

Office of Civil Rights

*Resources for Equity and Opportunity
in Oregon Transportation*

**Title VI Implementation Plan
FY 2018**

Oregon Department of Transportation

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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 non-discrimination laws and regulations including Title VI of the Civil Rights Act of 1964. Title VI provides that:

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

Title VI forbids discrimination against anyone in the United States because of race, color, or national origin by any agency receiving federal funds. Subsequently, related authorities have expanded Title VI protections to include gender, age, and disability (*Appendix A & E; Related Authorities Attached, Appendices page 31*).

In addition, on April 24, 2013, the Secretary of Transportation signed the DOT Standard Title VI Assurances and Non-Discrimination Provisions, Order 1050.2A (Title VI Assurances). The Title VI Internal reviews and requests for program information through the yearly Annual Accomplishments Report help to ensure that (Appendix A and E authorities are included in contracting documents, Appendices page 26).

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

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

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

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

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

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

The ODOT Title VI Plan is being prepared in accordance with Title 23, CFR Part 200.0 (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 non-discrimination activities within ODOT program areas as well as the monitoring of sub-recipients who receive federal financial assistance through ODOT. The Title VI Program Plan provides specific information that outlines ODOT's Title VI processes and procedures that pertain to organization, monitoring, compliance reviews, discrimination complaints, and Title VI assurances (*See Appendices pages 39 through 45*).

Part 1—Organization and Staffing

Office of Civil Rights

The Oregon Department of Transportation Title VI Program is led by the Title VI/ EJ/ADA Program Manager. This position reports to the ODOT Office of Civil Rights Manager. The Civil Rights Manager reports to ODOT's Director, and the Office of Civil Rights resides in the Office of the Director at the Oregon Department of Transportation. ODOT's Director has also issued and signed a Policy Statement dated September 9, 2016 that assures that the Title VI Program Manager, DBE Manager and the AA/EEO Manager will have direct access to him without any intermediary. A copy of this notice is included in the *Appendices on page 36* 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
355 Capitol St NE
Salem, Oregon 97302-11661

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 "Special Program Area" 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 and determine whether programs have disproportionately high and adverse effects on minority populations and low-income populations
- Conduct staff training on Title VI and related statutes for compliance purposes and to ensure an understanding of the relationship between the program goals and civil rights responsibilities
- 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 as follows:

Lucy Moore, *Maintenance*
Christy Wood, *Right of Way*
Susan White, *Environmental*
Doug Bish, *Safety*
Lorrie Schaeffer, *Education and Training*
Melissa Canfield, *Project Selection and Design*
Debbie Benavidez, *Planning*
James Myers, *OPO*
Michael Bufalino, *Research*
Renee HK Leblond, *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.

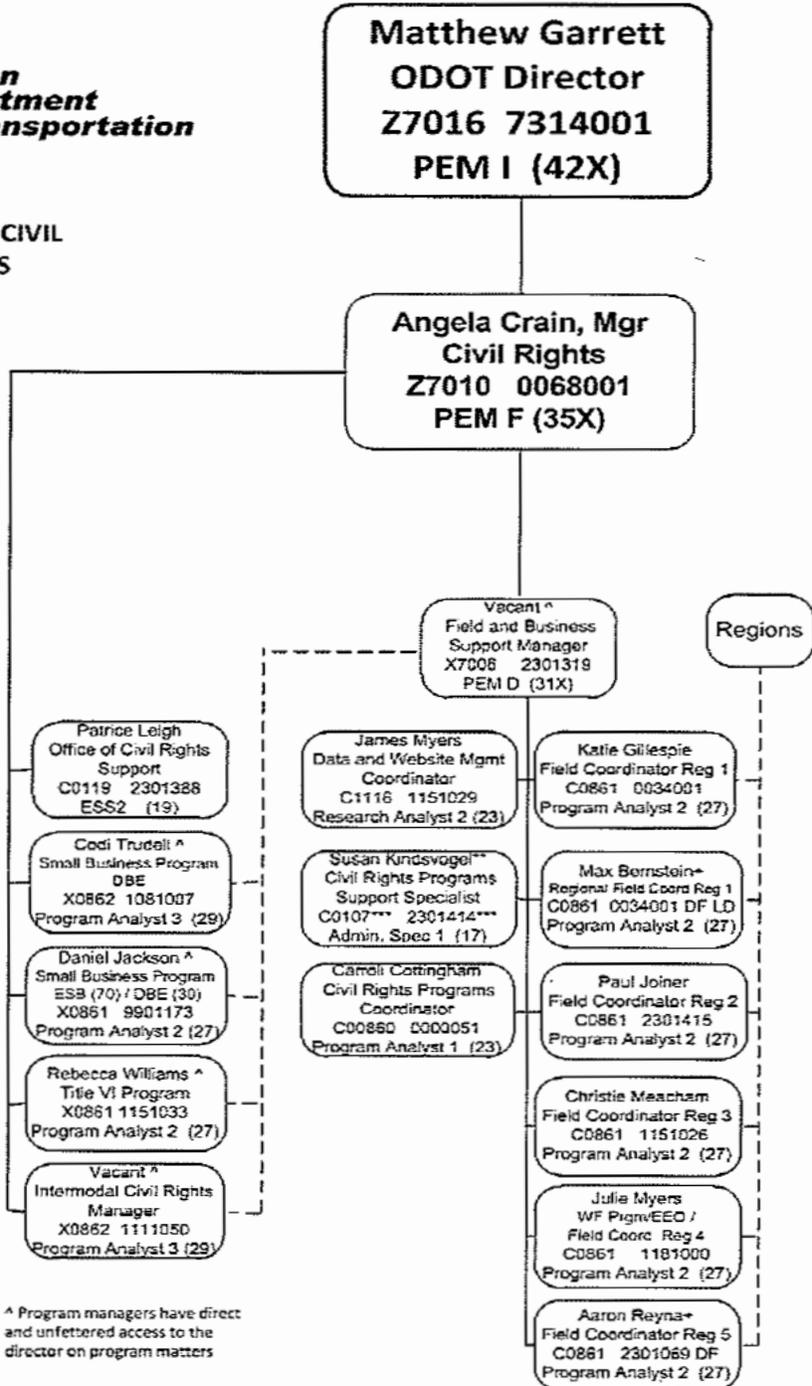
- Assists with data coordination and analysis, tracking of concerns and requests from Stakeholder groups.
- Principal contact for ADA Transition Plan outreach and support to Title VI/EJ/ADA Manager.

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 CQCR process up to date.

Oregon Department of Transportation Organizational Chart



OFFICE OF CIVIL RIGHTS



^ Program managers have direct and unfettered access to the director on program matters

- + Limited Duration
- ~ Interim
- ** Rotational/Developmental Assignment
- *** Rotational Assignment Position # and Classification
- Soft Reports

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.

Dismissal:

OCR will dismiss a complaint if it is determined that:

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

Evaluation Process:

Complaints filed against an ODOT subrecipient are preliminarily examined by the subrecipient to uncover any need to determine jurisdiction and merit. Furthermore, the preliminary investigation will uncover the need for any additional

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

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

Investigation:

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

This process will incorporate a variety of fact-finding techniques including: reviewing documentary evidence, conducting interviews with the complainant and other witnesses or staff, as well as site visits where the alleged discrimination occurred. To gather a complete understanding of the incident, the Title VI Management Team will conduct interviews with the Complainant, Respondent, and any other witnesses who may provide clarity relating to the information outlined in the complaint form.

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

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

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

*The ODOT OCR complaint form can be filled out by a representative of the complainant. The complainant can ask one of the OCR staff to assist with the form.

The form may be filled out electronically, faxed, emailed or printed out and mailed via the U.S. Postal Service. The complaint form can be found at the following link: <http://www.odot.state.or.us/forms/odot/highway734/5008.pdf>

Process to Resolve Deficiencies Identified by FHWA

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

Part 3—Internal and External Program Reviews

Reviews

The Title VI staff will conduct both internal and external Title VI Program Reviews. The purpose of the program reviews is to objectively evaluate administrative procedures and examine the staffing and resources that are available to meet Title VI compliance. The Title VI Manager will develop a schedule for conducting external 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 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 sub- recipients so that each MPO is reviewed no fewer than every three years. LPA's with previously identified corrective action will be the priority candidates selected for review. Both the internal and external compliance reviews will include a combination of a desk review to examine documents that outline processes, website accessibility, procedures, staff interviews, and on-site visits.

Critical elements of the external reviews will include: signed FHWA Assurances for Title VI and other Nondiscrimination Statutes and Regulations documents which are updated at least every three years; the Title VI Nondiscrimination Assurance paragraph in all solicitations for bid requests, proposals, prime and sub contracts, and including the FHWA-funded Project Agreement paragraph; requiring an appointed Title VI Nondiscrimination Coordinator; an approved Title VI Nondiscrimination Plan that is updated every third anniversary year of the original approved Plan; Annual reporting to ODOT OCR through the Annual Accomplishments Report mechanism. A complaint process that ensures prompt processing, investigation, and resolution of the 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 incorporate Environmental Justice (EJ) and data collection in their daily work. Specifically, the OCR staff review concerns, complaints and the tracking practices that the agency uses for ensuring that the public is heard. The LPAs are instructed to work with the public in a

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

The Local Certification Program works in concert with the OCR to ensure the compliance of LPAs. One way that this takes place is through tracking certified LPAs. The OCR tracks which of its subrecipients are in compliance with the federal requirements in accordance with Title 23, CFR Part 200.0 (b) (11) and shares that information with the Local Certification Program. 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.

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

The following programs are considered "Special Emphasis Programs" by ODOT and in accordance with 23 CFR 200.9 (b) (c). These program areas are included in the Annual Accomplishments Report. The areas where data is required to be collected on a consistent basis are listed below each program title.

Planning:

- Statistical data on race, color, national origin, age, disability or sex of participants in attendance at public participation opportunities

- Data relating to LEP populations
- Demographics of membership of advisory councils and policy boards
- Number of public involvement opportunities (hearings, open houses, public meetings)
- Alternative languages used in translation of vital documents or communicating with LEP populations
- Requests for accommodation at public meetings

Environmental:

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

Right of way:

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

Construction:

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

Research:

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

Maintenance:

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

Safety:

- Ensures its 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

Special Emphasis Program Reviews Procedure

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

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

The internal program area reviews will consist of reviewing the nondiscrimination-related data collected within each program area, evaluation of the nondiscrimination processes within a selected focus area of a program area. In certain instances, the Title VI Manager's role will be a lead role, such as in

monitoring of program areas for Title VI compliance. In other instances, the Title VI Manager's role will be participatory with the SMEs, particularly in the preconstruction phases. In either case, it is essential that the Title VI Manager consult with the appropriate program area officials to ensure that the end product is accurate from a programmatic standpoint.

To demonstrate its oversight and monitoring responsibilities, the Title VI Manager will review and include the results of those reviews in the Title VI Annual Accomplishments Report (AAR). The following program areas are considered a priority: Planning, Environmental, Right of Way, Construction, and Research, Project Selection, Design, Training, Maintenance and Safety. All programs and departments at ODOT are subject to Title VI reviews by the OCR. Internal reviews have consisted mainly of questionnaire summary evaluations combined with assistance from the Title VI Program Manager and SMEs in interpretation of data and project documents. Beginning in late 2018 more intense internal reviews are planned. Three internal reviews are set to be scheduled throughout the 2017-2018 reporting year. The outcomes will identify data collection, LEP inclusion, public outreach, EJ considerations, response to the needs of the disabled public, citizen concern documentation, organization and staffing and evidence of self-monitoring. The results will be published in the 2017-2018 AAR.

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 AAR to FHWA.

See appendix for list of subrecipients.

Data Collection

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

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

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

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

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

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

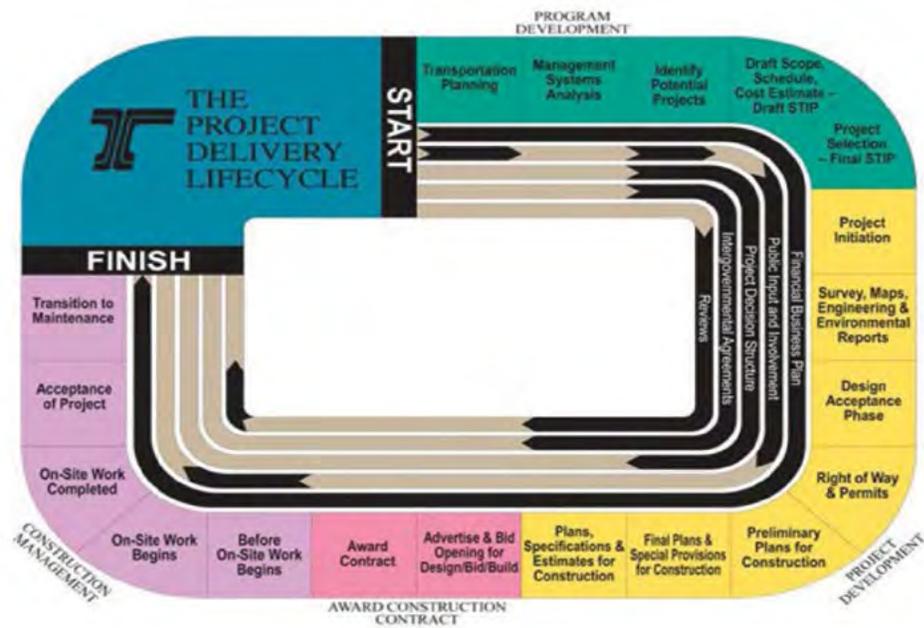
languages are spoken. The tool can be found by following this link to the Trans GIS site: <http://gis.odot.state.or.us/transgis/>

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

Part 5—Public Participation Plan

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

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



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

- Identify Title VI and EJ minority outreach audiences who are affected by the project and require essential involvement
- 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 46*).

- Maintain a record 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.

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

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

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

<http://www.oregon.gov/ODOT/HWY/TECHSERV/BPDS%20docs/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, Non Discrimination Programs) and is available for guidance, clarification and distribution.

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

Statewide Transportation Improvement Program (STIP) 2015-2018

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

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

Oregon Transportation Plan Goals, Policies and Strategies

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

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

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

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

- City and county transportation system plans (TSP);

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

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

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

- Area Commissions on Transportation (ACT);
- Cities and counties;
- Federal agencies;
- Freight Advisory Committee (FAC);
- Indian Tribal governments;
- Metropolitan Planning Organizations (MPO);
- ODOT program advisory groups; and
- Transit districts, port districts

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

Part 6—Training

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

External Training:

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

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

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

Internal Training:

OCR continues to strive towards the process of creating training for ODOT employees on the core non-discrimination elements of the Title VI Program which include, LEP, ADA Title II and Section 504, Title VI and EJ 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 takes advantage of internal management and various project meetings to provide training as broadly throughout ODOT as possible. The OCR is active in ensuring that ODOT has a presence on committees, reporting to boards and representing the Governors Environmental Justice (EJ) Task Force and educating internal and external staff and the public in some circumstances, on the importance of Title VI and other nondiscrimination programs that the OCR represents. The OCR Manager reports to the Oregon Transportation Commission (OTC) on a routine basis. *(See pages 7-9)*

The summary 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 continues 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—Environmental Justice Plan

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

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

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

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

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

Consistent with this responsibility, ODOT will gather demographic information using Census data. The agency has expanded its GIS mapping tool to include EJ populations. (See data collection) Additionally, ODOT further captures EJ information through environmental scoping and NEPA documentation for FHWA-funded projects.

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

- Whether EJ populations were identified and given a meaningful opportunity to participate in the planning processes
- Whether and how EJ populations were identified and included in the environmental scoping and NEPA documentation for FHWA-funded projects. How Research and Design solicits public input and how public comments are addressed.
- How the Office of Right-of-Way ensures that nondiscrimination principles are included in property appraisals, acquisition, and relocation practice

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

The State of Oregon Environmental Justice Task Force Best Practices Manual can be found (under More Programs, Non Discrimination Programs, and related Links) here:

http://www.oregon.gov/ODOT/CS/CIVILRIGHTS/docs/Title_VI/Oregon%20EJTF%20Handbook.v4.pdf

Part 8—Language Access Plan

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

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

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

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

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

In determining LEP compliance, the Title VI Program will assess whether the division’s procedures allow LEP persons to overcome language barriers and participate in the division’s programs, activities and services in a meaningful way. Look for an updated Public Outreach and LEP webpage for ODOT staff beginning in 2018 with expected completion within the 2017-2018 reporting year.

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

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

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

ODOT's LEP Plan is posted on the OCR Website and a link is provided (under More Programs, Non Discrimination Programs, and related Links) below.

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

The LEP Plan for ODOT is in need of some updates and revisions. The updates were not completed due to the ADA Title II Plan and the new concerns, questions, complaints, requests (CQCR) process being put into implementation this reporting year. The completion of updates on the LEP Plan is scheduled for completion in 2018.

Part 9—Appendices

Appendix E

Related Authorities

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

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

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

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

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

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

ODOT Subrecipients

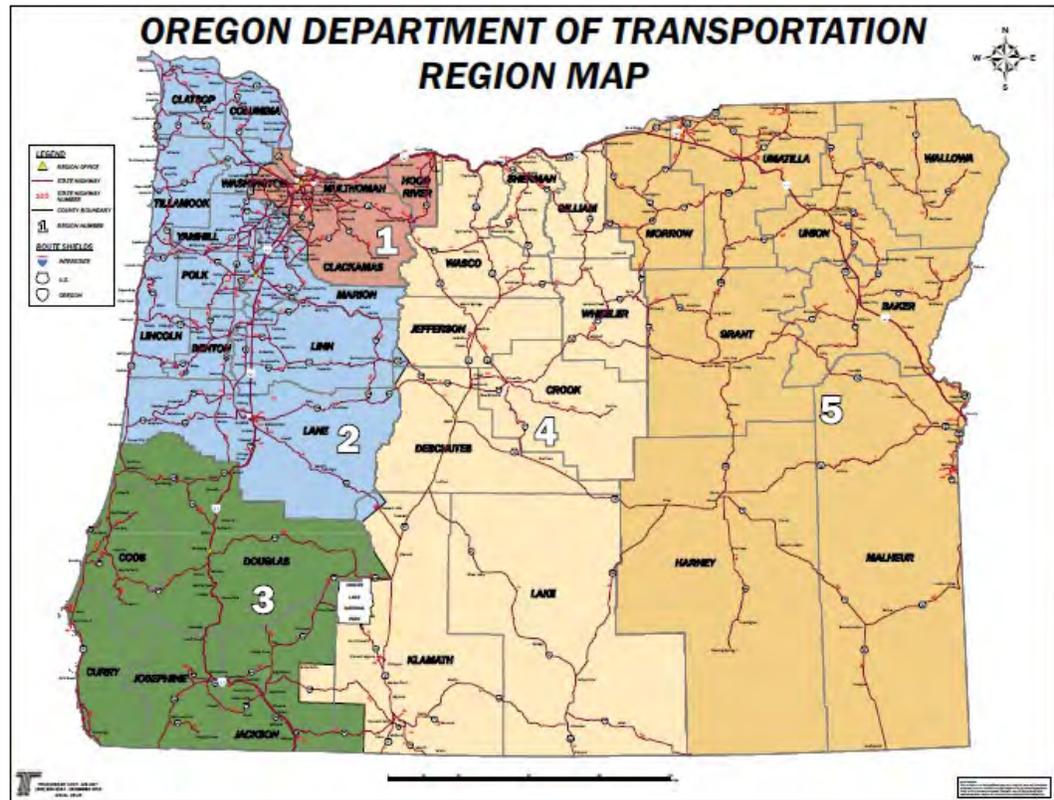
Oregon Department of Transportation
FHWA - CFDA 20.205 - Federal Distribution to Subrecipients
Fiscal Year 2017

CFDA	SUBRECIPIENT	FEDERAL SHARE
	BEND METROPOLITAN PLANNING ORGANIZATION	\$ 273,381.40
	BENTON COUNTY	28,593.70
	BICYCLE TRANSPORTATION ALLIANCE	10,890.69
	CITY OF BEAVERTON	401,332.72
	CITY OF CORVALLIS	61,519.93
	CITY OF EUGENE	1,825,323.24
	CITY OF FOREST GROVE	384.11

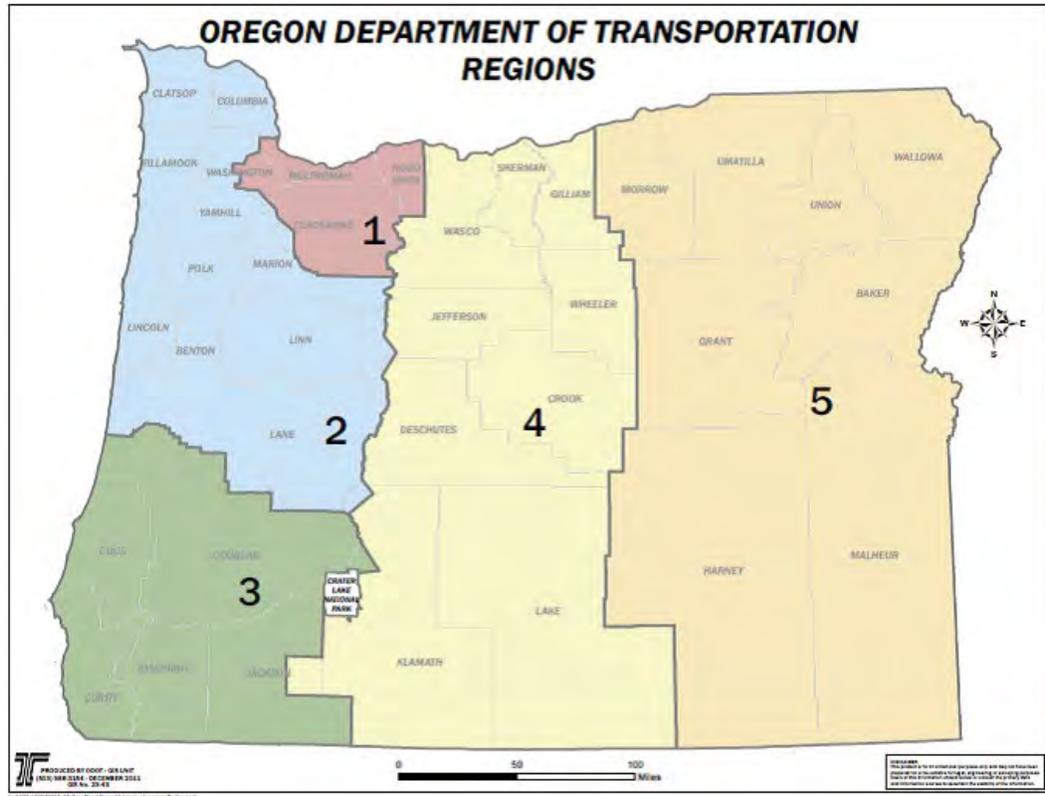
CFDA	SUBRECIPIENT	FEDERAL SHARE
	CITY OF GRESHAM	336,625.97
	CITY OF HAPPY VALLEY	36,623.00
	CITY OF HERMISTON	13,559.96
	CITY OF HILLSBORO	49,114.72
	CITY OF LAKE OSWEGO	108,961.40
	CITY OF LINCOLN CITY	1,505.74
	CITY OF MEDFORD	309,294.02
	CITY OF NEWBERG	29,470.12
	CITY OF PORTLAND	3,257,064.11
	CITY OF SALEM	1,055,336.32
	CITY OF SHERIDAN	146,202.11
	CITY OF TILLAMOOK	13,768.42
	CITY OF WILSONVILLE	96,000.00
	CLACKAMAS COUNTY	3,847,421.85
	CLATSOP COUNTY	2,477.36
	COLUMBIA COUNTY	246,368.90
	COMMUTE OPTIONS FOR CENTRAL OREGON	355,726.19
	COOS COUNTY	108,601.59
	COOS COUNTY AREA TRANSIT	56.08
	CORVALLIS SCHOOL DISTRICT 509J	22,415.95
	COWLITZ-WAHKIAKUM COUNCIL	2,249.75
	CURRY COUNTY	66,524.47
	GRANT COUNTY	341,204.61
	JACKSON COUNTY	7,651.15
	JEFFERSON COUNTY	3,235.57
	KING COUNTY	168,262.90
	LANE COUNCIL OF GOVERNMENTS	1,486,897.74
	LANE COUNTY	1,348,100.80
	LANE TRANSIT DISTRICT	79,223.05
	LINN COUNTY	804,282.13
	MARION COUNTY	1,616,776.98
	METRO	4,640,512.77
	MID-COLUMBIA ECONOMIC DEVELOPMENT	8,626.00
	MID-WILLAMETTE VALLEY COUNCIL	987,351.13
	MTR WESTERN	60,349.74

CFDA	SUBRECIPIENT	FEDERAL SHARE
	MULTNOMAH COUNTY	2,159,387.92
	OREGON CASCADES WEST COUNCIL	376,489.59
	OREGON STATE UNIVERSITY	350,127.25
	ROGUE VALLEY COUNCIL OF GOVERNMENTS	466,869.82
	ROGUE VALLEY TRANSPORTATION DISTRICT	232,280.03
	SALEM AREA MASS TRANSIT DISTRICT	321,300.00
	SOUTHERN OREGON UNIVERSITY	42,270.08
	SUNSET EMPIRE TRANSPORTATION DISTRICT	73,078.00
	THE STREET TRUST COMMUNITY FUND	30,774.57
	TILLAMOOK COUNTY	464,237.37
	UNION COUNTY	25,979.00
	UNIVERSITY OF OREGON	15,355.93
	UNIVERSITY OF PORTLAND	161,919.43
	WALLA WALLA VALLEY METROPOLITAN	23,999.75
	WASHINGTON COUNTY	431,117.72
	WESTSIDE TRANSPORTATION ALLIANCE	1,109.06
	YAMHILL COUNTY	11,664.90
	Total	<u>\$ 29,447,228.81</u>

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, language, household composition, owner or renter, poverty level and disability by county, region or city among other things.

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

Assurances



Oregon

Kate Brown, Governor

Department of Transportation

Office of the Director

355 Capitol St NE

Salem, OR 97301

TITLE VI AND RELATED STATUTES NONDISCRIMINATION STATEMENT

September 9, 2016

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

Matthew L. Garrett
Director

Policy Statement



Oregon

Kate Brown, Governor

Department of Transportation

Office of the Director

355 Capitol St NE

Salem, OR 97301

Date: September 9, 2016

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

From: Matthew L. Garrett, Director

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

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

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

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

DOT Standard Title VI Assurances and Non Discrimination Provisions

The United States Department of Transportation (USDOT) Standard Title VI/ Non-Discrimination 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 Non-discrimination 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 Non-discrimination 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 non discrimination 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 12-9-2016



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

TTY: 711

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

FAX: (503) 986-6382

Non Discrimination Policy



Sus Derechos Bajo El Título VI La Ley De Derechos Civiles



Braille



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

TTY: 711

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

FAX: (503) 986-6382

Política Contra la Discriminación





Braile



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
TTY: 711
FAX: (503) 986-6382





CC



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
ODOT.TITLEVI@odot.state.or.us
PHONE: (855) 540-6655
TTY: 711
FAX: (503) 986-6382



PUBLIC INVOLVEMENT PLAN

A Template for ODOT Projects

Project name: _____

Project location: _____

Date of current version: _____

Key contact: _____

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

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

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

1. IDENTIFY STAKEHOLDERS AND THEIR KEY ISSUES/CONCERNS

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

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

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

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

2. ESTABLISH OBJECTIVES

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

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

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

3. DETERMINE LEVEL OF PUBLIC INVOLVEMENT

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

4. SELECT THE PUBLIC INVOLVEMENT ACTIVITIES

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

5. IMPLEMENT

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

6. EVALUATE AND INCORPORATE

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

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

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



Evaluation tools

Pre-Project Baseline Survey

- Postcard survey
- Telephone survey
- Other

PE Public Meeting Survey

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

Mid-Construction Survey

- Postcard survey
- Telephone survey
- Other

End-of-Project Survey

- Postcard survey
- Telephone survey
- Other

Checklist of Possible Stakeholders and Potentially Affected Parties

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

ODOT Internal Partners on PDT

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

ODOT Jurisdictional Partners

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

- Other State agencies

Shipping/Freight Industry; Commodity Haulers

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

Special Interest Groups

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

- 1000 Friends of Oregon
- Sierra Club

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

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

- Environmental Centers

- Area attractions/entertainment venues/fairgrounds/festival organizers

Environmental Justice

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

Property Owners

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

Community Residents

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

Elected Officials/City, County and Regional Governments/Commissions

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

Local industrial and commercial Businesses

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

Highway Users

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

Civic Organizations

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

Public Involvement Tools

Ways to Involve the Public

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

Ways for the Public to Get Information to You

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

Ways for You to Get Information to the Public

Printed Communications

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

Electronic Information Distribution

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

Media Contact

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

Paid Advertising

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

Events

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

Legislators/Local Governments/Federal delegation

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

Other

- Project-specific "stuff"

SAMPLE ACTIVITY OUTLINE

Project name: _____

Project leader: _____

Scheduled Let Date: _____

Construction rep: _____

Project Development

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

Construction

Contract Awarded: _____ To: _____

Start Construction: _____

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

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