements, etc.? If so, describe.*

D. Upcoming Year

- *Describe plans for the upcoming year, including any significant problem areas to focus on and plans for approaching them.*

2. Environmental Activities (If applicable)

A. Monitoring and Review Process

- *Describe the actions taken to promote Title VI compliance regarding environmental activities, including monitoring and review processes, and their outcomes or status.*

B. Environmental Work Completed by ODOT Planning Staff

- *Was any environmental work managed during the reporting period?*
- *Summarize any comments provided on an environmental document where minority communities were adversely impacted. Were any Title VI related complaints filed as a result of the work?*
- *Were any public hearings held related to environmental work conducted by ODOT planning staff? If so, how many?*
- *How were the hearings advertised? Were the advertisements adequate to provide notification to minorities?*
- *Provide a summary of any Title VI related concerns that were raised at the hearings. Describe actions taken by the Title VI Coordinator to address these concerns.*

C. Upcoming Year

- *Describe strategies for the upcoming year, including any significant problem areas.*

3. Sub-Recipient Monitoring

- *Provide a summary of Title VI subrecipient monitoring conducted (general overview and assessment of MPOs' and local governments' Title VI efforts).*
- *Was a Draft Transportation Improvement Program (TIP) released for public comment during the reporting period?*
- *What efforts were made by the MPOs to notify the public of the draft TIP?*

- *How were public comments solicited (written comments, public hearings, etc.)?*
- *Were public hearings held? If so, how many? What efforts were used to broaden citizen participation in the hearings?*
- *Provide a summary of any Title VI related concerns raised at the hearings.*

4. Consultant Contracts

Monitoring and Review Process

- *Describe the actions taken to promote consultants' compliance with Title VI, including monitoring and review processes, and their outcomes or status (e.g. are Title VI requirements included in all contracts and consultant agreements; were contractors and consultants annually reviewed to ensure compliance; are Title VI issues explained to contractors and consultants?).*

5. Assessing Title VI Capability (TDD Planning Section)

1. Overall Strategies and Efforts:

- *What strategies and efforts are included in the planning process for ensuring, demonstrating, and substantiating compliance with Title VI? What measures have been used to verify that the multi-modal system access and mobility performance improvements included in plans and the Statewide Transportation Improvement Program (STIP), and the underlying planning process, comply with Title VI?*
- *Do ODOT planning processes involve developing a demographic profile of the metropolitan planning area or State that includes identification of the locations of socio-economic groups, including low-income and minority populations as covered by the Executive Order on Environmental Justice and Title VI provisions?*
- *Does the planning process seek to identify the needs of low-income and minority populations? Does the planning process seek to utilize demographic information to examine the distributions across these groups of the benefits and burdens of the transportation investments included in plans and the STIP? What methods are used to identify imbalances?*

2. Service Equity:

- *Does the planning process have an analytical process in place for assessing the regional benefits and burdens of transportation system investments for different socio-economic groups? Does it have a data collection process to support the analysis effort? Does this analytical process seek to assess the benefit and impact distributions of the investments included in plans and the STIP?*
- *How does the planning process respond to the analyses produced when imbalances are identified?*

3. Public Involvement:

- *Does the public involvement process have an identified strategy for engaging minority and low-income populations in transportation decision making? What strategies were implemented to reduce participation barriers for such populations? Has the planning public involvement process been routinely evaluated as required by regulation? Have consultations with organizations representing low-income and minority populations occurred as part of the evaluations?*
- *Have there been efforts to improve performance, especially with regard to low-income and minority populations? What tools and methods are in place to ensure that concerns raised by low-income and minority populations are appropriately considered during decision making processes? Is there evidence that these concerns have been addressed?*

Resources: [ODOT Title VI Program](#), [ODOT Title VI Plan](#), [OTC Public Involvement Policy](#), [LAG Manual](#), [.http://www.fta.dot.gov/documents/Title_VI_Circular_2007-04-04_\(FINAL\)_3.doc](http://www.fta.dot.gov/documents/Title_VI_Circular_2007-04-04_(FINAL)_3.doc)

APPENDIX B

Title VI Accomplishment Report Template for Metropolitan Planning Organizations

Purpose: This report template is for MPO planning managers to use for reporting on Title VI activities that occurred over the past year, including subrecipient monitoring of contractors and local governments. MPO planning managers send their completed report to the ODOT Title VI Program Manager and the region planning staff each July to be included in the ODOT region Title VI reports, and the subsequent state report for Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). *Planning sections report on Section 4 (Planning) of the Title VI Accomplishment Reports and the ODOT Title VI Program Manager reports on the other sections.*

The following questions are offered as an aid to reviewing and verifying compliance with Title VI requirements:

I. Title VI Plan

State any changes to the approved Title VI Plan during the reporting period. Submit a copy of the MPO Title VI Plan with a new signature when applicable. Note any changes anticipated for the upcoming year.

2. Organization, Staffing, Structure

Describe the Title VI Program reporting structure including the Title VI Coordinator, Executive Director, and support staff. Provide the names, ethnicity, gender, title, and description of duties. Note any changes anticipated for the upcoming year.

3. Complaints

List any Title VI complaints received during the reporting period. Include the basis for the complaint (ethnicity, gender, etc.) and summarize the outcome or resolution. If applicable, include a copy of the investigative report.

4. Planning

A. Monitoring and Review Process:

- *Describe the planning activities that were performed by the MPO.*
- *Describe the actions taken to promote Title VI compliance regarding planning activities, including monitoring and review processes, and their outcomes or status.*

B. Studies and Plans

- *Were any transportation studies conducted or transportation plans completed during the reporting period that provided data relative to minority persons, neighborhoods, income levels, physical environments, and/or travel habits?*
- *If so, what type of assistance was provided to ensure that Title VI considerations were included in the studies or plans?*

C. Draft TIPs

- *Was a Draft Transportation Improvement Program (TIP) released for public comment during the reporting period?*
- *What efforts were made to notify the public of the draft TIP?*
- *How were public comments solicited (written comments, public hearings, etc.)?*
- *Were public hearings held? If so, how many? What efforts were used to enhance broad citizen participation in the public process?*
- *Provide a summary of any Title VI related concerns that were raised at the hearings. Describe actions taken by the Title VI Coordinator to address these concerns.*

D. Other Public Hearings

- *Were any other public hearings held during the reporting period? If so, how many?*
- *What efforts were used to enhance citizen participation in the hearings?*
- *Were minorities and women, both individually and through their organizations, represented in the citizen participation effort? (CACs, Stakeholder committees, public meeting attendance)*

E. Upcoming Year

- *Describe strategies for the upcoming year, including any significant problem areas.*

5. Consultant Contracts (If applicable)

A. Monitoring and Review Process

- *Briefly describe the process for issuing request for proposals (RFPs) and soliciting consultants.*
- *Describe the actions taken to promote consultants' compliance with Title VI, including monitoring and review processes, and their outcomes or status (e.g. are Title VI requirements included in all contracts and consultant agreements; were contractors and consultants annually reviewed to ensure compliance; are Title VI issues explained to contractors and consultants?).*

B. Consultant Contracts

- *How many consultants have contracts with the MPO? Dollar value of each contract?*
- *How many of these consultants were Disadvantaged Business Enterprises (DBEs)?*

- *What efforts were made to utilize DBE consultants?*
- *See OMWESB [list of certified DBE firms](#) consultants based on the most current information from the [Oregon State Office of Minority and Women's Business Enterprises Web site](#)*
- *How is the list used to increase DBE participation in consultant contracts?*
- *What methods were used during the review period to ensure Title VI related contract agreements were adhered to?*

C. Upcoming Year

- *Describe strategies for the upcoming year, including any significant problem areas.*

6. Education & Training

A. Monitoring and Review Process

- *Describe the actions taken to promote Title VI compliance regarding education and trainings, including monitoring and review processes, and their outcomes or status.*

B. Complaints

- *Were there any civil rights complaints filed with the state concerning training and educational opportunities?*
- *If so, what corrective actions has the state taken? Provide a summary of concerns raised, complaints filed, status, etc.*

C. NHI Training

- *List the National Highway Institute (NHI) sponsored programs attended by MPO staff. Provide a list of participants by job title.*

D. Title VI Training

- *Was any Title VI training information provided by ODOT during the reporting period?*
- *If so, how did the MPO assist ODOT to distribute training program information?*
- *How many participants attended trainings, if applicable? What was the subject of the trainings? Provide the job titles and Title VI roles, if applicable, of attendees.*
- *Were any other civil rights training conducted? If so, what type of training (course content)? Provide a list of participants by job title and Title VI role, if applicable.*

E. Upcoming Year:

- *Describe plans for the upcoming year, including any significant problem areas to focus on and plans for approaching them.*

Resources: [ODOT Title VI Program](#), [ODOT Title VI Plan](#), [OTC Public Involvement Policy](#), [LAG Manual](#), [http://www.fta.dot.gov/documents/Title_VI_Circular_2007-04-04_\(FINAL\)_3.doc](http://www.fta.dot.gov/documents/Title_VI_Circular_2007-04-04_(FINAL)_3.doc)

APPENDIX C

Title VI Accomplish Report Template for Local Governments

Purpose: This report template is for local government to report on the Title VI activities that occurred over the past year, including sub-recipient monitoring of contractors and other local governments. Local government planning managers send their completed reports to the ODOT Title VI Program Manager if they have a population over 200,000. If they received federal funding from ODOT Planning, local governments need to send their Title VI report to the Region Planning staff each July for subrecipient monitoring. The planning information submitted to region planning staff will be summarized in the ODOT region Title VI report which will be add to the ODOT Title VI Accomplishment Report for Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). *Planning Sections report on Section 4 (Planning) of the Title VI Accomplishment Reports and the ODOT Title VI Program Manager reports on the other sections.*

The following questions are offered as an aid to reviewing and verifying compliance with Title VI requirements:

I. Title VI Plan

State any changes to the approved Title VI Plan during the reporting period. Submit a copy of the Local Government Title VI Plan with a new signature if applicable. Note any changes anticipated for the upcoming year. (Local Governments with populations under 200,000 may choose to adopt the ODOT Title VI Plan if they do not have one.)

2. Organization, Staffing, Structure

Describe the Title VI Program reporting structure including the Title VI Coordinator, Executive Director, and support staff. Provide the names, ethnicity, gender, title, and description of duties. Note any changes anticipated for the upcoming year.

3. Complaints

List any Title VI complaints received during the reporting period. Include the basis for the complaint (ethnicity, gender, etc.) and summarize the outcome or resolution. If applicable, include a copy of the investigative report.

4. Planning

A. Monitoring and Review Process:

- *Describe the planning activities that were performed by the Local Government.*

- Describe the actions taken to promote Title VI compliance regarding planning activities, including monitoring and review processes, and their outcomes or status.

B. Studies and Plans

- Were any studies completed that provided data relative to minority persons, neighborhoods, income levels, physical environments, and/or travel habits?
- If so, what type of assistance was provided to ensure that Title VI considerations were included in the studies?

C. Draft CIPs

- Was a Draft Capital Improvement Program (CIP) released for public comment during the reporting period? What efforts were made to notify the public of the draft CIP?
- How was public comments solicited (written comments, public hearings, etc.)?
- Was a public hearing held? If so, how many? What efforts were used to broaden citizen participation in the hearings?
- Provide a summary of Title VI related concerns raised at the hearings, if any.
- Describe actions taken by the Title VI Coordinator to address these concerns.

D. Other Public Hearings

- Were any other public hearings held during the reporting period? If so, how many?
- What efforts were used to enhance citizen participation in the hearings?
- Were minorities and women, both individually and through their organizations, represented in the citizen participation effort?

E. Upcoming Year

- Describe strategies for the upcoming year, including any significant problem areas.

5. Consultant Contracts (if applicable)

A. Monitoring and Review Process

- Briefly describe the process for issuing request for proposals (RFPs) and soliciting consultants.
- Describe the actions taken to promote consultants' compliance with Title VI, including monitoring and review processes, and their outcomes or status (e.g. are Title VI requirements included in all contracts and consultant agreements; were contractors and consultants annually reviewed to ensure compliance; are Title VI issues explained to contractors and consultants?).

B. Consultant Contracts

- How many consultants had contracts with the Local Government? Dollar value of each contract?
- How many of these consultants are Disadvantaged Business Enterprises (DBEs)?
- What efforts were made to utilize DBE consultants?

- See OMWESB [list of certified DBE firms](#) consultants based on the most current information from the [Oregon State Office of Minority and Women's Business Enterprises Web site](#)
- How is the list used to increase DBE participation in consultant contracts?
- What methods were used during the review period to ensure Title VI related contract agreements were adhered to?

C. Upcoming Year

- Describe plans for the upcoming year, including any significant problem areas to focus on and plans for approaching them.

6. Education & Training

A. Monitoring and Review Process

- Describe the actions taken to promote Title VI compliance regarding education and trainings, including monitoring and review processes, and their outcomes or status.

B. Complaints

- Were there any civil rights complaints filed with the state concerning training and educational opportunities?
- If so, what corrective actions has the state taken? Provide a summary of concerns raised, complaints filed, status, etc.

C. NHI Training

- List the National Highway Institute (NHI) sponsored programs attended by staff. Provide a list of participants by job title.

D. Title VI Training

- Was any Title VI training information provided by ODOT during the reporting period?
- If so, how did the Local Government assist ODOT in the distribution of information on these training programs?
- How many participants attended trainings, if applicable? What was the subject of the trainings? Provide the job titles and Title VI roles, if applicable, of attendees.
- Were any other civil rights training conducted? If so, what type of training (course content)? Provide a list of participants by job title and Title VI role, if applicable.

E. Upcoming Year:

- Describe strategies for the upcoming year, including any significant problem areas.

Resources: [ODOT Title VI Program](#), [ODOT Title VI Plan](#), [OTC Public Involvement Policy](#), [http://www.fta.dot.gov/documents/Title_VI_Circular_2007-04-04_\(FINAL\)_3.doc](http://www.fta.dot.gov/documents/Title_VI_Circular_2007-04-04_(FINAL)_3.doc)

APPENDIX D

Glossary

Environmental Impact Statement (EIS): A document written to inform the public that a proposed project will result in significant environmental impact(s). NEPA requires that if a project results in a significant impact, the proposing or lead agency is required to consider at least one other build alternative in an effort to reduce those impacts. 771.123 (c) calls for the evaluation of all reasonable alternatives to the action and discuss the reasons why other alternatives, which may have been considered, were eliminated from detailed study.

Environmental Justice (EJ): Requirement to ensure that public projects do not disproportionately impact low income or minority populations. Environmental Justice, as defined, pertains to National Environmental Policy Act (NEPA) projects (Environmental Assessments (EAs) and Environmental Impact Statements (EIS)).

Federal Highway Administration (FHWA): A division of the U.S. Department of Transportation that specializes in highway transportation. The Administration's major activities are grouped into two "programs": the Federal-aid Highway Program; and the Federal Lands Highway Program.

Federal Transit Administration (FTA): Formerly known as the Urban Mass Transportation Administration (UMTA); FTA is the agency of the U.S. Department of Transportation which administers the federal program of financial assistance to public transit.

Metropolitan Planning Organization (MPO): A planning body in an urbanized area of over 50,000 in population that has responsibility for developing transportation plans for that area. Designated in the 1991 ISTEA, MPOs existed in 1999 in the Eugene/Springfield, Medford, Portland, and Salem areas. Rainier is part of a fifth MPO, Longview-Kelso-Rainier, which is not considered to be an MPO for the purposes of this plan. Subsequent to the 2000 census, MPOs were formed in Corvallis and Bend.

Metropolitan Transportation Improvement Program (MTIP): An MPO's Transportation Improvement Program, which identifies project scopes, budgets and timing for delivery within the MPO.

Minorities: Racial/ethnic categories:

- Black, not of Hispanic origin - a person having origins in any of the black racial groups of Africa.
- White, not of Hispanic origin - a person having origins in any of the original people of Europe, North Africa or the Middle East.
- Hispanic - a person of Mexican, Puerto Rican, Cuban, Central American, South American or other Spanish culture or origin, regardless of race.

- Asian or Pacific Islander - a person having origins in any of the original peoples of the Far East: Southeast Asia, the Indian subcontinent, specific Islands (China, Japan, Korea, Philippine Islands, Samoa)
- American Indian or Alaskan Native - a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.
- Additional sub-categories based on national origin or primary language spoken may be used where appropriate, on either a national or regional basis.
- Racial-ethnic designations do not denote scientific definitions of anthropological origins. A program participant may be included in the group to which he/she appears to belong, identifies with, or is regarded in the community as belonging to. No person should be counted in more than one racial-ethnic category.

ODOT DBE Program Manager: Manages the Disadvantaged Business Enterprise (DBE) Program which establishes criteria for certification that applies to DBE-eligible firms seeking contracts funded with federal transportation-related money. A DBE includes small businesses that are at least 51% owned by women, minorities: Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans and Subcontinent Asian Americans, or other individuals on a case-by-case basis.

Office of Civil Rights (OCR):

The Office of Civil Rights (OCR) manages the Department’s commitment to the implementation of federal and state programs focused on creating equal opportunities for small businesses, and diversifying Oregon’s workforce. OCR’s business lines support the Department’s mission through its programs that help minorities, women, people with low income, people who are disadvantaged, people with disabilities to acquire economic opportunities through jobs or contracts with the agency. Its programs provide equal access to services and opportunities.

Public: All members of the community as a whole, including individual stakeholders, travelers, property and business owners, local / state / federal governments, tribal nations, etc.

Public Involvement: The practice of interacting with anyone who may be interested in or affected by a project decision. Interaction could include any activity or process which strives to inform, educate, reach out to, gather input from, collaborate with, or engage individuals or organizations regarding project decisions.

Recipient: Any state, local agency or any public or private agency, institution, or organizations to whom Federal money or assistance is extended, either directly or through another recipient, for any program.

Stakeholder: Any individual or organization with direct interest, involvement or investment in ODOT project decision-making. An internal stakeholder is any ODOT employee. An external stakeholder is any individual or organization outside of ODOT.

Statewide Transportation Improvement Program (STIP): The four-year funding and scheduling document for major road, highway and transit projects in Oregon. The STIP contains projects that are identified for funding and construction at the state level over a 4-year period and requires approved by the OTC. The STIP is compiled by ODOT and updated every 2 years. Projects must be listed in the STIP to be eligible for state and/or federal funding.

Sub-recipient: Any entity that receives FHWA or FTA financial assistance as a pass-through from another entity.

Sub-recipient Reporting: Sub-recipients shall submit compliance reports to the recipient (ODOT) consistent with reporting timelines established by the recipient. ODOT conducts sub-recipient monitoring and reports to FHWA and FTA.

Title VI: Title VI is a section of the Civil Rights Act of 1964 requiring 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.” Note that Title VI does not address gender discrimination. It only covers race, color and national origin. Other Civil Rights laws prohibit gender discrimination.

Title VI Complaints: Complaints of discriminatory treatment related to race, color or national origin may be filed with the ODOT Title VI Program Manager. The complaint must be filed no later than 180 calendar days of the alleged discriminatory incident.

Title VI Program: The system of requirements developed to implement Title VI of the Civil Rights Act of 1964. Ensure involvement of low-income and minority groups in the decision making process (public involvement):

- Safeguard low-income and minority groups against disproportionately high and adverse decisions
- Ensure low income and minority groups receive their fair share of benefits

Title VI Program Manager:

- Manages the Title VI program which requires that any program or activity receiving federal funding cannot be discriminate against people based on race, color, national origin, age, sex, religion, income status or against people with disabilities. Under Title VI, ODOT must ensure involvement of people with low income and minority groups in the decision making process (public involvement)
- Safeguards people with low income and minority groups against disproportionately high and adverse decisions
- Ensures people with low income and minority groups receive their fair share of benefits