

ODOT PUBLIC TRANSPORTATION DIVISION

TITLE VI PROGRAM

2020-2022



The Oregon Department of Transportation complies with Title VI and the other federal nondiscrimination authorities which prohibit discrimination based on race, color, national origin, age, disability, sex, income level, or Limited English Proficiency in ODOT's programs, activities, services, operations, delivery of benefits, or opportunities to participate.

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This document was prepared by the Oregon Department of Transportation, Office of Civil Rights in accordance with the FTA Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients, dated October 1, 2012, and all subsequent FTA guidance.

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1. INTRODUCTION

The ODOT Intermodal Title VI Program is in place to ensure compliance with federal directives and provide guidance and related information outlining agency processes and procedures. This Title VI Program Plan describes the roles, responsibilities and procedures for compliance with Title VI of the Civil Rights Act of 1964 and related regulations. This plan document also includes information about the organization, program monitoring, compliance review of subrecipients of federal funds, the investigation and disposition of discrimination complaints, and other nondiscrimination activities and assurances.

Oregon Department of Transportation

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. 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.

ODOT's commitment to nondiscrimination and implementation of Title VI of the Civil Rights Act of 1964 spans across the organization and is an example of the agency's "ONE ODOT" approach to living our Values and implementing our Mission.

MISSION: We provide a safe and reliable multimodal transportation system that connects people and helps Oregon's communities and economy thrive.

OUR VALUES: These principles inform decision making and guide our behavior in working with each other, our partners and the communities we serve:

Integrity: We are accountable and transparent with public funds and hold ourselves to the highest ethical standards.

Safety: We share ownership and responsibility for ensuring safety in all that we do.

Equity: We embrace diversity and foster a culture of inclusion.

Excellence: We use our skills and expertise to continuously strive to be more efficient, effective and innovative.

Unity: We work together as One ODOT to provide better solutions and ensure alignment in our work.

The Oregon Department of Transportation is dedicated to a well-qualified, diverse workforce representative of the public it serves. Diversity is an ODOT strategic business value taking advantage of diverse, creative thinking, collaboration, and problem solving toward common State and Federal transportation goals.

The Office of Civil Rights is committed to providing fair and equitable access to ODOT economic opportunities, programs and services. The Office of Civil Rights represents all modes of transportation including public transit and passenger rail. In 2014, ODOT added Intermodal Civil Rights to the Office of Civil Rights. The program includes modes of public transportation, active transportation, and passenger rail programs that increase opportunities for workforce and small business stakeholders as well as ensure nondiscrimination compliance in the projects and services it supports.

At the end of 2019, ODOT announced a reorganization of its leadership structure, including the creation of a new position, Assistant Director for Social Equity. This position reports to ODOT's director and oversees the Office of Social Equity, which includes the Office of Civil Rights. The Office of Social Equity has proposed the following equity statement and four goals to guide agency policy, decisions, and actions.

Equity

Prioritize diversity, equity, and inclusion by identifying and addressing systemic barriers to ensure all Oregonians benefit from transportation services and investments.

- **Culture, Workforce, Operation, and Policy:** Build a diverse workforce, supported by equitable operations and policies, and establish an informed culture that delivers authentic inclusivity.
- **Economic Opportunity:** Promote economic opportunity for Oregonians through transportation investments, including working with businesses owned by Black, Indigenous, People of Color (BIPOC), women, and others who have been historically and/or are currently marginalized.
- **Engagement:** Utilize the viewpoints of those who reside in the communities ODOT serves and who are likely to be affected by the decisions ODOT makes.
- **Climate Equity:** Invest in the protection of marginalized communities from environmental hazards

The State of Oregon on Equity

Equity acknowledges that not all communities are starting from the same place due to historic and current systems of oppression.

Equity centers communities most impacted by systemic oppression and requires the redistribution of resources, power, and opportunity to those communities.

Equity is the effort to provide different levels of support based on an individual's or group's needs in order to achieve fairness in outcomes.

The Office of Social Equity is responsible for creating policy and leading efforts focused on:

- Helping hiring managers and HR recruit, retain and train employees to understand, represent and look like the communities we serve.
- Expanding our efforts to provide contracting opportunities for disadvantaged business owners.
- Increasing our awareness to better align our transportation decisions with community desires, especially in historically marginalized communities.

ODOT is committed to ensuring access and meaningful participation by integrating diversity, social equity and inclusion into all of the agency's activities.

ODOT Public Transportation Division

The Public Transportation Division (PTD) supports the state's goals by developing and supporting initiative that expand transportation choices and empower citizens to live independently and participate in the economy. PTD provides grants, policy leadership, training, and technical assistance to communities and local transportation providers. By increasing coordination between transit providers, investing in new technology, and facilitating fare-affordability, PTD contributes to a smarter, more equitable transportation system.

Strategic investment in public transportation is one method for advancing equity. PTD incorporates equity considerations into the fund programs it manages. For example, when making funding decisions for state and federal fund programs alike, PTD evaluates the extent to which proposed projects might benefit low-income individuals and other historically-marginalized communities as well

as contributing to policy goals outline in the [Oregon Public Transportation Plan](#), adopted in 2019.

2. NONDISCRIMINATION STATEMENT

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: “[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination’s r activity receiving Federal assistance.” 42 U.S.C. § 2000d.

Subsequently, federal authorities extended these protections to include sex, age, disability, income level, and Limited English Proficiency. Entities, whether public or private, that receive federal assistance from any federal agency, must take concrete steps to ensure nondiscrimination in their programs and activities.

ODOT’s Title VI Nondiscrimination statement reads:

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

This statement is used in documents and on our website. In addition, ODOT developed a nondiscrimination poster that is posted in facilities open to the public, listed on ODOT websites, and translated into Spanish, Chinese, Russian, and Vietnamese. A copy ODOT’s Nondiscrimination Posters are included in Appendix A-1.

3. PURPOSE AND OVERVIEW

The purpose of the Intermodal Title VI Program is to enable the ODOT Public Transportation Division and its subrecipients to comply with the guidance and instructions included in the Federal Transit Administration Circular 4702.1B that are necessary to carry out the requirements contained in the Title VI regulations issued by the Department of Justice (DOJ) (28 CFR Part 42, Subpart F) and the U.S. Department of Transportation (DOT) (49 CFR Part 21), and to administer programs, policies, and activities in a manner that is consistent with the DOT Order on Environmental Justice (Order 5610.2) and the DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons (70 FR 74087, December 14, 2005).

The Title VI Program identifies key components of a nondiscriminatory approach to programs and services funded by FTA. Here information can be found on filing complaints, ensuring equity in fare and schedule changes, links to other Federal agencies and groups related to this issue, and links to the various regulations affecting the Title VI requirements.

Note that 49 CFR 21.9(b) requires that recipients record and retain certain information and submit

information to FTA as necessary or required. ODOT fulfills this requirement by submitting a Title VI Program to FTA once every three years.

The ODOT Office of Civil Rights works with the Public Transportation Division to provide training and technical assistance, reviews, and concurrence subrecipient Title VI Programs. Working with the subrecipients to resolve issues and inconsistencies is an ongoing process and is not limited to Title VI compliance. Subrecipients of FTA funding through ODOT submit Title VI Programs to ODOT for review on a three year staggered schedule. ODOT reviews and provides feedback on the Title VI Programs and provides concurrence when the plans are approved. The ODOT Office of Civil Rights has direct unfettered access to the ODOT Director. An organization chart is included in Appendix A-2

The objectives of this Oregon DOT Intermodal Title VI Program are:

- Ensure the level and quality of transportation services are provided equitably and without regard to race, color, or national origin.
- Ensure full and fair participation of all affected populations in transportation decision making;
- Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations; and ensure that persons with Limited English Proficiency (LEP) have meaningful access to programs and activities that are administered by recipient and subrecipients; and
- Ensure that recipients and subrecipients are providing services in a non-discriminatory fashion and are informing the public of their rights.

4. ROLE OF FTA AND ODOT

Federal Transit Administration's Role

The FTA Office of Civil Rights conducts periodic discretionary compliance reviews of recipients and subrecipients of FTA funding, including transit providers, State Departments of Transportation, and Metropolitan Planning Organizations to determine their compliance with FTA Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients."

Compliance reviews also provide technical assistance and make recommendations regarding corrective actions, as deemed necessary and appropriate. Compliance reviews assess the recipient or subrecipient's efforts to meet the requirements under the "General Reporting" and "Program-Specific Reporting" sections of the Title VI Circular and any additional information that is necessary to make a determination that the grantee is in compliance with Title VI.

These reviews are conducted separately from the triennial, state management, or planning certification reviews. These reviews are conducted either as a desk audit or during an on-site visit. They may cover all or a portion of the recipient's or subrecipient's compliance with the Title VI requirements. Such reviews are conducted at the discretion of FTA, and their scope is defined on a case-by-case basis. The selection of recipients or subrecipients for compliance reviews is primarily based on the following factors:

- Lawsuits, complaints, or investigations conducted by organizations other than FTA alleging

that the recipient or subrecipient is deficient or non-compliant with Title VI;

- Problems brought to the attention of FTA by other federal, state, or local civil rights agencies;
- Incomplete Title VI program submissions that were previously submitted to FTA by a recipient;
- Title VI findings or recommendations on prior triennial, state management, or planning certification reviews that have not been sufficiently resolved or implemented, or repeat findings in any FTA review concerning Title VI; and
- The length of time since the last compliance review.

After reviewing the recipient or subrecipient's efforts to meet the general requirements and guidelines reporting sections of the circular, FTA will issue findings in a draft report of no deficiencies, findings of deficiencies, or advisory comments. The recipient or subrecipient will have the opportunity to review and respond to the draft report. After FTA has received and reviewed the agency's response, it will publish a final report that will be provided to the recipient or subrecipient and will also be subject to requests from the public under the Freedom of Information Act (FOIA).

If findings of deficiencies remain in the final report, the recipient or sub -recipient will be required to take corrective action and report on its progress to FTA on a basis deemed appropriate. Once FTA determines that the recipient or subrecipient has satisfactorily responded to the review's findings, it will inform the agency that the review process has ended and release it from further progress reporting in response to the review. Compliance reviews may be followed up with additional reviews as necessary.

In a situation where the recipient or subrecipient fails to take appropriate corrective action in response to the findings of deficiency in the report, FTA may initiate enforcement proceedings that could result in the suspension, termination, refusal to grant or continued federal financial assistance to a recipient or subrecipient or a referral to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce Title VI of the Civil Rights Act of 1964.

Oregon Department of Transportation's Role

ODOT is required to ensure that subrecipients are in compliance with Title VI requirements and demonstrate that subrecipients were selected for funding in a nondiscriminatory manner. The ODOT Office of Civil Rights ensures compliance with a variety of civil rights laws and executive orders that prohibit discrimination in programs and activities receiving direct or indirect federal financial assistance from the FTA or any other federal sources.

ODOT maintains and provides data and other relevant information as required, including all pertinent data obtained from subrecipients relating to Title VI or related statutes. Onsite compliance reviews are conducted of subrecipients on an intermittent basis by the Public Transportation Division. These reviews include compliance with Title VI with review of the following areas:

- Inspection of all materials pertaining to implementation of Title VI and verification that all services are being implemented consistent with the updated Title VI program;
- Review any and all Title VI complaints and their outcomes. Make comments and advise subrecipient of any needed follow-up action;
- Inquire about any problems involving service delivery to the minority, low- income, and LEP communities and their possible solution; and
- Review other information necessary for compliance with the Title VI program requirements consistent with FTA Circular 4702.1B, dated October 1, 2012.
- Upon conclusion of review, ODOT will issue a compliance report. This report will contain the subrecipient's state of compliance, including recommendations and corrective actions regarding the Title VI program. Failure to submit requested information might delay consideration of any pending grant or grant application. In addition to the periodic compliance reviews, ODOT will:
 - Provide direction and technical assistance to ODOT subrecipients, cities, counties, metropolitan planning organizations (MPO), and contractors to ensure compliance with Title VI;
 - Ensure that Title VI requirements are included in program area directives to prevent perceived or real discrimination;
 - Attend ODOT public hearings and monitor for adequate participation of communities affected by ODOT activities;
 - Investigate and resolve filed Title VI complaints;
 - Develop and update ODOT's Intermodal Title VI Program to reflect organizational policy or implementation changes;
 - Develop and periodically deliver trainings on civil rights topics, including Title VI, Environmental Justice, DBE, and ADA.

5. TITLE VI PROGRAM ELEMENTS

All applicants for federal financial assistance shall follow procedures to comply with Title VI regulations. ODOT complies with these requirements and describes the key elements in this Title VI Program, which was prepared in accordance with FTA Circular, 4702.1B and other FTA Guidance. This Title VI plan describes the roles, responsibilities, and procedures for assuring compliance with the Title VI of the Civil Rights Act of 1964 and related regulations and directives.

Title VI Assurances

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in

compliance with DOT's Title VI regulations. ODOT Public Transportation Division is designated as the administrative agent for the FTA programs, including, but not limited to:

- Statewide Planning (§5304)
- Increased Mobility for Seniors and Individuals with Disabilities (§5310),
- Small Cities and Rural Areas (§5311),
- Intercity Bus (§5311(f)), and
- Bus and Bus Facilities (§5339)

The Public Transportation Division also awards and provides technical support and guidance for transit-related state funds.

This requirement is fulfilled when ODOT's Public Transportation Division submits its annual certifications and assurances to the FTA as part of its annual Certification and Assurance through the Transit Award Management System (TrAMS). In addition, ODOT annually adopts an assurance statement in compliance with USDOT ORDER 1050.2A. A copy of the 2020 assurance statement is signed by the ODOT Director appears in Appendix A-3.

Prepare and Submit a Title VI Program

Title 49 CFR section 21.9(b) requires recipients to “keep such records and submit to the Secretary timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Secretary may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this [rule].”

The Federal Transportation Administration (FTA) requires that all direct and primary recipients document their compliance with DOT's Title VI regulations by submitting a Title VI Program to their FTA regional civil rights officer once every three years or as otherwise directed by FTA.

ODOT complied and will continue to comply with all requirements of Title 49 CFR, §21.9 (b). ODOT will provide FTA with updates or additional information as necessary. All subrecipients approved to receive FTA-funded grants through ODOT, are required to submit a Title VI Program and subsequent updates to the Office of Civil Rights.

Notify Beneficiaries of Protection under Title VI

Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to by Title VI. At a minimum, recipients shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's offices.

The approach ODOT takes to provide notice to beneficiaries consists of the following primary methods:

- Posting of ODOT's policy statement to the public website,

- Disseminating notices through ODOT's subrecipients for posting and further distribution to community groups and individuals who are known as the subrecipients or included on a subrecipient mailing list,
- Through structured outreach initiatives that ODOT, through the Office of Civil Rights, Public Transportation Division, or other relevant departments conduct to provide notice of projects, grant opportunities and other information, and
- Ensuring that subrecipients of funds administered by ODOT also notify the public that is served by each transit provider.

ODOT and subrecipients of federal transportation funds will disseminate and provide information to the public regarding their Title VI obligations and apprise the public of the protections against discrimination afforded to them by Title VI. This information dissemination will be accomplished through measures that can include but shall not be limited to posting the information on the agency's website and in public areas of the agency's offices. The Title VI information will further be posted in all facilities of the subrecipients' establishments; office space, and facilities including vehicles.

Title VI Complaint Procedures and Complaint Form

In order to comply with the reporting requirements established in 49 CFR Section 21.9(b), all recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public. Recipients must also develop a Title VI complaint form, and the form and procedure for filing a complaint shall be available on the recipient's website.

FTA requires direct and primary recipients to report information regarding their complaint procedures in their Title VI Programs in order for FTA to determine compliance with DOT's Title VI regulations. ODOT is a primary recipient of FTA funding and in order to reduce administrative burden ODOT's subrecipients may adopt ODOT's Title VI complaint investigation, tracking procedures and complaint form or create their own.

The following is a summary of ODOT policy and procedures in intake, response and monitoring of Title VI complaints. This process and complaint form are posted on ODOT's website and available in paper copy. Examples of the Discrimination Complaint Form and Complaint Process Overview are attached in Appendix A-4. The complaint form is available in Spanish and will be translated into other languages upon request.

ODOT Discrimination Complaint Process Overview

The Oregon Department of Transportation's (ODOT) discrimination complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding ODOT programs, facilities and services as required by Title VI and related statutes.

The purpose of this discrimination complaint process overview is to describe the right of individuals to file a formal complaint, the authority of the ODOT Office of Civil Rights to investigate allegations of discrimination, and the processes for complaint investigations and referrals.

Any person who feels that he or she has been subjected to discrimination on the basis of race, color, national origin, gender, age, disability, or because they are low income, has the right to file a complaint with the Department's Office of Civil Rights. The Office of Civil Rights must review all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, Civil Rights Restoration Act of 1987, the Americans with Disabilities Act of 1990, Executive Order 12898 on Environmental Justice, Executive Order 13166 on Limited English Proficiency, and applicable Department policies.

Discrimination complaints must be filed within 180 days of the alleged discriminatory event or practice. Complaints can be submitted by using the online form, mail, email, or over the phone if assistance is needed:

ODOT Office of Civil Rights
3930 Fairview Industrial DR SE, MS 23
Salem, Oregon 97302

Toll-free Phone Line: 855-540-6655
Email: ODOT.TitleVI@odot.state.or.us

The Office of Civil Rights staff will also respond to inquiries regarding ODOT's nondiscrimination policies and programs, and will assist any person seeking information about when to file a formal complaint, alternative resolution programs, and requests for language access for individuals with limited English proficiency and accommodations for persons with disabilities.

Complainants should know:

- All formal complaints must include the complainant's name, address and phone number and a detailed description of the specific issues and circumstances of the incident of the alleged discrimination. If you have difficulty accessing the form, an Office of Civil Rights employee can assist you via phone or email.
- ODOT will confirm to the complainant that the complaint has been received within 10 working days from receipt and will communicate with the complainant during the process, including providing updates on the timeline of fact finding and decisions. Every effort will be made to obtain rapid resolution of complaints at the lowest possible level.
- If the complaint is filed but it is determined that ODOT does not have jurisdiction over the issue, we will record the information and refer the complaint to the entity of jurisdiction. ODOT will serve as a connector between the complainant and the appropriate entity.
- Once a complaint is accepted, the Office of Civil Rights will investigate the merits of the complaint. This investigation should conclude within 60 days. ODOT maintains a complaint log and each record contains the responses given and the steps taken to resolve the issue.

- This complaint process does not deny or limit the right of a complainant to file a formal complaint with an outside enforcement agency (BOLI, EEOC, U.S. Dept. of Transportation, FHWA, FTA, or U. S. Dept. of Justice) or to seek private counsel for complaints alleging discrimination.
- All complainants have the right to appeal the investigation and findings. The Office of Civil Rights will reconsider completed investigations if appealed within 10 working days of the initial decision communicated in writing to the complainant and only when new facts are revealed. Complainants may appeal to a higher authority such as the Oregon Department of Justice, Federal Highway Administration, or the Federal Transit Administration.
- Retaliation by ODOT staff, any other government organization or sub-recipient involved in a complaint is strictly prohibited. Any allegations of retaliation will be promptly and fully investigated.

Record and Report Transit Related Title VI Investigations, Complaints, or Lawsuits

Over the course of the reporting period since ODOT’s previous submission of a Title VI Program to the FTA, ODOT has received no Title VI investigations, complaints, or lawsuits filed with ODOT or that names the ODOT for alleged discrimination.

ODOT maintains a log of all complaints received whether by phone, email or letter. The log includes the date of any investigation, lawsuit, or complaint that was filed, a summary of the allegation(s); the status of the investigation, lawsuit or complaint; actions taken by the subrecipient in response to the investigation, lawsuit, or complaint, and a summary of all civil rights compliance review activities conducted over the past three years.

Public Participation

The content and considerations of Title VI, Limited English Proficiency (LEP) Executive Order #13166 of August 11, 2000 and the USDOT LEP Guidance shall be integrated into each subrecipient’s established public participation plan or process. Subrecipients may determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate.

ODOT includes public involvement components in all phases of transportation decision-making. ODOT invites the public and stakeholder groups to participate in long-range planning, in making decisions about where to invest transportation dollars.

In an effort to more fully integrate into community outreach activities the opinions of minority, low-income and LEP populations, ODOT’s public participation program will include:

- Abide by all applicable state and federal laws and rules in implementing public involvement processes for the development and update of planning activities and the processes of selecting and awarding grants.
- Follow the requirements of the Oregon Public Meetings Law for all advisory committees and other public meetings, including requirements such as holding meetings at convenient

and accessible locations and times.

- Maintain and utilize as appropriate a broad based statewide list of stakeholders.
- During public involvement processes seek out and consider the needs of those populations traditionally underserved by existing transportation systems, such as low- income and minority populations, who may face challenges accessing employment and other services.
- Employ visualization techniques such as maps, photographs, display boards, scenario building programs and other devices to the maximum extent practicable.
- Provide reasonable public access to technical and policy information used in the development and update of statewide transportation plans.

Meaningful Access to LEP Individuals and Communities

Consistent with Title VI of the Civil Rights Act of 1964, DOT's implementing regulations, and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (65 FR 50121, Aug. 11, 2000), recipients shall take reasonable steps to ensure meaningful access to benefits, services, information, and other important portions of their programs and activities for individuals who are Limited-English proficient (LEP).

On December 14, 2005, the United States Department of Transportation (DOT) published revised guidance for its recipients on the Implementation of Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." According to U.S. DOT guidance, Limited English Proficient persons are defined as "individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English."

The ODOT serves a broad population of persons and communities. Providing practical access to information for all who use ODOT's programs and services is a priority for the agency. ODOT supports the goals of the DOT LEP Guidance and is committed to taking reasonable steps to provide meaningful access for LEP individuals who use ODOT's services, facilities, and programs, and who attend ODOT's meetings and events.

To ensure that ODOT complies with the requirements of Title VI, Executive Order 13166, and the DOT LEP implementing guidance, ODOT developed a language access plan that incorporates the necessary elements that the federal guidance identifies for providing language assistance to LEP persons. The LEP Plan is available on the web and in Appendix A-5.

Representation on Transit-Related Advisory Bodies

Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.

In 2000, the Oregon Transportation Commission established the Public Transportation Advisory

Committee (PTAC). The purpose of PTAC is to provide advice to the OTC and PTD to assist in developing transit policies and programs, and to serve as a forum for discussing and identifying public transportation issues and solutions.

Members provide input on public transportation issues of regional and statewide significance. The division administrator determines the agenda for the PTAC.

The committee is a representation of public transportation stakeholders, including: general public providers in urban areas over 200,000 population, urban areas between 50,000 and 200,000, and small communities under 50,000 population; private for profit and intercity bus providers; Indian tribal governments; representatives of the Association of Oregon Counties; League of Oregon Cities; Statewide Independent Living Council; Transportation Options Group of Oregon; Oregon Department of Human Services – Vocational Rehabilitation; Oregon Disabilities Commission; Governor’s Commission on Senior Services; and the Oregon Passenger Rail Advisory Council. The demographic makeup of the PTAC, based on a voluntary self-identity questionnaire indicated that all current members identify as White (not of Hispanic Oregon) or chose not to respond.

Assistance to Subrecipients

ODOT complies with and ensures that all reporting requirements and assistance to the subrecipients is consistent with FTA guidance and Oregon policy.

ODOT Office of Civil Rights works with the Public Transportation Division to provide technical assistance, review and support of subrecipients for civil rights compliance activities. Since resources are generally limited for subrecipient transit providers, ODOT provides resources to use in order to develop a Title VI plan, develop a LEP plan and identify the LEP and low-income populations within their jurisdiction.

The Civil Rights staff also works with the subrecipients to provide ongoing technical assistance and training on all aspects of Civil Rights compliance and monitoring in an effort to improve consistency throughout the state and to integrate the work of civil rights across all modes and funding sources.

Monitoring Subrecipients

In accordance with 49 CFR 21.9(b), and to ensure that subrecipients are complying with DOT Title VI regulations, primary recipients must monitor their subrecipients for compliance with the regulations. Importantly, if a subrecipient is not in compliance with Title VI requirements, then the primary recipient is also not in compliance.

The Office of Civil Rights, in collaboration with Public Transportation Division conducts compliance reviews of all subrecipients of FTA funding through ODOT. ODOT staff will have ongoing review and documentation of subrecipient Title VI plans and other reports to determine if agencies are in compliance with Title VI. ODOT also developed a Title VI Review process for internal use, which is review and maintained on an annual basis. ODOT’s review process and expectations are covered in

the [Intermodal Title VI Transit Provider Handbook](#).

Subrecipient Compliance Site Reviews

The purpose of the on-site review is to assess how the agency's management is complying with Federal and state laws, rules, requirements, and regulations. The overall goal of the program is to improve the agency's compliance with applicable regulations while strengthening managements' abilities in these areas.

The Public Transportation Division's [Compliance Monitoring Program Field Guide](#) is designed to assist the Division and public transportation providers assess how transit agencies in Oregon meet the varied compliance requirements imposed by the Federal Transit Administration and Oregon DOT. ODOT contracts with a private company to conduct compliance reviews of all subrecipients; reports are then issued to ODOT staff and the reviewed subrecipient indicating areas of concern and/or lack of compliance.

Location of Facilities

Title 49 CFR Section 21.9(b) (3) states, "In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part."

ODOT shall comply with all requirements of determining any site or location of facilities in accordance with the requirements of Title VI and the guidance of the FTA circular. For the purpose of this requirement, "facilities" does not include bus shelters, as these are transit amenities and are covered in Chapter IV of the Circular, nor does it include transit stations, power substations, etc., as those are evaluated during project development and the NEPA process.

ODOT has not constructed a facility with FTA funds, if ODOT constructs a facility in the future a Title VI equity analysis will occur.

ODOT requires all subrecipients to complete a Title VI equity analysis during the planning stage regarding projection location selection to ensure the location is selected without regard to race, color, or national origin. When necessary, needed, and required, ODOT and/or subrecipients will engage in outreach to persons potentially impacted by the placement of new facilities. The Title VI equity analysis will compare the equity impacts of various alternatives, and the analysis will occur before the selection of preferred sites.

If ODOT determines that any project location will possibly result in a disparate impact on the basis of race, color, or national origin, the project will only be located in that particular location of legitimate justification can be assessed for such location; and where there are no alternative location that would have a less disparate impact on the basis of race, color, and national origin. ODOT will also

demonstrate through conclusive analysis and consideration that the analysis of the alternative would have less of a disparate impact on the basis of race, color, or national origin, and will ensure implementation of the least discriminatory alternative.

Additional Information Available Upon Request

FTA may request, at its discretion, information other than that required by the Circular in order for FTA to investigate complaints of discrimination or to resolve concerns about possible noncompliance with DOT's Title VI regulations.

ODOT shall comply with any and all requests from the FTA for any additional information required to resolve concerns about possible noncompliance with the DOT's Title VI regulations.

6. ADDITIONAL ELEMENTS

The previous sections of this document address elements of a Title VI Program relevant to all recipients. In addition there are elements relevant to ODOT as a State Transportation Agency, how ODOT meets these elements is described below.

Demographic Data and Decision-making

ODOT complies with Title 49 CFR Section 21.9(b) to establish, maintain, and have available demographic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance. Throughout transportation plans and decision making for distributing funds ODOT relies on demographic data and geospatial tools.

ODOT developed and will continue to update demographic profiles of minority and low income populations in aggregate, these maps can be accessed by staff, subrecipients, and the public through the ODOT's TransData Portal: <https://www.oregon.gov/odot/Data/Pages/TransData-Portal.aspx> .

Further, ODOT relies on other software applications, such as Remix Transportation Planning Tools to consider Title VI impacts in public transportation planning. Use of software mapping tools allow ODOT to consider many demographic variables with other real-time data and fit these to geographic areas and data sets that inform decisions. ODOT can produce printed maps that represent these data upon request. ODOT offers a statewide license for REMIX, allowing transit providers and fund recipients to access the Title VI tools available in the application.

ODOT PTD also contracted to create and maintain the Transit Network Analysis Tool, or TNEt. This tool provides comprehensive data about the statewide transit network and allows users to build reports to analyze transit service in Oregon, including as to accessibility, demographics, and other data pertinent to Title VI.

If any of these data tools identify evidence of disparate impacts on the basis of race, color, or national origin. If further analysis or significant changes in population or policy occur, ODOT will re-analyze the data. If there are any possible, significant, perceived, or real disparate impacts ODOT will develop and employ alternatives that would have a less discriminatory impact.

Statewide Planning

The ODOT statewide transportation planning process includes, outreach, public involvement and participation, conducting outreach meetings and sessions to ensure that such sessions are accessible to those with disabilities, Limited English Proficiency and Minority Populations. The Oregon Transportation Commission approved ODOT's Public Involvement Policy. The policy establishes core implementation actions to assist in meeting state and federal public participation requirements for statewide planning processes. The updated policy includes the following:

“Maintain and utilize as appropriate a broad based statewide list of stakeholders including but not limited to: individuals and organizations that are interested in or affected by transportation decisions such as members of the public; freight shippers; private providers of transportation; representatives of users of public transportation; representatives of users of pedestrian walkways and bicycle transportation facilities; representatives of the people with disabilities; providers of freight transportation services; other interested parties; and organizations who are interested in or affected by transportation decisions including, but not limited to, representatives of: Indian tribal governments; populations traditionally underserved by existing transportation systems such as low-income minority populations; and others who may face challenges accessing employment and other services.”

The Oregon Public Transportation Plan, or OPTP, is the statewide mode plan for all forms of public transportation and is an element of the Oregon Transportation Plan. The OPTP guides and informs public transportation investment decisions by the state, transit service providers, and local government agencies.

The OPTP was updated in 2019 and establishes a statewide vision for the public transportation system, with goals, policies, and strategies to point the way towards achieving that vision. The OPTP includes the identification of minority and disadvantaged transportation users and includes their needs in the goals and strategies. The OPTP contains ten goal areas, and specifically includes an equity goal and strategies for public transportation:

Goal 4: Equity

Public transportation provides affordable, safe, efficient, and equitable transportation to jobs, services, and key destinations, improving quality of life for all Oregonians.

Policies and Strategies

Policy 4.1: Engage populations recognized as transportation disadvantaged in public transportation service decision making.

Strategy 4.1A: Include transportation disadvantaged populations early and often in public transportation planning and investment decisions, such as via outreach, inclusion in project committees, and other roles. Ensure that public meetings are held in locations that are accessible and scheduled at times that increase opportunities for community members to participate.

Strategy 4.1B: Provide public transportation information by methods accessible to people with low incomes, disabilities, or limited English proficiency (LEP).

Strategy 4.1C: Identify and address technological barriers that inhibit or prevent people, especially the transportation disadvantaged, from accessing information regarding public transportation services or providers.

Strategy 4.1D: Develop and implement culturally appropriate public outreach plans designed to address the needs of demographically and economically diverse groups.

Policy 4.2: Understand and communicate how disparities, barriers, and needs affect the ability of people to access and use public transportation, especially those who are transportation disadvantaged.

Strategy 4.2A: Incorporate a broad range of equity concepts in decisions affecting policies, programs, and proposed major service changes impacting access to and use of public transportation.

Strategy 4.2B: Develop informational materials on economic, cultural, and social barriers associated with different demographic groups and communities to access and use public transportation.

Strategy 4.2C: Develop tools and resources for transportation decision makers on equity and offer educational opportunities for staff and decision makers.

Strategy 4.2D: Continue to meet obligations under state and federal law regarding equity, while advancing policies and programs that exceed these obligations.

Policy 4.3: Identify disparities, barriers, and needs that impact people's ability to access and use public transportation.

Strategy 4.3A: Incorporate information about transportation disadvantaged communities' characteristics and needs, including public health, when developing or updating transportation plans including transportation system plans, corridor plans, and transit development plans.

Strategy 4.3B: Use available technologies and data collection best practices to develop comprehensive data sets on public transportation services, routes, and riders to increase understanding and awareness of barriers to public transportation use.

Strategy 4.3C: Use mapping tools, census data, travel demand models, health indicators, or other analytical tools and information sources to identify underserved areas. Consider characteristics, such as demographics, income, housing affordability, languages spoken, ability, geographic location, mode, industry, and trip types to assess needs associated with transportation disadvantaged communities.

Strategy 4.3D: Use transit inventories to identify gaps or deficiencies in the public transportation system that affect transportation disadvantaged communities and people, including such impacts as:

- Public facility planning, design, and location.
- User costs and benefits.
- Service quality of various modes.
- External impacts.
- Economic impacts.
- Regulation and enforcement.

- Maintenance practices.

Policy 4.4: Address the disparities, barriers, and needs that impact people’s ability to access and use public transportation.

Strategy 4.4A: Foster a respectful environment that welcomes people of all ages, cultural backgrounds, and abilities on public transportation vehicles and facilities.

Strategy 4.4B: Reduce barriers to accessing public transportation by improving service in underserved areas and transportation disadvantaged communities.

Strategy 4.4C: Address temporary barriers to use of public transportation, for example by using maintenance and construction best practices that maintain access.

Strategy 4.4D: Integrate equity analysis into service planning and decision making so that increases in service benefit transportation disadvantaged and underserved areas.

Policy 4.5: Integrate equity criteria into funding decisions.

Strategy 4.5A: Incorporate federal and state policy and regulations on serving the transportation disadvantaged into funding policies and procedures. Disseminate guidance to local jurisdictions to assist local funding decisions and grant applications.

Strategy 4.5B: Use system inventory data and research to support evaluation of equity issues when modifying or adding new public transportation services.

Strategy 4.5C: Use analysis tools to evaluate implications of funding policies, programs, and projects on underserved areas and transportation disadvantaged populations.

Strategy 4.5D: Incorporate relevant state, regional, and local Americans with Disabilities Act (ADA) implementation plans and policies in funding decisions to enhance ADA compliance for public transportation facilities.

The OPTP and related documents, including internal and external practitioner’s guides, are available and can be accessed here: <https://www.oregon.gov/odot/planning/pages/plans.aspx>

Assistance to Subrecipients in a Nondiscriminatory Manner

As described in previous sections and in accordance with 49 CFR Section 21.5 regarding general nondiscrimination provision, FTA funds are passed through to subrecipients without regards to race, color, or national origin and will ensure that minority populations are not denied the benefits of or excluded from participation in federally aided programs. Descriptions of the processes used by ODOT are maintained, reviewed, and updated. Any of these internal processes can be provided to FTA upon request.