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## Civil Rights

# TITLE VI IMPLEMENTATION PLAN 2023

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## INTRODUCTION

The Virginia Department of Transportation (VDOT) is a recipient of federal financial assistance. As a recipient, VDOT is required to comply with Title VI of the Civil Rights Act of 1964 (Title VI), as amended, and other nondiscrimination laws and authorities. Title VI of the Civil Rights Act of 1964 prohibits agencies receiving federal financial assistance from discriminating against anyone or any group in the United States on the ground of race, color or national origin. Specifically, 42 USC 2000d states that: *“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”*

The Civil Rights Restoration Act of 1987 defined the term “program or activity” and “program” to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal financial assistance, rather than just the particular programs or activities that receive the funds. The United States Department of Transportation (USDOT) and the Federal Highway Administration (FHWA) Regulations 49 Code of Federal Regulations (CFR), Part 21, and 23 CFR, Part 200 respectively, and other applicable Executive Orders and authorities provide guidelines, actions, and responsibilities for State DOTs’ implementation of the Title VI Program.

In addition to Title VI, there are other Nondiscrimination statutes that afford legal protection. On August 11, 2000, President Clinton signed Executive Order 13166 to improve access to federally conducted and assisted programs and activities for persons who as a result of national origin have limited English proficiency (LEP). The Executive Order was titled, “Improving Access to Services for Persons with Limited English Proficiency”. The USDOT issued its “Policy Guidance Concerning Recipients Responsibilities to Limited English Proficient (LEP) Persons” to effectuate Executive Order 13166. The policy guidance requires recipients of federal financial assistance to develop and implement guidance on how they will provide meaningful access to LEP persons, to comply with Title VI.

The Title VI Program is the “system of requirements” developed to implement Title VI of the Civil Rights Act of 1964. The following pages of this manuscript document VDOT’s Title VI Program and describe how VDOT will accomplish nondiscrimination in the delivery of its federally-assisted programs, services and activities in accordance to FHWA’s guidelines. The Implementation Plan includes the structure of the Department’s Title VI Program as well as the policies, procedures and practices that will be followed to comply with nondiscrimination requirements.



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION  
1401 EAST BROAD STREET  
RICHMOND, VIRGINIA 23219-2000

Stephen C. Brich, P.E.  
COMMISSIONER

## TITLE VI STATEMENT OF COMMITMENT

The Virginia Department of Transportation (VDOT) will effectuate the provisions of Title VI of the Civil Rights Act of 1964, 49 Code of Federal Regulation (CFR) Part 21, 23 CFR Part 200 and other applicable directives. Title VI of the Civil Rights Act of 1964 prohibits discrimination based upon race, color, and national origin. Specifically, 42 USC 2000d states that *"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."*

In addition to Title VI, VDOT will not discriminate under other statutes that afford legal protection on the basis of sex, age and disability. Further, as a recipient of federal-aid funding, VDOT strives to achieve nondiscrimination in all its programs and activities whether or not those programs and activities are federally funded. These efforts to prevent discrimination will address, but not be limited to, a program's impact upon access, benefits, participation, treatment, services, contracting opportunities, training opportunities, investigation of complaints, allocation of funds, prioritization of projects, and the functions of right-of-way, research, planning, design, construction and project development.

VDOT will ensure that every manager, supervisor, employee, and sub-recipient of federal-aid funds administered by VDOT is aware of and applies the intent and spirit of Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities in performing assigned duties. Every employee and representative of VDOT shall perform all official actions in full accord with applicable statutes, executive orders, regulations, and policies enunciated thereunder, to assure compliance with Title VI. The Civil Rights Division Administrator has been designated as the Department's Title VI Coordinator and is responsible for ensuring that all matters relating to nondiscrimination are administered effectively. The Title VI Specialist is responsible for the day-to-day administration of the Title VI Program.

Employees of the Virginia Department of Transportation, contractors or any member of the public with questions, problems or complaints regarding this statement, and the implementation of the stated provisions, should contact the Civil Rights Administrator at, 1401 East Broad Street, Richmond, VA 23219; telephone (804) 786-4552 or 1-888-508-3737, or the Title VI Specialist at (804) 786-2730.

  
Stephen C. Brich, P.E.  
Commissioner of Highways

9/8/2022  
Date

VirginiaDOT.org  
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## I. ORGANIZATION AND STAFF RESPONSIBILITIES

The Civil Rights Division (CRD) has the primary responsibility of implementing VDOT's Title VI program. The Civil Rights Division Administrator (CRDA) is the Title VI Coordinator for VDOT and is responsible for ensuring that all matters relating to nondiscrimination are administered effectively. The Title VI Specialist has the lead responsibility of the day-to-day implementation of the Title VI Program.

There are also nine District field offices with District Civil Rights Managers (DCRMs) who are responsible for ensuring effective Title VI implementation in their respective districts. They provide guidance and assistance in all Title VI related matters in an effort to meet the objectives and purpose of nondiscrimination in federally assisted programs and activities

In addition, each of the following program areas has significant Title VI responsibility and has appointed Title VI Liaisons or Designees:

Construction	Location and Design
Administrative Services	Local Assistance
Structure and Bridge	Materials
Right of Way	Traffic Engineering
Maintenance	Environmental Services
Transportation & Mobility Planning	Consultant Procurement Office
Federal Programs Management	Virginia Transportation Research Council

The Title VI Liaisons or Designees are responsible for ensuring implementation, compliance, program monitoring, enforcement and reporting within their respective program area. They provide program area activity information to the Civil Rights Division as requested.

### **Relationship of Civil Rights Unit to Head of State Transportation Agency**

The Civil Rights Division Administrator (CRDA) reports to the Chief Deputy Commissioner, who reports to the Commissioner of Highways. However, the CRDA has free and open access to the Commissioner for civil right and Title VI matters. These include not only matters within VDOT, but also those pertaining to Department and its relationship with sub-recipients, contractors, and consultant firms. Recommendations on major Title VI issues are submitted by the Civil Rights Division Administrator to the Chief Deputy Commissioner who forwards the information to the Commissioner of Highways for final approval.

The District Civil Rights Managers and the Title VI Specialist report directly to the CRDA.

## **Statement of Responsibility and Authority of the Title VI Coordinator**

Based on the organizational structure of VDOT, the Civil Rights Division Administrator manages the following Title VI related duties:

- Supervise the Civil Rights Unit and ensure that it is sufficiently staffed to carry out the Title VI objectives.
- Submit an annual update of the Title VI implementation plan to the Federal Highway Administration for approval.
- Submit to FHWA a yearly report of Title VI accomplishments for the past year and goals for the upcoming year.
- Provide overall leadership for the Title VI Program.
- Ensure development, updating and implementation of the Title VI Plan.
- Ensure procedures and processes for preventing discrimination and addressing and resolving complaints of discrimination.
- Provide guidance to District Civil Rights Managers on complex Title VI issues.
- Approve statewide guidelines for Title VI Program implementation.
- Responsible for development and control of the Civil Rights Division's budget to ensure that adequate resources are available for the purpose of Title VI Program implementation.

## **Statement of Responsibility and Authority of the Title VI Specialist**

The Title VI Specialist, on a day-to-day basis, is responsible for implementation of VDOT's Title VI program and for ensuring compliance with the provisions of Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities, including Executives Orders for Limited English Proficiency (LEP). The Title VI Specialist's duties include the following:

- Coordinate and prepare the Title VI Implementation Plan.
- Coordinate and prepare the annual Title VI Accomplishment Report.
- Coordinate activities related to the effective and efficient implementation of VDOT's Title VI Program.
- Develop procedures and processes for preventing discrimination and addressing and resolving complaints of discrimination.
- Provide Title VI technical assistance and guidance to VDOT staff, state officials, cities, counties, consultants, contractors, suppliers, universities, colleges, planning agencies, and other recipients of federal-aid highway funds.
- Develop and conduct Title VI reviews of program area activities annually.
- Develop procedures for collecting statistical data on race, ethnic group, national origin for participants and beneficiaries of the state highway program.

- Develop and publish Title VI information for dissemination to the general public and where appropriate ensure that the information is translated in languages other than English.
- Conduct annual reviews of consultants, contractors, and other recipients of VDOT funds.
- Implement procedures for prompt processing and disposition of Title VI complaints.
- Assist in obtaining public input, particularly in minority and traditionally underserved areas.
- Participate in the identification of Title VI impacts and mitigation measures of proposed projects.
- Assist in the identification of minorities and low income individuals in the right-of-way activities, etc.
- Develop procedures to conduct reviews of Metropolitan Planning Organizations (MPOs), Planning District Commissions (PDCs) and Local Public Agencies (LPAs) to ensure compliance with the provisions of Title VI and LEP requirements.
- Attend MPO/PDC public meetings and VDOT public meetings or hearings involving Title VI issues in the event Civil Rights staff in the district is not able to attend.
- Review contractual procedures for consultants and contractors to ensure equity and consistency.
- Develop procedures for pre-award and post-award approval reviews of State programs and applicants for compliance with Title VI requirements.
- Provide leadership in multidisciplinary team activities.

### **Statement of Responsibility and Authority of District Civil Rights Managers**

The District Civil Rights Managers (DCRMs) assist and support the Title VI Specialist in the implementation of VDOT's Title VI Program. The DCRMs monitor, and ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities, including EJ and LEP within VDOT's District offices. The DCRM's responsibilities in their respective districts include:

- Prepare a summary of the District's Title VI accomplishments for the past year and goals for the upcoming year for submission to the Civil Rights Division.
- Provide Title VI technical assistance, guidance and advice to state officials, VDOT staff, cities, counties, consultants, contractors, suppliers, universities, colleges, planning agencies, and other recipients of federal-aid highway funds.
- Prepare and disseminate Title VI information to the general public and where appropriate ensure that the information is translated in languages other than English, in consultation with the Title VI Specialist.

- Implement procedures for prompt processing and disposition of Title VI complaints.
- Conduct and/or coordinate Title VI training within respective districts.
- Assist in obtaining public input, particularly in minority and traditionally underserved areas.
- Participate in the identification of Title VI impacts and mitigation measures of proposed projects.
- Assist in the identification of minorities and low income individuals in right-of-way activities, etc.
- Conduct MPO, PDC and LPA reviews to ensure compliance with the provisions of Title VI and LEP requirements.
- Attend regional MPO/PDC public meetings or hearings involving Title VI issues.
- Attend or ensure district Civil Rights representation at VDOT public meetings or hearings.
- Review environmental documents to identify and address social, economic and environmental effects and impacts.
- Review contract documents to ensure compliance with Title VI.

### **Statement of Responsibility and Authority of Central Office Title VI Liaisons or Designees**

The Title VI Designees assist and support the Title VI Specialist in the implementation of VDOT's Title VI Program. The Central Office Title VI Designees' responsibilities, on behalf of their respective Divisions include:

- Participate in VDOT's Title VI Interdisciplinary Team meetings.
- Assist with the implementation of Title VI policies for their respective Divisions.
- Advise the Civil Rights Division Administrator, Title VI Specialist or DCRMs of Title VI related problems or discrimination complaints.
- Refer Title VI discrimination complaints to the Civil Rights Division Administrator, Title VI Specialist or DCRMs.
- Maintain statistical data by race, ethnic group or national origin, as needed for respective program areas.
- Assist the Title VI Coordinator and the Title VI Specialist to ensure that Title VI requirements are included in program area directives and that procedures used have built in safeguards to prevent discrimination.
- Collaborate with and/or assist Title VI Specialist in conducting reviews.
- Assist their Division or District Administrators regarding Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities.
- Assist in the development of Title VI information for public dissemination, where appropriate, in languages other than English.

- Provide Title VI awareness within respective division to include training, tutorials and discussions.
- Complete information for the Annual Title VI Accomplishment Report.

### **Organizational Charts**

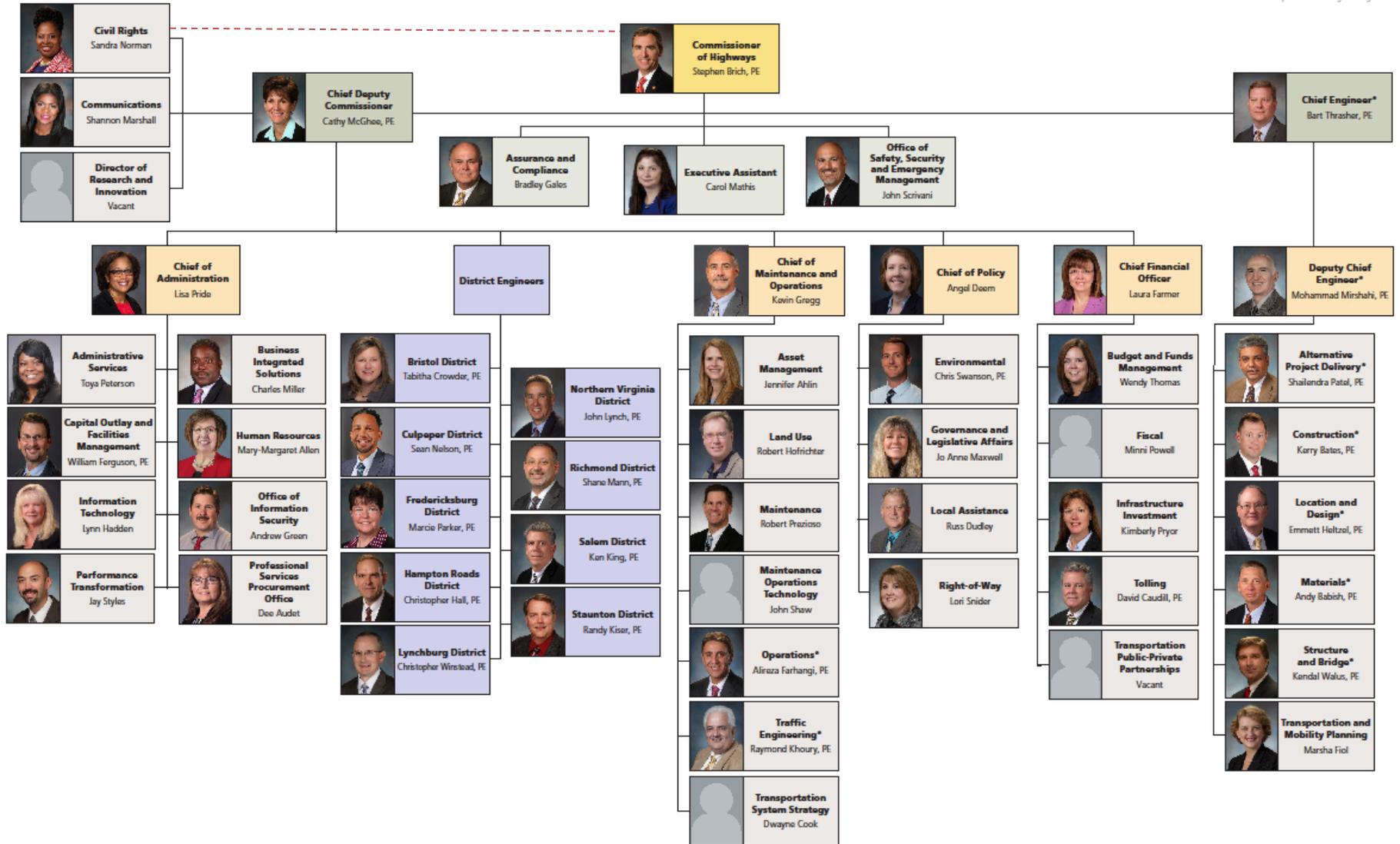
VDOT's Organizational Chart

Civil Rights Division Organizational Chart

# VDOT Organization Chart

May 2022

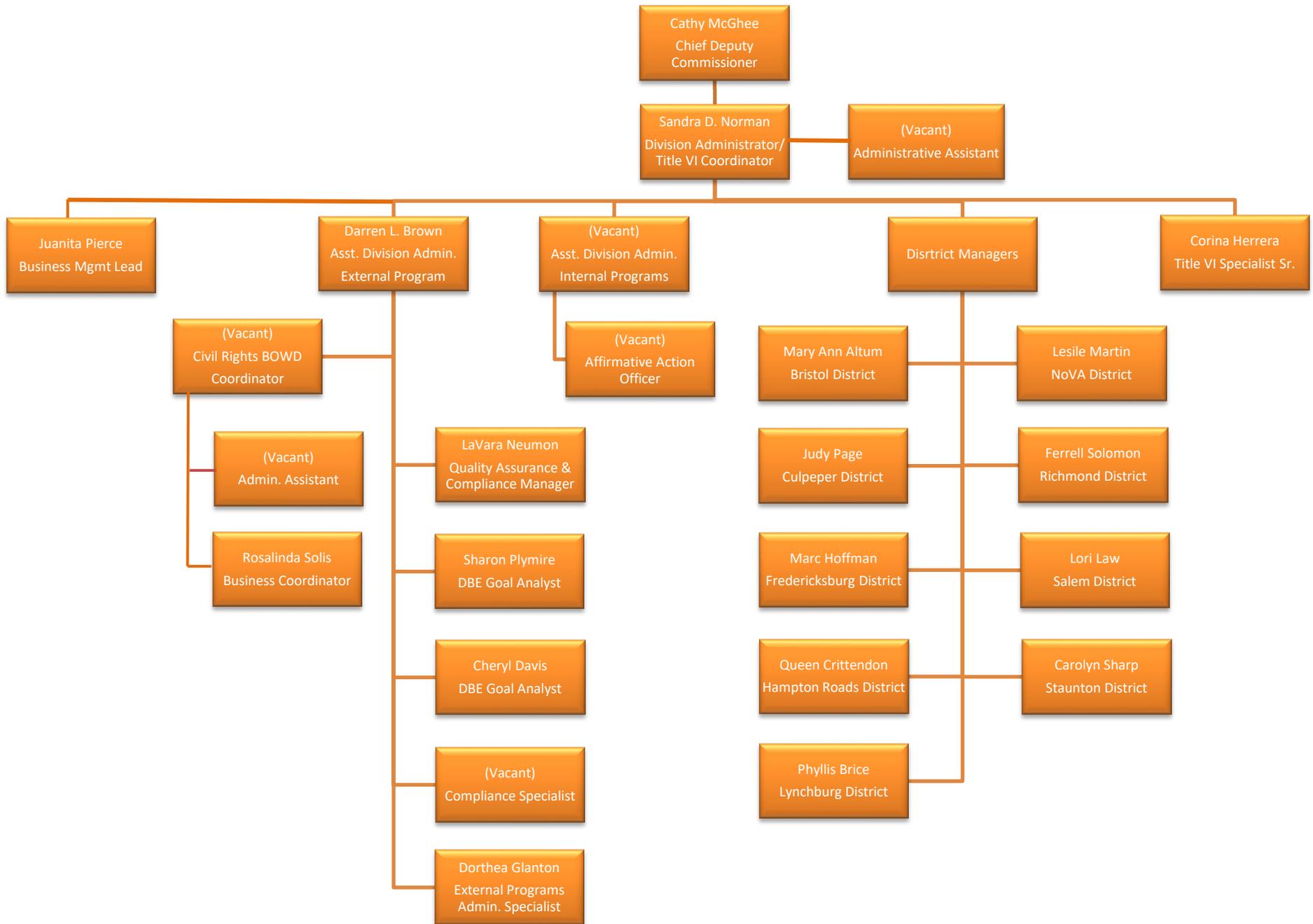
\* Designates positions requiring professional engineering license



----- Title VI Reporting

# Civil Rights Organization Chart

September 2022



## II. ADMINISTRATION OF THE TITLE VI PROGRAM

### Interdisciplinary Approach of Title VI

To ensure the Department complies with Title VI of the Civil Rights Act of 1964 and other related statutes, VDOT has established a Title VI Interdisciplinary Team approach. In implementing this approach, VDOT has employed the guidance provided by the FHWA. The Interdisciplinary Team uses the systematic approach, communication and continuous interaction to proactively ensure nondiscrimination in all of VDOT's programs and activities. The members of the team consist of the Title VI Specialist and Central Office Title VI Designees. The Interdisciplinary Team's focus is to:

- Foster awareness of nondiscrimination requirements
- Participate in the development and implementation of the Title VI Program
- Identify areas of need requiring mitigation measures
- Formulate and prioritize strategies to address areas of mitigation
- Recommend revisions to the Title VI Implementation Plan.
- Implement Title VI Program Plan
- Continuously assess and recommend adjustments to the Title VI Implementation Plan as necessary for effectiveness

In partnership with the Central Office Title VI Designees and the District Civil Rights Managers, the Title VI Specialist will review statistical data on relocations, impacted persons and affected communities identifying Title VI and LEP implications. This will be partly achieved through monitoring contracting and procurement procedures, and attending public meetings or MPO/PDC meetings in the event the Civil Rights staff in the district is not able to attend and reviewing public hearing transcripts, when needed.

### III. TITLE VI PROGRAM IMPLEMENTATION

#### Program Areas Review and Monitoring (Internal Review Procedures)

To ensure compliance with the Title VI of the Civil Rights Act of 1964, the Department is required to establish internal procedures to conduct reviews of all pertinent program areas. A program includes any highway, project or activity for the provision of services or benefits to individuals. The VDOT Civil Rights Division is responsible for the internal review process. The Title VI Specialist receives assistance from the Central Office Designees and from the District Civil Rights Managers (DCRMs) for the review and monitoring of compliance of VDOT Central Office Divisions and the District Offices. The Central Office Title VI Designees monitor the programs and activities within their division and the DCRMs monitor the nine district offices to ensure nondiscrimination and compliance with Title VI.

Each of the following program areas has appointed Title VI Designees for monitoring and review:

Construction	Location and Design
Administrative Services	Local Assistance
Structure and Bridge	Materials
Right of Way	Traffic Engineering
Maintenance	Environmental Services
Transportation & Mobility Planning	Professional Services Procurement Office
Budget and Funds Management	Virginia Transportation Research Council

#### Scheduling, Tool, Procedure and Outcome

Program Area Reviews are conducted annually. The tool used to conduct these reviews is a questionnaire completed by staff in each of the program areas. The questionnaires help identify and address areas of concern, trends, patterns or shortfall, as well as assuring compliance with Title VI. The Title VI Specialist sends the questionnaires to the Central Office Title VI Designees and to the DCRMS in the District with a scheduled date of completion. The completed questionnaires received from each program area in the Central Office are reviewed by the Title VI Specialist and the questionnaires completed in the districts are received and reviewed by the DCRMS. A summary of the responses is compiled and included in the Title VI Accomplishment Report submitted to FHWA on a yearly basis.

The Title VI Accomplishment Report, which lists major accomplishments made regarding Title VI activities, also includes: instances where Title VI issues were identified and discrimination was prevented, activities and efforts the Title VI Specialist and program area personnel have undertaken to monitor Title VI, a description of the scope and conclusions of any reviews conducted by the Title VI Specialist or program area personnel and a summary and status report on any Title VI complaints filed with

VDOT. If any major problems(s) are identified and corrective action(s) taken, these will be listed in the report as well.

The review and analysis of statistical data on relocations, impacted persons and affected communities identifying Title VI and LEP implications will be achieved through monitoring contracting and procurement procedures, attending public information meetings, and, when needed, reviewing public hearing transcripts. Documents such as Draft Environmental Impact Statements, Environmental Impact Statements, and Supplemental Impact Statements are assessed to determine whether social, economic and environmental effects and impacts are identified, described and potential mitigation measured.

Civil Rights Staff in the districts attend public hearings, meetings and informational meetings. In doing so, staff is able to observe program area staff in their interactions with the public at the project-level. This allows the opportunity to identify needs for public involvement and outreach as well as related request processes such as language services and accommodations.

## **Program Areas Title VI Responsibilities**

### **A. Transportation and Mobility Planning Division**

#### General Responsibilities

The Transportation and Mobility Planning Division (TMPD) is responsible for the development of long-range and short-range planning documents that provide a safe and efficient transportation system for the citizens of the Commonwealth of Virginia. In addition to VDOT transportation planning documents, TMPD coordinates and assists in the development of local and regional transportation plans in both rural and urban areas throughout the Commonwealth. The TMPD also conducts transportation studies and administers transportation planning programs statewide.

#### Planning Process

A comprehensive metropolitan transportation planning process is utilized. During the transportation planning process, TMPD will assist in the preparation and implementation of public involvement plans and programs aimed at improving attendance and participation of all population groups. Demographic profiles will be developed by TMPD using datasets from the 2010 decennial Census information. These demographic profiles will assist in geographically identifying potential civil rights, Title VI and LEP issues early in the planning process. As a supplement to the decennial Census civil rights datasets, a metropolitan planning organization could use (non-VDOT) update information of the Weldon Cooper Center and

American Community Survey (ACS) for Public Service demographic profiles.

#### Title VI Responsibilities

- Ensure that all population groups are adequately informed of planning activities to participate in the transportation planning process.
- Ensure that formal and informal public comments are incorporated into the transportation decision-making process.
- Implement methods to collect demographic information to be used to determine transportation benefits for both the Long-Range Transportation Plan (LRTP) and the Statewide Transportation Improvement Program Plan (STIP),
- Coordinate and collaborate with the Civil Rights Division District Managers to assure Title VI compliance of Planning District Commissions (PDCs) and Metropolitan Planning Organizations (MPOs).
- Participate in the MPO/PDC recertification review process.
- Ensure the MPOs and PDCs are considering the views of minority populations in the Transportation Improvement Plan (TIP) Process.
- Develop measures that ensure compliance in the event of a noncompliance finding. These measures will be developed in conjunction with the Civil Rights Division. If compliance measures cannot be implemented or agreed upon, sanctions may be imposed, that could include the withholding of payments to the contract or grant recipient until compliance measures can be implemented, and or cancellation, termination or suspension of the contract or grant, in whole or in part.
- Collect, maintain and analyze data on race, national origin and income level to adequately assess impacts and mitigation options.
- Ensure that reasonable accommodations for persons with disabilities are provided.
- Ensure that meaningful access for individuals who are of Limited English Proficiency (LEP) is provided during the planning process and any needs for access are addressed.
- Coordinate and/or provide training programs on Title VI and LEP.
- Ensure Title VI requirements are incorporated into all Planning District Commission and Transportation and Mobility Planning Division contracts and grants and have procedures to effect compliance with Title VI.
- Complete information for the Annual Title VI Accomplishment Report.
- Ensure opportunity is provided to minority firms to participate in or conduct planning studies.

### **B. Location and Design Division**

#### General Responsibilities

The Location and Design Division is responsible for the location, design and preparation of all right-of-way and road construction plans on all highway systems under the jurisdiction of VDOT. The Division reviews and processes all public hearing documents.

### Design Process

Economic, social, topographic, and environmental impacts of proposed projects are key factors weighed in the location consideration. Federal, state, local, and departmental policies and procedures require that public hearings and/or informational meetings be held to give to all persons, including minorities and persons with LEP, an opportunity to obtain information and express their opinions on proposed project locations. Special efforts will be made to inform members of minority communities of public hearings and other public involvement activities.

### Title VI Responsibilities

- Provide translation services to Contractors with LEP to the greatest extent possible.
- Ensure consultants' compliance with State and Federal requirement guidelines by utilizing data provided by the Civil Rights Division.
- Develop mechanisms to identify affected minority and/or low income populations.
- Ensure public involvement in the decision making process.
- Advertise proposed contracts in minority publications.
- Provide information in alternative formats.
- Ensure that all meeting locations are ADA compliant and accessible by public transportation.
- Provide materials in languages other than English and interpreters for LEP communities.
- Maintain documentation on hearings.
- Provide information for the Annual Title VI Accomplishment Report.
- Provide opportunity for DBEs and other small businesses to participate in procurement activities.

## **C. Environmental Division**

### General Responsibilities

The Environmental Division facilitates delivery of the transportation program by providing environmental regulatory compliance, leadership, management, and accountability. The various disciplines within the Environmental Division address over sixty individual federal and state laws, executive orders, and regulations that require compliance.

The division is divided into eight sections: Air Quality, Noise, Consultant Services, Cultural Resources / Environmental Data Management, Hazardous Materials, District Program, Project Study Management Program, and Natural Resources. Each of the sections is responsible for a particular discipline within the overall environmental process. Many program areas have specific activities that directly involve contact with the public.

### Environmental Process

A systematic process is used to study and evaluate all necessary environmental aspects of proposed projects, including social and economic. Depending on the scope, complexity and impacts of a project, a National Environmental Policy Act (NEPA) Categorical Exclusion (CE), NEPA Environmental Assessment (EA), or Environmental Impact Statement will be completed.

### Title VI Responsibilities

- Adhere to an inclusive public involvement process and ensure nondiscrimination in efforts to solicit public involvement.
- Conduct studies of the potential project sites for effects on such issues as cultural resources, community life and land use patterns.
- Monitor compliance with Title VI requirements in all aspects of the environmental process.
- Develop mechanisms to identify potentially disproportionate and adverse impacts to minority populations and ensure that adequate mitigation strategies are also identified. In coordination with the Civil Rights Division, monitor compliance with EO 13166, Limited English Proficiency (LEP) to ensure access and understanding of transportation programs and activities for LEP individuals during the EA, EIS and EIE processes and ensure all public hearings are accessible to persons with Limited English Proficiency.
- Ensure Title VI compliance in all Environmental Impact Statements in coordination with the Civil Rights Division
- Provide Title VI Specialist a copy of all environmental assessments and studies prior to public release for information for review and comments.
- Ensure nondiscrimination in the procurement process.
- Provide opportunity for DBEs and other small businesses to participate in procurement activities.
- Provide information for the Annual Title VI Accomplishment Report.

## **D. Virginia Transportation Research Council (VTRC)**

### General Responsibilities

The Virginia Transportation Research Council (VTRC) was established in 1948 by

a joint agreement between VDOT and the University of Virginia. The research staff undertakes projects originating from within VDOT, other agencies, and recommendations from VTRC's network of Research Advisory Committees' (RAC). The Research Council's research projects focus on supporting VDOT's mission to provide a safe and efficient transportation system for the traveling public.

#### Research Process

In-house staff performs the majority of the Research Council's research. Occasionally research contracts are awarded to university faculty and private consultants when the required expertise is not available in-house, workload or scheduling issues exist or specialized facilities are required.

#### Title VI Responsibilities

- Ensure adherence with Title VI requirements in the granting of research contracts and nondiscrimination in the selection of grant recipients.
- Develop procedures to promote the participation of minorities and women in all aspects of research projects.
- Verify that Title VI requirements are incorporated in all contracts and agreements.
- Compile data for the Annual Title VI Accomplishment Report.
- Monitor internal procedures to ensure compliance with Title VI requirements.

### **E. Right of Way and Utilities Division**

#### General Responsibilities

The Right of Way (ROW) and Utilities Division's mission is responsible for acquiring real property and adjusting utilities for the construction, operations and maintenance of Virginia's Highways.

#### Acquisition Process

All aspects of VDOT's acquisition program shall be non-discriminatory and conducted without regard to race, color and national origin. The right of way acquisition process entails appraisal of property, negotiation of terms and conditions for acquisition, and assistance in the relocation of displaced individuals, businesses, farm operations, and nonprofit organizations, as well as property management. Once the appraisal process is completed, the ROW staff will present its offer to the landowner for acquisition. Acquisitions not conducted by the Right of Way staff are performed by consultants.

## Title VI Responsibilities

- Ensure nondiscrimination with regard to procurement of appraisers and other ROW related agreements.
- Ensure the utilization of minority firms in the selection of consultants and other resources.
- Ensure equitable treatment of persons and businesses displaced by highway projects regardless of race, color or national origin. This includes appraisals, offers of compensation, relocation counseling, relocation assistance packages and replacement housing listings.
- Ensure that necessary steps are taken to overcome language barriers during the ROW process and provide interpreters and translation of documents in instances where affected landowners have Limited English Proficiency (LEP).
- Provide reasonable accommodations for property owners with disabilities, when requested.
- Provide replacement housing listings to persons displaced without regard to race, color or national origin. If any instance of discrimination is confirmed, the listing agency shall be notified and the listing will no longer be used.
- Require independent contractors employed by the displacee for moving personal property, or to perform any other services related to the relocation, to observe nondiscrimination statutes and policies.
- Apprise affected property owners, tenants, and others involved of their rights and options regarding negotiations, relocation, condemnation and other aspects of the acquisition process.
- Incorporate Title VI language and assurance statements in all surveys of property owners and tenants.
- Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
- Ensure that Title VI compliance has been incorporated as part of the ROW internal processes and they are reviewed and updated as necessary to maintain Title VI compliance.
- Promptly refer Title VI complaints to the Title VI Coordinator.
- Complete information for the Annual Title VI Accomplishment Report.

## **F. Budget and Funds Management Division**

### General Responsibilities

The mission of the Federal Programs Management Division (FMPD) is to support the department by providing guidance, stewardship, and oversight in the efficient and effective management of federal projects and funds. FPMMD's activities in support of this mission include coordination with the Federal Highway Administration, development and management of the State Transportation Improvement Program (STIP), financial management of federal projects, and

providing professional customer service and consultation to VDOT's stakeholders.

### The Statewide Transportation Improvement Program (STIP)

The Statewide Transportation Improvement Program (STIP) is Virginia's federally required four-year program that identifies the transportation projects (highway, passenger rail, freight, public transit, bicycle and pedestrian) that will utilize federal transportation funding or require approval from either the Federal Highway Administration (FHWA) or Federal Transit Administration (FTA).

Federal regulations require each state to produce a STIP at least once every four years; however, Virginia updates their STIP every three years to ensure the program never lapses. Federal regulations require that the STIP demonstrate fiscal constraint to show that the state is not scheduling more transportation projects for construction than it has funding for.

### Title VI Responsibilities

- Afford opportunities for the public to provide input on transportation projects and priorities as part of the continuing transportation planning process for the development of the STIP.
- Ensure that all population groups are adequately informed to participate in the development of the STIP process.
- Ensure that reasonable accommodations for persons with disabilities are provided and meaningful access for LEP persons is provided during the STIP process.
- Ensure Title VI requirements are incorporated into all Budget and Funds Management Division contracts and grants and have procedures to effect compliance with Title VI.
- Coordinate and participate in partnership with the Civil Rights Division to assure Title VI compliance of Planning District Commissions (PDCs) and MPOs.
- Develop measures that ensure compliance in the event of a noncompliance finding. These measures will be developed in conjunction with the Civil Rights Division and the PDC or MPO. If compliance measures cannot be implemented or agreed upon, sanctions may be imposed, that could include the withholding of payments to the contract or grant recipient until compliance measures can be implemented, and or cancellation, termination or suspension of the contract or grant, in whole or in part.
- Complete information for the Annual Title VI Accomplishment Report.

## **G. Structure and Bridge Division**

### General Responsibilities

The Structure & Bridge Division plans, designs, inspects and maintains the bridges and structures for VDOT's surface transportation system. In addition, this division provides structural expertise, policies, guidelines, standards, and information to its customers/stakeholders. To augment its in-house staff, the Structure & Bridge Division procures and administers consultant contracts. The procurement and administration of consultant contracts has been identified by the division as its program area involving Title VI of the Civil Rights Act of 1964 and related statutes and authorities.

#### Title VI Responsibilities

- Monitor for compliance with Title VI of the Civil Rights Act of 1964 and other nondiscriminatory statutes and authorities.
- Ensure nondiscrimination in the award process.
- Include Title VI language in every contract.
- Provide information for the Annual Title VI Accomplishment Report.

### **H. Traffic Engineering Division**

#### General Responsibilities

The Traffic Engineering Division's focus is the safe and operationally efficient movement of traffic on our roads and highways. As such, the Division is responsible for tasks that cover a wide array of activities. These activities vary from procedure planning and research/study deployment to designing and implementing permanent traffic control features; and from managing accident statistics and recording traffic counts to managing route naming and numbering.

#### Title VI Responsibilities

- Afford all members of the public an equal opportunity to review records.
- Include Title VI language in advertisements.
- Ensure equal opportunity in the issuance of permits and certifications.
- Offer Flagger Certification training in a nondiscriminatory manner.
- Provide reasonable accommodations for individuals with disabilities and translations for LEP individuals.
- Provide information for the Annual Title VI Accomplishment Report.

### **I. Construction Division**

#### General Responsibilities

The Construction Division's mission is to keep Virginia moving by providing transportation facilities, and utilizing an effective program for the advertisement,

award, and administration of contracts for the construction, improvement, and maintenance of these facilities.

#### Title VI Responsibilities

- Ensure free and open competition and Title VI nondiscrimination without regard to race, color or national origin through uniformity in prequalification, preparation of construction proposals, solicitation of bids/ advertisement, receipt of bids, bid analysis and award of construction contracts, project administration/monitoring, and the utilization of consultants.
- Review all proposal documents for required Title VI/nondiscrimination provisions.
- Ensure that agreements include the latest FHWA Form 1273 with Appendix A and Appendix E of USDOT 1050.2A.
- Ensure that minority businesses have the maximum opportunity to compete for and perform work on contracts.
- Advertise in newspapers having a wide circulation, in minority publications, trade journals, or other appropriate media to reach a wide audience.
- Send copies of advertisements to minority organizations and trade associations.
- Award contracts to the lowest responsive and responsible bidder without discrimination against any bidder because of race, color and national origin, and any other basis prohibited by other nondiscrimination authorities.
- Ensure that Title VI regulations are enforced through project inspectors.
- Provide information for the Annual Title VI Accomplishment Report.

### **J. Materials Division**

#### General Responsibilities

The Materials Division's role within VDOT is to build and maintain a safe and efficient transportation system through the application of current materials engineering and testing procedures. The Division procures and administers consultant contracts for commercial testing and inspecting laboratories and, to perform testing and inspection of highway construction and maintenance materials. In addition, the Division is responsible for managing the Certification Schools.

#### Title VI Responsibilities

- Administer consultant contracts in a non-discriminatory manner.
- Include Title VI language in all contracts.
- Review directives and procedures to ensure Title VI compliance.
- Ensure that Requests for Proposal are advertised in all segments of the community including minority publications.

- Ensure services are provided in a nondiscriminatory manner.

## **K. Professional Services Procurement Office (PSPO)**

### General Responsibilities

The Professional Services Procurement Office provides leadership in managing, monitoring and standardizing the professional procurement process for consultant services and coordinates all aspects of the procurement timeline, as well as establishes the procurement schedule and communicates with key stakeholders internal and external to the organization.

### Title VI Responsibilities

- Assign a Title VI Designee to ensure that the Office complies with Title VI and other related nondiscrimination authorities.
- Ensure that the professional procurement process for consultant services is implemented in a nondiscriminatory manner.
- Ensure Title VI nondiscriminatory paragraph as required by the USDOT 1050.2A is included in consultant solicitation documents.
- Ensure that Requests for Proposal are advertised in all segments of the community including minority publications.
- Ensure that all consultant and subconsultant agreements include the Appendix A and Appendix E of USDOT 1050.2A.
- Ensure that Title VI is integrated into the unit's internal procedures and manuals and is reviewed and updated as necessary to maintain Title VI Compliance.
- Promptly refer Title VI Complaints to the Title VI Coordinator.
- Provide information for the Annual Title VI Accomplishment Report.

## **L. Administrative Services Division (ASD)**

### General Responsibilities

The Administrative Services Division provides leadership in managing and overseeing the Agency's procurement process for purchases of goods and contracting services. The division coordinates all aspects of the procurement timeline, as well as establishes the procurement schedule and communicates with key stakeholders internal and external to the organization.

### Title VI Responsibilities

- Assign a Title VI Designee to ensure that the division complies with Title VI and other related nondiscrimination authorities.

- Ensure that the procurement process for contracting services is implemented in a nondiscriminatory manner.
- Ensure procurements are conducted in accordance with applicable federal and state procurement laws and regulations.
- Ensure Title VI language is included in procurement documents.
- Ensure that Requests for Proposals and Invitation for Bids are advertised in all segments of the community including minority and female publications.
- Provide information for the Annual Title VI Accomplishment Report.

### **Sub-recipient Reviews & Monitoring Procedures (External Review Procedures)**

The Department is required to conduct Title VI Reviews of cities, counties, consultants/sub-consultants and planning agencies. The Title VI Specialist in conjunction with the Central Office Designees and District Civil Rights Managers will review and monitor compliance of the following entities: Consultants, Planning District Agencies (PDCs), Metropolitan Planning Organizations (MPOs), and Local Planning Agencies (LPAs).

Methods of monitoring include:

- Collecting statistical data (race, color, and national origin) of participation in and beneficiaries of the programs and activities conducted by the sub-recipient.
- Attending training programs on Title VI and related statutes.
- Preparing a yearly report of Title VI accomplishments for the past year and goals for the next year.
- Conducting compliance reviews of major program areas to facilitate the annual Accomplishment Report & Work Plan.
- Conducting audits of districts, divisions, and sub-recipients including consultants, MPOs, PDCs and local public agencies (LPAs).
- Developing and disseminating guidelines and implementation plans including Title VI and Limited English Proficiency.

#### **A. Reviews of Consultants & Sub-consultants**

To monitor and assess their compliance, consultants and sub-consultants are required to submit a VDOT Title VI Evaluation Form. This requirement is applicable for all consultants. A copy of this form is provided in Appendix D.

The VDOT Title VI Evaluation Form provides documentation that a consultant has procedures in place to prevent discrimination in programs and services based on Title VI.

For new consultants that do not have a current Title VI assessment on file with VDOT, the Professional Services Procurement Office will request a Title VI Evaluation Form within ten (10) days of notification of selection. The consultant or sub-consultant submits the completed form to the Procurement Office and the form is forwarded to the Civil Rights Division (CRD) for review.

The CRD will review the form and the supporting documents and will issue a pre-award approval letter within fifteen (15) days of receiving documentation, if no revisions are needed. Revisions to the procedures and/or additional information may be requested prior to the approval, or an on-site/virtual review may be requested within the same time frame to confirm information provided in the Evaluation Form.

The Title VI Evaluation form is also used for re-approvals. A consultant seeking a re-approval submits the form and documentation that supports or demonstrates whether the firm followed or implemented the procedures described in their previously approved form. If the consultant is found to have failed to implement their procedures, corrective actions will be requested prior to issuing a new approval.

If the form/report is approved, a letter is provided to the consultant/subconsultant with an expiration date of two years from the date of the approval letter. Typically, the letter remains current and on file with VDOT for the two-year period. An updated report is required for consultants every two years in order to continue to perform under a contract with VDOT. Firms submit an Affidavit of No Change (AONC) for the year in between. If the firm is not eligible to submit the AONC, the firm must submit a Title VI Evaluation form for review and approval. A new letter of approval is issued.

VDOT Project Managers have access to a Title VI Log that is updated monthly on the Civil Rights Sharepoint webpage (Internal webpage), to be able to check firms that have a Title VI Evaluation Report letter of approval. It should be noted that if VDOT conducts an on-site compliance review the contractor can still be found to be out of compliance during the two-year period. Failure to comply with the nondiscrimination provisions may result in cessation of negotiations, withholding of payments, cancellation, termination, or suspension of the contract in whole or in part. Possible sanctions assessed to a consultant or contractor found in noncompliance with Title VI include withholding payment until compliance is corrected or cancellation, termination, and possible suspension of the contract in whole or in part (see Compliance and Enforcement Procedures section)

## **B. Reviews of Metropolitan Planning Organizations (MPOs)/Planning District Commissions (PDCs)**

### Primary Responsibility

## District Civil Rights Managers (DCRMs)

### Tool

MPO - PDC Compliance Review (Self- Assessment) Form

### Timeline for Review Process

Review: **3-4 months**

- 1- Civil Rights Division Administrator sends out letter notifying MPO or PDC about the Title VI Program Review
- 2- Civil Rights District Manager sends out review (self-assessment) form to MPO or PDC
- 3- MPO or PDC conducts self-assessment and returns form to DCRM
- 4- DCRM reviews document and if needed, conducts a site visit
- 5- DCRM prepares a review report
- 6- DCRM issues a letter of no significant finding or a letter of non-compliance with corrective actions

Corrective Actions: **3 months.**

### The Review

District Civil Rights Managers (DCRMs) will have the primary responsibility of conducting compliance reviews of MPOs and PDCs using the MPO or the PDC Compliance Review (Self-Assessment) Form. When the DCRM is unable to conduct the review or there is a conflict of interest based on a complaint against the district office from a MPO-PDC, the Title VI Specialist may assist with conducting the compliance review.

The DCRM will send the current MPO/PDC Compliance Review (Self-Assessment) Form with a 30-day deadline for returning the document. Once the self-assessment document is returned to the DCRM, the form and supporting documents will be reviewed for compliance with Title VI and LEP. The DCRM will write questions that may arise from the answers provided by the MPO or PDC on the compliance review form. If needed, a site visit (or virtual meeting) will be conducted to clarify any questions and review documents and data provided on the form within 30 days of receiving the Compliance Review Form from the MPO or PDC. The DCRM will write a review report.

If no significant findings are found, the DCRM will send a letter of no significant findings within 30 days of the site visit to the MPO or PDC and the Civil Rights Division Administrator. If non-compliance issues arise, the MPO/PDC will be issued a letter of findings, which will also be sent to the Civil Rights Division Administrator within 30 days of the site visit with recommendations for corrections and a maximum three (3) month deadline based on the items that need to be brought into compliance. When the MPO/PDC fails to take appropriate corrective actions in

response to the findings of deficiencies in the review report, the subrecipient moves from a deficiency status to non-compliant. VDOT will document and notify the FHWA and may initiate compliance and enforcement procedures (see Compliance and Enforcement Procedures section).

Compliance reviews of MPOs and/or PDCs will be conducted periodically. Each VDOT district will review a planning agency at least once every four years. A list of the MPOs/PDCs to be reviewed will be determined at the beginning of each calendar year, and a date/schedule of when the reviews will take place will be established as well.

MPO and PDC Compliance Review Procedures are described in Appendix E, and copies of the templates of the review forms are included in Appendix F.

### **C. Reviews Local Public Agencies (Cities, Counties and Towns)**

In accordance with Federal Title VI regulations, VDOT will conduct periodic reviews of Local Public Agencies (LPAs) for Title VI compliance. The reviews will be scheduled by VDOT's Title VI Specialist in coordination with the VDOT Title VI Coordinator. VDOT will utilize the following criteria and methodology to identify a representative sample of LPAs to review.

#### Criteria:

- VDOT will review 50% of total number of localities that received funding during a fiscal year (based on the most recent fiscal year data available).
- The total number will be equally divided into the nine (9) VDOT districts. This will determine the number of LPAs to be reviewed each year in a district.

#### Methodology

The methodology that will be used to determine the number of LPAs to be reviewed and to pick the LPAs to be reviewed in each district is as follows:

- 1- Compile a list of localities that received funding in a fiscal year and assign the corresponding district to each locality
- 2- Determine the 50% of the total
- 3- Divide the 50% total among 9 districts
- 4- Sort list by funding amount (largest to least).
- 5- Create groups by \$\$ amount:
  - (1) Greater than \$1 million
  - (2) < \$1 million > \$500,000
  - (3) < \$500,000 > \$100,000
  - (4) < \$100,000 > \$50,000
  - (5) < \$50,000 > \$10,000
  - (6) Less than \$10,000
- 6- For each of the groups determined in step 5, select one LPA for each district. If the district does not have an LPA in a group, a selection will be made from

the next group. After reaching group (6), start at the top again (second round to pick an additional LPA from each group). The second LPA picked is the next \$\$ amount closest to the first pick. Selection will stop when reaching the number of picks per district as determined in step 3 above.

### The Review

The necessary review arrangements and the actual review will be conducted by the DCRMs. The review will focus on how effectively the local agency has implemented its Title VI Plan, and it will consist of a Desk (Pre-Site visit) Review and an On-Site Review, which may be conducted as a virtual meeting. The LPA will be asked to gather and submit documentation to the District Civil Rights Office for the Desk Review using a Self- Assessment Compliance form and to prepare other documentation such as record or contract files for the On-Site Review/Virtual meeting if needed. Personnel with Title VI responsibilities will be interviewed during the On-Site visit/Virtual meeting. A copy of the LPA's Title VI Program Self-Assessment form is provided in Appendix G

Upon conclusion for the On-Site Review/Virtual meeting, the LPA will be notified by the DCRO of compliance or in the event that deficiencies are found, the local agency will be told of those deficiencies. The LPA will be given 90 days to develop a voluntary Corrective Action Plan to be submitted to VDOT Civil Rights District Office. The submittal of this plan will allow the LPA to develop voluntary corrective actions prior to be found in Non-Compliance. After the LPA corrects all deficiencies, it will be notified in writing that it is in compliance. However, if the LPA does not correct the deficiencies or fails to submit a Corrective Action Plan, it may be subject to sanctions including the suspension of federal funding. When the LPA fails to take appropriate corrective actions in response to the findings of deficiencies in the review report, the subrecipient moves from a deficiency status to non-compliant. VDOT will document and notify the FHWA and may initiate compliance and enforcement procedures (see Compliance and Enforcement Procedures section).

### **Compliance and Enforcement Procedures**

By signing the Title VI Assurances document as a condition to using Federal funds, VDOT has agreed to conduct compliance reviews and to take enforcement actions when required. In the event a subrecipient or consultant/contractor fails or refuses to comply with Title VI, VDOT will attempt to resolve the issue using normal administrative solutions. If the recipient or consultant/contractor is uncooperative or unresponsive during the attempts to resolve the noncompliance, VDOT may take other enforcement procedures with the concurrence of FHWA. The enforcement actions/sanctions that VDOT will follow in the event of a finding of noncompliance are:

- a) voluntary or informal compliance (sought first)

- b) suspension or termination of federal assistance
- c) refusal to grant or continue federal financial assistance
- d) utilize any other means as authorized by the law.

## **Data Collection**

Under Title VI, a recipient is required to collect statistical data (race, color, or national origin) of participants and beneficiaries of programs and activities conducted. Data collection is key to ensuring that transportation programs, services, facilities and projects effectively meet the needs of “all persons” without discrimination; i.e., disproportionately benefitting or harming one group over another is a violation of Title VI. Timely and accurate data allow for better decision making and provide support and defensibility to the decisions made.

Statistical data including race, national origin, age, or disability (where known) of participants in and beneficiaries of VDOT’s programs, (i.e. relocatees, impacted persons, affected communities) will be collected, analyzed and maintained by VDOT to determine the transportation investment benefits and burdens to the eligible population, including minority and LEP populations (Please see Data Collection Guidelines in Appendix L for more details). Data collection efforts used by VDOT are:

Environmental Planning: VDOT collects and analyzes U.S. Census data as part of the NEPA processes to determine which populations are expected to be impacted by VDOT administered projects. Additionally, demographic data is collected during public meetings with the use of voluntary demographic surveys.

Statewide Planning: VDOT analyzes demographic maps that include median income levels and racial/ethnic makeup at the U.S. Census tract level. Demographic data is collected at all public meetings via the public comment survey and via the voluntary demographic survey offered to meeting attendees by the Civil Rights Division staff.

Right of Way: During the interview/intake process, VDOT ROW staff will ensure that demographic information is collected voluntarily.

Language Assistance: The CRD monitors the usage of the Over the Phone Interpreting (OPI) Line to collect language assistance data. Language data is also collected via voluntary demographic surveys at public information meetings and public hearings.

Public Involvement: The CRD developed a voluntary demographics survey to collect demographic data of public meetings and hearing attendees to determine the population groups participating in in the transportation decision-making process. The survey include language spoken.

VDOT program areas are responsible for collecting data as it pertains to their potential interaction with the public, so additional data may be included in their data collection

efforts such as income, sex, and age. Potential sources of data and analysis tools include: Census Data, forms of surveys, geographic information systems and transportation models. Data collection efforts specific to each program area are described on an annual basis in VDOT's Goals and Accomplishment Report.

Each program area is responsible for analyzing the data collected and recommending corrective actions as applicable. Types of analysis to determine compliance with Title VI may include:

- allocations of funds
- impact on race, color and national origin
- impacts of the location of proposed projects on minority populations
- language needs
- persons included in the decision-making process
- strategies to address impacts
- strategies to disseminate information, and
- priorities for investments.

## **Training**

VDOT designs and conducts a variety of training and development classes through the Learning Center Division either with VDOT staff or through contracts. If the training is contracted out, it is the responsibility of the division to ensure that the contract includes the language that the contractor has the responsibility for complying with Title VI. If the language is not included in the contract, it shall be the responsibility of the division to monitor and review the program for Title VI compliance.

Training compliance responsibilities include:

- Collecting statistical data (race, color and national origin) of participation in and beneficiaries of the program.
- Monitoring accomplishments and problem areas and summarizing information annually for Title VI Update Report.

As stated under Title VI responsibilities, the Title VI Specialist and the District Civil Rights Managers are responsible for providing Title VI technical assistance, guidance, and coordinating training to VDOT staff, state officials, cities, counties, consultants, contractors, suppliers, universities, colleges, planning agencies, and other indirect recipients of federal-aid highway funds. The Title VI Designees are responsible for providing Title VI awareness within their respective division to include training, tutorials and discussions.

Title VI Training will be provided to the Civil Rights Division staff as part of the comprehensive trainings or symposiums that may be developed for the entire unit. A special training unit or session is devoted to the Title VI Program during those trainings.

In between the scheduled trainings, staff is always made aware of online training or webinars on specific topics offered by FHWA. Title VI training is also offered to the VDOT Interdisciplinary Team and to the VDOT Consultants and Sub consultants. This training is facilitated by FHWA's Resource Center Title VI Specialist. Among the sub-recipients that will also receive Title VI training are the Metropolitan Planning Organizations (MPOs), Planning District Commissions (PDCs) and the Local Planning Agencies (LPAs). Training for these groups will be provided primarily with the assistance of FHWA's Resource Center staff and/or FHWA's online library of videos and resources such as Federal-aid Essentials for Local Public Agencies.

VDOT's Civil Rights Division has developed the following resources available to LPAs: Title VI Program Compliance Toolkit and various Title VI Nondiscrimination document templates. These tools are all available at VDOT's website.

## **Dissemination of Title VI Information**

### **A - Internal Communication materials and resources**

Title VI Informational Poster for VDOT Staff. The poster provides information about VDOT's Title VI Program and is intended to inform and educate VDOT employees about the program. It also helps bring awareness about the program and serves as a constant reminder about Title VI.

Title VI Interdisciplinary Team Meetings – The Title VI Specialist meets with the Title VI Designees to update, discuss and receive their input and feedback on the development and implementation of Title VI related policies, procedures and activities.

Title VI Program Newsletter for VDOT Staff. The Civil Rights Division has created the Title VI Program Newsletter to reinforce the agency's commitment to prohibiting discrimination on the ground of race, color, or national origin. The newsletter is used as a tool to keep employees up to date on program requirements and events, address common questions related to the Title VI Program, and highlight divisions' contributions to the Title VI Program.

InsideVDOT Portal – Title VI Program page. This portal provides VDOT employees information about the Title VI Program, resources and access to documents, forms and reports.

### **B - Community Outreach and Public Education**

VDOT's Civil Rights Division conducts various methods of Community Outreach and Public Education. The primary purpose is to apprise sub-recipients, contractors, beneficiaries, and potential participants (public) of their rights under

Title VI. Regular and comprehensive outreach and education provide members of the public with information necessary to pursue and protect their rights under Title VI and remind them of their obligations. VDOT and its sub-recipients learn of community concerns and can receive input from them regarding their Title VI implementation and enforcement. Some of VDOT's efforts include:

- Making available, and where appropriate, distributing Title VI regulations, guidelines, policy and procedures, including the implementation plan to VDOT employees, sub-recipients, contractors, beneficiaries and other interested persons;
- Posting VDOT's nondiscrimination policy and compliance with Title VI, availability of Title VI information from VDOT and FHWA, and a brief explanation of procedures for filing complaints in the website;
- Outreaching to people with LEP;
- Using reasonable measures to disseminate written materials in appropriate languages;
- Providing federally assisted programs and services subject to Title VI in languages other than English.

VDOT's outreach activities include:

Title VI Brochure  
Civil Rights Website  
Public Hearings  
Transportation DBE Advisory Committee (TDAC)  
Virginia Transportation Construction Alliance Forums

Title VI Brochure – The brochure contains information that educates the public and VDOT staff on the Title VI Act and the Title VI Program. The brochure is entitled *Title VI -Ensuring non-discrimination under any program or activity receiving federal financial assistance* and is distributed statewide to the public, sub recipients, and other parties or individuals participating in or otherwise benefitting from federal financial assistance.

Civil Rights Website – is an electronic resource for educating the public and VDOT on Title VI and other Civil Rights laws and processes. VDOT's Title VI Evaluation Form is posted on this site as well as the Title VI Log, which is a list of all Title VI consultants that have an approved Title VI Evaluation Report in file. In addition, VDOT's Español website is in the process of translating appropriate portions of the website into Spanish.

Public Hearings – Civil Rights staff attends the majority of the public hearings held including citizen informational meetings for the purpose of disseminating Title VI information to the public and to monitor impact of projects. Citizens are provided

with Title VI brochures and other written materials to educate and acquaint them with Title VI and their rights under the law as well as VDOT's commitment to nondiscrimination and equal opportunity. A survey form is used to collect demographic data and track how well different segments of the population are represented. Public meeting notices are published in minority and local newspapers, flyers are distributed in the communities, post cards are mailed out and posters are placed at the entrance and exit of a project area. Public meetings/hearings are conducted in a barrier free environment. Virtual meetings may be conducted in lieu of in-person meetings.

Virginia Transportation Construction Alliance Forums (Annually) - The Civil Rights Division participates annually in VTCA Forums. Each year a Civil Rights Division representative provides training in a breakout session. The topic is sometimes in reference to the Title VI Program.

Other activities include meetings and dissemination of information at:

- Neighborhood Task Force Meetings
- Elementary, middle and high schools
- Elected Officials
- Rotary/Professional Organizations/Chamber/Hispanic Business Development
- High School Career Fairs
- Diversity Fairs
- University Student Groups
- Project Public Meetings
- Community Associations

## **B - Public Involvement Plan**

Joint VDOT-DRPT state public participation process includes information to engage, inform and receive the input of the public, including Title VI protected persons. The state public participation process is documented in the [Public Participation in Transportation Planning and Programming Process](#). The document explains the planning and programming processes, which are the beginning stages of all transportation projects, and the various activities in which citizens can participate and influence plans years before individual project level work begins.

To ensure that highway locations and designs are consistent with federal and state laws and local goals and objectives, VDOT has developed a [Public Involvement Manual](#). This document describes policies and procedures intended to give full opportunity for coordination and participation by the public before the final approval of highway locations and designs. Due to COVID-19 State restrictions, the Department is in the process of developing a public involvement plan that will incorporate virtual meetings

## **Complaints**

Recipients, sub-recipients, beneficiaries, or participants of VDOT's federally assisted programs, who believe they have been subjected to unequal treatment or discrimination on the ground of race, color or national origin, may exercise their right to file a complaint under the Title VI of the Civil Rights Act of 1964. See Part IV of this plan for discrimination complaint procedures.

## **Limited English Proficiency (LEP)**

VDOT has designated the Title VI Specialist as the agency's Language Access Coordinator (LAC). The Civil Rights Division contracts out language access services to provide the following language assistance services:

- a. American Sign Language Interpretation
- b. Language Interpretation Services
  - On-site (face to face)
  - Sight Interpretation
  - Video Remote Interpretation (VRI)
  - Telephonic Interpretation (scheduled and 24/7)
- c. Document Translation Services

District personnel will coordinate requests for translation/interpreter services through their District Civil Rights Manager (DCRM). Codes have been set up for the DCRM to contact the Language Services Provider (Contractor) directly. If not, the District Civil Rights Managers will contact the Title VI Specialist. Divisions in the Central Office will coordinate requests for translation/interpreter services through their Title VI Designee. The Designee will contact the Title VI Specialist, if not set up to obtain the services directly. VDOT Divisions that do not have a Title VI Designee will contact the Title VI Specialist directly.

Requests for services will include the name of the person requesting interpreting /translation services, and the district name and number. The Title VI Specialist will track LEP requests, by division and district. The tracking tool will include the name of the person requesting the services, the district name, the name of the document or the name of the LEP person, the date of the request, the number of hours for the interpreting assignment or the number words translated, the language interpreted/translated from and to, and any other pertinent information for tracking language services.

Written documents will be translated and sent back to the requestor and copied to the Title VI Specialist.

The Civil Rights Division's budget covers reasonable interpreting and translation services. It does not cover the cost for printing materials. In general, there is no cost to

the district or division for posting translated documents on VDOT's website. If at any time in the future the Civil Rights Division budget does not include funds for language assistance, then each division will be responsible for providing language services out of their own budget. Regardless of which budget funds language access services, each division and district will take into consideration the resources available and the costs when determining the need for services. It is very important to keep in mind that costs will not be used to deny all language translation requests.

VDOT's identification of the LEP population statewide is done with a Statistical Analysis of Virginia's LEP Population based on the Four Factor Analysis. The results of this analysis are used as a guideline to determine the scope of services for the Interpreting and Translations Services contract. The analysis will also be used to make recommendations for decisions on services and resources needed statewide or per project.

The VDOT's Limited English Proficiency Guidelines are included in Appendix I. The most recent Statistical Analysis of Virginia's LEP Population conducted by VDOT is included in Appendix K. This analysis was conducted to represent and comply the Four Factor Analysis.

## **IV. DISCRIMINATION UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 COMPLAINT PROCESS**

### **Introduction**

Any person who believes they—or a specific class of persons—were subjected to discrimination on the basis of race, color, or national origin in the programs and activities of the Virginia Department of Transportation (VDOT)—a recipient of Federal financial assistance through the Federal Highway Administration —may file a complaint of discrimination under Title VI of the Civil Rights Act of 1964 (Title VI) and related statutes.

### **Purpose**

The purpose of the discrimination complaint procedure is to describe the process used by the VDOT Civil Rights Division (CRD) for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes and authorities. This process does not preclude VDOT from attempting to resolve Title VI complaints through mediation.

### **Where can one file?**

Complaints related to the Federal-aid highway program may be filed with VDOT, FHWA Division Office, the FHWA Headquarters Office of Civil Rights (HCR), the USDOT Departmental Office of Civil Rights, and the USDOJ

### **When must one file?**

According to USDOT regulations, 49 CFR §21.11(b), a complaint must be filed not later than 180 days after the date of the last instance of alleged discrimination, unless the time for filing is extended by the processing agency.

### **What should a complaint look like?**

Complaints should be in writing and signed and may be filed by mail, fax, in person, or e-mail. However, the complainant may call VDOT and provide the allegations by telephone. The allegations of the complaint will be transcribed as provided over the telephone and a written complaint will be sent to the complainant for correction and signature.

A complaint should contain the following information:

- A written explanation of the alleged discriminatory actions;

- The complainant’s contact information, including, if available: full name, postal address, phone number, and email address;
- The basis of the complaint (e.g., race, color, national origin);
- The names of specific persons and respondents (e.g., agencies/organizations) alleged to have discriminated;
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance; and
- The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is on-going.
- Complainant’s signature and date of signature.

The VDOT Title VI Complaint form is included in Appendix A of this plan and is posted on the VDOT website.

### **How are complaints routed?**

FHWA Division Offices do not investigate Title VI complaints. Likewise, VDOT and its Subrecipients do not investigate complaints filed against themselves. Finally, FHWA is responsible for all decisions regarding whether a complaint should be accepted, dismissed, or referred to another agency.

With this understanding, complaints will be routed in the following ways:

- All complaints will be routed to the FHWA Headquarters Office of Civil Rights (HCR) for processing. HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints filed against VDOT.
- Complaints will be forwarded from the initial receiving agency through the Federal-aid highway oversight hierarchy until the complaint reaches HCR. For example, if a complaint is filed with VDOT, VDOT staff will forward the complaint to FHWA Virginia Division Office, which will forward the complaint to HCR.
- VDOT will log all complaints received.
- When HCR decides on whether to accept, dismiss, or transfer the complaint, HCR will notify the Complainant, the FHWA Virginia Division Office and VDOT.

The complaint may be filed with VDOT’s Civil Rights Division Administrator at **1401 East Broad Street, Richmond, VA 23219** or the U.S. Department of Transportation, Federal Highway Administration, Virginia Division, Office of Civil Rights, **400 North 8th Street, Suite 750, Richmond, Virginia 23219**. The form for filing a complaint with VDOT is included in Appendix A.

Complaints may also be sent to HCR directly at:

Postal Mail	Federal Highway Administration U.S. Department of Transportation Office of Civil Rights 1200 New Jersey Avenue, SE 8th Floor E81-105 Washington, DC 20590
Email	<a href="mailto:CivilRights.FHWA@dot.gov">CivilRights.FHWA@dot.gov</a>
Fax	202-366-1599
Questions?	202-366-0693

### **Complaints – Processing**

Complaints against VDOT

- Refer to FHWA Division or Headquarters (HCR)
- HCR investigates and HCR issues Letter of Finding (LOF)
- Division receives notification & copy of LOF

Complaints against VDOT’s subrecipient

- VDOT may investigate if FHWA delegates the investigation to VDOT after acceptance.
- VDOT issues report to FHWA
- FHWA issues LOF

### **What are the potential outcomes for processing a complaint?**

There are four potential outcomes for processing complaints:

- Accept: if a complaint is timely filed, contains sufficient information to support a claim under Title VI, and concerns matters under FHWA’s jurisdiction, then HCR will send to the complainant, VDOT (or respondent), and the FHWA Division Office a written notice that it has accepted the complaint for investigation.
- Preliminary review: if it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may (1) dismiss it or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.

- Procedural Dismissal: if a complaint is not timely filed, is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, VDOT (or respondent), and FHWA Division Office a written notice that it is dismissing the complaint.
- Referral\Dismissal: if the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the respondent entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, VDOT (or respondent), and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

The HCR is responsible for conducting all investigations of State DOTs and other primary Recipients. In the case of a complaint filed against subrecipients (VDOT's contractors, consultants, sub-consultants, planning organizations, cities or counties), HCR will conduct the investigation itself, or it may delegate the investigation to VDOT. If HCR chooses to delegate the investigation of a Sub-recipient, HCR will communicate its acceptance of the complaint to the complainant and VDOT (or respondent), but VDOT will conduct all data requests, interviews, and analysis.

VDOT will then create a Report of Investigation (ROI), which it will send to HCR. Finally, HCR will review the ROI and compose a Letter of Finding based on the ROI

### **What are the timeframes for investigation?**

For FHWA, there is no regulatory timeframe for completing investigations. However, FHWA strives to complete all tasks within 180 days from the date of acceptance.

If VDOT is delegated an investigation from FHWA, VDOT must complete the investigation within 60 days of receipt (meaning the date it receives the delegated complaint from FHWA) as stipulated in 23 CFR §200.9(b)(3). However, FHWA understands investigations may take more time to complete.

### **How does the Investigating Agency gather information?**

There are no regulatory requirements for how information is gathered, but VDOT (and sub-recipients if applicable), are required to keep detailed records on how they comply with Title VI and to provide USDOT with access to documents and persons with relevant information. 49 CFR §21.9. Typically, the respondent will receive at least one Request for Information and Position Statement (RFI) to gather documents, and additional requests if necessary. Concurrently, the HCR or VDOT investigator will schedule interviews with relevant parties and conduct site visits as necessary.

## Once FHWA starts an investigation, what are the potential outcomes?

First, at any time during the investigation, either FHWA or VDOT (or the respondent) may initiate informal negotiations to resolve the issues. The FHWA always strives to resolve Title VI complaints informally, if possible.

In the absence of such negotiations, HCR (or an investigator for VDOT) will draft a Report of Investigation, which should contain all relevant data and findings, with legal conclusions and potentially include recommendations for action. FHWA is responsible for the final disposition of all complaints, including initiation and conduct of informal negotiations and the issuance of Letters of Finding (LOFs).

There are five potential outcomes for concluding an investigation:

1. The FHWA makes a finding of **no violation** and the case will be closed with no further action. The FHWA will issue an LOF stating in sufficient detail the reasons for the determination of no violation.
2. If, by a preponderance of the evidence, FHWA determines **the respondent has failed to comply** with its Title VI requirements or threatens to fail to comply by action or inaction, then FHWA will inform the respondent and the matter will be resolved by informal means whenever possible.
  - If FHWA informally resolves the matter with the respondent by agreement, then FHWA will hold the complaint in abeyance until the respondent completes its corrective actions. If the corrective actions are completed to the FHWA's satisfaction, then the complaint will be dismissed with no further action.
  - If FHWA cannot informally resolve the matter or the respondent does not complete agreed upon corrective actions, then FHWA may issue a LOF stating that the Recipient is in noncompliance with its Title VI obligations.
3. If FHWA issues a LOF of noncompliance to the respondent, the LOF will request that the respondent provide to FHWA, within 90 days, an action plan that implements the recommendations in the LOF.
4. If FHWA approves the action plan, then the respondent will be given a reasonable amount of time to implement the plan. At the end of the implementation period, FHWA will assess whether the respondent has sufficiently corrected the deficiencies.
5. If FHWA does not approve the action plan, or the respondent is nonresponsive/uncooperative, then FHWA may seek **administrative sanctions**, including, but not limited to, suspension or termination of Federal funds or any other means authorized by law such as referral to USDOJ for enforcement.
6. If USDOT seeks to **suspend or terminate funds**, it must provide the respondent with an opportunity for a hearing on the record. If the Secretary of Transportation determines that the respondent has not complied with Title VI and voluntary

compliance cannot be secured, USDOT must notify Congress before that finding goes into effect. 49 CFR.

**LOFs issued by FHWA are administratively final.**

## **V. REVIEW OF STATE DIRECTIVES**

It is the responsibility of every Division Administrator to ensure that planning manuals, directives, guidelines, and policies have been reviewed for Title VI compliance purposes.

In doing so, Division Administrators must ensure that a draft of these documents be submitted to Civil Rights Division Administrator for review of Title VI or Title VII compliance. Title VI Interdisciplinary team members also assist in ensuring compliance of this requirement within each of the major operational program area they represent.

## **VI. TITLE VI PROGRAM NONDISCRIMINATION ASSURANCES (USDOT 1050.2A)**

As a federal-aid recipient, VDOT has signed the Title VI Program Nondiscrimination Assurances, which establish an agreement to assure nondiscrimination in all of the Department's programs and activities. A copy of the Assurances signed by the Commissioner of Highways for the State of Virginia is included in Appendix A.

# VDOT's TITLE VI ASSURANCE and APPENDICES (USDOT 1050.2A)



## COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION  
1401 EAST BROAD STREET  
RICHMOND, VIRGINIA 23219-2000

Stephen C. Brich, P.E.  
COMMISSIONER

### TITLE VI/NONDISCRIMINATION ASSURANCES

#### DOT Order No. 1050.2A

The Virginia Department of Transportation (VDOT), (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 the *Federal Highway Administration (FHWA)*, is subject to and will comply with the following:

#### Statutory/Regulatory Authorities

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

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

#### General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

*"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.*

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

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### 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 Highway 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-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The Virginia Department of Transportation (VDOT) 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, the *Virginia 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 *FHWA* 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 *FHWA*. You must keep records, reports, and submit the material for review upon request to *FHWA*, 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.

The *Virginia 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-Aid Highway Program*. This ASSURANCE is binding on the *Commonwealth of Virginia*, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the *Federal-Aid Highway Program*. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

*Virginia Department of Transportation*

by   
Stephen C. Brich, P.E.  
Commissioner of Highways

DATED 9/8/2022

## APPENDIX A

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

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

A

## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

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

#### (HABENDUM CLAUSE)

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

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

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

B

## APPENDIX C

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

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

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

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

C

## APPENDIX D

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

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

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

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

D

## APPENDIX E

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

### **Pertinent Nondiscrimination Authorities:**

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

E

## VII. APPENDICES

Appendix A	Complaint Form
Appendix B	Complaint Log Template
Appendix C	Consultant Assessment Tool
Appendix D	Consultant Title VI Evaluation Form
Appendix E	MPO / PDC Compliance Review Procedures
Appendix F	MPO and PDC Review Forms
Appendix G	LPA's Title VI Program Self-Assessment Form
Appendix H	Public Hearing Survey Form
Appendix I	Limited English Proficiency Guidelines
Appendix J	VDOT's Four Factor Analysis
Appendix K	Data Collection Guidelines

**APPENDIX A**  
**Title VI Complaint Form**



**Civil Rights**

1401 E. Broad Street, Richmond, VA 23219  
804.786.2085 Tel  
800.508.3737 Toll Free

**Form for Complaints Alleging Violations of  
Title VI of the Civil Rights Act of 1964**

Title VI of the 1964 Civil Rights Act requires that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please let us know.

Complete and return this form to the Civil Rights Division: Ms. Sandra D. Norman, Civil Rights Division Administrator, Virginia Department of Transportation, 1401 E. Broad Street, Richmond, VA 23219.

**Section I**

I believe that I have been (or someone else has been) discriminated against on the basis of:

- Race
- Color
- National Origin

What date did the alleged discrimination take place?

## Section II

First Name:  Last Name:

E-mail Address:

Postal Address:

City, State, Zip:

Telephone No.:  
Home  Cell:

Business:

## Section III

Are you filing this complaint on your own behalf?

Yes  No

If not, please supply the name and relationship of the person for whom you are complaining:

Please explain why you have filed for a third party:

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party:

Yes  No

Are you represented by legal counsel for this matter?

Yes  No

If yes, please supply name and contact information:

Have you previously filed a civil rights complaint with FHWA?

Yes  No

## Section IV

Names of specific persons, Agency or public entity alleged to have discriminated

## Section V

Have you filed this complaint with any of the following agencies?

- U.S. Department of Justice
- U.S. Department of Transportation
- Federal Highway Administration (FHWA)
- Other:

Have you filed a lawsuit regarding this complaint?

Yes  No

If yes, please provide the case number:

## Section VI

Please Include Details of Your Complaint Below. FHWA will contact you to request any additional documentation you may want to submit on behalf of your complaint.

**Important:** We cannot accept your complaint without a signature, please submit this form with a signature.

\_\_\_\_\_   
Complainant's Signature

\_\_\_\_\_   
Date



## APPENDIX C

### Consultant Assessment of Title VI Compliance

VDOT is a recipient of federal financial assistance. As a recipient, VDOT is required to comply with Title VI of the Civil Rights Act of 1964 (Title VI), as amended, and other nondiscrimination laws and authorities. Title VI of the Civil Rights Act of 1964, prohibits agencies receiving federal funds from discriminating against anyone or any group in the United States on the ground of race, color or national origin.

Title VI of the 1964 Civil Rights Act states that:

*“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”*

The Civil Rights Restoration Act of 1987 defined the word “program” to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal financial assistance, rather than just the particular programs or activities that receive the funds. The United States Department of Transportation (USDOT) and Federal Highway Administration (FHWA) Regulations (49) Code of Federal Regulations (CFR), Part 21, and 23 CFR, Part 200 respectively, and other applicable Orders and authorities provide guidelines, actions, and responsibilities for VDOT’s implementation of the Title VI Program. These laws and regulations include but are not limited to the following:

- USDOT Order 1050.2A
- Section 162 (a) of the Federal-aid Highway Act of 1973 (23 USC 324)
- Executive Order 12898 on Environmental Justice (EJ)
- Executive Order 13166 on Limited English Proficiency (LEP)

**The Federal Highway Aid Highway Act of 1973 (23 USC 324)** proscribes sex discrimination. The Act states that no person shall on the grounds of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.

**Civil Rights Restoration Act of 1987** clarified the intent of Title VI. The act states that coverage includes all programs and activities of federal aid recipients and contractors whether those programs and activities are federally funded or not.

**Executive Order 12898:** “Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations” is a Presidential mandate to address equity and fairness toward low income and minority persons and populations. EO 12898 states that each federal agency shall make achieving EJ part of its mission by identifying, and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of its programs, policies, and activities on minority populations and low income populations in the U.S., DC, Puerto Rico, and Marina Islands.

**Executive Order 13166** directs federal agencies to ensure people who are limited English proficient (LEP) have meaningful access to services. EO 13166 instructs agencies and recipients to examine their services, develop and implement processes by which LEP persons can meaningfully access those services. This EO establishes the four factor analysis as guidance on how recipients and sub-recipients can provide meaningful access to LEP persons. Every recipient and sub-recipient of federal funds is directed to prepare a plan with consistent standards and steps to overcome language barriers for programs and activities. The Department of Justice is the agency who is responsible for enforcing this directive. An LEP person is a person who does not speak English as their primary language and has limited ability to read, speak, write or understand English.

By contracting with VDOT, a firm is obligated to comply with the laws and regulations listed above and within the Memorandum of Agreement (MOA) executed between the Department and the selected consultant firm. VDOT's Civil Rights Division with the assistance from each applicable division's Program Manager monitors a firm's compliance with the non-discrimination provisions.

To monitor compliance, each consultant and all sub-consultants are required to submit a Title VI Evaluation Report. This requirement is applicable for all firms that are recipients or sub-recipients of federal funds.

VDOT's Title VI consultant assessment tool, **Consultant Title VI Evaluation Form**, is included in Appendix D.

## APPENDIX D VDOT Consultant Title VI Evaluation Form



### Introduction

VDOT is a recipient of federal financial assistance. As a recipient, VDOT is required to comply with Title VI of the Civil Rights Act of 1964, as amended and other nondiscrimination laws and authorities. Title VI of the Civil Rights Act of 1964, prohibit agencies and sub-recipients receiving federal assistance from discriminating against anyone or any group in the United States on the ground of race, color or national origin. Other regulations and directives prohibit discrimination on the basis of sex, age, disability, or low-income. The United States Department of Transportation (USDOT) and Federal Highway Administration (FHWA) Regulations (49) Code of Federal Regulations (CFR), Part 21, and 23 CFR, Part 200 respectively, and other applicable orders and authorities provide guidelines, actions, and responsibilities for VDOT's implementation of the Title VI Program. These laws and regulations include but are not limited to the following:

- **The 1970 Uniform Act (42 USC 4601)** – prohibits unfair treatment of displacedes
- **Section 504 of the 1973 Rehabilitation Act (29 USC 790)** – prohibits discrimination based on disability
- **The Federal-Aid Highway Act 1973 (23 USC 324)** – prohibits discrimination based on gender
- **The 1975 Age Discrimination Act (42 USC 6101)** – prohibits age discrimination (any age)
- **The Civil Rights Restoration Act of 1987** – clarified the original intent of nondiscrimination organization-wide
- **Executive Order 12898 on Environmental Justice (EJ)** addresses disproportionately high and adverse human health and environmental effects on minority and low-income populations
- **Executive Order 13166 on Limited English Proficiency (LEP)** - ensures people who are limited English proficient (LEP) have meaningful access to services

In brief, these laws and regulations prohibit discrimination in federally assisted programs and activities. Title VI of the 1964 Civil Rights Act states 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.”*

By contracting with VDOT, a contractor is obligated to comply with the laws and regulations listed above and within the Memorandum of Agreement (MOA) executed between the Department and the contractor. VDOT’s Civil Rights Division with the assistance from each applicable division’s Program Manager, monitors an organization’s compliance with the non-discrimination provisions.

To monitor compliance, each contractor and all sub-contractors are required to submit a Title VI Evaluation Form. This requirement is applicable for all contractors.

The Title VI Evaluation Form provides documentation that a contractor has procedures in place to prevent discrimination in programs and services based on Title VI.

VDOT will request a Title VI Evaluation Form within ten (10) days of notification of selection for new contractors or contractors that do not have a current assessment on file with VDOT. The Assessment Form should be submitted to the Program Manager in the division that is negotiating the contract. These are the divisions we currently receive Title VI Evaluation Forms from:

**Right of Way & Utilities Division**  
**Location & Design Division**  
**Environmental Division**  
**Structure & Bridge**  
**Materials Division**  
**Transportation & Mobility Planning Division**

Once the Title VI Evaluation Form is provided to VDOT, the Title VI Coordinator in the Civil Rights Division reviews the information and issues a pre-award letter within fifteen (15) days of receiving documentation or may schedule an on-site review within the same time frame to confirm information provided in the Evaluation Form. VDOT Program Managers have access to a Title VI Log that is updated monthly on the Civil Rights Website. The Title VI Coordinator may request additional information and/or recommend corrective actions. The Title VI Coordinator may randomly schedule on site compliance reviews at the contractor’s office.

If the report is approved, a letter is sent out with an expiration date for one year from the date of the approval letter. Typically the letter remains current and on file with VDOT for a period of one year. An updated report is required annually for contractors who continue to perform under a contract with VDOT. It should be noted that if VDOT conducts an on site compliance review the contractor can still be found to be out of compliance during the one year period.

Failure to comply with the nondiscrimination provisions may result in cessation of negotiations, withholding of payments, cancellation, termination, or suspension of the contract in whole or in part.

Should you have any questions about VDOT’s Title VI Program or the Evaluation Form, contact Corina Herrera at 804-786-2730 or at [corina.herrera@vdot.virginia.gov](mailto:corina.herrera@vdot.virginia.gov) .

## VDOT TITLE VI EVALUATION FORM

This Title VI Evaluation Form is used as a Pre-award Review and Post-award Review. VDOT is required to conduct routine assessments prior to releasing funds to ensure Title VI compliance. A pre-award review assists VDOT in determining whether applicants operate in a nondiscriminatory manner. Pre-award reviews can also be used to require applicants to take preventive measures to ensure that discrimination will not occur in their services as a condition of receiving contracts. Pre-award reviews represent a frontline approach to eliminating and preventing discrimination before it occurs.

Post-Award Reviews are generally conducted after a contractor begins the scope of work. However, to minimize the burden on VDOT's contractors, VDOT has developed a form that serves as both a pre-award and post-award compliance tool.

VDOT must also conduct on-site reviews of prime contractors periodically to ensure that the contractor remains in compliance with Title VI and to verify that the contractor has preventive measures to ensure nondiscrimination by their sub-contractors.

Name of Preparer:		Preparer's Title:	
Phone #:		Email Address:	
Name of Organization:		Address of Organization:	
Address of Virginia location where project will be done:			
Type of Contractor/Organization:			
<input type="checkbox"/> Private Organization <input type="checkbox"/> Governmental Agency		<input type="checkbox"/> Supplier <input type="checkbox"/> Other	
Workforce for Virginia Location(s)			
Total	% Minority	% Female	
Business Ownership/Control			
Minority <input type="checkbox"/> Yes <input type="checkbox"/> No		DBE Certified <input type="checkbox"/> Yes <input type="checkbox"/> No	
Female <input type="checkbox"/> Yes <input type="checkbox"/> No		SWAM Certified <input type="checkbox"/> Yes <input type="checkbox"/> No	
Does your organization currently have contracts or subcontracts with VDOT? <input type="checkbox"/> Yes <input type="checkbox"/> No What is your organization's most recent date of Title VI approval?			
Status of Project(s):		Value of current Contract(s):	
What does your organization have in place to ensure nondiscrimination in your VDOT scope of work and your programs and services?			



## Organization, Staffing, & Training

1. What type of services will your organization provide VDOT?  
**Click here to enter text.**
2. Identify the person responsible for the administration of Title VI policies and procedures (a Title VI Coordinator). Provide the name, position, title, and contact information. **Click here to enter text.**

## Title VI/Nondiscrimination

1. Is your Title VI Coordinator, project managers, and other staff made aware of Title VI compliance and regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21 and the Federal Highway Administration's 23 Code of Federal Regulations 200? Please explain how they are made aware. **Click here to enter text.**
2. What procurement procedures does your organization have in place to ensure nondiscrimination in the selection and retention of subcontractors including procurements of materials and leases of equipment? \* **Please note N/A is not an acceptable response, please provide a complete answer**  
**Click here to enter text.**
1. How does your organization notify your subcontractors and suppliers of their obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin? \* **Please note N/A is not an acceptable response, please provide a complete answer**  
**Click here to enter text.**
4. Are facilities and meeting areas fully accessible to persons with disabilities?  
**Click here to enter text.**
5. Does your organization have a system in place to accommodate persons with disabilities? If yes, how does your organization notify the public? If no, please explain. \* **Please note N/A is not an acceptable response, please provide a complete answer**  
**Click here to enter text.**
6. How are limited English proficient persons made aware that they can receive translation services for access to services? \* **Please note N/A is not an acceptable response, please provide a complete answer**  
**Click here to enter text.**

7. Has your organization been reviewed by any governmental agencies for compliance with Title VI and other laws and regulations? If yes, provide a copy of the letter identifying the review findings? **Click here to enter text.**
8. Does your organization receive federal assistance (grants, loans, donations of property, or detail of personnel) from any Federal government entity? **Click here to enter text.**
9. List any discrimination complaints and/or lawsuits received in Virginia during the reporting period. Include the basis for the complaint (ethnicity, gender, etc.) and summarize the outcome or resolution. If applicable, include a copy of the investigation report. **Click here to enter text.**

**Disadvantaged Business Enterprises (DBE)**

7- Did your organization award any contracts/subcontracts related to VDOT work to DBEs during the reporting period?

Yes  No

If yes, provide the following:

- a. The DBE's name and amount awarded **Click here to enter text.**
- b. Total # of contracts awarded to DBEs **Click here to enter text.**
- c. Total dollar amount of contracts awarded to DBEs **Click here to enter text.**

I certify that the data given in this report is correct to the best of my knowledge. (Report has to be submitted with original signature, not a photocopy.)

Signature:

\_\_\_\_\_

(Authorized Officer)

\_\_\_\_\_

(Title)

\_\_\_\_\_

(Date)

*For Office Use Only:*

Provide award? Yes \_\_\_\_\_ No \_\_\_\_\_

Recommendations:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## **APPENDIX E**

### **MPO/PDC Compliance Review Procedures**

District Civil Rights Managers (DCRMs) will have the primary responsibility of conducting compliance reviews of MPOs and PDCs using the MPO or the PDC Compliance Review (Self-Assessment) Form. When the DCRM is unable to conduct the review or there is a conflict of interest based on a complaint against the district office from a MPO or PDC, the Title VI Specialist may assist with conducting the compliance review.

The DCRM will send the current MPO or PDC Compliance Review (Self-Assessment) Form with a 30-day deadline for returning the document. Once the self-assessment document is returned to the DCRM, the form and supporting documents will be reviewed for compliance with Title VI and LEP. The DCRM will write questions that may arise from the answers provided by the MPO or PDC on the compliance review form. If needed, a site visit will be conducted to clarify any questions and review documents and data provided on the form within 30 days of receiving the Compliance Review Form from the MPO or PDC. The DCRM will write a review report.

If no significant findings are found, the DCRM will send a letter of no significant findings within 30 days of the site visit to the MPO or the PDC and the Civil Rights Division Administrator. If non-compliance issues arise, the MPO/PDC will be issued a letter of findings, which will also be sent to the Civil Rights Division Administrator within 30 days of the site visit with recommendations for corrections and a maximum three (3) month deadline based on the items that need to be brought into compliance.

When the MPO/PDC fails to take appropriate corrective actions in response to the findings of deficiencies in the review report, the subrecipient moves from a deficiency status to non-compliant. VDOT will document and notify the FHWA and may initiate compliance and enforcement procedures (see Compliance and Enforcement Procedures section).

Compliance reviews of MPOs and / or PDCs will be conducted periodically. Each VDOT district will review a planning agency at least every four years. A list of the MPOs/PDCs to be reviewed will be determined at the beginning of the calendar year and a date/schedule of when the reviews will take place will be established as well. Each district and central office will maintain a log with the name of the MPO and/or PDC, the date of the review, the outcome of the review and any recommendations.

**APPENDIX F  
MPO and PDC Review Forms**



**Metropolitan Planning Organization  
Title VI Program Review Form**

This questionnaire is used to assess your organization's compliance with Title VI regulations. State Highway Agencies (SHAs) are required to review those entities to which the SHA distributes federal funds (subrecipients)(23 C.F.R. §200.9(b)(7)). VDOT is required to conduct Title VI reviews of Metropolitan Planning Organizations (MPOs) to monitor and ensure Title VI compliance. The review form assists VDOT in determining whether the MPO operates in a nondiscriminatory manner and is managing the federal-aid in compliance with Title VI Regulations.

**Reporting Period**   (VDOT reviewer enter applicable reporting period here)  

<b>Name of MPO</b>	
<b>Address of MPO</b>	
<b>Date of Review</b>	
<b>Name &amp; Title of person completing this form</b>	

<b>Title VI Administration</b>
<p>1. Identify the person responsible for the administration of the Title VI policies and procedures at your Agency (Title VI Coordinator)  Name: _____ Position Title: _____</p>
<p>2. Has the Title VI Coordinator participated in any form of training with specific reference to Title VI?  Yes <input type="checkbox"/> No <input type="checkbox"/>  If YES, what type of Training?  Describe and provide date</p>
<p>3. Does the Title VI Coordinator have access to the top official at the MPO?  Yes <input type="checkbox"/> No <input type="checkbox"/>  Please list names of the official(s)</p>
<p>4. Does the agency have an approved Title VI Implementation Plan that documents the Agency's methods of administration of its Title VI Program?  Yes <input type="checkbox"/> No <input type="checkbox"/>   If YES, please enter the name of the Agency that approved the Plan, provide the date of approval and attach a copy of the Plan.</p>

5. Has the agency signed the Title VI Assurances (USDOT 1050.2A)?

Yes  No

If YES, has the agency included the Title VI Assurances in the Title VI Implementation Plan?

Yes  No

## Staffing

1. Identify the following for each individual who has responsibilities in the transportation component of the organization. Name, position title and race. Please attach an organizational chart.

NAME	POSITION TITLE	RACE

2. Of the positions above, identify those that are elected by citizens and those positions that are appointed by some governing authority. Identify the said governing authority.

## Public Involvement

1. What efforts are made to notify the public of meetings, workshops, special sessions, etc.?

2. What efforts are made to ensure minorities, disabled, and persons with Limited English Proficiency (LEP) are aware of MPO meetings?

3. Are accommodations for translation services or special needs included in notices to the public?

Yes  No

If YES, please attach a sample of the most recent notice.

4. Does the MPO include minority or non-English (other languages) media in all notification processes for public meetings or public review of agency documents?

Yes  No

If YES, identify the media resources used by name

5. Where are MPO meetings held? \_\_\_\_\_  
Please describe the meeting locations, time, days of week. Is the atmosphere conducive for public involvement?

6. Are the meetings held where bus or rail service is provided?

Yes  No

If NO, please explain.

<p>7. Has your organization received any request for information in an alternative format such as Braille, Audio, or non-English?  Yes <input type="checkbox"/> No <input type="checkbox"/>  If YES, please discuss.</p>
<p>8. What is your process for providing access to persons whose primary language is not English?</p>
<p>9. Has the MPO established any advisory or citizen's group?  Yes <input type="checkbox"/> No <input type="checkbox"/>  If YES, describe any efforts or methods used to focus on increasing the participation of minority and non-English speaking population in the transportation planning processes.</p>
<p>10. Are persons traditionally underrepresented by transportation systems, such as minority or LEP population, actively sought out for involvement in MPO processes?  Yes <input type="checkbox"/> No <input type="checkbox"/>  If YES, what methods are used?</p>
<p>11. Are contacts with minority or LEP groups or leaders used to identify information needs and planning/programming issues or concerns?  Yes <input type="checkbox"/> No <input type="checkbox"/>  If YES, identify those individuals contacted during the reporting period</p>
<p>12. How does the MPO gather data when assessing transportation needs, projects, and impacts?   How is the data utilized to examine and evaluate the equitable distribution of benefits and burdens of transportation investments?   Note: The emphasis here is on collecting and utilizing data that reflects community boundaries, racial and ethnic makeup,</p>
<p>13. Are limited English proficient persons made aware that they can receive translation services at no cost to them?  Yes <input type="checkbox"/> No <input type="checkbox"/>  If YES, identify how</p>
<p><b>Contracting - consultants</b></p>
<p>1. Did your organization award any consultant contracts during the reporting period?  Yes <input type="checkbox"/> No <input type="checkbox"/>  If YES, identify the following.  Total dollar amount of contracts awarded: _____  Total dollar amount awarded to DBE* firms: _____  *DBE = Disadvantaged Business Enterprises</p>
<p>2. Please provide list of companies, the type of service and the award amount.</p>
<p>3. How does your organization solicit and award consultant contracts?</p>

<p>4. Does your organization insert the Title VI/Nondiscrimination paragraph from the U.S. DOT Standard Title VI Assurances into all solicitations for bids and requests for proposals (RFPs)?  Yes <input type="checkbox"/> No <input type="checkbox"/>  If YES, describe how this verified.</p> <p>Provide an example of a document including the paragraph.</p>
<p>5. Do contracts with consulting firms include contract provisions for Title VI? (Appendix A and Appendix E of the US Order DOT 1050.2A)  Yes <input type="checkbox"/> No <input type="checkbox"/>  Provide an example of a contract</p>
<p><b>Other</b></p>
<p>1. Has the MPO been reviewed recently by any governmental agencies (such as the Federal Transit Administration [FTA], Department of Labor, Department of Justice, Federal Highway Administration [FHWA], etc.) for compliance with Title VI?  Yes <input type="checkbox"/> No <input type="checkbox"/>  If YES, please indicate the agency/agencies and provide a copy of the letter identifying the review finding(s). If the review was conducted by FTA, please attach a copy of the final report.</p>
<p>2. Have any formal or informal complaints alleging violations of the Title VI of the Civil Rights of 1964 been lodged against the MPO during the previous three years?  Yes <input type="checkbox"/> No <input type="checkbox"/>  If YES, please provide a statement on the nature of the complaint and status of the complaint.</p>
<p>3. Does the MPO have Complaint Procedures which describe the process for investigations and disposition of Title VI complaints that conforms to the FHWA complaints procedures?  Yes <input type="checkbox"/> No <input type="checkbox"/>  If YES, what is the MPO's process for complaints alleging violations of Title VI? Please describe the process for receiving, investigating, and resolving those complaints?</p>
<p>4. Identify any significant Title VI related issues and/or changes that have occurred during the reporting period.</p>
<p>5. Identify all individuals by name and title that are anticipated to attend an on-site Title VI compliance review if one is needed.</p>
<p><b>Catalog of Title VI related data to be submitted for this assessment</b></p>
<ul style="list-style-type: none"> <li>• Professional Services Contracts - Bidding: Submit an advertisement/RFP applicable to the reporting period</li> <li>• Professional Services Contracts - Provisions: Submit a contract agreement applicable to the reporting period</li> <li>• Public Involvement – Submit public meetings records to include number of meetings, ads, meeting attendees' demographic data (collected at the meeting, comments collected both formally and informally) applicable to the</li> </ul>

reporting period.

*For Office Use Only:*

**Findings / Conclusions**

Compliance: \_\_\_\_\_ Non-compliance: \_\_\_\_\_

**Review conducted by:** \_\_\_\_\_

**Approved by:** \_\_\_\_\_

**Date:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_



## Planning District Commission (PDC) Title VI Program Review Form

This questionnaire is used to assess your organization's compliance with Title VI regulations. State Highway Agencies (SHAs) are required to review those entities to which the SHA distributes federal funds (subrecipients)(23 C.F.R. §200.9(b)(7)). VDOT is required to conduct Title VI reviews of Metropolitan Planning Organizations (MPOs) to monitor and ensure Title VI compliance. The review form assists VDOT in determining whether the MPO operates in a nondiscriminatory manner and is managing the federal-aid in compliance with Title VI Regulations.

**Reporting Period**   (VDOT reviewer enter applicable reporting period here)  

<b>Name of PDC</b>	
<b>Address of PDC</b>	
<b>Date of Review</b>	
<b>Name &amp; Title of person completing this form</b>	

<b>Title VI Administration</b>
<p>1. Identify the person responsible for the administration of the Title VI policies and procedures at your Agency (Title VI Coordinator)</p> <p style="margin-left: 40px;">Name: <span style="margin-left: 150px;">Position Title:</span></p>
<p>2. Has the Title VI Coordinator participated in any form of training with specific reference to Title VI?          Yes <input type="checkbox"/> No <input type="checkbox"/>          If YES, what type of Training?          Describe and provide date</p>
<p>3. Does the Title VI Coordinator have access to the top official at the PDC?          Yes <input type="checkbox"/> No <input type="checkbox"/>          Please list names of the official(s)</p>
<p>4. Does the agency have an approved Title VI Implementation Plan that documents the Agency's methods of administration of its Title VI Program?          Yes <input type="checkbox"/> No <input type="checkbox"/>          If YES, please enter the name of the Agency that approved the Plan, provide the date of approval and attach a copy of the Plan.</p>
<p>5. Has the agency signed the Title VI Assurances (USDOT 1050.2A)?</p>

Yes  No   
 If YES, has the agency included the Title VI Assurances in the Title VI Implementation Plan?  
 Yes  No

**Staffing**

3. Identify the following for each individual who has responsibilities in the transportation component of the organization. Name, position title, and race. Please attach an organizational chart.

NAME	POSITION TITLE	RACE

4. Of the positions above, identify those that are elected by citizens and those positions that are appointed by some governing authority. Identify the said governing authority.

**Public Involvement**

1. What efforts are made to notify the public of meetings, workshops, special sessions, etc.?

2. What efforts are made to ensure minorities, disabled, and persons with Limited English Proficiency (LEP) are aware of PDC meetings?

3. Are accommodations for translation services or special needs included in notices to the public?  
 Yes  No   
 If YES, please attach a sample of the most recent notice.

4. Does the PDC include minority or non-English (other languages) media in all notification processes for public meetings or public review of agency documents?  
 Yes  No   
 If YES, identify the media resources used by name

5. Where are PDC meetings held? \_\_\_\_\_  
 Please describe the meeting locations, time, days of week. Is the atmosphere conducive for public involvement?

6. Are the meetings held where bus or rail service is provided?  
 Yes  No   
 If NO, please explain.

7. Has your organization received any request for information in an alternative format such as Braille, Audio, or non-English?

Yes  No   
If YES, please discuss.

8. What is your process for providing access to persons whose primary language is not English?

9. Has the PDC established any advisory or citizen's group?

Yes  No

If YES, describe any efforts or methods used to focus on increasing the participation of minority and non-English speaking population, in the transportation planning processes.

10. Are persons traditionally underrepresented by transportation systems, such as minority or LEP population, actively sought out for involvement in PDC processes?

Yes  No

If YES, what methods are used?

11. Are contacts with minority groups or leaders used to identify information needs and planning/programming issues or concerns?

Yes  No

If YES, identify those individuals contacted during the reporting period

12. How does the PDC gather data when assessing transportation needs, projects, and impacts?

How is the data utilized to examine and evaluate the equitable distribution of benefits and burdens of transportation investments?

Note: The emphasis here is on collecting and utilizing data that reflects community boundaries, racial and ethnic makeup, community services, etc.

13. Are limited English proficient persons made aware that they can receive translation services at no cost to them?

Yes  No

If YES, identify how

### **Contracting – consultants**

3. Did your organization award any consultant contracts during the reporting period?

Yes  No

If YES, identify the following.

Total dollar amount of contracts awarded: \_\_\_\_\_

Total dollar amount awarded to DBE\* firms: \_\_\_\_\_

\*DBE = Disadvantaged Business Enterprises

4. Please provide a list of companies, the type of service and the award amount.

5. How does your organization solicit and award consultant contracts?

6. Does your organization insert the Title VI/Nondiscrimination paragraph from the U.S. DOT Standard Title VI Assurances into all solicitations for bids and requests for proposals (RFPs)?  
 Yes  No   
 If YES, describe how this verified.  
  
 Provide an example of a document including the paragraph.

7. Do contracts with consulting firms include contract provisions for Title VI? (Appendix A and Appendix E of the US Order DOT 1050.2A)  
  
 Yes  No   
 Provide an example.

**Other**

1. Has the PDC been reviewed recently by any governmental agencies (such as the Federal Transit Administration [FTA], Department of Labor, Department of Justice, or the Federal Highway Administration [FHWA]), for compliance with Title VI or other Equal Opportunity programs?  
 Yes  No   
 If YES, please indicate the agency/agencies and provide a copy of the letter identifying the review finding(s). If the review was conducted by FTA, please attach a copy of the final report.

2. Have any formal or informal complaints alleging violations of the Title VI of the Civil Rights of 1964 been lodged against the MPO during the previous three years?  
 Yes  No   
 If yes, please provide a statement on the nature of the complaint and status of the complaint.

3. Does the PDC have Complaint Procedures which describe the process for investigations and disposition of Title VI complaints that conforms to the FHWA complaints procedures?  
 If YES, what is the PDC's process for complaints alleging violations of Title VI? Please describe the process for receiving, investigating, and resolving those complaints?

4. Identify any significant Title VI related issues and/or changes that have occurred during the reporting period.

5. Identify all individuals by name and title that are anticipated to attend an on-site Title VI compliance review if one is needed.

**Catalog of Title VI related data to be submitted for this assessment**

- Professional Services Contracts - Bidding: Submit an advertisement/RFP applicable to the reporting period
- Professional Services Contracts - Provisions: Submit a contract agreement applicable to the reporting period
- Public Involvement – Submit public meetings records to include number of meetings, ads, meeting attendees’ demographic data (collected at the meeting, comments collected both formally and informally) applicable to the

reporting period.

*For Office Use Only:*

**Findings / Conclusions**

Compliance: \_\_\_\_\_ Non-compliance: \_\_\_\_\_

**Review conducted by:** \_\_\_\_\_

**Approved by:** \_\_\_\_\_ **Date:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**APPENDIX G**  
**Local Public Agency Title VI Program Self-Assessment Form**



**Local Public Agency (LPA)**  
**Title VI Program Self- Assessment Form**

This questionnaire is used to assess your organization’s compliance with Title VI regulations. State Highway Agencies (SHAs) are required to review those entities to which the SHA distributes federal funds (subrecipients)(23 C.F.R. §200.9(b)(7)). VDOT is required to conduct Title VI reviews of Local Public Agencies (LPAs) receiving federal-aid thru VDOT in order to monitor and ensure Title VI compliance. The review form assists VDOT in determining whether the LPA operates in a nondiscriminatory manner and is managing the federal-aid in compliance with Title VI Regulations

**Reporting Period**  (VDOT reviewer enter applicable assessment period here)

<b>Name of Local Public Agency</b>	
<b>Address of Local Public Agency</b>	
<b>Date of Assessment</b>	
<b>Name &amp; Title of person completing this form</b>	

**Administration: Staff Composition and Title VI Program Administration**

1. Provide breakdown of your staff that has responsibilities in the transportation component of your agency by identifying the following for each individual: name, position title, and race. Please attach an organizational chart.

NAME	POSITION TITLE	RACE

2. How many federally funded projects has your agency managed over the last two years?

What is the total dollar amount?

3. Has your agency designated a Title VI Coordinator who is responsible for the administration of the Title VI policies and procedures?

Yes  No

If YES, please provide the following:

Name: Position Title:
4. Does the Title VI Coordinator have direct access to the top official of your agency? Yes <input type="checkbox"/> No <input type="checkbox"/> Please list names of the official(s)
5. Does your Agency have a Title VI Policy and Title VI Implementation Plan in place? Please check all that apply and provide copies as indicated. Title VI Policy <input type="checkbox"/> Title VI Implementation Plan <input type="checkbox"/> Please attach a copy
6. If you indicated that your agency does have a Title VI Policy, has this policy been disseminated within the organization and to the public? Yes <input type="checkbox"/> No <input type="checkbox"/> If YES, please provide proof of dissemination.
7. Has the agency signed the Title VI Assurances (USDOT 1050.2A)? Yes <input type="checkbox"/> No <input type="checkbox"/> If YES, has the agency included the Title VI Assurances in the Title VI Implementation Plan? Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Training</b>
1. Has your staff received any training (formal or informal) regarding Title VI? Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Has the Title VI coordinator participated in any form of training with specific reference to Title VI? Yes <input type="checkbox"/> No <input type="checkbox"/> If YES, what type of Training? <i>(i.e. webinar, in-class training with instructor, internet modules)</i> Describe and provide date
<b>Public Involvement</b>
1. What efforts are made to notify the public of meetings, workshops, special sessions, etc.?
2. What efforts are made to ensure minorities, disabled, and persons with Limited English Proficiency (LEP) are aware of public meetings?
3. Are accommodations for special needs or interpreting / translation included in notices to the public? Yes <input type="checkbox"/> No <input type="checkbox"/> If YES, please attach samples of notices.
4. Does your agency include minority or non-English (other languages) media in all notification processes for public meetings or public review of agency documents? Yes <input type="checkbox"/> No <input type="checkbox"/>

<p>If YES, identify the media resources used (by name)</p>
<p>5. Where are public meetings held? _____ Please describe the meeting locations, time, days of week. Is the atmosphere conducive for public involvement?</p>
<p>6. Are the meetings held where bus or rail service is provided? Yes <input type="checkbox"/> No <input type="checkbox"/> If NO, please explain.</p>
<p>7. Has your organization received any request for information in an alternative format such as Braille, Audio, or non-English? Yes <input type="checkbox"/> No <input type="checkbox"/> If YES, please discuss.</p>
<p>8. Are limited English proficient persons made aware that they can receive translation services at no cost to them? Yes <input type="checkbox"/> No <input type="checkbox"/> If YES, identify how</p>
<p>9. Does your agency monitor attendance broken down by race and ethnicity and by LEP and disabilities requiring accommodations? Yes <input type="checkbox"/> No <input type="checkbox"/> If YES, identify how it is monitored and attach any forms if applicable.</p>
<p>10. Has your agency established any advisory or citizen's group? Yes <input type="checkbox"/> No <input type="checkbox"/> If YES, describe any efforts or methods used to focus on increasing the participation of minority and non-English population in the transportation planning processes.</p>
<p>11. Are persons traditionally underrepresented by transportation systems, such as minority or LEP population, actively sought out for involvement in transportation planning processes? Yes <input type="checkbox"/> No <input type="checkbox"/> If YES, what methods are used?</p>
<p>12. Are contacts with minority or LEP groups or leaders used to identify information needs and planning/programming issues or concerns? Yes <input type="checkbox"/> No <input type="checkbox"/> If YES, identify those individuals contacted during the reporting period</p>
<p>13. How does your agency gather data when assessing transportation needs, projects, and impacts?  How is the data utilized to examine and evaluate the equitable distribution of benefits and burdens of transportation investments?  Note: The emphasis here is on collecting and utilizing data that reflects community boundaries, racial and ethnic makeup.</p>
<p><b>Contracting – consultants activities</b></p>
<ul style="list-style-type: none"> <li>• Did your organization award any consultant contracts during the reporting period? Yes <input type="checkbox"/> No <input type="checkbox"/> If YES, identify the following. Total dollar amount of contracts awarded: _____ Total dollar amount awarded to DBE* firms: _____</li> </ul>

\*DBE = Disadvantaged Business Enterprises

- Please provide list of companies, the type of service and the award amount.

- How does your organization solicit and award consultant contracts?

- Does your organization insert the Title VI/Nondiscrimination paragraph from the U.S. DOT Standard Title VI Assurances into all solicitations for bids and requests for proposals?

Yes  No

If YES, describe how this verified.

- Do contracts with consulting firms include contract provisions for Title VI (Appendix A and Appendix E of USDOT 1050.2A)

Yes  No

Provide an example.

## Construction and Maintenance Activities

1. Are minority contractors and subcontractors being informed about contracting opportunities with your agency?

Yes  No

Provide an example.

2. Are Title VI assurances being included in all contracts, subcontracts, and material supply agreements?

Yes  No

Provide an example.

## Right of Way Activities

1. Is Title VI Language being incorporated in all acquisition, negotiation, property management communications, and contracts?

Yes  No

2. Do deeds, permits, and leases contain Title VI compliance clauses?

Yes  No

3. Are Title VI language and assurance statements being included in all surveys for property owners and tenants after the conclusion of all business?

Yes  No

4. Is statistical data being gathered on race, color, national origin and limited English proficiency for all relocates?

Yes  No

## Complaints Procedures

1. Does your agency have written Complaint procedures which describe the process for responding, recording, and resolving Title VI complaints (external discrimination complaints) that conforms to the FHWA complaints procedures?  
Yes  No   
If YES, please provide a copy of procedures.

2. How are the complaint procedures communicated to the public? Explain.

3. Have any formal or informal complaints alleging violations of the Title VI of the Civil Rights Act of 1964 been lodged against your Agency during the past three years?  
Yes  No   
If YES, please list them below and provide date(s), status and the outcome(s).

### Other

1. Has your agency been reviewed recently by any governmental agencies (such as the Federal Transit Administration [FTA], Department of Justice, Federal Highway Administration [FHWA], etc.) for compliance with Title VI?  
Yes  No   
If YES, please indicate the agency/agencies and provide a copy of the letter identifying the review finding(s). If the review was conducted by FTA, please attach a copy of the final report.

2. Identify any significant issues and/or changes that have occurred during the reporting period.

3. Identify all individuals by name and title that are anticipated to attend an on-site Title VI compliance review if one is needed.

### Catalog of Title VI related data to be submitted for this assessment

- Professional Services Contracts - Bidding: Submit an advertisement/RFP applicable to the reporting period
- Professional Services Contracts - Provisions: Submit a contract agreement applicable to the reporting period
- Public Involvement – Submit public meetings records to include number of meetings, ads, meeting attendees’ demographic data (collected at the meeting, comments collected both formally and informally) applicable to the reporting period.

### *For Office Use Only:*

### Findings / Conclusions

Compliance: \_\_\_\_\_ Non-compliance: \_\_\_\_\_

**Review conducted by:** \_\_\_\_\_

**Approved by:** \_\_\_\_\_ **Date:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

## APPENDIX H Public Hearing Survey Form



### Demographic Survey

Pursuant to Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities, the Virginia Department of Transportation collects responses to the questions below in order for us to evaluate access to public meetings for ALL persons in the community. Disclosure of this information is strictly voluntary and anonymous.

1. Please check the block for the racial group and the ethnicity with which you identify:

White

- German     Irish             English  
 Italian     Polish         French

*Print for example: Scottish, Norwegian, etc.*

Black / African American

- African American     Jamaican     Haitian  
 Nigerian             Ethiopian     Somali

*Print for example: Ghamian, South African etc.*

Hispanic / Latino or Spanish

- Mexican or Mexican American     Puerto Rican  
 Cuban             Dominican     Salvadoran

*Print for example: Guatemalan, Spaniard etc.*

Middle Eastern or North African

- Lebanese     Iranian     Egyptian  
 Syrian         Moroccan     Algerian

*Print for example: Israeli, Iraqi, etc.*

American Indian / Alaskan Native

Asian

- Chinese     Filipino     Asian Indian  
 Vietnamese     Korean     Japanese

*Print for example: Pakistani, Cambodian, etc.*

Native Hawaiian or other Pacific Islander

- Native Hawaiian     Samoan     Fijian  
 Chamorro             Tongan     Marshallese

*Print for example: Palauan, Tahitian etc.*

Some other Race or Ethnicity \_\_\_\_\_

2. Please indicate your age group:

- 18-25     26-39     40-65     Over 65

3. Please indicate how you found out about this public meeting:

- Internet     Newspaper  
 Flyer         Other \_\_\_\_\_

4. Were special accommodations to access the meeting facility requested?

- Yes     No  
 If yes, were the accommodations received?  
 Yes     No

5. Do you speak a language other than English?

- Spanish     French         Korean  
 Arabic      Tagalog  
 Other \_\_\_\_\_

6. Were special accommodations such as language translation, sign language, Braille or large print documents, etc. requested for participation in this public forum?

- Yes     No  
 If yes, were the accommodations received?  
 Yes     No

#### For Office Use Only

Project Name	
State Project Number	
Federal Project Number	
Project Location	
Type of Meeting	
Date of Meeting	
Title VI Impact	<input type="checkbox"/> No <input type="checkbox"/> Yes, explain
Recommendation	

If you have any questions or need assistance, please contact VDOT's Civil Rights Division at 804-786-2730.

APPENDIX I  
Limited English Proficiency Guidelines



# LIMITED ENGLISH PROFICIENCY GUIDELINES



Civil Rights

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## **I. Limited English Proficiency Statement of Commitment**

The Commonwealth of Virginia, Department of Transportation, (VDOT) will effectuate the provisions of Title VI of the Civil Rights Act of 1964, 49 Code of Federal Regulations (CFR) Part 21, 23 CFR Part 200, Executive Orders (EO) and other applicable directives. Title VI of the Civil Rights Act of 1964 prohibits agencies receiving federal financial assistance from discriminating against anyone or any group in the United States on the ground of race, color, national origin. Specifically, 42 USC 2000d states that: *“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”*

As a recipient of federal-aid funding, VDOT is committed to nondiscrimination in all its programs and activities whether or not those programs and activities are federally funded. VDOT will take reasonable steps to ensure meaningful access to the agency’s programs, activities, services and information that are normally provided in English are accessible to LEP persons. VDOT is cognizant of the fact that failure to ensure that LEP persons can effectively participate in federally assisted programs and activities may violate the prohibition against national origin discrimination under Title VI of the Civil Rights Act of 1964.

The key to providing meaningful access to LEP persons is to ensure that LEP beneficiaries can communicate effectively and act appropriately based on that communication. The Department will ensure that every manager, supervisor, employee, and sub-recipient of federal-aid funds administered by VDOT takes reasonable steps to ensure meaningful access to VDOT recipients’ programs and activities. Districts and divisions will collect and maintain demographic statistics on persons who participate in their programs and services. In addition, every district and division will post written notices in a public area regarding the right to free language assistance for persons conducting business with the Department in the most frequently encountered or likely to be encountered languages.

Allegations of discrimination will be brought to the immediate attention of the Civil Rights Division Administrator or a District Civil Rights Manager.

## **II. Introduction**

VDOT's Limited English Proficiency (LEP) Guidelines clarify VDOT's fulfillment of responsibilities to LEP persons, pursuant to Executive Order 13166, entitled "Improving Access to services for persons with Limited English Proficiency" and other USDOT and FHWA Orders and directives effectuating EO 13166.

English is the predominant language of the United States. The United States is, however, home to millions of national origin minority individuals who are "limited English proficient". That is, they cannot speak, read, write or understand the English language at a level that permits them to interact effectively. Because of these language differences and their inability to speak or understand English, LEP persons may often be excluded from programs, benefits and/or activities of agencies receiving Federal financial assistance.

VDOT's LEP guidance provides procedures that will assist VDOT in complying with Title VI responsibilities to ensure meaningful access to all programs, activities and/or benefits for LEP persons.

### **III. Guidance Statement for Interpreter Services**

The ability of individuals to communicate with and understand LEP persons is essential to the ability to participate in VDOT's programs, services and activities. To ensure that every individual, regardless of his or her native language, has access to and may participate in agency programs, VDOT is committed to providing appropriate interpreter services to individuals with limited English proficiency (LEP), to the extent possible.

The provision of appropriate interpreter services is central to the integrity of all programs, services and activities, ensuring that those with limited English proficiency can understand and participate in a meaningful manner. A stakeholder's ability to access VDOT's services and programs requires that the individual's language needs be met to ensure clear communication, access and input.

VDOT's procedures for the provision of interpreter services and translated documents are intended to ensure meaningful access for LEP persons. The procedures also promote the autonomy of district and residency offices to determine the mix of resources available for their use such as local governments, non-profit organizations, libraries, staff and other resources.

## **IV. Agency Guidelines for Full Participation by LEP Persons**

### **1. Implementation**

The Title VI Specialist is responsible for monitoring agency programs and activities to ensure meaningful access for LEP persons. The VDOT has designated the Title VI Specialist as the agency's Language Access Coordinator (LAC).

### **2. VDOT Resources for Language Assistance Services (LAS).**

#### **A. Language Services Provider's contract overview and scope**

##### **Contract Overview**

The Civil Rights Division has established a contract to provide statewide translation and interpreter services to the Virginia Department of Transportation. The Department wants to ensure meaningful access to persons with limited English proficiency. Language translation and interpretation services are available through the Civil Rights Division (Central Office and District Civil Rights Offices).

##### **Contract Scope**

The scope of the contract is to provide language services for document translation, over-the-phone interpreting (OPI line), and in-person interpretation. These services shall include, but shall not be limited to the 10 languages most commonly spoken by Virginia's limited English proficient population (Core languages) according to the American Census Bureau. VDOT has completed the required four factor analysis to determine the core languages for its contract.

#### **B. Language Services Provider (LSP) ordering procedure**

District personnel will coordinate requests for translation/interpreter services through their District Civil Rights Manager. In some situations, access codes may be set up for district staff to contact the Contractor directly. If not, the District Civil Rights Managers will contact the Title VI Specialist. VDOT Divisions in the Central Office will coordinate requests for translation/interpreter services through their Title VI Designee who can either contact the Title VI Specialist or request an access code to contact the Contractor directly. Divisions that have not assigned a Title VI Designee will contact the Title VI Specialist directly.

Requests for services will include the name of the person requesting translation services, and the district name and number. The Title VI Specialist will maintain a record of LEP requests, by division and district. The records will include the name of the person requesting translation services, the district name, the name of the

document or the name of the LEP person, the date of the request, the number of hours or words that was translated, the language translated from and to and any other pertinent information for tracking language services.

Each requestor may fill out an evaluation form to evaluate the services performed by the Contractor. The evaluation forms will be sent directly to the Title VI Specialist.

The procedure to request assistance with document translations is the same. The documents will be translated and sent back to the requestor with a copy for the Title VI Specialist.

#### C. Cost for Services

The Civil Rights Division contracts out language access services. The Civil Rights Division's budget covers reasonable document translation services. It does not cover the cost for printing materials. In general, there is no cost the district or division for posting translated documents on VDOT's website. If at any time in the future the Civil Rights Division budget does not include funds for a language contract, then each division will be responsible for providing language services out of their own budget. Regardless of which budget funds language access services, each division and district will take into consideration the resources available and the costs when determining the need for services. It is very important to keep in mind that costs will not be used to deny all language translation requests.

All Language Assistance Services will be made available to LEP persons at the expense of VDOT, where the circumstances indicate the provision of LEP services is appropriate or required.

#### D. Monitoring, Evaluating and Training

The Title VI Coordinator along with management, District Civil Rights Managers, the Title VI Specialist and Title VI Designees will identify language service needs and strategies for responding to those needs. The Title VI Specialist in the Civil Rights Division is responsible for monitoring agency programs and activities to ensure meaningful access for LEP persons. The Title VI Specialist may be contacted by calling (804) 786-2730 or by email at [corina.herrera@vdot.virginia.gov](mailto:corina.herrera@vdot.virginia.gov).

The Civil Rights Division Administrator has designated the Title VI Specialist as the agency's Language Access Coordinator (LAC). The LAC's duties include:

- Ensuring identification and securing of existing and needed resources (in-house, new hires contract, resource sharing with other agencies, volunteers, or other) to provide oral and written language services.
- Identifying and developing or recommending guidelines to implement the Plan.

- Identifying criteria for designation of languages for initial round of translation, based on demographic data;
- Identifying systems to distribute translated documents, post electronically, and maintain supply;
- Identifying training needs and provide for training to LEP Monitors, staff, and managers needing to use language services, as well as language service providers on staff.
- Establishing protocols for ensuring quality, timeliness, cost-effectiveness, and appropriate levels of confidentiality in translations, interpretation, and bilingual staff communications.
- Reviewing the progress of VDOT on an annual basis in providing meaningful access to LEP persons, develop reports, and modify [recommend modification to] LEP Guidelines as appropriate.

Limited English Proficiency Monitors

Civil Rights Managers and Title VI Interdisciplinary Designees will serve as LEP Monitors for divisions and districts. LEP Monitor duties include:

- Working with the Language Coordinator to identify needs and strategies for meeting those needs so that staff will have access to appropriate language services.
- Ensuring the facility’s compliance with the LEP Guidelines, including any implementation.
- Providing training/information to staff on implementation of LEP Guidelines.
- Establishing and maintaining the Agency’s language assistance resource list, ensuring competency; revise the list as needed.
- Maintaining data on requests from LEP persons and provide reports to management and the LEP Coordinator, as appropriate.

District Civil Rights Managers:

<b>DISTRICT</b>	<b>District Civil Rights Managers</b>	<b>PHONE #</b>
Bristol	Mary Ann Altum	276-645-1677
Culpeper	Judy Page	540-829-7391
Fredericksburg	Marc Hoffman	540-899-4562
Hampton Roads	Queen Crittendon	757-956 -3000
Lynchburg	Phyllis A. Brice	434-856-8169
Northern VA	Leslie Martin	703-259-1775
Richmond	Ferrell Solomon	804-524-6091
Salem	Lori Law	540-387-5453
Staunton	Carolyn Sharp	540-521-0587

Title VI Interdisciplinary Team Designees:

<b>DIVISION</b>	<b>DESIGNEE</b>	<b>PHONE #</b>
Construction	Rachel Kneessi (interim)	804-301-0339
Planning	Katherine Graham	804-786-4198
Location & Design	Emmett Heltzel	804-786-0121
Virginia Transportation Research Council (VTCR)	Cindy Perfater & Donna Cognata	434-293-1992 434-293-1957
Right of Way	Audrey Ross	804-786-1589
Structure & Bridge	Patrick Mancuso	804-786-1529
Traffic Engineering	Carol Williams	804-786-1013
Professional Services Procurement Office (PSPO)	Tracy Wood	804-786-9691
Environmental	(vacant)	
Materials Division	Shirley Perrin	804-328-3156
Administrative Services	Opal Revels	804-371-6748
Maintenance	Joseph Williams Robin Dolatowski (alternate)	804-786-0783 804-729-6354
Local Assistance	(vacant)	
Budget and Funds Management	Larrie Henley	804-786-7458

VDOT will conduct a survey to determine the level of internal resources available for language services. This survey will seek to find out what languages are spoken by staff in addition to English; whether the individual can read, write and/or speak the language; and the level of fluency. The results of this assessment will be kept by Civil Rights Division and may be accessed for impromptu/emergency situations that do not allow for quick access to the Language Services Contractor.

Training

VDOT staff members should know their obligations to provide meaningful access to information and services for LEP persons.

Management staff, even if they do not interact regularly with LEP persons, should be fully aware of and understand the plan so they can reinforce its importance and ensure its implementation by staff. As mentioned above, training will be provided by the Title VI Specialist, District Civil Rights Managers and Title VI Designees.

To ensure consistent standards, translation services will be provided by a professional provider/firm based on the factors listed in 2.A. Bilingual staff may be utilized on a limited basis when LAS are not anticipated or available.

### 3. Situational Needs Assessment

The agency will, on a continuing basis, assess the need for language services on a district and/or statewide basis and make LAS available as deemed appropriate. Prior to the development of its LEP Plan of Action, VDOT examined the prevalence of LEP stakeholders statewide, by district and/or by service area of program using the following four factors:

- The number or proportion of LEP persons served or encountered in the eligible service population
- The frequency with which LEP individuals come in contact with the program
- The nature and importance of the program, activity, or service to people's lives
- The resources available to VDOT and costs to provide LEP services

In making this assessment, the agency considered the following among other data sources:

- United States census results
- Data maintained by the agency
- The agency's past experience in providing services to LEP stakeholders

#### A. Identifying the LEP service needed in a particular situation

The identification of the type of LEP service needed for each particular instance will vary depending on how VDOT is contacted by the LEP individual:

##### In-person Contact

Contact the District Civil Rights Manager, the Title VI Designee or the Title VI Specialist to request an interpreter. The interpreter will identify the language need of the LEP person and provide them with an interpreter. If one of these persons cannot be reached, use the "I speak...cards" to attempt to identify the language spoken and show them the public notice for language services. Obtain the LEP person's name and contact information in the event the language service contractor is not immediately available.

##### Telephone Contact

An Over-the-Phone Interpreting (OPI) Line is set up for the Call Center Staff to be able to handle all calls received at the VDOT's toll free line and need language assistance. Similarly, District Civil Rights Managers have access to the OPI Line to handle phone calls at the District Level. Due to telephone calls being a time sensitive issue and the risk of losing a caller going through too many transfers, VDOT staff can also contact Central Office Civil Rights Division and a Civil Rights staff person will contact the language service contractor. The contractor will identify the

language need of the LEP person and transfer the person to the correct interpreter.

#### Written Documents

Contact the District Civil Rights Manager, the Title VI Designee or the Title VI Specialist for translations (written documents). Electronic capability will result in the efficient return of translated documents. The division or district can scan the document and email it to their District Civil Rights Manager, their Title VI Designee or the Title VI Specialist. If scanning capability is not available and the original document was not received electronically, inter-office mail may be used to send the document. The document will be forwarded to the contractor and sent back within the time frame stipulated in the Language Services contract.

#### B. Guidelines for responding to individual requests from LEP persons:

- All requests will be logged into a database whether the language spoken can be determined or not.
- All requests will be considered and a quote will be obtained in order to make the determination to proceed by management in the district or division

### **4. District Offices**

- a. All Language Assistance Services will be available to VDOT staff in district offices and residencies.
- b. The Civil Rights Managers may evaluate language resources available in their service area including community colleges, state and private universities, and community-based organizations. Civil Rights Managers may, with the approval of the Civil Rights Division Administrator, enter into agreements for the provision of such services with community resources if the contracted provider is not available to facilitate the services.
- c. Districts with a lower need for language services may coordinate with other districts that maintain a larger resource pool to utilize their language resource services to any extent practicable.
- d. Civil Rights Managers and the Title VI Specialist will communicate to staff that the use of a family member or friend may only take place after informing an LEP person of his/her right to free interpreter services and will only be used as a last result because family members may not have the subject knowledge necessary to communicate the information accurately and in the best manner possible.

## **5. Central Office**

- a. The Title VI Specialist with the assistance of Title VI Designees will institute an LEP protocol appropriate to Central Office.
- b. Central office protocol will be designed using the agency resources described in section 2 of these guidelines.

## **6. Other Covered Entities:**

Contractors, sub-contractors, Metropolitan Planning Organizations (MPOs), Planning District Commissions (PDCs) and other entities that receive funds from VDOT for federal projects are covered under Title VI and Executive Order 13166. Sub-recipients are responsible for securing services and monitoring access for limited English proficiency.

## **7. Agency Documents**

- a. The Title VI Specialist, District Civil Rights Managers, Designees and management will, on a continuing basis, identify vital documents that are routinely provided to stakeholders that will be translated into languages other than English. The translation of vital documents into languages other than English is particularly important where a significant number or percentage of the customers served and/or eligible to be served have limited English proficiency. Whether or not a document is vital depends on how significant the impact on the health, safety, legal rights, or livelihood of an LEP person may be. Written documents include electronic documents and web-sites. Vital documents may include materials such as:
  - Emergency transportation information;
  - Notices of public hearings and proposed transportation plans;
  - Community education materials;
  - Notices notifying LEP persons of language assistance at no cost to the LEP person;
  - Written tests in a classroom;
  - Markings, signs and packaging for hazardous materials and substances;
  - Signs in waiting rooms, reception areas, and other initial points of entry;
  - Instructions on how to participate in a recipient's program.
- b. The Title VI Specialist will coordinate with the Language Service Provider (LSP) to have identified documents translated accordingly.

## 8. Complaints

Any person who believes they—or a specific class of persons—were subjected to discrimination on the basis of race, color, or national origin in the programs and activities of the Virginia Department of Transportation (VDOT) may file a complaint of discrimination under Title VI of the Civil Rights Act of 1964 (Title VI) and related statutes. These complaints include those against the agency where he or she believes that the agency did not provide necessary LEP services as appropriate.

Following is the process used by the VDOT Civil Rights Division (CRD) for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes and authorities. This process does not preclude VDOT from attempting to resolve Title VI complaints through mediation.

### **Where can one file?**

Complaints related to the Federal-aid highway program may be filed with VDOT, FHWA Division Office, the FHWA Headquarters Office of Civil Rights (HCR), the USDOT Departmental Office of Civil Rights, and the USDOJ

### **When must one file?**

According to USDOT regulations, 49 CFR §21.11(b), a complaint must be filed not later than 180 days after the date of the last instance of alleged discrimination, unless the time for filing is extended by the processing agency.

### **What should a complaint look like?**

Complaints should be in writing and signed and may be filed by mail, fax, in person, or e-mail. However, the complainant may call VDOT and provide the allegations by telephone. The allegations of the complaint will be transcribed as provided over the telephone and a written complaint will be sent to the complainant for correction and signature.

A complaint should contain the following information:

- A written explanation of the alleged discriminatory actions;
- The complainant's contact information, including, if available: full name, postal address, phone number, and email address;
- The basis of the complaint (e.g., race, color, national origin);
- The names of specific persons and respondents (e.g., agencies/organizations) alleged to have discriminated;
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance; and

- The date(s) of the alleged discriminatory act(s) and whether the alleged discrimination is on-going.
- Complainant’s signature and date of signature.

The VDOT Title VI Complaint form is included in Appendix A of this plan and is posted on the VDOT website.

**How are complaints routed?**

FHWA Division Offices do not investigate Title VI complaints. Likewise, VDOT and its Subrecipients do not investigate complaints filed against themselves. Finally, FHWA is responsible for all decisions regarding whether a complaint should be accepted, dismissed, or referred to another agency.

With this understanding, complaints will be routed in the following ways:

- All complaints will be routed to the FHWA Headquarters Office of Civil Rights (HCR) for processing. HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints filed against VDOT.
- Complaints will be forwarded from the initial receiving agency through the Federal-aid highway oversight hierarchy until the complaint reaches HCR. For example, if a complaint is filed with VDOT, VDOT staff will forward the complaint to FHWA Virginia Division Office, which will forward the complaint to HCR.
- VDOT will log all complaints received.
- When HCR decides on whether to accept, dismiss, or transfer the complaint, HCR will notify the Complainant, the FHWA Virginia Division Office and VDOT.

The complaint may be filed with VDOT’s Civil Rights Division Administrator at **1401 East Broad Street, Richmond, VA 23219** or the U.S. Department of Transportation, Federal Highway Administration, Virginia Division, Office of Civil Rights, **400 North 8th Street, Suite 750, Richmond, Virginia 23219**. The form for filing a complaint with VDOT is included in Appendix A.

Complaints may also be sent to HCR directly at:

Postal Mail	Federal Highway Administration U.S. Department of Transportation Office of Civil Rights 1200 New Jersey Avenue, SE 8th Floor E81-105 Washington, DC 20590
Email	<a href="mailto:CivilRights.FHWA@dot.gov">CivilRights.FHWA@dot.gov</a>
Fax	202-366-1599

## Complaints – Processing

### Complaints against VDOT

- Refer to FHWA Division or Headquarters (HCR)
- HCR investigates and HCR issues Letter of Finding (LOF)
- Division receives notification & copy of LOF

### Complaints against VDOT's subrecipient

- VDOT may investigate if FHWA delegates the investigation to VDOT after acceptance.
- VDOT issues report to FHWA
- FHWA issues LOF

## What are the potential outcomes for processing a complaint?

There are four potential outcomes for processing complaints:

- Accept: if a complaint is timely filed, contains sufficient information to support a claim under Title VI, and concerns matters under FHWA's jurisdiction, then HCR will send to the complainant, VDOT (or respondent), and the FHWA Division Office a written notice that it has accepted the complaint for investigation.
- Preliminary review: if it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then HCR may (1) dismiss it or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.
- Procedural Dismissal: if a complaint is not timely filed, is not in writing and signed, or features other procedural/practical defects, then HCR will send the complainant, VDOT (or respondent), and FHWA Division Office a written notice that it is dismissing the complaint.
- Referral\Dismissal: if the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter or (2) lacks jurisdiction over the respondent entity, then HCR will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, VDOT (or respondent), and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Civil Rights.

The HCR is responsible for conducting all investigations of State DOTs and other primary Recipients. In the case of a complaint filed against subrecipients (VDOT's contractors, consultants, sub-consultants, planning organizations, cities or counties), HCR will conduct the investigation itself, or it may delegate the investigation to VDOT. If HCR chooses to delegate the investigation of a Sub-recipient, HCR will communicate its acceptance of the complaint to the complainant and VDOT (or respondent), but VDOT will conduct all data requests, interviews, and analysis.

VDOT will then create a Report of Investigation (ROI), which it will send to HCR. Finally, HCR will review the ROI and compose a Letter of Finding based on the ROI

### **What are the timeframes for investigation?**

For FHWA, there is no regulatory timeframe for completing investigations. However, FHWA strives to complete all tasks within 180 days from the date of acceptance.

If VDOT is delegated an investigation from FHWA, VDOT must complete the investigation within 60 days of receipt (meaning the date it receives the delegated complaint from FHWA) as stipulated in 23 CFR §200.9(b)(3). However, FHWA understands investigations may take more time to complete.

### **How does the Investigating Agency gather information?**

There are no regulatory requirements for how information is gathered, but VDOT (and sub-recipients if applicable), are required to keep detailed records on how they comply with Title VI and to provide USDOT with access to documents and persons with relevant information. 49 CFR §21.9. Typically, the respondent will receive at least one Request for Information and Position Statement (RFI) to gather documents, and additional requests if necessary. Concurrently, the HCR or VDOT investigator will schedule interviews with relevant parties and conduct site visits as necessary.

### **Once FHWA starts an investigation, what are the potential outcomes?**

First, at any time during the investigation, either FHWA or VDOT (or the respondent) may initiate informal negotiations to resolve the issues. The FHWA always strives to resolve Title VI complaints informally, if possible.

In the absence of such negotiations, HCR (or an investigator for VDOT) will draft a Report of Investigation, which should contain all relevant data and findings, with legal conclusions and potentially include recommendations for action. FHWA is responsible for the final disposition of all complaints, including initiation and conduct of informal negotiations and the issuance of Letters of Finding (LOFs).

There are five potential outcomes for concluding an investigation:

- I. The FHWA makes a finding of **no violation** and the case will be closed with no further action. The FHWA will issue an LOF stating in sufficient detail the reasons for the determination of no violation.
- II. If, by a preponderance of the evidence, FHWA determines **the respondent has failed to comply** with its Title VI requirements or threatens to fail to comply by action or inaction, then FHWA will inform the respondent and the matter will be resolved by informal means whenever possible.
  - o If FHWA informally resolves the matter with the respondent by agreement, then FHWA will hold the complaint in abeyance until the respondent completes its corrective actions. If the corrective actions are completed to the FHWA's satisfaction, then the complaint will be dismissed with no further action.
  - o If FHWA cannot informally resolve the matter or the respondent does not complete agreed upon corrective actions, then FHWA may issue a LOF stating that the Recipient is in noncompliance with its Title VI obligations.
- III. If FHWA issues a LOF of noncompliance to the respondent, the LOF will request that the respondent provide to FHWA, within 90 days, an action plan that implements the recommendations in the LOF.
- IV. If FHWA approves the action plan, then the respondent will be given a reasonable amount of time to implement the plan. At the end of the implementation period, FHWA will assess whether the respondent has sufficiently corrected the deficiencies.
- V. If FHWA does not approve the action plan, or the respondent is nonresponsive/uncooperative, then FHWA may seek **administrative sanctions**, including, but not limited to, suspension or termination of Federal funds or any other means authorized by law such as referral to USDOJ for enforcement.
- VI. If USDOT seeks to **suspend or terminate funds**, it must provide the respondent with an opportunity for a hearing on the record. If the Secretary of Transportation determines that the respondent has not complied with Title VI and voluntary compliance cannot be secured, USDOT must notify Congress before that finding goes into effect. 49 CFR.

**LOFs issued by FHWA are administratively final.**

## **9. Questions and Answers**

Q. Who is a Limited English Proficient (LEP) individual?

A. Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." These individuals may be entitled to language assistance with respect to a particular type or service, benefit, or encounter.

Q. Does a recipient have to provide translation services in every language?

A. No. Recipients and federal agencies are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. What is “reasonable” is based on the four factor analysis. Recipient research of demographics and available resources may determine that language services are provided to the largest number of LEP persons served or encountered by a program or service.

Q. Will providing language services increase the risk of litigation and liability for recipients as a result of LEP Guidance?

A. No. *Alexander v. Sandoval* holds principally that there is no private right of action to enforce Title VI disparate regulations. The LEP Guidelines are based on Title VI and DOT’s Title VI regulations at 49 CFR part 21 and does not provide any private right of action beyond that which exists in those laws. Thus LEP Guidance does not increase the risk of recipient’s legal liability to private plaintiffs. DOT does not dismiss the fact that although there is no legal grounds this does not prevent persons from initiating legal actions.

Q. What is a “safe harbor?”

A “safe harbor means that if a recipient provides written translations under certain circumstances, such action will be considered strong evidence of compliance with the recipient’s WRITTEN translation obligations under Title VI. The following actions will be considered strong evidence of compliance with the recipient’s written translation obligations: (a) the DOT recipient provides written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served; (b) if there are fewer than 40 persons in a language group that reaches the 5% trigger in (a), the recipient does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

Q. Does the Executive Order apply to federally conducted activities overseas or to foreign recipients of federal financial assistance?

A. No. The Department of Justice (DOJ) has determined that Executive Order (EO) 13166 applies only within the United States and its territories and does not apply extraterritorially.

However, agencies that conduct activities overseas must still submit a plan for making their domestic activities accessible to people who are limited English proficient. That plan will indicate that the agency conducts federal activities abroad, but that DOJ has determined that the EO does not apply to those activities.

Similarly, agencies that provide federal financial assistance abroad and domestically must still create guidance for their domestic recipients, and may include a statement in the guidance indicating that the guidance does not apply extraterritorially.

Q. What are recipients of federal funds and federal agencies required to do to meet LEP requirements?

A. Recipients and federal agencies are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee;
2. the frequency with which LEP individuals come in contact with the program;
3. the nature and importance of the program, activity, or service provided by the program to people's lives; and
4. the resources available to the grantee/recipient or agency, and costs. As indicated above, the intent of this guidance is to find a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small business, or small nonprofits.

## **10. Authorities**

[Executive Order #13166](#) (Limited English Proficiency)

## **11. Guidelines**

[U.S DOT's LEP Guidance](#)

**VDOT's LEP Guidelines -- Appendix A  
Complaint of Discrimination Form**



**Civil Rights**

1401 E. Broad Street, Richmond, VA 23219  
804.786.2085 Tel  
800.508.3737 Toll Free

**Form for Complaints Alleging Violations of  
Title VI of the Civil Rights Act of 1964**

Title VI of the 1964 Civil Rights Act requires that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

The following information is necessary to assist us in processing your complaint. Should you require any assistance in completing this form, please let us know.

Complete and return this form to the Civil Rights Division: Ms. Sandra D. Norman, Civil Rights Division Administrator, Virginia Department of Transportation, 1401 E. Broad Street, Richmond, VA 23219.

**Section I**

I believe that I have been (or someone else has been) discriminated against on the basis of:

- Race
- Color
- National Origin

What date did the alleged discrimination take place?

## Section II

First Name:  Last Name:

E-mail Address:

Postal Address:

City, State, Zip:

Telephone No.:  
Home  Cell:   
Business:

## Section III

Are you filing this complaint on your own behalf?  
 Yes  No

If not, please supply the name and relationship of the person for whom you are complaining:

Please explain why you have filed for a third party:

Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party:

Yes  No

Are you represented by legal counsel for this matter?

Yes  No

If yes, please supply name and contact information:

Have you previously filed a civil rights complaint with FHWA?

Yes  No

#### **Section IV**

Names of specific persons, Agency or public entity alleged to have discriminated

#### **Section V**

Have you filed this complaint with any of the following agencies?

- U.S. Department of Justice
- U.S. Department of Transportation
- Federal Highway Administration (FHWA)
- Other:

Have you filed a lawsuit regarding this complaint?

Yes  No

If yes, please provide the case number:

## Section VI

Please Include Details of Your Complaint Below. FHWA will contact you to request any additional documentation you may want to submit on behalf of your complaint.

**Important:** We cannot accept your complaint without a signature, please submit this form with a signature.

\_\_\_\_\_

\_\_\_\_\_

Complainant's Signature

Date

## VDOT's LEP Guidelines -- Appendix B Language Flashcards

### LANGUAGE IDENTIFICATION CARD

<b>I SPEAK ...</b>		<b>VDOT</b> Virginia Department of Transportation	
<b>ARABIC</b> <small>أنا أتحدث اللغة العربية</small>	<b>FRENCH</b> <small>Je parle français</small>	<b>LAOTIAN</b> <small>ຂອບເຂດພາສາລາວ</small>	<b>SPANISH</b> <small>Yo hablo español</small>
<b>ARMENIAN</b> <small>Ես խոսում եմ հայերեն</small>	<b>FRENCH CREOLE</b> <small>(HAITIAN CREOLE) M pale kreyòl ayisyen</small>	<b>LITHUANIAN</b> <small>Aš kalbu lietuviškai</small>	<b>SWAHILI</b> <small>Ninaongea Kiswahili</small>
<b>BENGLALI</b> <small>আমি বাংলা কথা বলতে পারি</small>	<b>GERMAN</b> <small>Ich spreche Deutsch</small>	<b>MANDARIN (CHINESE)</b> <small>我讲普通话/普通话</small>	<b>SWEDISH</b> <small>Jag talar svenska</small>
<b>BOSNIAN</b> <small>Ja govorim bosanski</small>	<b>GREEK</b> <small>Μιλώ τα ελληνικά</small>	<b>NORWEGIAN</b> <small>Jeg snakker norsk</small>	<b>TAGALOG</b> <small>Marunong akong mag-Tagalog</small>
<b>BULGARIAN</b> <small>Аз говоря български</small>	<b>GUJARATI</b> <small>હું ગુજરાતી બોલું છું</small>	<b>POLISH</b> <small>Mówię po polsku</small>	<b>THAI</b> <small>พูดภาษาไทย</small>
<b>BURMESE</b> <small>ကျွန်ုပ်တို့/ကျွန်းုပ်တို့ ချစ်ဆဲးစေတယ် သေတယ်</small>	<b>HEBREW</b> <small>אני מדבר עברית</small>	<b>PORTUGUESE</b> <small>Eu falo português do Brasil (Brasil)</small>	<b>TURKISH</b> <small>Türkçe konuşurum</small>
<b>CAMBODIAN</b> <small>ខ្ញុំនិយាយភាសាខ្មែរ</small>	<b>HINDI</b> <small>मैं हिंदी बोलता हूँ।</small>	<b>PORTUGUESE</b> <small>Eu falo português de Portugal (Portugal)</small>	<b>UKRAINIAN</b> <small>Я розмовляю українською мовою</small>
<b>CANTONESE (CHINESE)</b> <small>我講廣東話 我讲广东话</small>	<b>HMONG</b> <small>Kuv has lug Moob</small>	<b>PUNJABI</b> <small>ਮੈਂ ਪੰਜਾਬੀ ਬੋਲਦਾ/ਬੋਲਦੀ ਹਾਂ।</small>	<b>URDU</b> <small>میں اردو بولتا ہوں</small>
<b>CROATIAN</b> <small>Govorim hrvatski</small>	<b>HUNGARIAN</b> <small>Beszélek magyarul</small>	<b>ROMANIAN</b> <small>Vorbesc românește</small>	<b>VIETNAMESE</b> <small>Tôi nói tiếng Việt</small>
<b>CZECH</b> <small>Mluvím česky</small>	<b>ITALIAN</b> <small>Parlo italiano</small>	<b>RUSSIAN</b> <small>Я говорю по-русски</small>	<b>YORUBA</b> <small>Mo nso Yooba</small>
<b>DUTCH</b> <small>Ik spreek het Nederlands</small>	<b>JAPANESE</b> <small>私は日本語を話す</small>	<b>SERBIAN</b> <small>Ja govorim српски</small>	
<b>FARSI (PERSIAN)</b> <small>من فارسی صحبت می کنم</small>	<b>KOREAN</b> <small>한국어 합니다</small>	<b>SLOVAK</b> <small>Hovorim po slovensky</small>	

## RECEPTION / FRONT DESK COPY

1- PLEASE USE THIS CARD TO IDENTIFY THE LANGUAGE THAT MAY BE NEEDED

2- CONTACT CIVIL RIGHTS OFFICE TO REQUEST FURTHER ASSISTANCE

**VDOT's LEP Guidelines -- Appendix C**  
**VDOT's Employee Language Survey Form**

Pursuant to Title VI of the Civil Rights Act of 1964 and Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," The Virginia Department of Transportation (VDOT) is conducting a survey of VDOT to determine the level of potential resources available for possible language translation and interpretation. The Civil Rights Division has a language service contract that will be the primary source for translations. We anticipate using employees as a back-up resource from time to time. Disclosure of this information is strictly voluntary.

Name:	District:	Division:
-------	-----------	-----------

Please indicate languages you speak in addition to English:

<input type="checkbox"/> Spanish	<input type="checkbox"/> Polish
<input type="checkbox"/> Chinese (Mandarin)	<input type="checkbox"/> Portuguese
<input type="checkbox"/> Chinese (Cantonese)	<input type="checkbox"/> Thai
<input type="checkbox"/> Japanese	<input type="checkbox"/> Arabic
<input type="checkbox"/> Korean	<input type="checkbox"/> Hebrew
<input type="checkbox"/> Russian	<input type="checkbox"/> Hindi
<input type="checkbox"/> Vietnamese	<input type="checkbox"/> Bosnian
<input type="checkbox"/> Armenian	<input type="checkbox"/> Punjabi
<input type="checkbox"/> Cambodian (Khmer)	<input type="checkbox"/> Urdu
<input type="checkbox"/> German	<input type="checkbox"/> Tagalog
<input type="checkbox"/> Haitian Creole	<input type="checkbox"/> African Dialects
<input type="checkbox"/> Italian	<input type="checkbox"/> Other

Language #1:

<input type="checkbox"/> Read	<input type="checkbox"/> Fluent	<input type="checkbox"/> Passable	<input type="checkbox"/> Limited
<input type="checkbox"/> Write	<input type="checkbox"/> Fluent	<input type="checkbox"/> Passable	<input type="checkbox"/> Limited
<input type="checkbox"/> Speak	<input type="checkbox"/> Fluent	<input type="checkbox"/> Passable	<input type="checkbox"/> Limited

Language #2:

<input type="checkbox"/> Read	<input type="checkbox"/> Fluent	<input type="checkbox"/> Passable	<input type="checkbox"/> Limited
<input type="checkbox"/> Write	<input type="checkbox"/> Fluent	<input type="checkbox"/> Passable	<input type="checkbox"/> Limited
<input type="checkbox"/> Speak	<input type="checkbox"/> Fluent	<input type="checkbox"/> Passable	<input type="checkbox"/> Limited

Language #3:

<input type="checkbox"/> Read	<input type="checkbox"/> Fluent	<input type="checkbox"/> Passable	<input type="checkbox"/> Limited
<input type="checkbox"/> Write	<input type="checkbox"/> Fluent	<input type="checkbox"/> Passable	<input type="checkbox"/> Limited
<input type="checkbox"/> Speak	<input type="checkbox"/> Fluent	<input type="checkbox"/> Passable	<input type="checkbox"/> Limited

Please indicate whether you would be willing to provide language assistance.

<input type="checkbox"/> Yes
<input type="checkbox"/> No

If you have any questions or need assistance, please contact VDOT's Civil Rights Division at 804-786-2730. Please return form by 2/15/12 to [corina.herrera@vdot.virginia.gov](mailto:corina.herrera@vdot.virginia.gov)

**APPENDIX J**  
**VDOT's Four Factor Analysis**



**Civil Rights**

**LIMITED ENGLISH PROFICIENCY (LEP) ANALYSIS**

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**A Statistical Analysis of Virginia's LEP Population**

**January 5, 2017**

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## INTRODUCTION

Signed on August 11, 2000, Executive Order 13166 “Improving Access to Services for Persons with Limited English Proficiency”, requires Federal agencies to evaluate services provided to Limited English Proficient (LEP) individuals, identify LEP service needs, and develop and implement a system for providing necessary language assistance to LEP populations. The Department of Justice LEP guidance recommends conducting a four factor analysis to comply with executive order 13166. These factors include:

1. The Number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee
2. The frequency with which LEP individuals come in contact with the program
3. The nature and importance of the program, activity, or service provided by the recipient to people’s lives
4. The resources available to the recipient and costs

As a recipient of federal financial assistance, the Virginia Department of Transportation is required to complete an individual assessment based on the four factor analysis, (Federal Register/Vol. 70, No. 239, Section V, page 74091). This report details the results of a statistical study conducted by VDOT. Results of the study are used to assist VDOT in improving and developing systems to address LEP service needs.

## SCOPE

This report summarizes a statistical analysis of Virginia’s LEP population at the district level. Results include a state baseline ratio in addition to LEP averages and location quotients for each of VDOT’s 9 districts. Additionally, the report includes the language composition of each district’s LEP population.

## METHOD

### Data

All analyzed data originated from the US Census 2015 Bureau American Community Survey (ACS). Data regarding the total population of Virginia (by county) and total population of those that “Speak English less than very well” (by county), was collected from the ACS report and recorded in Microsoft Excel. For the purpose of this study, those who reported their English speaking ability as “less than very well” were considered Limited English Proficient (LEP).

## Equations

### State Level LEP Baseline Ratio

<b><u>State Level LEP Baseline Ratio</u></b>	
<b>State Baseline Ratio</b>	$\frac{\text{Total number of LEP persons in}}{\text{Total state population}}$

The state level LEP baseline ratio establishes a threshold for the state of Virginia and a point of comparison for evaluating district level values. The state level LEP baseline ratio was calculated by dividing the total number of LEP persons in Virginia by Virginia's total state population.

### District Level LEP Ratio

<b><u>District Level LEP Ratio</u></b>	
<b>District LEP Ratio</b>	$\frac{\text{Total number of LEP persons in}}{\text{Total district population}}$

The district level LEP ratio represents the proportion of LEP persons in each district. District level LEP ratios were calculated by dividing the total number of LEP persons in the district by the district's total population.

### Location Quotient

$\text{LQ} = \frac{\frac{x_i}{n_i}}{\frac{x}{n}} = \frac{x_i}{x} \times \frac{n}{n_i}$	<p><b>X<sub>i</sub></b> = LEP population in district  <b>n<sub>i</sub></b> = Total population in district  <b>X</b> = LEP population in Virginia  <b>n</b> = Total population in Virginia</p>
--	---

A location quotient (LQ) is an analytic statistic used to examine the contribution of one region as compared to the larger geographic area. A location quotient indicates if one region holds a greater share of the economy compared to other regions. For the purpose of this study, the

location quotient is calculated for each district to identify the distribution of Virginia’s LEP population across its 9 districts. LQ determines which districts contain a greater portion of Virginia’s total LEP population based on a comparison of district and state populations.

**Procedure**

Total population values (by county) were organized and summed by district, creating total district population and total LEP district population values. District level data rather than county level data were manipulated to generate meaningful inferences applicable to VDOT’s organizational structure. State and district summations were used to calculate the state level LEP baseline ratio, district level LEP ratios, and location quotients for each district.

Location quotients were then categorized into high, medium, and low significance levels. An LEP LQ value below 1 indicated a district contained a smaller proportion of those speaking English “less than very well” than expected compared to state and district population values. Districts with LQ values below 0.499 were considered of low LEP significance.

An LEP LQ value of 1 indicated a district contained an expected LEP population based on state and district population levels. Districts with LQ values between 0.500 and 0.999 were considered of medium LEP significance.

An LEP LQ value greater than 1 indicated a district contained a larger proportion of Virginia’s total LEP population than expected compared to state and district population levels. Districts with LQ values greater than 1 were considered of high LEP significance.

Additionally, 1 year estimates from the US Census 2015 Bureau American Community Survey (ACS) were organized and summed to determine the language composition of each district’s LEP population.

**RESULTS**

**State Level LEP Baseline Ratio and District Level LEP Ratios**

<b>District</b>	<b>LEP Ratio</b>
Bristol	6.40%
Culpeper	3.10%
Fredericksburg	2.71%
Hampton Roads	2.72%
Lynchburg	1.30%
Northern VA	1.20%
Richmond	3.60%
Salem	2.10%
Staunton	3.20%
<b>State Level Baseline Ratio</b>	<b>5.30%</b>

<p>VA LEP Population:  <b>435, 922 (5.30%)</b></p>
--

Virginia’s LEP population of 435, 922, represents 5.3% of Virginia’s total population. The state level baseline ratio indicates that for every 5.3% of the population encountered, a portion of the LEP population is likely to be encountered. Similarly, district level LEP ratios reflect the proportion of LEP individuals within each district’s population.

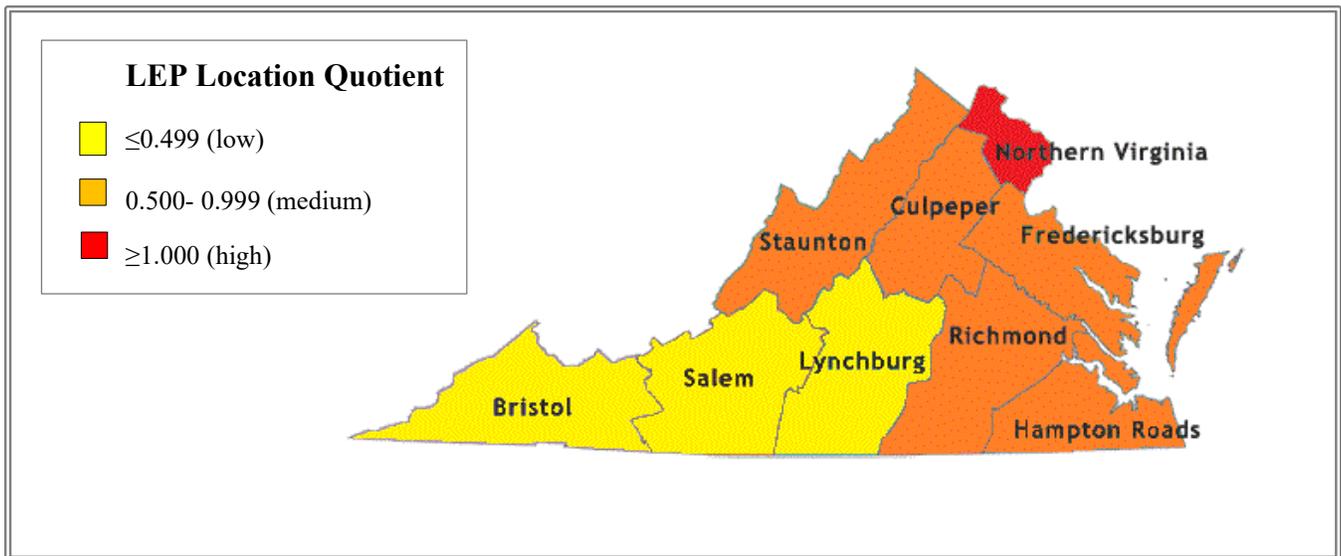
**Location Quotient and LEP Significance**

*Determining which districts contain a greater portion of Virginia’s total LEP population*

District	LEP LQ	Significance
Bristol	0.121143828	low
Lynchburg	0.240515874	low
Salem	0.40525435	low
Fredericksburg	0.514233585	medium
Hampton Roads	0.515202219	medium
Culpeper	0.594012366	medium
Staunton	0.600378322	medium
Richmond	0.68789711	medium
Northern VA	2.207677369	high

Low: 3 districts  
 Medium: 5 districts  
 High: 1 district

**Map of LEP Significance by District, 2015**



Bristol, Lynchburg, and Salem were of low LEP significance. Fredericksburg, Hampton Roads, Culpeper, Staunton, and Richmond were of medium LEP significance. Only 1 district surpassed the 1.0 threshold, Northern Virginia District was of high LEP significance with an LQ of 2.21.

## **CONCLUSION**

The results of this statistical study reveal key factors that will assist VDOT in developing strategies for providing language assistance to LEP individuals throughout the state. According to these calculations, Virginia's LEP population represents 5.3% of the state's total population. Virginia's LEP population of 435, 922 individuals, is most concentrated in the northern and eastern regions of the state, particularly in the Staunton, Culpeper, Richmond, Hampton Roads, Fredericksburg, and Northern Virginia Districts. Only the Northern Virginia District indicated high LEP significance with 64% of Virginia's total LEP population residing within its boundaries.

Data collected on the language composition of Virginia's LEP population as shown in Appendix A and C, will inform the selection of core languages for VDOT's contract with translation and interpretation services. Although Virginia's LEP population is dispersed throughout the state, the results of this study identify which districts may require greater resources to provide adequate language assistance.

## **RECOMMENDATIONS**

Projects involving 5.3% or more of residents in LEP significant districts, should implement a public outreach plan that targets at least 5.3% of the district's population to comply with Executive Order 13166. In addition, projects with potentially high and adverse human health and environmental effects (EJ significant) should be closely monitored as they may have considerable impact on LEP populations in LEP significant districts.

Based on Northern Virginia's high LEP LQ, VDOT should provide them additional language support; such as ensuring an interpreter is available for every public hearing if needed. The results presented in this report will assist VDOT in making language assistance decisions as necessary to better serve LEP persons and identify and resolve potential problems.

APPENDIX A  
**Languages Spoken in the State of Virginia**

	<b>Language</b>	<b>Estimate</b>
1	Spanish or Spanish Creole	553,342
	African languages	65,157
6	Chinese	61,774
	Korean	55,133
	Vietnamese	54,693
	Other Asian languages	51,715
	Arabic	51,416
10	Tagalog	46,115
	Other Indic languages	38,025
	Urdu	34,198
	Persian	31,065
14	French (incl. Patois, Cajun)	28,867
	German	27,327
	Hindi	23,954
	Russian	14,938
	Other Indo-European languages	14,513
18	Japanese	10,016
	Gujarati	9,395
	Portuguese or Portuguese Creole	9,137
	Thai	8,385
22	Italian	8,245
	Other Pacific Island languages	6,646
	Mon-Khmer, Cambodian	6,374
	French Creole	5,854
	Serbo-Croatian	5,852
26	Greek	5,607
	Other West Germanic languages	4,192
	Other Slavic languages	4,035
	Polish	3,499
30	Scandinavian languages	3,245
	Other and unspecified languages	2,077
	Hungarian	1,863
	Laotian	1,570
34	Hebrew	1,120
	Armenian	1,043
	Other Native North American languages	990
	Yiddish	150
	Navajo	98

(Source: U.S. Census Bureau, 2015 American Community Survey 1-Year Estimates)

APPENDIX B

**Virginia LEP Population by Language**

<b>Language</b>	<b>Estimate</b>
<b>1</b> Spanish or Spanish Creole:	234,844
<b>2</b> Chinese:	29,434
<b>3</b> Korean:	29,421
<b>4</b> Vietnamese:	28,938
<b>5</b> African languages:	18,499
<b>6</b> Arabic:	16,499
<b>7</b> Persian:	12,262
<b>8</b> Tagalog:	11,793
<b>9</b> Other Indic languages:	11,399
<b>10</b> Other Asian languages:	10,990
<b>11</b> Urdu:	10,215
<b>12</b> Russian:	4,971
<b>13</b> French (incl. Patois, Cajun):	4,575
<b>14</b> Thai:	4,257
<b>15</b> Other Indo-European languages:	4,247
<b>16</b> Hindi:	4,005
<b>17</b> Japanese:	3,423
<b>18</b> German:	3,396
<b>19</b> Mon-Khmer, Cambodian:	3,095
<b>20</b> Portuguese or Portuguese Creole:	2,387
<b>21</b> Other Pacific Island languages:	2,270
<b>23</b> Gujarati:	1,823
<b>24</b> Italian:	1,752
<b>25</b> Serbo-Croatian:	1,644
<b>26</b> Other Slavic languages:	1,027
<b>27</b> Greek:	970
<b>28</b> Laotian:	715
<b>29</b> French Creole:	554
<b>30</b> Other West Germanic languages:	447
<b>31</b> Other and unspecified languages:	430
<b>32</b> Polish:	351
<b>33</b> Armenian:	312
<b>34</b> Hungarian:	306
<b>35</b> Scandinavian languages:	254
<b>36</b> Other Native North American languages:	163

(Source: U.S. Census Bureau, 2015 American Community Survey 1-Year Estimates)

APPENDIX C  
**Virginia LEP Population by District**

<b>District</b>	<b>Spanish</b>	<b>Asian and Pacific Islander languages</b>	<b>Other Indo-European languages</b>	<b>Other languages</b>
<b>Bristol</b>	1317	385	412	106
<b>Culpeper</b>	6,806	2,845	2,134	703
<b>Fredericksburg</b>	8,390	2,330	1,818	696
<b>Hampton Roads</b>	21,288	16,809	6,733	2308
<b>Lynchburg</b>	2,874	1,078	870	166
<b>Northern Virginia</b>	132,028	77,792	44,279	23,712
<b>Richmond</b>	24,867	10,461	7,494	3,145
<b>Salem</b>	6,851	3,892	2,614	1,414
<b>Staunton</b>	12,305	1,687	2,212	952

(Source: U.S. Census Bureau, 2015 American Community Survey 1-Year Estimates)

## **Appendix K Data Collection Guidelines**

The diversity of Virginia's population reflects the diversity of the population of the entire nation. It is critically important that VDOT and its sub-recipients be innovative in engaging historically under represented populations and businesses in the planning, project development and maintenance processes. According to the census bureau 2010 data, Virginia's total population estimate for 2013 was 8,260,405; females made up 50.1% of the population; people 65 years and older made up 13.4% of the population; Whites (not Hispanic or Latino) made up 63.6% of the population; Blacks or African Americans made up 19.7% of the population; Asians made up 6.1% of the population; Hispanic or Latinos made up 8.6% of the population, Native Hawaiian and Other Pacific Islanders made up 0.1 % of the population and American Indians and Alaska Native made up 0.5% of the population.

### **Purpose of Collecting Data:**

23 U.S.C, 200.9(b)(4) requires the state "develop procedures for the collection of statistical data of participants in and beneficiaries of State highway programs, i.e., relocatees, impacted citizens and affected communities." In addition, data collection provides measurable evidence of the Department's performance as it relates to Title VI for annual reports to the FHWA and the Department's efforts to ensure compliance with Title VI.

Objective data is necessary to identify:

1. Transportation needs of all persons within boundaries and plans or projects.
2. Impacts and persons impacted.
3. Persons to include in the decision making process.
4. Strategies to address impacts.
5. Alternatives to modes and locations and types of facilities (transit, light rail, van and carpooling, HOV lanes, etc.).
6. Priorities for investments.
7. Sources for financing investments.
8. Strategies to disseminate information.

Based on Title VI implementing regulations, each division/district is required to:

1. Provide for the collection of data and information to permit effective enforcement of Title VI.
2. Collect data about beneficiaries.
3. Analyze the data and information collected.
4. Eliminate discrimination when it is found.
5. Take affirmative measures to ensure nondiscrimination.

**Resources for collecting data:**

1. Demographic
  - U.S. Census Data - ACS and Decennial
  - Census-based maps: NY Times, UVA DOT MAP, EJSCREEN, QGIS
  - Other public sources:
    - School Districts
    - Land Use Plans
  - Surveys:
    - Transit Ridership Surveys
2. Geographic Information Systems
3. Management Systems (Pavement and Congestion)
4. Transportation Models
5. Metropolitan Planning Organization Committees (e.g., Citizen Advisory Committees)
6. NEPA documents

**How to collect data:**

Each division develops a process to collect data for the following basis:

Race *	White/Caucasian
	Black/African American
	American Indian/Alaskan Native
	Asian
	Hawaiian/Pacific Islander
	Hispanic/Latino
National Origin	Born in United States, Puerto Rico, Guan, The U.S. Virgin Islands, Northern Marianas or
	Born Abroad of American parent(s)
	Born outside U.S., Puerto Rico, Guam, the U.S. Virgin Islands or Northern Marianas
Does the Person Speak a Language other than English at home?	If yes, what is the language? _____
	No
Sex	Male
	Female
Age	_____

\*How to present/allocate multiple race responses is addressed in Office Management and Budget Bulletin No. 00-02. Office of Management and Budget Bulletin No. 00-02 establishes multiple race response is acceptable.

All of the data collection considerations above apply directly to VDOT programs and when administering new or renewal contracts or applications for grants, permits or loans, an oversight perspective of your sub-recipients must be recognized and applied.

In addition, the U.S. Department of Justice regulations offer the examples below for determining compliance with Title VI:

1. The manner in which services are or will be provided and the related data necessary for determining whether any persons are or will be denied such services on the basis of prohibited discrimination.
2. The population eligible to be served by race, color or national origin.
3. Data regarding, covered employment, including use of planned use of bilingual public contact employees servicing beneficiaries of the program where necessary to permit effective participation by beneficiaries unable to speak or understand English.
4. The location of existing or proposed facilities connected with the program and related information adequate for determining whether the location has or will have the effect of unnecessarily denying access to any persons on the basis of prohibited discrimination.
5. The present or proposed membership, by race, color or national origin, in any planning or advisory body which is an integral part of the program.
6. Where location is involved, the requirements and steps used or proposed to guard against unnecessary impact on persons on the basis of race, color, national origin,, or sex.

Additional data, such as demographic maps, the racial composition of affected neighborhoods or census data, may be necessary or appropriate for understanding information requirements listed above. This type of data is required to the extent that the data is available.

The Title VI Specialist or the Division Administrator of Civil Rights must be promptly notified of any complaint filed against any program and its sub-recipients alleging discrimination on the basis of race, color or national origin.

## Types of data and analysis:

The following sample worksheet was developed by, and is provided by, FHWA as an example of how state highway agencies, as well as subrecipients (cities, counties, and metropolitan planning organizations), can assess and catalog all Title VI-related data sources to help ensure compliance with Title VI of the Civil Rights Act of 1964. It is not intended as an exhaustive list of possible data sources or as the only acceptable format for capturing this data. The worksheet is included in this plan as a guideline for VDOT's Divisions to assess their data collection for Title VI efforts. VDOT's divisions can tailor their data collection instruments to suit the particular needs.

### Sample Data Sources Assessments

Source: FHWA's Technical Assistance Forms

Contracts and Finance					
Data/Information Description	Collection Personnel	Data Contact	Internal System / Resource	External Source	Title VI Analysis Description
Construction Contracts - Provisions	[Contracts Specialist]	[Contracts Specialist]	Electronic Project File on [internal shared drive]	None.	Information used to assess whether Appendices A and E are included in all construction contracts.
Construction Contracts - Bidding	[Contracts Specialist]	[Contracts Specialist]	Advertisement Records and Construction Manual	None.	Information used to assess whether Title VI references are included in all advertisements for construction contracts. Policies assessed to ensure nondiscrimination.
Construction Contracts - Prequalification	[Contracts Specialist]	[Prequalification Department Official]	[Prequalification Database]	None.	Data and information used to assess nondiscrimination in the prequalification process.
Professional Services Contracts - Provisions	[Contracts Specialist]	[Procurement Official]	Electronic Project File on [internal shared drive]	None.	Information used to assess whether Appendices A and E are included in all construction contracts.
Professional Services Contracts - Bidding	[Contracts Specialist]	[Procurement Official]	Advertisement Records and Procurement Manual	None.	Information used to assess whether Title VI references are included in all advertisements for construction contracts. Policies assessed to ensure nondiscrimination.
Professional Services Contracts - Selection and Award	[Contracts Specialist]	[Procurement Official]	Form 145 (Proposal Scoresheet), Proposal Records, Bidders List	None.	Data and information used to assess nondiscrimination in the selection and award process. Demographics of all proposers compared to selectees.
Contract Amounts	[Finance Specialist]	[Finance Specialist]	[Internal Database]	U.S. Census - 5 Year ACS, 2010 Census	Data used to assess distribution of contracting dollars compared to demographics of counties and MSAs.

Planning					
Data/Information Description	Collection Personnel	Data Contact	Internal System / Resource	External Source	Title VI Analysis Description
Public Involvement - STIP Development Meetings	[Planning Specialist]	Communications Data Team	[Internal Database] - Communications	None.	Data used to track the number of public meetings held during the STIP development process.
Public Involvement - STIP Development Meeting Attendee Demographics	[Planning Specialist]	Communications Data Team	[Internal Database] - Communications	Form 1234: completed by attendees	Data is used to compare meeting attendee demographics with the demography of the state or areas affected.
Public Involvement - Text of Formal Comments submitted during STIP development process	[Planning Specialist]	[Planning Specialist]	Electronic Project File on [internal shared drive]	Email, website submissions	Information used to assess nondiscrimination in public participation process.
Public Involvement - Text of Informal Comments submitted during STIP development process	[Planning Specialist]	[Planning Specialist]	Electronic Project File on [internal shared drive]	Oral comments noted by Communications staff at meeting.	Information used to assess nondiscrimination in public participation process.
Public Involvement - Civil Rights Personnel Meeting Attendance	[Title VI Coordinator]	[Title VI Coordinator]	[Internal spreadsheet] on [internal shared drive]	None.	Information used to assess the number of public meetings civil rights personnel attend.
Project Prioritization - Scoring data for prioritization reviews	[Planning Specialist]	[Planning Specialist]	Scoring sheets and [database] managed by Planning Division	Some scoring sheets collected from regional/local partners	Data used to assess the individual and overall scores for projects in the prioritization process.
Project Prioritization - distribution of projects statewide	[Planning Specialist]	[Planning Specialist]	[Internal spreadsheet] on [internal shared drive]	U.S. Census - 5 Year ACS, 2010 Census; TIP data where necessary	Data used to compare distribution of projects to demographics of counties or MSAs
Certification Reviews - Policy Reviews and recommendations	[Title VI Coordinator]	[Title VI Coordinator]	[Civil Rights Division Certification Files]	MPO Title VI, LEP, TIP, and Long-Range Plans	Information used to make recommendations to MPOs during certification process. Includes analysis of L RTP equity studies regarding projected travel demand, impacts and demographics.

Right of Way					
Data/Information Description	Collection Personnel	Data Contact	Internal System / Resource	External Source	Title VI Analysis Description
Public Involvement - Right of Way Project meetings	[Right of Way Specialist]	Communications Data Team	[Internal Database] - Communications	Form 1234: completed by attendees	Data is used to compare meeting attendee demographics with the demography of the state or areas affected.
Relocation - Appraisal Data	[Right of Way Specialist]	[Right of Way Specialist]	Electronic Project File on [internal shared drive]	Right of Way Form 1235 (relocatee profile), Appraisal Log and Recommendation	Data used to assess demographics of relocatees compared to Just Compensation offers.
Relocation - Assistance Data	[Right of Way Specialist]	[Right of Way Specialist]	Electronic Project File on [internal shared drive]	Right of Way Form 1235 (relocatee profile), relocation assistance contractor files	Data and information used to assess demographics of relocation packages offered to relocatees, including counselling and relocation payments.
Consultants	[Right of Way Specialist]	[Right of Way Specialist]	Contracts Division database	None.	Data and information used to assess nondiscrimination in advertising and award of Right of Way consultant contracts. Includes demographics of applicant and awardee ownership, award amounts, etc.

**Environment**

Data/Information Description	Collection Personnel	Data Contact	Internal System / Resource	External Source	Title VI Analysis Description
Public Involvement - Project Area Demographics	[Environmental Specialist]	Communications Data Team	[Internal Database] - Communications	U.S. Census - 5 Year ACS, 2010 Census	Data is used to compare meeting attendee demographics with the demography surrounding the project.
Public Involvement - Meeting Attendee Demographics	[Communications Specialist]	Communications Data Team	[Internal Database] - Communications	Form 1234; completed by attendees	Data is used to compare meeting attendee demographics with the demography surrounding the project.
Public Involvement - Text of Formal Comments	[Environmental Specialist]	[Environmental Specialist]	Electronic Project File on [internal shared drive]	Email, website submissions	Information used to assess nondiscrimination in public participation process.
Public Involvement - Text of Informal Comments	[Environmental Specialist]	[Environmental Specialist]	Electronic Project File on [internal shared drive]	Oral comments noted by Communications staff at meeting.	Information used to assess nondiscrimination in public participation process.
Public Involvement - Civil Rights Personnel Meeting Attendance	[Title VI Coordinator]	[Title VI Coordinator]	[Internal spreadsheet] on [internal shared drive]	None.	Information used to assess the number of public meetings civil rights personnel attend.
Project Scoping	[Environmental Specialist]	[Environmental Specialist]	Electronic Project File on [internal shared drive]	U.S. Census - 5 Year ACS, 2010 Census	Information used to assess potential impacts for each project alternative compared to the demographics of the populations affected.
Environmental Review - Number of Categorical Exclusions	[Environmental Specialist]	[Environmental Specialist]	[Internal spreadsheet] on [internal shared drive]	None.	Data used to track the number of categorical exclusions.
Environmental Review - Number of Environmental Assessments	[Environmental Specialist]	[Environmental Specialist]	[Internal spreadsheet] on [internal shared drive]	None.	Data used to track the number of Environmental Assessments
Environmental Review - Number of Environmental Impact Statements	[Environmental Specialist]	[Environmental Specialist]	[Internal spreadsheet] on [internal shared drive]	None.	Data used to track the number of Environmental Impact Statements
Environmental Review - Number of Community Impact Assessments	[Planning Specialist]	[Planning Specialist]	[Internal spreadsheet] on [internal shared drive]	None.	Data used to track the number of Community Impact Assessments
Environmental Review - Demographics of Project/Study Area	[Environmental Specialist]	[Environmental Specialist]	Electronic Project File on [internal shared drive]	U.S. Census - 5 Year ACS, 2010 Census	Data used to as basis for comparison of project impacts.
Environmental Review - Air Quality Impacts for Each Alternative	[Environmental Specialist]	[Environmental Specialist]	Electronic Project File on [internal shared drive]	Air Quality Report	Data compared for each alternative to assess disparities.
Environmental Review - Noise Impacts for Each Alternative	[Environmental Specialist]	[Environmental Specialist]	Electronic Project File on [internal shared drive]	Noise Impact Report	Data compared for each alternative to assess disparities.
Environmental Review - Right of Way Impacts	[Environmental Specialist]	[Environmental Specialist]	Electronic Project File on [internal shared drive]	Right of Way Form 1235 (relocatee profile)	Data used to compare demographic impacts to relocatees for each project alternative.
Environmental Review - Mitigation Measures	[Environmental Specialist]	[Environmental Specialist]	Electronic Project File on [internal shared drive]	None.	Qualitative information assessed to determine whether impacts addressed equitably.

Construction					
Data/Information Description	Collection Personnel	Data Contact	Internal System / Resource	External Source	Title VI Analysis Description
Construction Contracts - Mitigation Commitments	[Contracts Specialist]	[Project Engineer]	Project log (dailies), change orders, EIS/EA, contract provisions	None.	Information used to assess whether mitigation commitments made during environmental phase that impact minority populations are carried through construction.
Construction Contracts - Traffic Control	[Contracts Specialist]	[Project Engineer]	Traffic Control Plan, Project Log (dailies), EA/EIS	U.S. Census - 5 Year ACS, 2010 Census	Data and information used to assess equity of vehicular access to project area for impacted persons compared to demographics of project area.
Construction Contracts - Pedestrian Accommodation	[Contracts Specialist]	[Project Engineer]	Traffic Control Plan, Project Log (dailies), EA/EIS	U.S. Census - 5 Year ACS, 2010 Census	Data and information used to assess equity of pedestrian access to project area for impacted persons compared to demographics of project area.