



Title VI
Implementation
Plan
FY 2019

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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 nondiscrimination 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 (*Appendix A & E; Related Authorities Attached, Appendices page 34*).

On April 24, 2013, the Secretary of Transportation signed the DOT Standard Title VI Assurances and Nondiscrimination Provisions, Order 1050.2A (Title VI Assurances). The Title VI Internal reviews and requests for program information through the Annual Accomplishments Report help to ensure that (Appendix A and E) authorities are included in contracting documents, (Appendices page 34). 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 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 200.0 (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 nondiscrimination 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 Appendices pages 23 through 37).

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 25, 2018 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 in the Appendices on page 30 of this Plan.

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

Oregon Department of Transportation
Office of Civil Rights, MS 23
3930 Fairview Industrial Drive SE
Salem, Oregon 97302-1166
Telephone: 503-986-4350

Title VI Program Management:

- 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 subrecipients 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 internal staff and subrecipients.
- 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.

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 Directives to determine if there are any Title VI implications.

Program Area Subject Matter Expert Team (SMEs):

- Participate in conducting Internal Title VI Compliance reviews within each subject matter.
- 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.
- 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.
- The SMEs and the Title VI/EJ/ADA Manager will meet on a regular basis to discuss internal training needs and strategies for implementation of Title VI throughout the agency .

ODOT SME Staff are identified in the following programs:

- Maintenance Right of Way
- Environmental Safety
- Education and Training
- Project Selection and Design Planning
- OPO
- Research
- Administration

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 in the fielding questions 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.

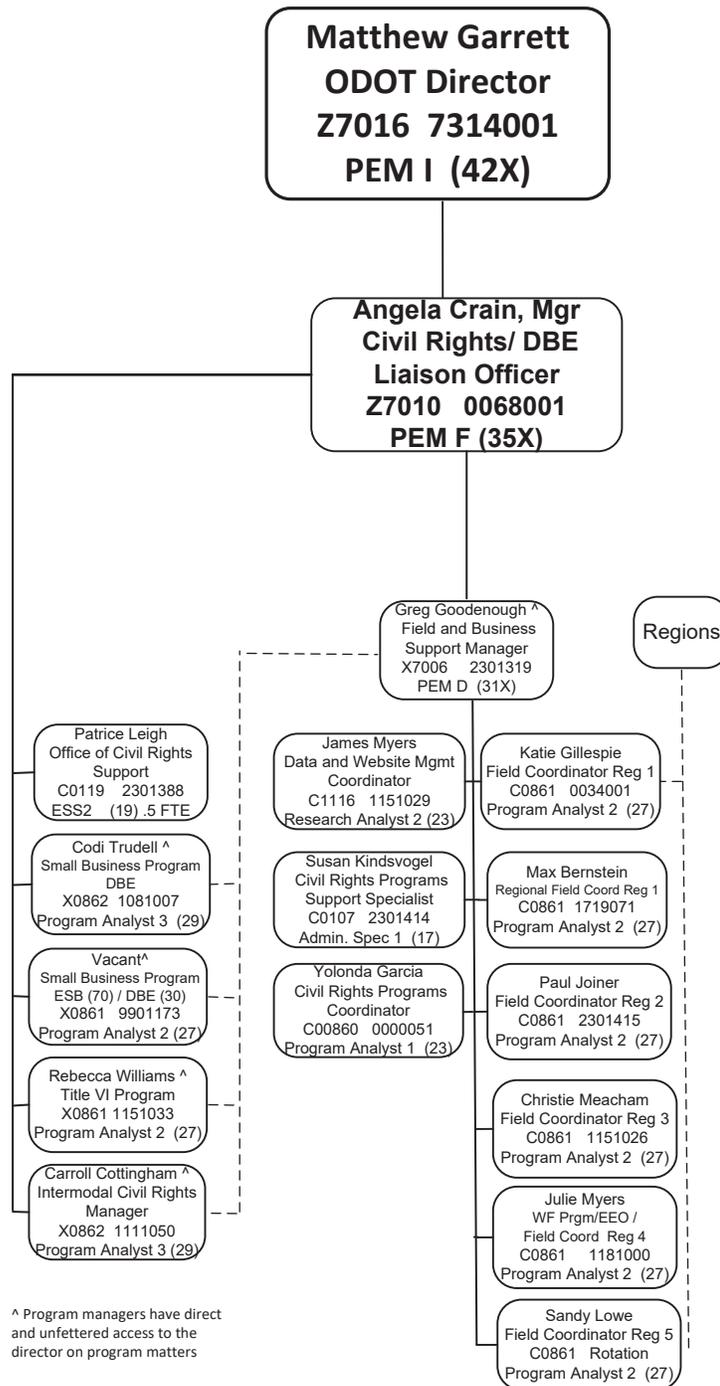
Civil Rights Programs Coordinator:

- Assists the Title VI/EJ/ADA Manager and the Intermodal Manager with implementation of the nondiscrimination programs within Civil Rights.
- Provides training support and outreach to ODOT staff and ODOT Stakeholder Groups.
- Assists with data coordination and analysis, tracking of concerns and requests from stakeholder groups.
- Principal contact for ADA Transition Plan outreach and support to Title VI/EJ/ADA Manager.

Communication between the OCR staff and SMEs will be kept open through training, staff meetings, informational meetings on a one to one basis, keeping all pertinent staff current on the progression of concerns and complaints within respective regions and keeping reporting through the Comments, Questions, Concerns, Requests (CQCR) process up to date.

ODOT Office of Civil Rights

August 2018



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 incorporated into the Title VI Implementation Plan, 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 subrecipient 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)
- Federal Transit Administration (FTA)
- Federal Railroad Administration (FRA)
- U.S. Department of Transportation (USDOT)
- U.S. Department of Justice (USDOJ)
- Federal Motor Carrier Safety Administration (FMCSA)

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

Evaluation Process:

State DOTs are to forward all Title VI complaints to the Division Office. If a sub-recipient receives a complaint, it must forward it to the State DOT, and the State DOT will forward the complaint to the Division Office.

All Title VI complaints received by the Division Office are to be forwarded to HCR for processing and potential investigation.

HCR will provide the Division Office a notification Memorandum for all Title VI complaints filed against the State DOT in the respective State.

Investigation:

All complaints filed under Title VI against State DOTs are investigated by HCR.

If HCR determines a Title VI complaint against a sub-recipient can be investigated by a State DOT, HCR may delegate the task of investigating the complaint to the State DOT. The State DOT will conduct the investigation and forward the Report of Investigation to HCR for review and final disposition.

The disposition of all Title VI complaints will be undertaken by HCR, through either (1) informal resolution or (2) issuance of a Letter of Finding of compliance or noncompliance with Title VI. A copy of the Letter of Finding will be sent to the Division Office.

*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:

<https://www.oregon.gov/ODOT/Forms/2ODOT/7345008.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 Program

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 subrecipient 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 not 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 subrecipients 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 subrecipients 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 subrecipient 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 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 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 90 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. Additionally, a new database tool has been developed to track each Title VI Plan and Annual Accomplishments Report that comes in to the OCR. This information is shared with the Local Certification Program staff for up to date and accurate LPA information.

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.

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:

- Ensures that all State planning and research (SPR) and metropolitan funds (PL) used for research are awarded in a nondiscriminatory 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 nondiscriminatory manner.

Safety:

- Ensures its subrecipients 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.

Part 4 – External Monitoring Program

Subrecipient 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 2017-2018 reporting year and include the results in the Title VI Annual Accomplishments Report to FHWA.

See appendix for list of subrecipients (page 24).

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.
- Board membership composition of advisory and policy committees.

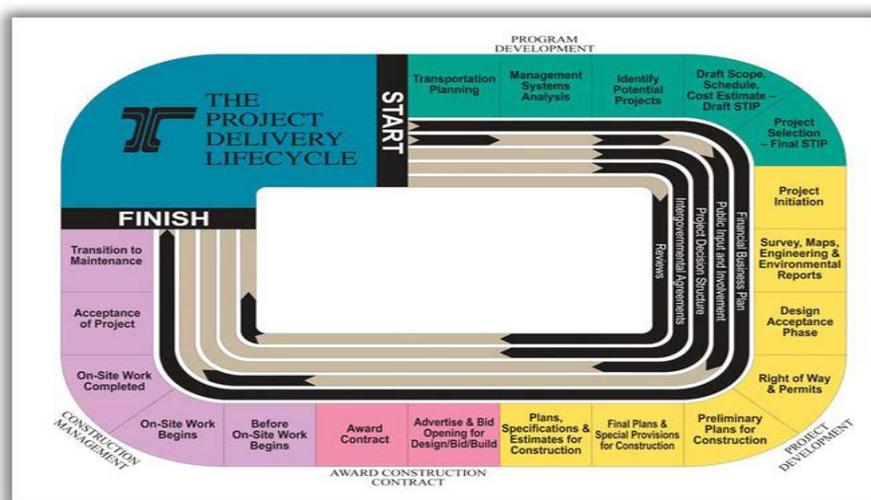
Data is gathered from various resources including the U.S. Census Bureau, school districts, religious and/or community organizations, as well as data from state and local governments. Once the appropriate data has been collected, the agency is tasked with analyzing the data to identify any trends or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

In addition to statistical data based on race, color and national origin, ODOT Trans GIS <http://gisintra.odot.state.or.us/TransGIS/> is an online mapping resource but identifying Limited English Proficiency will not be possible on this application. 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.



ODOT's core objectives in carrying out its public participation obligations include:

- Tailor outreach to underrepresented groups such as minority, low-income, elderly, and disabled populations to gather input to determine the targeted community's issues and concerns.
- Ensure outreach is translated to reach limited English proficient populations.
- Establish a public Involvement Plan for each ODOT project (See Appendix for Public Involvement Plan Template, beginning on page 42).
- Maintain a record of all updates or significant changes to the project based on information obtained through public outreach.

Oregon employs several guidelines for inclusive public involvement:

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

<https://www.oregon.gov/ODOT/Planning/Pages/Public-Involvement.aspx>. 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 https://www.oregon.gov/ODOT/Engineering/Doc_TechnicalGuidance/PDLTNotice12.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 (under More Programs, Nondiscrimination Programs) and is available for guidance, clarification and distribution.

https://www.oregon.gov/ODOT/Business/OCR/SiteAssets/Lists/Non_Dis_Main_List/EditForm/Title%20VI%20Implementation%20Plan%20FY%202018.pdf

Statewide Transportation Improvement Program (STIP) 2015-2018

<https://www.oregon.gov/ODOT/STIP/Pages/index.aspx> 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

<https://www.oregon.gov/ODOT/Planning/Pages/Plans.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, 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)
- 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
- Transit districts, port districts

The Title VI Manager is recently worked with the Communications Department as part of a committee to update the public outreach tools (see page twenty-one) 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 of this Plan).

External Training:

The OCR provides various opportunities for training for our external partners and subrecipients. The Title VI staff which includes the OCR Manager, the Workforce Development/Field and Business Support Manager, four Program Managers, a Civil Rights Coordinator, six 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 subrecipient's review the Title VI Officer will share information and answer any questions that the subrecipient 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 8-10)

Internal Training:

OCR continues to strive towards the process of creating training for ODOT employees on the core nondiscrimination elements of the Title VI Program which include, LEP, ADA Title II and Section 504, Title VI and Environmental Justice through training videos. The implementation of this type of training is supported by the Governor's Task Force on Environmental Justice. The OCR hopes to complete at least one video training in 2018-2019 reporting year.

The OCR Staff take 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 8-10). The summary questionnaires that are received from the ODOT regions around the state consistently ask for training on Environmental Justice and NEPA requirements. The SME from ODOTs GEO-Environmental Section has been working with section managers and FHWA Oregon Division to bring that training to ODOT staff in the coming year. The OCR staff continue to make presentations to the ODOT staff on the various nondiscrimination programs that fall under OCR responsibility through outreach events, group training, staff meetings, committees, MPO meetings and other such avenues to spread the message of nondiscrimination compliance within the organization.

Part 7 – 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.
- 4) Resources available for and costs assumed in providing LEP access.

The ODOT Director, Program Managers, 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.

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. ODOT recently updated an updated Public Outreach and LEP webpage for ODOT staff. The page is located at the following link: <http://transnet.odot.state.or.us/hwy/SBS/Pages/Public-Engagement-Toolkit.aspx>

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 (under More Programs, Nondiscrimination Programs, and related Links) below.

https://www.oregon.gov/ODOT/Business/OCR/Documents/FINAL_VI_LEP_PLAN.pdf The LEP Plan for ODOT is in need of some updates and revisions.

Part 8 - Appendices

Related Authorities

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.

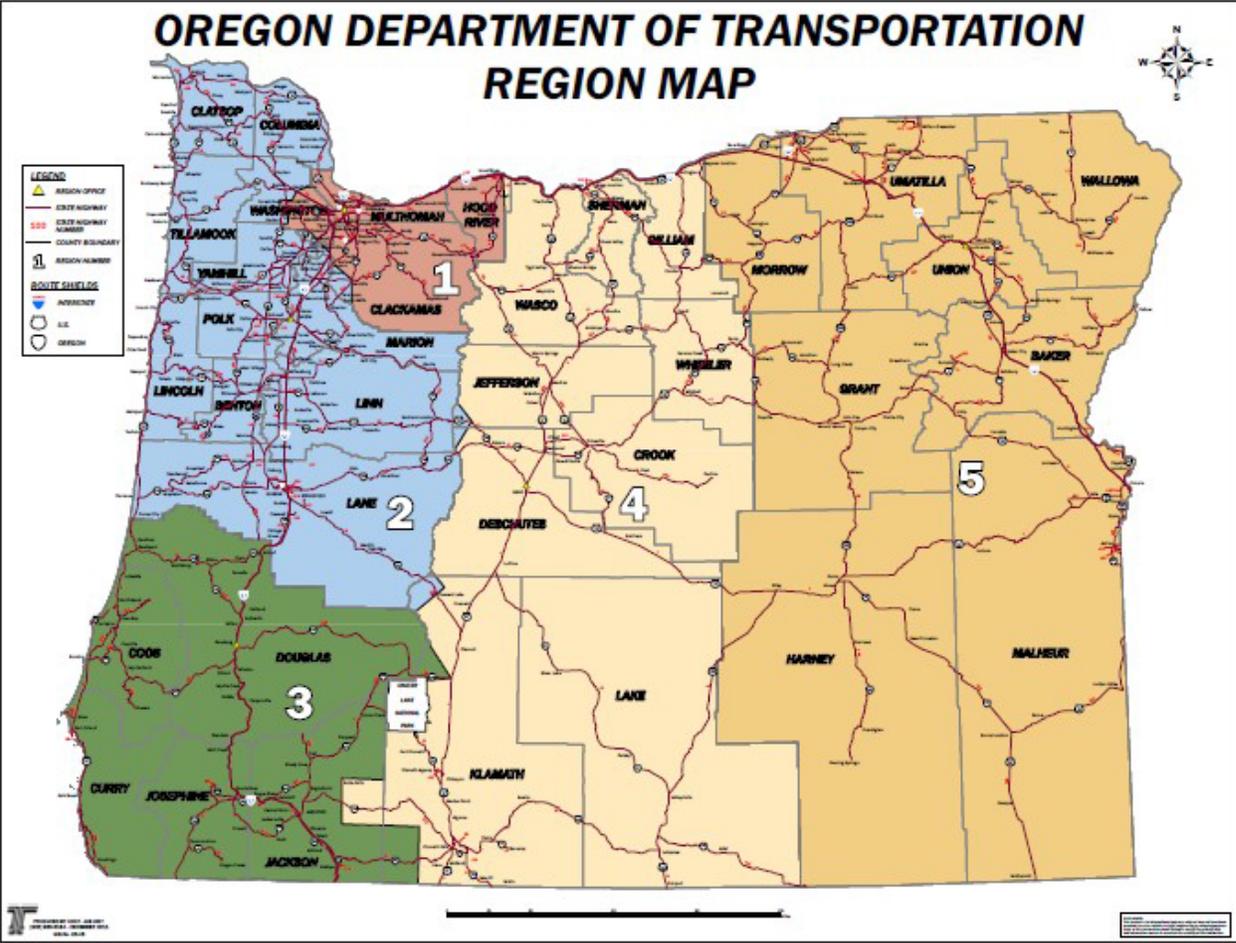
The Age Discrimination Act of 1975 (42 U.S.C. 6101) prohibits discrimination based on age.

ODOT Subrecipients

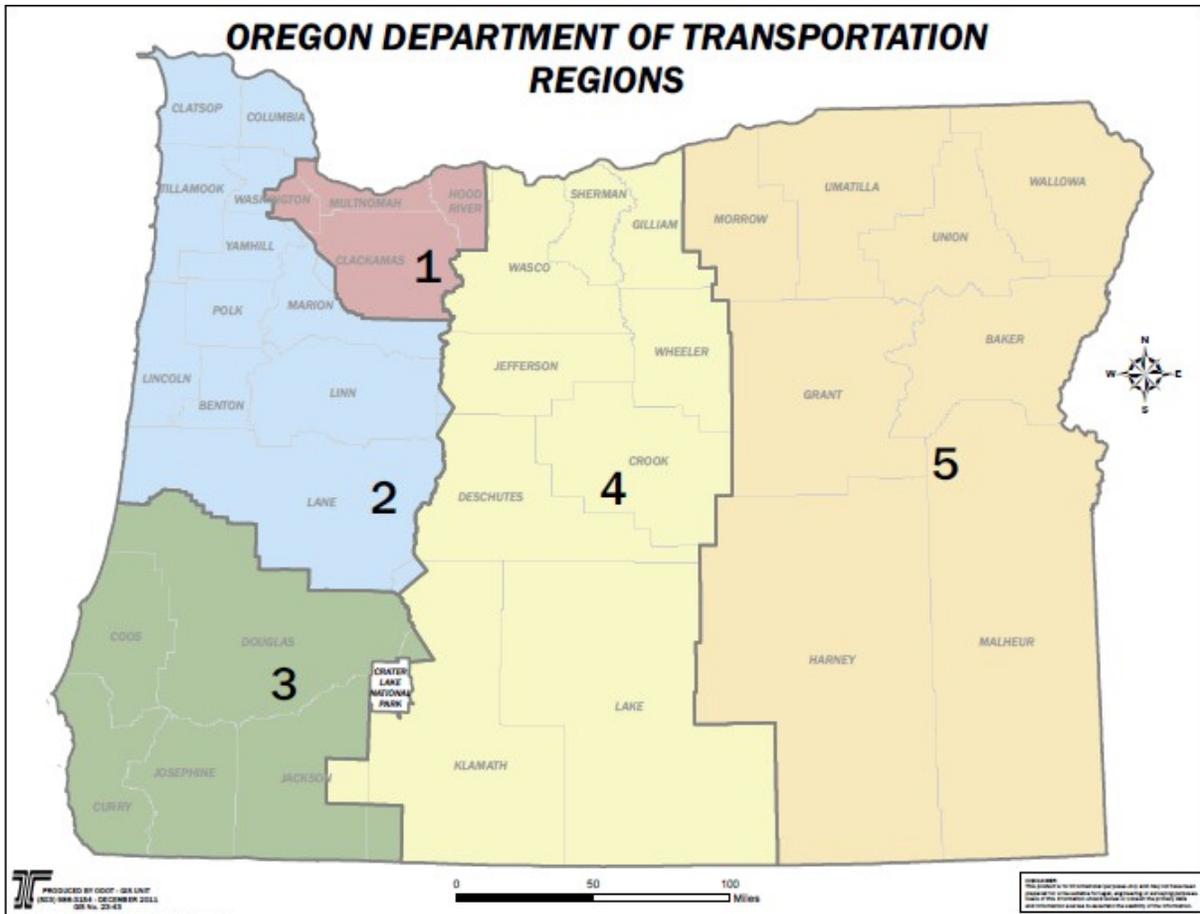
Oregon Department of Transportation FHWA - CFDA 20.205 - Federal Distribution to Subrecipients Fiscal Year 2018

Subrecipient	Federal Share
BEND METROPOLITAN PLANNING ORGANIZATION	205,931.88
CITY OF BEAVERTON	51,201.55
CITY OF BROOKINGS	14,113.62
CITY OF COOS BAY	18,668.72
CITY OF CORVALLIS	27,106.75
CITY OF EUGENE	965,539.63
CITY OF FOREST GROVE	2,927.34
CITY OF GRESHAM	1,460,289.27
CITY OF HILLSBORO	80,143.31
CITY OF KLAMATH FALLS	479,759.00
CITY OF LAKE OSWEGO	55,486.69
CITY OF MEDFORD	441,980.77
CITY OF NEWBERG	2 1,000.62
CITY OF NORTH PLAINS	7,206.78
CITY OF PORTLAND	4,966,298.69
CITY OF SALEM	1,227,210.39
CITY OF TILLAMOOK	19,834.38
CITY OF WEST LINN	16,157.03
CLACKAMAS COUNTY	2,647,347.63
CLATSOP COUNTY	6,063.76
COMMUTE OPTIONS FOR CENTRAL OREGON	332,176.67
COOS COUNTY	1,305,475.70
COWLITZ-WAHKIAKUM COUNCIL	449.97
JACKSON COUNTY	29,859.69
JOSEPHINE COUNTY	80,174.28
LANE COUNCIL OF GOVERNMENTS	972,175.48
LANE COUNTY	169,076.14
LANE TRANSIT DISTRICT	301,387.32
LINN COUNTY	603,998.59
MARION COUNTY	1,485,557.53
METRO	3,542,042.35
MID-COLUMBIA ECONOMIC DEVELOPMENT	13,810.00
MULTNOMAH COUNTY	5,779,733.09
MWVCOG	986,457.01
OREGON CASCADES WEST COUNCIL	391,482.02
OREGON STATE UNIVERSITY	350,874.82
ROGUE VALLEY COUNCIL OF GOVERNMENTS	465,430.54
ROGUE VALLEY TRANSPORTATION DISTRICT	203,762.32
SALEM AREA MASS TRANSIT DISTRICT	400,757.00
SUNSET EMPIRE TRANSPORTATION DISTRICT	56,314.00
THE STREET TRUST COMMUNITY FUND	50,611.23
UNION COUNTY	18,223.00
UNIVERSITY OF OREGON	972.16
UNIVERSITY OF PORTLAND	146,222.14
WALLA WALLA VALLEY METROPOLITAN	18,889.69
WASHINGTON COUNTY	121,987.13
YAMHILL COUNTY	<u>1,263,224.95</u>
Total	31,805,392.63

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.

The ODOT Trans GIS System can map age, sex, race, household composition, owner or renter, poverty level and disability by county, region or city among other things. Maps can viewed on the GIS website: <https://gis.odot.state.or.us/transgis/>

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 24, 2018

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.



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 25, 2018

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

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

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 Nondiscrimination Provisions

The United States Department of Transportation (USDOT) Standard Title VI/Nondiscrimination

Assurances

DOT Order No. 1050.2A

The Oregon Department of Transportation (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through Federal Highway Administration, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure 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 otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Transportation Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Transportation Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Oregon Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, Oregon Department of Transportation also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Highway Administration access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration. You must keep records, reports, and submit the material for review upon request to Federal Highway Administration or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

Oregon Department of Transportation gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal Highway Administration. This ASSURANCE is binding on Oregon, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal Transportation Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Oregon Department of Transportation

(Name of Recipient)

by:



(Signature of Authorized Official)

Dated: August 6, 2018

APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

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

(HABENDUM CLAUSE)

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

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

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Oregon Department of Transportation pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Nondiscrimination covenants, Oregon Department of Transportation will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Nondiscrimination covenants, the Oregon Department of Transportation will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Department of Transportation and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by Oregon Department of Transportation pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, Oregon Department of Transportation will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Nondiscrimination covenants, Oregon Department of Transportation will there upon revert to and vest in and become the absolute property of Oregon Department of Transportation and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

Pertinent Nondiscrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, subrecipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).



CC



Braille



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





Braille



Sus Derechos Bajo El Título VI La Ley De Derechos Civiles

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





CC



Braille



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 Titulo 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
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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- 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.

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 SDIC 15 Citizen Participation Objectives.

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 the 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, which 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?

□ **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

**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

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
- 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) | Yes, date: _____ | No |

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