



LOUISIANA DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

Title VI Plan 2026

Louisiana Department of Transportation and Development Compliance Programs, Title VI (Civil Rights)

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Baton Rouge, LA 70802
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The Louisiana Department of Transportation and Development (DOTD) ensures that no person or group of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, retaliation or genetic information, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by DOTD, its recipients, subrecipient's, and contractors. To request an accommodation, please contact the Title VI/ADA Program Manager at (225)379-1923.

Website Link:

<https://dotd.la.gov/>

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Executive Order Rescissions

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any programs or activity receiving federal financial assistance. (Please refer to 23 CFR 200.9 and 49 CFR 21).

The following Executive Orders have been rescinded; however, their principals may still influence certain state and local policies, as well as some federal programs that continue to operate under previous legal parameters or mandates. Title VI obligations are not diminished due to these Executive Order rescissions and the obligations under Title VI to prevent discrimination based on national origin and meaningful access for all individuals, remains.

Executive Order 12898, titled: *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, was rescinded by President Donald Trump on January 21, 2025. This rescission was formalized in Executive Order 14173, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*. As a result of this rescission, federal agencies are no longer mandated to consider environment justice issues in their rulemaking, policies, enforcement decisions, and other activities.

Executive Order 13166, *Improving Access to Services for Persons With Limited English Proficiency*, was rescinded by President Donald Trump on Mach 1, 2025, by Executive Order 14224, *Designating English as the Official Language of the United States*. Accommodations for Limited English Proficient individuals should be made to continue to fulfill respective missions, and Title VI, which still prohibits discrimination based on national origin, including language discrimination is not diminished.

Presidential Documents

Executive Order 14224 of March 1, 2025

Designating English as the Official Language of the United States

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. Purpose and Policy. From the founding of our Republic, English has been used as our national language. Our Nation's historic governing documents, including the Declaration of Independence and the Constitution, have all been written in English. It is therefore long past time that English is declared as the official language of the United States. A nationally designated language is at the core of a unified and cohesive society, and the United States is strengthened by a citizenry that can freely exchange ideas in one shared language.

In welcoming new Americans, a policy of encouraging the learning and adoption of our national language will make the United States a shared home and empower new citizens to achieve the American dream. Speaking English not only opens doors economically, but it helps newcomers engage in their communities, participate in national traditions, and give back to our society. This order recognizes and celebrates the long tradition of multilingual American citizens who have learned English and passed it to their children for generations to come.

To promote unity, cultivate a shared American culture for all citizens, ensure consistency in government operations, and create a pathway to civic engagement, it is in America's best interest for the Federal Government to designate one—and only one—official language. Establishing English as the official language will not only streamline communication but also reinforce shared national values, and create a more cohesive and efficient society.

Accordingly, this order designates English as the official language of the United States.

Sec. 2. Definitions. For purposes of this order:

(a) "Agency" has the meaning given to it in section 3502 of title 44, United States Code, except that such term does not include the Executive Office of the President or any components thereof.

(b) "Agency Head" means the highest-ranking official of an agency, such as the Secretary, Administrator, Chairman, or Director, unless otherwise specified in this order.

Sec. 3. Designating an Official Language for the United States. (a) English is the official language of the United States.

(b) Executive Order 13166 of August 11, 2000 (Improving Access to Services for Persons with Limited English Proficiency), is hereby revoked; nothing in this order, however, requires or directs any change in the services provided by any agency. Agency heads should make decisions as they deem necessary to fulfill their respective agencies' mission and efficiently provide Government services to the American people. Agency heads are not required to amend, remove, or otherwise stop production of documents, products, or other services prepared or offered in languages other than English.

(c) The Attorney General shall rescind any policy guidance documents issued pursuant to Executive Order 13166 and provide updated guidance, consistent with applicable law.

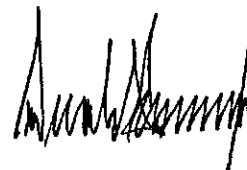
Sec. 4. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
March 1, 2025.

[FR Doc. 2025-03694
Filed 3-5-25; 8:45 am]
Billing code 3395-F4-P

Presidential Documents

Executive Order 14173 of January 21, 2025

Ending Illegal Discrimination and Restoring Merit-Based Opportunity

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. Purpose. Longstanding Federal civil-rights laws protect individual Americans from discrimination based on race, color, religion, sex, or national origin. These civil-rights protections serve as a bedrock supporting equality of opportunity for all Americans. As President, I have a solemn duty to ensure that these laws are enforced for the benefit of all Americans.

Yet today, roughly 60 years after the passage of the Civil Rights Act of 1964, critical and influential institutions of American society, including the Federal Government, major corporations, financial institutions, the medical industry, large commercial airlines, law enforcement agencies, and institutions of higher education have adopted and actively use dangerous, demeaning, and immoral race- and sex-based preferences under the guise of so-called “diversity, equity, and inclusion” (DEI) or “diversity, equity, inclusion, and accessibility” (DEIA) that can violate the civil-rights laws of this Nation.

Illegal DEI and DEIA policies not only violate the text and spirit of our longstanding Federal civil-rights laws, they also undermine our national unity, as they deny, discredit, and undermine the traditional American values of hard work, excellence, and individual achievement in favor of an unlawful, corrosive, and pernicious identity-based spoils system. Hard-working Americans who deserve a shot at the American Dream should not be stigmatized, demeaned, or shut out of opportunities because of their race or sex.

These illegal DEI and DEIA policies also threaten the safety of American men, women, and children across the Nation by diminishing the importance of individual merit, aptitude, hard work, and determination when selecting people for jobs and services in key sectors of American society, including all levels of government, and the medical, aviation, and law-enforcement communities. Yet in case after tragic case, the American people have witnessed first-hand the disastrous consequences of illegal, pernicious discrimination that has prioritized how people were born instead of what they were capable of doing.

The Federal Government is charged with enforcing our civil-rights laws. The purpose of this order is to ensure that it does so by ending illegal preferences and discrimination.

Sec. 2. Policy. It is the policy of the United States to protect the civil rights of all Americans and to promote individual initiative, excellence, and hard work. I therefore order all executive departments and agencies (agencies) to terminate all discriminatory and illegal preferences, mandates, policies, programs, activities, guidance, regulations, enforcement actions, consent orders, and requirements. I further order all agencies to enforce our longstanding civil-rights laws and to combat illegal private-sector DEI preferences, mandates, policies, programs, and activities.

Sec. 3. Terminating Illegal Discrimination in the Federal Government. (a) The following executive actions are hereby revoked:

- (i) Executive Order 12898 of February 11, 1994 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations);
- (ii) Executive Order 13583 of August 18, 2011 (Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce);
- (iii) Executive Order 13672 of July 21, 2014 (Further Amendments to Executive Order 11478, Equal Employment Opportunity in the Federal Government, and Executive Order 11246, Equal Employment Opportunity); and
- (iv) The Presidential Memorandum of October 5, 2016 (Promoting Diversity and Inclusion in the National Security Workforce).
- (b) The Federal contracting process shall be streamlined to enhance speed and efficiency, reduce costs, and require Federal contractors and subcontractors to comply with our civil-rights laws. Accordingly:
- (i) Executive Order 11246 of September 24, 1965 (Equal Employment Opportunity), is hereby revoked. For 90 days from the date of this order, Federal contractors may continue to comply with the regulatory scheme in effect on January 20, 2025.
- (ii) The Office of Federal Contract Compliance Programs within the Department of Labor shall immediately cease:
- (A) Promoting “diversity”;
- (B) Holding Federal contractors and subcontractors responsible for taking “affirmative action”; and
- (C) Allowing or encouraging Federal contractors and subcontractors to engage in workforce balancing based on race, color, sex, sexual preference, religion, or national origin.
- (iii) In accordance with Executive Order 13279 of December 12, 2002 (Equal Protection of the Laws for Faith-Based and Community Organizations), the employment, procurement, and contracting practices of Federal contractors and subcontractors shall not consider race, color, sex, sexual preference, religion, or national origin in ways that violate the Nation’s civil rights laws.
- (iv) The head of each agency shall include in every contract or grant award:
- (A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decisions for purposes of section 3729(b)(4) of title 31, United States Code; and
- (B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.
- (c) The Director of the Office of Management and Budget (OMB), with the assistance of the Attorney General as requested, shall:
- (i) Review and revise, as appropriate, all Government-wide processes, directives, and guidance;
- (ii) Excise references to DEI and DEIA principles, under whatever name they may appear, from Federal acquisition, contracting, grants, and financial assistance procedures to streamline those procedures, improve speed and efficiency, lower costs, and comply with civil-rights laws; and
- (iii) Terminate all “diversity,” “equity,” “equitable decision-making,” “equitable deployment of financial and technical assistance,” “advancing equity,” and like mandates, requirements, programs, or activities, as appropriate.

Sec. 4. Encouraging the Private Sector to End Illegal DEI Discrimination and Preferences. (a) The heads of all agencies, with the assistance of the

Attorney General, shall take all appropriate action with respect to the operations of their agencies to advance in the private sector the policy of individual initiative, excellence, and hard work identified in section 2 of this order.

(b) To further inform and advise me so that my Administration may formulate appropriate and effective civil-rights policy, the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil-rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying:

(i) Key sectors of concern within each agency's jurisdiction;

(ii) The most egregious and discriminatory DEI practitioners in each sector of concern;

(iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated "DEI" or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large non-profit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars;

(iv) Other strategies to encourage the private sector to end illegal DEI discrimination and preferences and comply with all Federal civil-rights laws;

(v) Litigation that would be potentially appropriate for Federal lawsuits, intervention, or statements of interest; and

(vi) Potential regulatory action and sub-regulatory guidance.

Sec. 5. *Other Actions.* Within 120 days of this order, the Attorney General and the Secretary of Education shall jointly issue guidance to all State and local educational agencies that receive Federal funds, as well as all institutions of higher education that receive Federal grants or participate in the Federal student loan assistance program under Title IV of the Higher Education Act, 20 U.S.C. 1070 *et seq.*, regarding the measures and practices required to comply with *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181 (2023).

Sec. 6. *Severability.* If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of its provisions to any other persons or circumstances shall not be affected thereby.

Sec. 7. *Scope.* (a) This order does not apply to lawful Federal or private-sector employment and contracting preferences for veterans of the U.S. armed forces or persons protected by the Randolph-Sheppard Act, 20 U.S.C. 107 *et seq.*

(b) This order does not prevent State or local governments, Federal contractors, or Federally-funded State and local educational agencies or institutions of higher education from engaging in First Amendment-protected speech.

(c) This order does not prohibit persons teaching at a Federally funded institution of higher education as part of a larger course of academic instruction from advocating for, endorsing, or promoting the unlawful employment or contracting practices prohibited by this order.

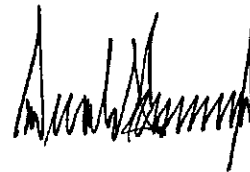
Sec. 8. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to and does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
January 21, 2025.

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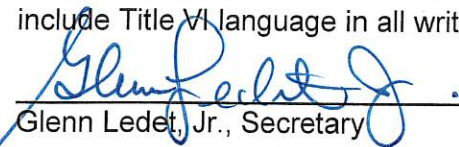
Title VI Policy Statement

The Louisiana Department of Transportation and Development (LADOTD) assures that no person shall on the grounds of race, color, or national origin as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any programs or activities. LADOTD assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not (inclusive of additional Title VI Authorities and citations).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and contractor/consultants, whether such programs and activities are federally assisted or not (Public Law 100259 [S.557] March 22, 1988.)

LADOTD will be responsible for initiating and monitoring Title VI activities, preparing required reports, and other LADOTD responsibilities as required by 23 Code of Federal Regulation, (CFR) 200 and 49 Code of Federal Regulation 21.

In the event the LADOTD distributes federal aid funds to sub-recipients, the recipients will include Title VI language in all written agreements/contracts and will monitor for compliance.



Glenn Ledet, Jr., Secretary

11/6/25

Date

Any individual, group of individuals or entity that believes they have been discriminated against on the basis of race, color or national origin by the **Louisiana Department of Transportation and Development** may file a Title VI complaint by submitting the agency's Title VI/ADA Complaint Form.

For all Title VI matters, please contact:

Compliance Programs
P.O. Box 94245
Baton Rouge, LA 70804-9245
P:(225) 379-1923
F:(225) 379-1865

THE UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) STANDARD TITLE VI/NON-DISCRIMINATION ASSURANCES

DOT Order No. 1050.2A

The Department of Transportation and Development (DOTD), herein referred to as the "Recipient", HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U. S. Department of Transportation (DOT), through Federal Highway Administration (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 (entitles Non-discrimination in Federally Assisted Programs of the Department of Transportation and Development-Effectuation of Title VI of the Civil Rights Act of 1964);
- 28 C.F.R. Section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

General Assurances

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

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

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

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Federal-Aid 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 activities and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Department of Transportation and Development, 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 affecting 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, subrecipients, 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 Act, 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 Department of Transportation and Development also agrees to comply (and require any subrecipients, 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. The Recipient also recognizes that he/she must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA. The Recipient 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, the Recipient must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Department of Transportation and Development 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 Louisiana, other recipients, subrecipients, 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.

Department of Transportation and Development

by 
Glenn P. Ledet, Jr., Secretary

Date: 11/6/25

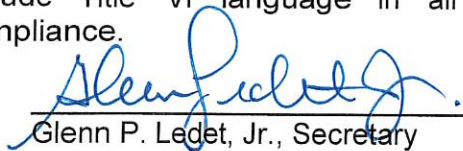
Notification of Rights

The Louisiana Department of Transportation and Development (LADOTD) assures that no person shall on the grounds of race, color, or national origin as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any programs or activities. LADOTD assures every effort will be made to ensure nondiscrimination in all its programs and activities, whether those programs and activities are federally funded or not (inclusive of additional Title VI Authorities and citations).

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and contractor/consultants, whether such programs and activities are federally assisted or not (Public Law 100259 [S.557] March 22, 1988.)

LADOTD will be responsible for initiating and monitoring Title VI activities, preparing required reports, and other LADOTD responsibilities as required by 23 Code of Federal Regulation, (CFR)200 and 49 Code of Federal Regulation 21.

In the event the LADOTD distributes federal aid funds to sub-recipient, the recipient will include Title VI language in all written agreements/contracts and will monitor for compliance.



Glenn P. Ledet, Jr., Secretary

11/6/25

Date

Any individual, group of individuals or entity that believes they have been discriminated against on the basis of race, color or national origin by the Louisiana Department of Transportation and Development may file a Title VI complaint by submitting the agency's Title VI/ADA Complaint Form.

For all Title VI matters, please contact:

Compliance Programs
P. O. Box 94245
1201 Capitol Access Road
Baton Rouge, LA 70804-9245
P: (225) 379-1923
F: (225) 379-1865



Glenn Ledet, Jr.
Secretary

Office of the Secretary
PO Box 94245 | Baton Rouge, LA 70804-9245
ph: 225-379-1200 | fx: 225-379-1851



Jeff Landry
Governor


Declaración de política del Título VI

El Departamento de Transporte y Desarrollo de Louisiana (LADOTD) asegura que ninguna persona deberá, hacerlo por motivos de raza, color u origen nacional según lo dispuesto en el Título VI de la Ley de Derechos Civiles de 1964 y la Ley de Restauración de Derechos Civiles de 1987 (PL 100.259), quedar excluido de la participación, negar los beneficios o estar sujeto a discriminación en virtud de cualquier programa o actividad. LADOTD asegura que se hará todo lo posible para garantizar la no discriminación en todos sus programas y actividades, ya sea que dichos programas y actividades estén financiados por el gobierno federal o no (incluidas las Autoridades y citas adicionales del Título VI).

La Ley de Restauración de los Derechos Civiles de 1987, amplió el alcance de la cobertura del Título VI al ampliar la definición de los términos "programas o actividades" para incluir todos los programas o actividades de los beneficiarios, sub-receptores y contratistas / consultores de la Ayuda Federal, ya sea que tales programas y las actividades reciben asistencia federal o no (Ley Pública 100259 [S.557] 22 de marzo de 1988).

LADOTD será responsable de iniciar y monitorear las actividades del Título VI, preparar los informes requeridos y otras, responsabilidades de LADOTD según lo requerido por 23 Código de Regulación Federal, (CFR) 200 y 49 Código de Regulación Federal 21.

En el caso de que LADOTD distribuya fondos de ayuda federal al sub-receptor, el receptor incluirá el lenguaje del Título VI en todos los acuerdos / contratos escritos y supervisará el cumplimiento.


Glenn Ledet, Jr., Secretario

11/6/25
Fecha

Cualquier individuo, grupo de individuos o entidad que crea que ha sido discriminado por motivos de raza, color u origen nacional por parte del **Departamento de Transporte y Desarrollo de Louisiana** puede presentar una queja de Título VI mediante el formulario de queja de Título VI/ADA de la agencia.

Para todos los asuntos del Título VI, comuníquese con:

Programas de cumplimiento
Box 94245
Baton Rouge, LA 70804-9245
T: (225) 379-1923
F: (225) 379-1865

TITLE VI AUTHORITIES

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any programs or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21).

Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, subrecipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100259 [S. 557] March 22, 1988).

Environmental justice (EJ) (Executive Order 12898) addresses disproportionate adverse environmental, social and economic impacts that may exist in communities, specifically minority and low-income populations.

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

The 1970 Uniform Act (42 U.S.C. 4601) prohibits unfair and inequitable treatment of persons displaced or whose property will be acquired as a result of Federal financially assisted programs or activities.

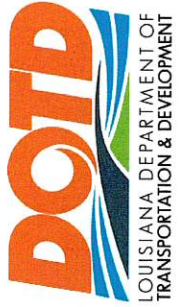
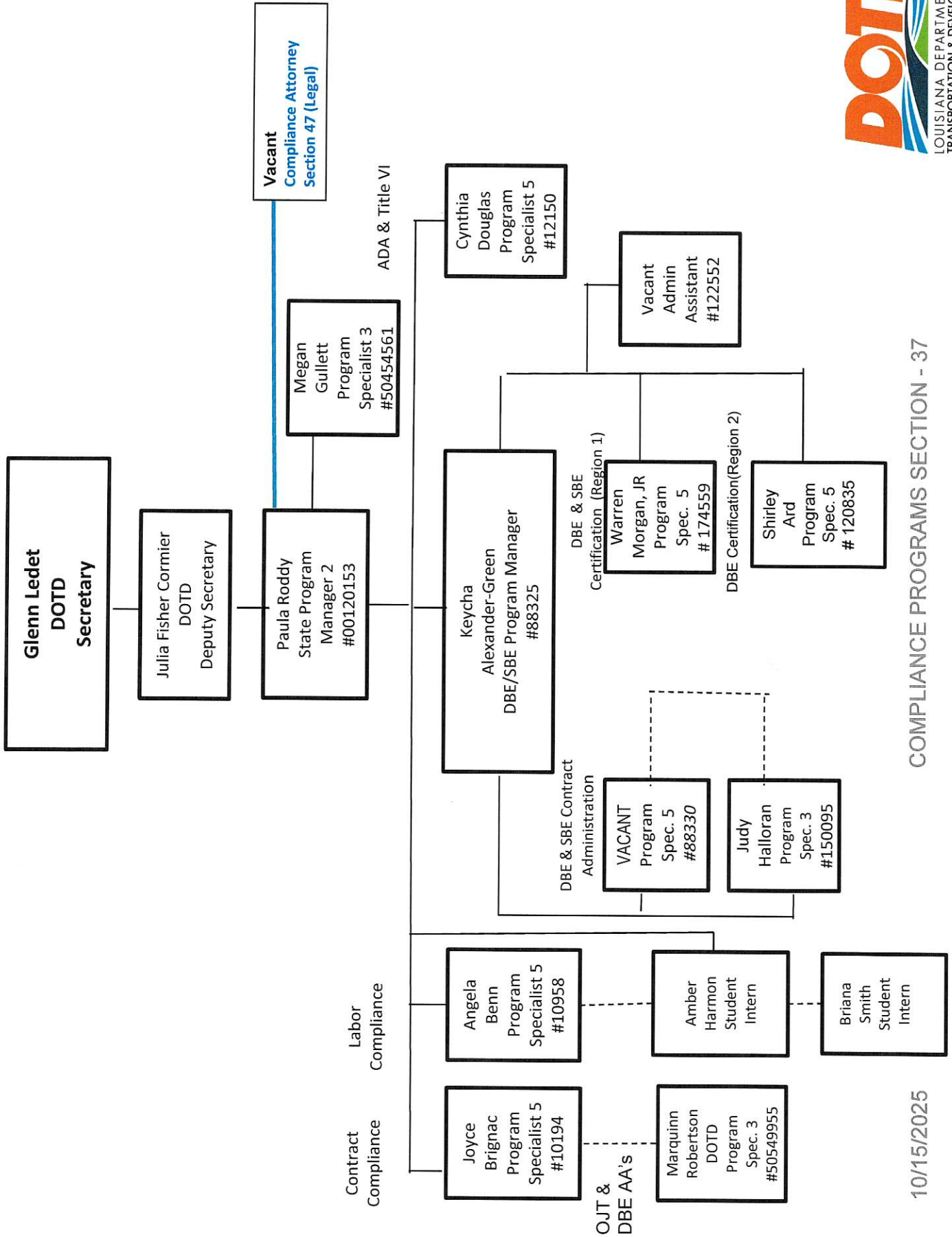
ADA/Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 790) prohibits discrimination based on a handicap/disability.

The Federal Aid Highway Act of 1973 (23 U.S.C. 324) prohibits discrimination based on gender. The Age Discrimination Act of 1975 (42 U.S.C. 6101) prohibits discrimination based on age. *Additional Title VI Authorities and Citations Include:*

Title VI of the Civil Rights Act of 1964, 42 United States Code 2000d to 2000-4; 42 United States Code 4601 to 4655; 23 United States Code 109(h); 23 United States Code 324; Department of Transportation Order 1050.2; Executive Order 12250; Executive Order 12898; 28 Code of Federal Regulations 50.3 (see also, Authorities and Citations Hand Book for additional information)

PROGRAM ADMINISTRATION

The Secretary of the Louisiana Department of Transportation and Development (LADOTD) is responsible for ensuring the implementation of the Department's Title VI Program. The Deputy Secretary, on behalf of the Secretary, is responsible for the overall management of the Title VI Program. The day-to-day administration of the programs lies with the Title VI Program Manager under the direct supervision of the DOTD Program Director in the Compliance Programs Section



COMPLIANCE PROGRAMS SECTION - 37

10/15/2025

TITLE VI PROGRAM DUTIES AND RESPONSIBILITIES

The Title VI Program Manager is charged with the responsibility for implementing, monitoring, and ensuring LADOTD's compliance with Title VI regulations. Title VI responsibilities are as follows:

- Process the disposition of Title VI complaints received by LADOTD.
- Review statistical data collected (race, color, national origin, age, gender, disabilities, and income levels) of participants in and beneficiaries of state highway programs, i.e., relocate impacted citizens and affected communities. Review Environmental Impact Statements for Title VI and Environmental Justice compliance.
- Conduct and/or assist in annual Title VI process reviews of program areas, cities, parishes, consultants, contractors, suppliers, universities, planning agencies, and other subrecipients of USDOT federal funds.
- Review state programs directives in coordination with Title VI Liaisons for program areas and include Title VI language and related requirements.
- Conduct training programs on Title VI and related statutes for state program officers, civil rights officials, and LADOTD subrecipients of federal funds.
- Prepare the Title VI Annual Summation Report presenting the accomplishments for the past year and goals for the next year.
- Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
- Conduct post-grant approval reviews of state programs and applicants for compliance with Title VI requirements, i.e., highway location, design and relocation, and persons seeking contracts with the state.
- Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed 90 days.
- Provide technical assistance to subrecipients in the development of their Title VI Plan and assurances.

PROGRAM AREAS APPOINTING AUTHORITIES DUTIES AND RESPONSIBILITIES

Planning

Transportation Planning Section

A. Transportation Planning Section

The Transportation Planning Section is responsible for the development of the Long Range Statewide Transportation Plan and the periodic updates of this plan. In addition, this office also develops the Statewide Transportation Improvement Program (STIP) as required by the Federal Highway Administration. The STIP is a fiscally sound, (1-4 years) capital improvement plan for the state's surface transportation program. This office also develops the Highway Priority Program as required by the Louisiana Legislature. The Transportation Planning Section process also includes oversight of the development, administration, and update of MPO plans and programs in accordance with federal and state laws, regulations, and policies.

B. Operational Guidelines:

23 CFR 450
State Statutes
Guidelines developed by the LADOTD

C. Planning Process

A comprehensive planning process is used which incorporates input from the public, Metropolitan Planning Organizations, State, Parish, Municipal, Tribal Officials, and other shareholders. The process also entails the monitoring and collection of data pertaining to transportation issues.

D. Title VI Responsibilities

- Ensure that all aspects of the planning process comply with the provisions of Title VI.
- Ensure public involvement in the development of the plan/programs in compliance with Title VI.
- Assist the Title VI Program Unit in gathering and organizing the Planning portion of the Annual Title VI Update Report.
- Review the Transportation Planning Office's work program, MPO Procedures and other directives to ensure compliance with Title VI.
- Attend MPO public meetings to verify the level of participation of Title VI protected group members.
- Assist the Title VI Program Unit in technical assistance, reviews, complaints, dissemination of Title VI information, and training of subrecipients.

Public Transportation Planning Process

The statewide public transportation planning process includes the development, administration, and update of transit plans and programs in accordance with federal and state laws, regulations,

and policies. The process relies heavily on cyclical and ongoing public involvement efforts to involve stakeholders, the public, and other state, tribal and local agencies and governments in the decision-making process. Products include plans, reports, and studies that guide LADOTD decision makers in carrying out LADOTD's statutory responsibilities as the Louisiana agency responsible for comprehensive statewide transportation planning and policy. FTA regulations governing Section 5310 funds (elderly and disabled transportation) and Section 5311 funds (rural areas transportation including intercity bus services) require that the state management plan include:

- A description of the process by which the state develops the annual program of projects submitted to FTA as part of its Section 5311 grant application, especially the method used to ensure fair and equitable distribution of funds, including to Native American tribes where present.
- A description of the state's efforts to assist subrecipients in applying for Section 5311 funds, especially any efforts made to assist minority applicants.
- A description of the state's criteria for selecting transit providers to participate in the program, especially its efforts to include subrecipients serving significant minority populations.
- A description of the state's ongoing process to monitor subrecipient's compliance with Title VI, such as ongoing site visits to each sub-recipient, review checklists, etc.

In addition, for LADOTD to assess compliance requirements, applicants must provide the following information in their application:

- A description of how the transportation needs of minorities will be served if the proposed project is approved for funding.
- A description of the special efforts taken to serve minority communities and address minority transit needs.
- The percentage of minorities in the service area population and the percentage of minority users of the agency's transportation system.

Each applicant who receives \$100 or more in Section 5311 funds per year, and whose minority population expressed as a percentage of the total population equals or exceeds the state's average minority population of 39.4%, must provide:

- The total population of the service area
- The percentage of the population that is a minority
- A map of the service area showing routes and the distribution of minority groups (or, for demand-response service, an estimate of beneficiaries served by minority group category)
- A description of special efforts taken to serve minority communities and address minority transit needs.

PROGRAM AREAS APPOINTING AUTHORITIES DUTIES AND RESPONSIBILITIES

Contract Services

A. Contract Services Section

The Contract Services Section is located within the Office of Engineering of the Louisiana DOTD, and is made up of administrative staff and three groups or "gangs," each with specific program areas and responsibilities. The three groups are Consultant Contract Services, Contracts and Specifications, and Project Control. The Contract Services Section is responsible for:

- Maintenance of the Standard Specifications for Roads and Bridges used by the Louisiana DOTD;
- The production, advertisement and distribution of engineering and construction bidding and contract documents;
- Consultant selection and construction bidding; and
- Engineering and construction contract execution.

B. Operational Guidelines

The specific guidelines used by each group of the Contract Services Section are listed in the Operational Guidelines section for that group.

C. Contract Services Processes

A summary of the processes used by each group of the Contract Services Section is listed in the process section for that group.

D. Title VI Responsibilities

The specific responsibilities of each group of the Contract Services Section are listed in the Title VI Responsibilities section for that group. All groups under the Section, in addition to their listed Title VI responsibilities, will assist the Title VI Program Unit in technical assistance, reviews, complaints, dissemination of Title VI information, and training of their subrecipients.

Consultant Contract Services

A. Consultant Contract Services Group

Consultant Contract Services (CCS) administers the procurement of all professional engineering consultant services contracts for DOTD. CCS prepares contracts for those services and processes all related contract actions and contract amendments. CCS is part of the Contract Services Section of the Louisiana DOTD.

B. Operational Guidelines

Consultant Contract Services Manual
23 CFR 172
LA R.S. 48:285, *et seq.*

C. Consultant Selection Process

The selection of consultants for engineering and related services is governed under LA R.S. 48:285-294 and 23 CFR 172.

D. Title VI Responsibilities

Ensure that all federally funded engineering and related services contracts administered by CCS have the appropriate Title VI provisions included.

Contracts and Specifications

A. Contracts and Specifications Group

Contracts and Specifications is responsible for the preparation of construction bid proposals, addenda, and contract documents. Advertisement for construction bids is also coordinated by this group, as well as publication and maintenance of the *Louisiana Standard Specifications for Roads and Bridges, as amended*. Contracts and Specifications is part of the Contract Services Section of the Louisiana DOTD.

B. Operational Guidelines

23 CFR, Chapter 1

49 CFR, Part 26

FHWA Form 1273

LA R.S. 48:1, *et. seq.*

Louisiana Standard Specifications for Roads and Bridges

C. Contracts and Specifications Process

- Contracts and Specifications operates primarily under 23 CFR, LA R.S. 48:1, *et seq.* and *Louisiana Standard Specifications for Roads and Bridges, as amended*;
- Ensure that all applicable federal and state laws and department specifications are followed for construction advertisement, and bidding/contract documents.

D. Title VI Responsibilities

- Coordinate DBE Goal Committee meetings to establish project specific DBE goals on Federal-Aid projects;
- Ensure that all standard Federal-Aid Construction Contract Provisions (which includes EEO, DBE, Davis-Bacon, etc.) are contained in bidding and contracting documents.

Project Control

A. Project Control Group

Project Control is responsible for the distribution of construction proposals and addenda, construction bidding, and construction contract execution. Project Control is part of the Contract Services Section of the Louisiana DOTD.

B. Operational Guidelines

23 CFR, Chapter 1

LA R.S. 48:1, *et. Seq.*

Louisiana Standard Specifications for Roads and Bridges

LA R.S. 37:2150-2173, Contractor Licensing Law

Louisiana State Licensing Board for Contractors Rules and Regulations

Project Control Process

Project Control operates primarily under 23 CFR, LA R.S. 48:1, *et seq.*, and *Louisiana Standard Specifications for Roads and Bridges, as amended*, to ensure that all applicable federal and state laws and department specifications are strictly observed so that a fair and competitive public bid process is used to determine and award to the lowest bidder on construction contracts.

C. Title VI Responsibilities

- Ensure that the construction public bid process is based solely on low bid, and is therefore nondiscriminatory.
- Ensure that all applicable laws and specifications in the public bid process are applied uniformly, exactly and without variation.
- Provide multiple methods for receipt of proposal requests, and for proposal, addenda and contract delivery to accommodate individual bidder needs and requirements, including telephone requests, walk-in service, facsimile and email transmission, internet posting, courier service delivery, and certified U.S. mail.

PROGRAM AREAS APPOINTING AUTHORITIES DUTIES AND RESPONSIBILITIES

LA Transportation and Research Center / Training (LTRC)

The Louisiana Transportation Research Center (LTRC) was created by the 1986 regular session of the Louisiana Legislature via Act 137 (originating as Senate Bill No. 520), which was approved on June 26, 1986. This legislation (amended 1988, 1995) established the purposes and functions of LTRC in addition to the basis for administration and funding of the organization. All LTRC activities are supported by funding authorized by the Federal Highway Administration through the Surface Transportation Program (STP) and SPR (State Planning and Research) dollars.

From the enabling legislation, the purpose of LTRC is as follows:

- To establish cooperation between all parties with concern for the enhancement of the transportation system of the State of Louisiana.
- To introduce new technology.
- To enhance higher education in the general transportation field.
- To benefit Louisiana economically by enhancing job opportunities.
- To promote research, technology transfer, and training.

From the enabling legislation, the functions and duties of LTRC are as follows:

- To develop and conduct a nationally recognized short-range and long-range transportation research program in order to
- implement more efficient planning, design, construction, operation, and maintenance practices and to enhance traffic safety.
- To offer technology transfer, education and training programs in both fundamental and state-of-the-art practices in
- transportation and related areas by offering training courses, demonstration projects, and conferences.
- To develop, implement, and refine a technology transfer program which shall provide a mechanism for conveying modern
- transportation systems practices and procedures to municipalities and parishes.
- To establish cooperative relationships with the Transportation Research Board, the research divisions of other state highway
- and transportation departments, universities, and national and international technical associations and agencies.
- To report and publish research findings which contribute to fundamental knowledge and facilitate the implementation of
- enhanced technologies which may result in more economical practices in transportation systems engineering.

LTRC has cooperative research agreements with the seven universities within Louisiana that have engineering programs: McNeese State University; University of Louisiana at Lafayette; University of New Orleans; Louisiana Tech University; Southern University and A&M College; Tulane University; and Louisiana State University. As required by legislation, the LTRC policy committee is comprised of members from all seven universities, DOTD/LTRC, and an FHWA observer. In addition, LTRC has a nonprofit foundation that includes members from the seven universities, DOTD/LTRC, and four members from our transportation partners. The purpose of the foundation, as per the articles of corporation (1997), is the ability to raise funds for the promotion, improvement, and development of the facilities of LTRC to encourage and promote cooperative research, education, training, and technology transfer between DOTD, LSU, and our transportation partners. Also, the foundation permits LTRC to purchase liability insurance necessary to receive research grants.

A. Operational Guidelines

The DOTD's Secretary's Policy and Procedure Manual (PPM) Number 59, Workforce Development, was issued on March 20, 2001 and revised on March 8, 2024. The purpose of this policy was to establish DOTD's philosophy regarding workforce development, create uniform policies and procedures for the training, and define the training programs required for the DOTD staff. The DOTD's Secretary's Policy and Procedure Manual (PPM) Number 47, LTRC Transportation Curriculum Council, was issued on May 1, 1989 and revised on April 4, 2022. This directive was to establish the LTRC Transportation Curriculum Council (LTRC-TCC) and related subcommittees for the purpose of advising and assisting the Louisiana Transportation Research Center (LTRC) in the identification, prioritization, development, evaluation, and implementation of transportation related technology transfer, training, work development and educational services for the Department of Transportation and Development (DOTD), and its public and private transportation industry partners.

B. Training Process

DOTD recognizes that developing a workforce through structured training, professional development, continuing education, and on-the-job training is essential to maximize employee potential and provide qualified personnel crucial to the effective management of the transportation system. Training programs are designed to ensure workforce proficiency and knowledge, not to penalize career employees or hinder department operations. The department promotes an environment of continual learning and strives to improve and strengthen the basic skills of employees, as well as enhance worker preparedness to meet the future challenges of a more technical work environment. The department provides training and related materials at no cost to the individual employee, and whenever possible, allows for the completion of training during work hours. The department also realizes that on-the-job training is an essential component of all departmental activities and encourages all employees and supervisors to share their knowledge and experiences with others. The department further recognizes that the training programs defined in PPM No. 59 are the minimum training required of DOTD employees. This policy also empowers administrators and supervisors to effectively direct the training of their staff and require additional training where necessary to improve employee performance and departmental operations.

Title VI Responsibilities

- The LTRC Associate Director of Workforce Development and Technology Transfer (Section 33), along with the LTRC Section 33 team, work in partnership with the DOTD Executive Staff, District Administrative Staff, and DOTD Subject Matter Experts to determine the need for and adequacy of the department's training program.
- Ensure adherence with DBE program requirements in the granting of research contracts and nondiscrimination in the selection grant recipients.
- Develop procedures to promote the participation of minorities and women in all aspects of a research project.
- Verify that Title VI requirements are incorporated in all contracts and agreements.
- Gather reporting data for the Annual Title VI Update Report.
- Review internal operational procedures, guidelines, directives and policies to ensure compliance with Title VI requirements.
- Monitor accomplishments and promptly correct program area deficiencies.
- In conjunction with managers and executives, ensure that all employees have equal access to training.
- Ensure accessibility to M/W/DBE consulting/training firms to compete for contracts.
- Review directives and manuals to ensure the adherence with Title VI requirements.
- Maintain program administration documentation and data necessary for preparation of Annual Title VI Update, including attendance data for NHI, and Louisiana Management courses.
- Assist the Title VI Program Unit in technical assistance, reviews, complaints, dissemination of Title VI information, and training of subrecipients.

PROGRAM AREAS APPOINTING AUTHORITIES DUTIES AND RESPONSIBILITIES

Environmental

The Environmental Section, with the assistance of the District offices and various other Sections, is responsible for the assessment of environmental impact as it relates to the transportation decision-making process. This evaluation is carried out through the required preparation, development, and circulation of environmental documentation. For Federal-aid highway projects, this documentation is prepared for the Federal Transit Administration / Federal Highway Administration's (FTA/FHWA) approval prior to proceeding with the design, construction and/or maintenance of the transportation facility.

A. Operational Guidelines

For Federal-aid projects, regulations and procedures maintained by the Environmental Section are intended to meet the requirements of the National Environmental Policy Act (NEPA) and its associated regulations. All regulations are administered by the lead federal agency, which is usually the FTA/FHWA whose regulations can be found in Title 23 CFR Part 771.

C. Environmental Process

A systematic process is used to study and evaluate all environmental aspects of a proposed project including social, economic and environmental impacts. Depending on the complexity, impacts, and scope of the project, the Environmental Section will complete the NEPA process by preparing a Categorical Exclusion (CE), Environmental Assessment (EA) or Environmental Impact Statement (EIS). These assessments are performed with regard to the interest and input of state and federal agencies, local officials, and the public.

D. Title VI Responsibilities

The Environmental Section is responsible for ensuring compliance with Title VI requirements with respect to environmental activities.

1. For projects that have the potential to adversely impact communities, the Environmental Section, or its consultants, collects demographics within the project area to identify the presence of Limited English Proficiency communities, minority, and/or protected populations.
2. The Environmental Section monitors its compliance with Title VI with input and assistance from the Project Team, the DOTD Compliance Program Director and the FTA/FHWA/FRA.
3. Assist the Title VI Program Unit in technical assistance, reviews, complaints, dissemination of Title VI information, and training of subrecipients.

Environmental Public Involvement

- A. Early coordination and public involvement is a major objective of project development. Public involvement and conflict resolution through public meetings, hearings, small group meetings, individual contacts, advertisements and other means are encouraged and practiced.
- B. The Environmental Section is responsible for assisting the DOTD Compliance Program Director in efforts to disseminate Title VI information to the general public.
- C. In accordance with the associated impacts and complexities of the project, the Environmental Section makes certain that pertinent information about a federal-aid activity is disseminated to the general public, including minority groups. Based on the nature and location of the activities, informal meetings (small group or neighborhood meetings) may be held with the minority communities impacted by the project.

Environmental Public Hearings

- A. The Environmental Section advertises public hearings in accordance with established procedures approved by FTA/FHWA. The scheduling of locations and times of public hearings will be reasonably convenient for persons affected by the project.
- B. All persons in attendance at public hearings are given an opportunity to express themselves either in written form or verbally. Oral comments made during the recorded comment period or at the designated recording station will be transcribed and made a part of the hearing transcript. Written comments can be submitted at the hearing or sent to the person on the project team designated to receive written comments. Written comments received within 10 days of the hearing are included in the transcript. A written transcript of the hearing is provided to the Chief Engineer, the DOTD Compliance Program Director, various Section Heads, the applicable District Administrator, and FTA/FHWA for review. The transcript reflects the questions, suggestions and objections posed during the hearing as well as submitted in writing at and after the hearing.
- C. The Environmental Section will work to ensure and record, when applicable, minority participation and involvement in Public Hearings.
- D. Minority newspapers and publications, where practical, will be used in advertising public hearings.
- E. All public meetings and hearing advertisements will identify the individual to contact for reasonable accommodation assistance and will carry the following or similar statement: *Should anyone require special assistance due to a disability to participate in this Public Hearing/Meeting, please contact [insert name] by mail at [address], or by telephone at [insert phone number], at least five working days prior to the Public Hearing/Meeting.*
- F. The Environmental Section will assure that public meetings and hearings are held in locations that are ADA compliant.

PROGRAM AREAS APPOINTING AUTHORITIES DUTIES AND RESPONSIBILITIES

Project Development

- A. The Project Development Division is responsible for the major activities which take place prior to construction of a project. The Division consists of the Road Design Section, Bridge Design, Pavement and Geotechnical Design, and Location and Survey Section.
- B. Operational Guidelines
- CFR Titles 23 and 49
 - Louisiana Revised Statutes Chapter 48
 - LADOTD Engineering Directives, Policies and Procedures Memorandums, Guidelines, etc.
 - Road Design Manual
 - AASHTO Guidelines
 - Bridge Design Manual
 - ASTM
 - ACI
- C. The Road Design Section provides the geometric design of highways and streets as well as project and program management of highway projects. The Pavement and Geotechnical Section provides the design of roadway pavements as well as geotechnical design associated with structural components for roadways and bridges. The Bridge Design Section provides the structural, mechanical and electrical design of fixed and movable bridges and other structures spanning highways and natural obstructions (i.e., rivers, canals, etc.) as well as project and program management of highway projects. The Location and Survey Section provides for the precise location of a proposed highway and its layout in relation to other landmarks, property and/or terrain.
- D. Title VI Responsibilities:
- All personnel actions shall assure equal opportunity regardless of race, gender, color, national origin, age, disability, or any other non-merit factor, and applies to all employment practices, including recruitment, employment, compensation, training, promotions, transfers or assignments, recognition, disciplinary actions, layoffs, other terminations, and benefits.
 - All designs of highways, bridges and their appurtenances shall provide accommodation in accordance with the Accessibility in Federally Assisted programs (49 CFR Part 37).
 - Assist the Title VI Program Unit in technical assistance, reviews, complaints, dissemination of Title VI information, and training of subrecipients.

PROGRAM AREAS APPOINTING AUTHORITIES

DUTIES AND RESPONSIBILITIES

Right of Way

A. The Right of Way Section's primary purpose is to acquire and clear the necessary rights and properties to construct and maintain the State Transportation System.

B. Operational Guidelines

Right of Way Operations Manual

Title 9

Title 19

Title 38

Title 48

Louisiana Civil Code

Louisiana Constitution Article I, Section 4

Louisiana Constitution Article VI, Section 21

Louisiana Constitution Article VII, Section 14

Louisiana Administrative Code Chapter 70

Promulgated Policies and Procedures

Title 23 United States Code (Highways)

<https://www.ecfr.gov/current/title-23/part-710>

Title 49 United States Code (Transportation) Part 24 Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended

<https://www.ecfr.gov/current/title-49/part-24>

C. **Right of Way Process**

Right of Way acquisitions follow the Right of Way Manual and all applicable laws and regulations, including Title VI. The Right of Way Process entails appraisal and appraisal review of properties including specialty valuation reports, negotiations of the terms and conditions for acquisition, and assistance in the relocation of displaced individuals, businesses, farm operations and nonprofit organizations, as well as property management.

D. **Title VI Responsibilities**

The DOTD Title VI Liaison will review policies, rules, and standard operating procedures to ensure compliance with Title VI in all phases of right of way activities.

- Ensure participation by Minority/Women/Disadvantaged Business Enterprises as identified by the Office of Minority and Women's Business Enterprises (OMWBE) in Personal Services Contracts. The contracts are typically appraisal contracts but can cover all services of right of way including negotiation, relocation, and property management.
- Apprise affected property owners, tenants, and others involved of their rights and options regarding appraisal, negotiation, relocation, condemnation and other aspects of the acquisition process.
- Conduct annual implementation reviews of Title VI provisions within the entire right of way acquisition process.
- Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business.
- Ensure that appraised values and communications associated with the appraisal, appraisal review, and negotiation operations result in equitable treatment.

- Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.
- Coordinate the preparation of deeds and leases to ensure the inclusion of the appropriate Title VI clauses (Appendices 2 and 3 to Title VI Assurances).
- Gather the statistical data required for completion of the Department's Title VI Annual Summation Report.
- Assist the Title VI Program Unit in technical assistance, reviews, complaints, dissemination of Title VI information, and training of sub-recipients.

E. Appraisal, Appraisal Review, Acquisition, Title Work, Consultant Coordination and Relocation Assistance

- The Right of Way Section enters into agreements with independent right of way consultants on a contract basis or utilizes staff depending upon availability. Each consultant or staff member is required to have on file in the Right of Way Section a list of his/her qualifications, education and experience. Title VI provisions, including UASFLA and USPAP guidelines and procedures, are required in all fee appraiser and fee review appraisal contracts.
- The DOTD Compliance Programs Office will receive copies of all new Right of Way consultant contracts to ensure equal participation by minority/women disadvantaged business enterprises (DBEs); and that employment of Right of Way consultants is carried out without restrictions as to race, color, national origin, gender, age, or disability. Employment is based on professional training, education, experience, evaluation of previous work (if any), availability to complete assignments within project schedule time limits, and effectiveness as a witness in court.
- The selection of Right of Way consultants is concluded through a query process which rates the consultant based on factors relevant to the scope of services for the particular right of way consultant required. The consultants must comply with regulations relative to non-discrimination in all transportation programs.
- All services completed by consultants and staff will be done without distinction as to race, color, national origin, gender, age or disability. The consultants are aware that discriminatory statements are not to be included in any appraisal, specialty valuation or appraisal review reports and in any acquisition and/or relocation assistance activity report.
- All consultants and staff will be instructed to be on the alert for any indication of discrimination. If discriminatory statements are discovered, the work will be returned for correction before final acceptance.
- All assignments are made objectively, without regard to race, color, national origin, gender, age, or disability.
- Using the State and Federal appraisal, appraisal review, and acquisition procedures, a properly prepared and reviewed appraisal of fair market value of property for acquisition does not allow discrimination on account of race, color, national origin, gender, age or disability.
- To improve access and understanding of transportation planning processes for those in the population confronted with language barriers through the language translation services administered by the Compliance Programs Section.
- The acquisition procedures and required documentation as set forth, ensure that all property owners in Louisiana are treated and dealt with fairly regardless of race, color, national origin, gender, age or disability.
- Employment of right of way professionals is based upon professional training, education, experience, licensing (if applicable), and evaluation of previous work, if any, and the ability to complete assignments within project scheduled time limits without restrictions as to race, color, national origin, gender, age, or disability.
- Abstractors are used for performing title research and title report preparation for the entire state. The hiring and assignment process for abstractors is carried out without restrictions as to race, color, national origin, gender, age, or disability.

- Relocation Assistance is provided without discrimination in accordance with Title VI requirements. Relocation services and payments, including searching activities for comparable and replacement properties, are conducted in a manner which adheres to applicable Federal and State laws. The Right of Way Section provides pertinent information during various stages of a highway project. The Environmental Section is furnished certain data from the Right of Way Section and/or environmental consultant for environmental impact statements (EIS). Similarly, a "Relocation Assistance Plan" is provided by the Right of Way Section and/or the consultant at the "conceptual stage" of a project. This plan includes a description of the social and economic impacts of a proposed project, a projection of the number and type of displacements to occur, and a replacement housing study. This information is updated for the requisite project public hearing.
- Eligibility for relocation advisory and payment benefits are explained at designated public hearings. The Department's brochure entitled, "Acquisition of Right of Way and Relocation Assistance" is also provided to attendees at these hearings. Informal public meetings are held with certain individuals including neighborhood and minority groups, when necessary, to address any problems a community or group may be experiencing. The "Acquisition of Right of Way and Relocation Assistance" brochure is made available at the informal meetings and attendees are assured that relocation assistance services are provided to displacees consistently, uniformly, equitably and without discrimination.
- Assistance is provided to residents in relocating to decent, safe, and sanitary replacement housing. Efforts are made to use the best available comparable housing to compute the payments for replacement dwelling for displacees. Displacees are given the opportunity to view and inspect areas to relocate. Also, displacees have the opportunity to request assistance from the Department in this regard. Assistance is provided without restrictions as to the race, color, national origin, gender, age, or disability in the population of the selected areas. The selection process for replacement properties is overseen, and assistance given by the relocation assistance agent. The agent works closely with each displacee in a uniform manner and gives special attention to those in special need, i.e., elderly and disabled displacees. Residential displacees with physical disabilities are offered replacement housing free of physical barriers. All displaced businesses have the opportunity to utilize the "Business Reestablishment Expense Payment" program for assistance to remove physical barriers at replacement properties. Owners and occupants of displaced businesses, farms, and non-profit entities are provided assistance in securing suitable replacement properties.

F. Expropriation

- After the Location & Survey Section provides the legal description and plat for a subject property, a staff or contract attorney signs and files the Petition, the Order of Expropriation, along with the Just Compensation amount, and obtains the Receipt in the appropriate court and returns the documents to the Right of way Section.
- Fee attorneys and expert witnesses are assigned through the contracting process by the Legal Section. The selection process is done without restrictions as to race, color, national origin, gender, age, or disability.

PROGRAM AREAS APPOINTING AUTHORITIES DUTIES AND RESPONSIBILITIES

Construction

A. Construction Section

The Construction Section 40 is located in the Office of Project Delivery. It is made up of four groups 1) Systems, 2) Fabrication, 3) e-Construction and 4) Audit and Estimate.

Systems

Monitors projects, plans, specifications, and contracts for uniformity and consistent requirements with all Standards and LADOTD Guidelines as well as Contracts and Specifications to assure compliance with plans.

Fabrication

Inspects prefabricated elements utilized in highway construction including structural metalwork and prefabricated prestressed concrete.

e-Construction

Maintains and supports all software utilized for construction administration.

Audit and Estimate

Reviews project records for progress payments and compliance with LADOTD Standards, Contracts, and state law.

B. Operational Guidelines

Louisiana Standard Specifications for Roads and Bridges
23 CFR Guidelines developed by the LADOTD

C. Title VI Responsibilities

-
- Ensure that all Standard Specifications and Contracts are uniformly administered.
- Assist the Title VI Program Unit in technical assistance, reviews, complaints, dissemination of Title VI information, and training of subrecipients.

PROGRAM AREAS APPOINTING AUTHORITIES DUTIES AND RESPONSIBILITIES

Public Transportation

A. Public Transportation Section

The Public Transportation Section is located within the Office of Project Delivery - Planning of the Louisiana DOTD. The mission of the Public Transportation program is to improve public transit in all areas of the State so that Louisiana's citizens may enjoy an adequate level of personal mobility regardless of geographical location, physical limitation, or economic status.

The Public Transportation Section is responsible for the administration of the following transit programs:

- Elderly Individuals and Individuals with Disabilities Program - Section 5310 (49 USC 5310)
- Metropolitan Planning Transit Program – Section 5303 (49 USC 5303)
- Rural Public Transportation Program - Section 5311 (49 USC 5311)
- Rural Technical Assistance Program – Section 5311(b)
- State Planning and Research Program – Section 5313 (49 USC 5313{b})
- Urbanized Area Formula Grants Program – Section 5307 (49 USC 5307)
- Capital Investments Grant Program – Section 5309 (49 USC 5309)

Each program has its own administrator and administrative guidelines under the Public Transportation Section.

B. Operational Guidelines

- FTA Circular 4702.1B - Title VI Requirements and Guidelines for Federal Transit Administration Recipients
- FTA Circular 4704.1A - Equal Employment Opportunity (EEO) Requirements and Guidelines for Federal Transit Administration Recipients
- FTA Circular 4715.1A "Human Resource Programs (Section 20) Application and Project Management Guidelines
- FTA Circular 9030.1E - Urbanized Area Formula Program: Program Guidance and Application Instructions
- FTA Circular 9040.1E – Non-urbanized Area Formula Program Guidance and Grant Application Instructions
- FTA Circular 9070.1H - Enhanced Mobility of Seniors and Individuals with Disabilities Program Guidance
- 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation
- Americans with Disabilities Act (ADA) of 1990
- Rehabilitation Act of 1973, 29 USC 794 Section 504
- 49 CFR Parts 27, 37, and 38, implementing ADA and amending Section 504
- 49 CFR 23 Disadvantaged Business Enterprise

Operational Guidelines - Appropriate Sections:

- Section 601 of Title VI of the Civil Rights Act of 1964
- Executive Order 11246
- The Americans with Disability Act; Sections 504 and 503 of the Rehabilitation Act of 1973

- The Age Discrimination in Employment Act of 1967
- 28 CFR Part 42 Equal Employment Opportunity
- 49 CFR Part 21 Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964
- The Elderly and Persons with Disabilities Program – LADOTD Elderly Individuals and Individuals with Disabilities Program Procedures Manual
- The Section 5311 Rural Public Transportation Program – LADOTD Rural Transportation Program Procedures Manual

C. Planning Process

A coordinated transit planning process is used, which incorporates input from the public, nonprofit advocacy agencies, transit service providers, Metropolitan Planning Organizations, Regional Transit Authorities, health and human services agencies, and other stakeholders / interested parties. The process also entails the monitoring and collection of data about: clients served, ridership, and transit needs.

D. Consultant Selection Process

The selection of consultants for engineering and related services is governed under RS 48:285-294 and 23 CFR 172. The selection of non-engineering professionals and consulting services is governed under RS 39:1481-1526 and LAC, Title 34, Part V.

E. Contract Services Process

Contracts and specifications operate under 23 CFR, RS 48, and LAC, Titles 34 and 70

F. Procurement Process

The Procurement Process operates under 23 CFR, RS 48, and LAC, Title 34, Part I and LAC Title 70 Part XXIII

G. Title VI Responsibilities

- Ensure that all aspects of the planning process comply with the provisions of Title VI.
- Ensure public involvement in the development of the plan in compliance with Title VI.
- Assist the Title VI Coordinator in gathering and organizing the Planning portion of the Annual Title VI Update Report.
- Monitor compliance with Title VI provisions by service providers.
- Ensure that all aspects of the procurement process comply with the provisions of Title VI.
- Ensure that all aspects of the project selection process comply with Title VI.
- Ensure that the quality and quantity of service provided by funded agencies comply with Title VI.
- Provide information to the public on Title VI compliance by funded agencies.
- Ensure that all contracts through the Public Transportation Section have the appropriate Title VI provisions included.
- Monitor compliance with DBE program requirements in all contracts with service providers.
- Ensure that all applicable laws and specifications in the public bid process are applied uniformly, exactly, and without variation.
- Assist the Title VI Program Unit in technical assistance, reviews, complaints, dissemination of Title VI information, and training of subrecipients.

MONITORING PROCEDURES

It is the responsibility of the Title VI Program Unit to develop and implement monitoring procedures within the Department's program areas and their subrecipients to monitor Title VI activities. Procedures will be implemented to identify and eliminate discrimination when found to exist, including, but not limited to, issues of accessibility of National Highway Institute (NHI) training to all qualified LADOTD employees, utilization of Disadvantaged Business Enterprises (DBE) contractors, public involvement, and property acquisition.

LADOTD program areas and subrecipients will be sent a Review Form by the Title VI Program Unit to assure effectiveness in their compliance of Title VI provisions (see Addendums A, B and C). The Appointing Authority of the program area or agency will coordinate efforts to ensure the equal participation in all their programs and activities at all levels. The reviews will entail examination of the recipients' adherence to all program requirements, including DBE responsibilities.

The Title VI Unit will conduct an on-site review of the Department's program areas and subrecipients on a three-year rotational basis or as determined necessary, on a case-by-case basis.

REMEDIAL ACTION

LADOTD will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements within both LADOTD and its subrecipients of federal highway and transit funds. When irregularities occur in the administration of the federal-aid highway program's operation, corrective action will be taken to resolve Title VI issues. When conducting Title VI compliance reviews of its subrecipients, LADOTD will reduce to writing a remedial action agreed upon by LADOTD and FTA/FHWA to be necessary, all within a period not to exceed 90 days.

LADOTD will seek the cooperation of the subrecipient in correcting deficiencies found during the review. LADOTD will also provide the technical assistance and guidance needed to aid the subrecipient to comply voluntarily.

Subrecipients placed in a deficiency status will be given a reasonable time, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies.

When a subrecipient fails or refuses to voluntarily comply with requirements within the time frame allotted, the LADOTD will submit to the FTA/FHWA two copies of the case file and a recommendation that the subrecipient be found in noncompliance.

A follow-up review will be conducted within 180 days of the initial review to ensure that the subrecipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the subrecipient refuses to comply, LADOTD may, with FTA/FHWA's concurrence, initiate sanctions per 49 CFR 21.

TITLE VI ON-SITE REVIEW PROCESS

A Title VI on-site review will be performed of LADOTD's program areas and subrecipients, on a agreed upon rotational basis beginning July 1 of each year. The Title VI Program Manager will also participate in FHWA reviews of the Department's subrecipients, as scheduled.

Process

1. The Title VI Program Manager will determine when to schedule the review. Reviews are scheduled on a three-year rotation, unless indicated otherwise through involvement, participation in, or complaints.
2. Notify program official of the review. Include date, time, and place. If personnel are to be interviewed, inform program official at this time.
3. Inform program official of data/records to be reviewed. This information will be based on the annual review questionnaire. For example, reporting, training for staff and outreach, environmental justice statistics and geographical data collected, LEP, ADA, etc.
4. Conduct the review and closeout meeting. Discuss review findings, deficiencies, and recommendations. Be sure to note pro-active activities.
5. Prepare the Title VI Review Report. Include an itemized listing of deficiencies, with specific recommendations for the correction and timeframes for corrections to be completed. The Title VI Program Unit will provide technical assistance and guidance needed to aid the program official and staff in correcting deficiencies.
6. Perform a follow-up review within 60 days after deficiency corrections found in the initial review have been made to determine compliance with the Title VI Program requirements.
7. A copy of the initial review and 60-day follow-up meeting determinations will be sent to the Louisiana Division of the Federal Highway Administration within 30 days of completion of the follow-up meeting.
8. If the program official does not correct the deficiencies within the time required, the Title VI Program Manager will involve the Compliance Programs Director for resolution. If resolution cannot be achieved within 15 days, the Compliance Programs Director will involve the Secretary of the LADOTD.

NONDISCRIMINATION COMPLAINT PROCEDURES

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, The Federal Aid Highway Act of 1973 (23 U.S.C. 324) Civil Rights Restoration Act of 1987, The 1970 Uniform Act (42 U.S.C. 4601), and the Americans with Disabilities Act of 1990, relating to any program or activity administered by LADOTD as to subrecipients, consultants, and contractors.

Intimidation or retaliation of any kind is prohibited by law. The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination.

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Specialist may be utilized for resolution.

The **Louisiana Department of Transportation and Development's** Non-Discrimination Complaint Procedures are made available in the following locations:

- Agency website
- Hard copy in the central office
- Agency Title VI Plan

Any individual, group of individuals or entity that believes they have been discriminated against on the basis of race, color, national origin, disability, sex, age, low-income, or language discrimination by the **Louisiana Department of Transportation and Development (LADOTD)** may file a Non-Discrimination complaint by completing and submitting the agency's Non-Discrimination Complaint Form.

A complaint must be filed with the **Louisiana Department of Transportation and Development** no later than 180 days after the following:

1. The date of the alleged act of discrimination; or
2. The date when the person(s) became aware of the alleged discrimination; or
3. Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

Once the complaint is received, the **Louisiana Department of Transportation and Development** will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.

The **Louisiana Department of Transportation and Development** has 45 days to investigate the complaint.

After the investigator reviews the complaint, she/he will issue one of two (2) letters to the complainant: a closure letter or a letter of finding (LOF).

- ✓ A closure letter summarizes the allegations and states that there was not a discrimination violation and that the case will be closed.
- ✓ A letter of finding (LOF) summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur.

If the complainant wishes to appeal the decision, she/he has 180 days after the date of the letter or the LOF to do so. LADOTD will analyze the facts of the case and will issue its conclusion to the appellant within 60 days of the receipt of the appeal.

LADOTD maintains a Non-Discrimination Complaint Log for internal tracking purposes. All information contained within the complaint log is kept confidential.

Non-Discrimination Complaint Form

The Louisiana Department of Transportation and Development Non-Discrimination Complaint Form is made available in the following locations:

- Agency website
- Hard copy in the central office
- Agency Title VI Plan

Section I:			
Name:			
Address:			
Telephone (Home):		Telephone (Work):	
Electronic Mail Address:			
Accessible Format Requirements?	Large Print		Audio Tape
	TDD		Other
Section II:			
Are you filing this complaint on your own behalf?		Yes*	No
*If you answered "yes" to this question, go to Section III.			
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
Section III:			
I believe the discrimination I experienced was based on (check all that apply):			
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Disability <input type="checkbox"/> Sex <input type="checkbox"/> Age <input type="checkbox"/> Income Status <input type="checkbox"/> Language			
Date of Alleged Discrimination (Month, Day, Year): _____			
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form or a separate sheet of paper.			

Section IV:			
Have you previously filed a complaint with this agency?		Yes	No
Section V:			

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, check all that apply:	
<input type="checkbox"/> Federal Agency: _____	
<input type="checkbox"/> Federal Court _____	<input type="checkbox"/> State Agency _____
<input type="checkbox"/> State Court _____	<input type="checkbox"/> Local Agency _____
Please provide information about a contact person at the agency/court where the complaint was filed.	
Name:	
Title:	
Agency:	
Address:	
Telephone:	
Section VI	
Name of agency complaint is against:	
Contact person:	
Title:	
Telephone number:	

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

Signature Date

Please submit this form in person at the address below, or mail this form to:

Louisiana Department of Transportation and Development
Cynthia Harvey Douglas
Compliance Programs-Title VI/ADA
PO Box 94245
1201 Capitol Access Road
Baton Rouge, LA 70804-9245
Phone: 225-379-1923
cynthia.douglas@la.gov

*****On March 1, 2024, Executive Order 14224, which revoked Executive Order 13166, designated English as the official language of the United States. Further, entities receiving federal assistance must continue to ensure meaningful access for all individuals and to make accommodations for “limited English proficient” (LEP) individuals, as they deem necessary to fulfill the mission of their agency. Federal guidance on the extent of this rescission in rulemaking, policies, enforcement decisions and other activities is still being determined. Therefore, all and/or sections of information in this Title VI Plan that address LEP remain in their original form and are subject to edit, and interpretation on a case-by-case bases.*****

****LIMITED ENGLISH PROFICIENCY (LEP) PROGRAM**

The Title VI Unit is responsible for developing and implementing an LEP Plan. The LEP Plan is disseminated to the Department’s program areas and subrecipients and used in monitoring programs and activities to ensure meaningful access all (refer to: LADOTD’s Limited English Proficiency Plan)

The Title VI Manager is the Department’s Language Access Coordinator (LAC). The duties include:

- Ensure 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.
- Identify and develop or recommend guidelines to implement the Plan.
- Identify criteria for designation of languages for initial round of translation, based on demographic data.
- Create systems to distribute translated documents, post electronically, and maintain supply.
- Identify 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.
- Establish protocols for ensuring quality, timeliness, cost-effectiveness, and appropriate levels of confidentiality in translations, interpretation, and bilingual staff communications.
- Identify and implement a system for receiving and responding to complaints.
- Exchange promising practices information with divisions, districts and residencies.
- Review the progress of LADOTD on an annual basis in providing meaningful access to LEP persons, develop reports, and modify [recommending modification to] LEP Guidelines as appropriate.

LEP Monitors

In addition, the Compliance Programs Director, the Title VI Unit and Title VI Interdisciplinary Team will serve as LEP Monitors for sections and districts.

LEP Monitor duties include:

- Work with the LEP Coordinator to identify needs and strategies for meeting those needs so that staff will have access to appropriate language services.
- Ensure the facility’s compliance with the LEP Guidelines, including any implementation.

- Provide training to facility staff on implementation of LEP Guidelines.
- Establish and maintain the facility's language assistance resource list, ensuring competency, and revise the list as needed.
- Maintain data on requests from LEP persons and provide reports to management and the LEP Coordinator on an annual basis.
-

Training

LADOTD staff members and subrecipients should know their obligations to provide meaningful access to information and services for LEP persons, and all persons in public contact positions should be properly trained. An effective training objective will include training to ensure that:

- LADOTD staff and subrecipients know about LEP policies and procedures.
- LADOTD and subrecipients will include this training as part of the orientation provided for new employees.

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 Unit and the Compliance Programs Director.

TITLE VI REQUIREMENTS

Data Collection

Statistical data on race, color, national origin, income, language spoken in household, and gender of participants in, and beneficiaries of LADOTD programs, will be gathered and maintained by the Title VI Liaison in the affected program areas, and the data will be incorporated into the Title VI Annual Update. The data gathering process will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of the Title VI Program administration.

Public Dissemination

The Compliance Programs Office will disseminate Title VI Program information to LADOTD program areas and subrecipients, as well as the general public. Public dissemination will include the LADOTD Website, posting of public statements, inclusion of Title VI language in contracts, publishing annually the Title VI Policy Statement in newspapers having a general circulation in the vicinity of proposed projects, and announcements of hearings and meetings in minority publications (see Addendum G).

LADOTD Title VI Notice to Public

LADOTD hereby gives public notice that it is the policy of the Department to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, gender, Limited English Proficiency (LEP), age, disability/handicap, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which LADOTD receives federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the LADOTD. Any such complaint must be in writing and filed with the LADOTD Title VI Program Manager within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the Compliance Programs Office by calling (225) 379-1382.

Operational Guidelines

All operational guidelines to regions, contractors, subrecipients, and program areas will be reviewed to include Title VI language, provisions, and related requirements where applicable.

Training Program

Title VI training will be made available upon request to subrecipients, and the Department's program areas and regions. The training will provide comprehensive information on Title VI provisions, its application to program operations, and identification of Title VI issues and resolution of complaints. A summary of training conducted will be reported in the annual summation report.

Annual Reports

An Annual Summation Report will be submitted to the Director of Compliance Program Office reviewing Title VI accomplishments achieved during the year and the FTA/FHWA. The Report will also include updates for each of the program areas (if any). The Title VI Program Manager will be responsible for coordination and preparation of the report.

A summary of the annual reviews will be included in the annual summation report to FTA/FHWA.

Post-grant Reviews

Post-grant Title VI Compliance reviews will be conducted annually on consultants and other contractors seeking contracts with LADOTD. The reviews will determine the contractor's compliance with Title VI contractual provisions. Post-grant reviews are conducted on those subrecipients that have already received LADOTD federal funds.

Addendum A

LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

In accordance with Title VI of the Civil Rights Act of 1964 and 49 CFR 21, this is the **Annual Title VI Review for DOTD's Program Areas**. Please provide yes/no answers with a brief explanation. Updates, changes, and/or additions to the agency's Title VI responsibilities/activities for the program area should also be noted. It is not necessary to send the referenced material; this information will be audited during the program area's on-site review performed on a three-year rotation. **Please note:** "Subrecipients" are US DOT federally funded programs, grants, companies, agencies, contracted individuals, persons receiving services, or restitution through the DOTD, (i.e., programs, MPOs, City/Parish, consultants, contractors, relocatees, grantees, contracted employees, material suppliers, universities, etc.).

A. Name of Program Area: _____

1. Provide the following information for the Program Area Liaison in charge of Title VI responsibilities:

Name
Phone Number
E-Mail Address

2. Give a brief overview of the program area.
3. List the Title VI Authorities pertaining to the operation of the program area.
4. List the types of programs/projects, if any, administered annually for the program area. Give the estimated amount of federal funding distributed.
5. Does the program area have a copy of the Department's current Title VI Plan and related Title VI information? Describe dissemination of the Title VI Plan and related information to the program area's subrecipients.
6. What records and/or reports does the program area maintain that specifically reflect Title VI compliance?
7. Has the program area's policies, directives, manuals, guidelines, etc., (internal and external dissemination) been reviewed and updated for compliance with Title VI responsibilities and language?

B. Complaint Procedure

1. Is the program area aware of the Department's Title VI Complaint Procedure for external discrimination complaints? To what extent are the program area's subrecipients aware of it?
2. Has the program area received any Title VI related complaints during the past year? If so, what were the issues involved, and what was the outcome? Did the Title VI Liaison assist in the complaint process?
3. Is the program area aware of the Department's Title VI Notice to the Public? To what extent are the program area's subrecipients aware of it?

C. Training

1. As the Title VI Liaison for the program area, have you received any training (formal or informal) regarding Title VI? Has the program area's staff received any training regarding Title VI?
2. Has the Title VI Liaison provided or assisted in any training regarding Title VI for subrecipients of the program area?
3. Is the program area considering scheduling Title VI training sometime soon for staff? For subrecipients?

D. Public Involvement – Meetings and Hearings

1. Does the program area have a public involvement plan? If not, to what extent are minority members (inclusive of all groups), people with Limited English Proficiency (LEP), or people with disabilities in the community, invited to participate?
2. Are Public Meetings held in an accessible location (geographically and structurally)? Are the times of the meetings in accordance with the community's needs?
3. Is the Hearing Coordinator keeping records of attendance? If so, what information is collected and how is it utilized to identify persons covered under Title VI? Is this information compared to the demographic data collected for the affected communities? Were any special provisions provided, such as interpreters, sign language, ADA accommodations?

4. Does the program area maintain records/reports that reflect the extent to which persons covered under Title VI are beneficiaries of programs receiving federal financial assistance?

E. Subrecipients

1. Are Title VI and DBE (if applicable) language, assurances and provisions included and reviewed in all solicitations, pre-grant applications, grants, bids, contracts/awards, manuals, policies, directives, guidelines, material supply agreements, deeds, permits, etc., within your program area?
2. Are DBE goals being included in contract/awards for the program area? Are they being achieved? If not, how does the program area promote the participation of certified DBE firms?
3. How does the program area assist subrecipients in contracting opportunities with DBEs?
4. How does the program area monitor subrecipients adherence with Title VI requirements? DBE requirements?
5. What proactive measures, (if any), has the program area developed in Title VI compliance?

Addendum B

LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

In accordance with Title VI of the Civil Rights Act of 1964 and 49 CFR 21, this is the **Annual Title VI Review for Local Agencies**. Please provide yes/no answers with a brief explanation; any updates, changes, and/or additions to the agency's Title VI responsibilities/activities should also be noted on this form. It is not necessary to send the referenced material (such as, plans, policies, and procedures) at this time. This information will be audited during your agency's on-site review that will be performed on a three-year rotation.

Name of Local Agency: _____

I. Administration

A. Staff Composition and Program Administration

1. Provide breakdown of the agency's administrative staff by race, color, national origin, and gender. List their positions.
2. How many US DOT federally funded projects has the agency managed during the last two years? Include dollar amounts.
3. Has the agency designated a Title VI Coordinator? Provide the following information:

Name
Phone and Fax Numbers
E-Mail Address
How long in this position?
What Title VI training, if any, has been received?
4. Does the agency have a Title VI Plan, including Policy and Assurances in place? Describe public dissemination of your Title VI Plan.

B. Complaint Procedure

1. Does the agency have a formal Title VI Complaint Procedure and Title VI Complaint Form for external discrimination complaints? To what extent is the community aware of it?
2. Has the agency received any Title VI related complaints during the past two years? If so, what were the outcomes? Were the Title VI complaints

- presented by beneficiaries or participants and what were the issues involved?
3. Does the agency have a Title VI Notice to the Public? Describe public dissemination procedure.

C. Training

1. Has the agency's staff received any training (formal or informal) regarding Title VI?
2. Is the agency considering scheduling Title VI training sometime soon? If so, when and who will present it?

II. Planning Activities

A. Public Involvement – Meetings and Hearings

1. Does the agency have a public involvement plan? If not, to what extent are minority members (inclusive of all groups), people with Limited English Proficiency (LEP), or people with disabilities in the community, invited to participate?
2. Does the agency have an Environmental Justice Policy?
3. Does the agency have a Limited English Proficiency (LEP) Guideline or Policy?
4. Are Public Meetings held in an accessible location (geographically and structurally)? Are the times of the meetings in accordance with the community's needs?
5. Is the Hearing Coordinator keeping records of attendance? If so, what information is collected and how is it utilized to identify persons covered under Title VI? Is this information compared to the demographic data collected for the affected communities? Were any special provisions provided, such as interpreters, sign language, ADA accommodations?
6. Have planning manuals, directives, guidelines, and policies been reviewed for Title VI compliance purposes?

III. Advertisement and Procurement of Contracts

1. How are Requests for Proposals (RFP) and/or Bids solicited, and what are the requirements for submitting a proposal or bid?
2. Are Title VI assurances and provisions included in advertisements and contracts?

3. If the agency is receiving over \$250,000 in contracting dollars, the agency must have a DBE program. Does the agency have a DBE Program? If so, are DBE goals being included in contracts/awards? Are they being achieved? If not, how does the agency promote the participation of certified DBE firms?
4. How does the agency monitor consultant/contractor adherence with Title VI requirements? DBE requirements?
5. Have advertisements, bids, contracts/awards, manuals, directives, guidelines, and policies been reviewed for Title VI language and assurance? DBE language and assurance?

IV. Design/Environmental Activities

1. Are the agency's Public Involvement practices being included in Design and Environmental Activities when required?
2. Have Design and Environmental manuals, directives, operational procedures, guidelines, and policies been reviewed for Title VI compliance purposes?

V. Right-of-Way Activities

1. Are the agency's Public Involvement practices being inclusive in Right-of-Way Activities?
2. Are DBE goals for real estate appraisers considered? If not, what provisions have been taken to evaluate potential inclusion of DBE goals?
3. Is Title VI language being incorporated in all acquisition, negotiation, property management communications, and contracts?
4. Are Title VI language and assurance statements being included in all surveys for property owners and tenants after the conclusion of all business?
5. Are all values and communications associated with appraisals conducted in an equitable fashion?
6. Do deeds, permits, and leases contain Title VI compliance clauses?
7. Is statistical data being gathered on race, gender, color, national origin, age, disabilities, language spoken in household, for all relocatees?

VI. Construction and Maintenance Activities

1. Is Title VI compliance being monitored in consultants/contractors?
2. Does the agency perform Title VI reviews of consultants/contractors? If so, how often?
3. Does the agency provide Title VI training to consultants and contractors?
4. Are Title VI assurances being included in all advertisements, bid solicitations, contracts, subcontracts, and material supply agreements?

Addendum C

LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

In accordance with Title VI of the Civil Rights Act of 1964 and 49 CFR 21, this is the **Annual Title VI Review for Planning Organizations**. Please provide yes/no answers with a brief explanation; any updates, changes, and/or additions to the agency's Title VI responsibilities/activities should also be noted on this form. It is not necessary to send the referenced material (such as plans, policies, and procedures) at this time. This information will be audited during your agency's on-site review that will be performed on a three-year rotation.

Name of Planning Organization: _____

I. Administration

A. Staff Composition and Program Administration

1. Provide breakdown of the administrative staff by race, color, national origin, and gender. List their positions.
2. List the Board of Directors by race, color, national origin, and gender. Identify the voting members.
3. How are Citizen Advisory Committee Members selected? How long is their term? Provide list of committee members indicating race, color, national origin, gender, and positions.
4. Describe the various programs administered by the agency and their funding sources.
5. Has the agency designated a Title VI Coordinator? Provide the following information:
 - Name
 - Phone and Fax Numbers
 - E-Mail Address
 - How long in this position?
 - What Title VI training, if any, has been received?
6. Does the agency have a Title VI Plan including Policy and Assurances in place? Describe public dissemination of your Title VI Plan.

B. Complaint Procedure

1. Does the agency have a formal Title VI Complaint Procedure and Title VI Complaint Form for external discrimination complaints? Describe public dissemination of your Title VI Complaint Procedure.
2. Has the agency received any Title VI related complaints during the past two years? If so, what were the outcomes? Were the Title VI complaints lodged by beneficiaries or participants and what were the issues involved?
3. Does the agency have a Title VI Notice to the Public? Describe public dissemination of your Title VI Notice to the Public.

C. Training

1. Has the agency's staff received any training (formal or informal) regarding Title VI?
2. Is the agency considering scheduling Title VI training sometime soon? If so, when and who will present it?

II. Planning Activities

A. Public Involvement – Meetings and Hearings

1. Does the agency have a public involvement plan? If not, to what extent are minority members (inclusive of all groups), people with Limited English Proficiency (LEP), or people with disabilities in the community, invited to participate?
2. Does the agency have an Environmental Justice Policy?
3. Does the agency have a Limited English Proficiency (LEP) Guideline or Policy?
4. Are Public Meetings held in an accessible location (geographically and structurally)? Are the times of the meetings in accordance with the community's needs?
5. Is the Hearing Coordinator keeping records of attendance? If so, what information is collected and how is it utilized to identify persons covered under Title VI? Is this information compared to the demographic data collected for the affected communities? Were any special provisions provided, such as interpreters, sign language, ADA accommodations?

6. Have planning manuals, directives, guidelines, and policies been reviewed for Title VI compliance purposes?

B. Advertisement and Procurement of Contracts

1. How are Requests for Proposals (RFP) and/or bids solicited, and what are the requirements for submitting a proposal and/or bid?
2. Are Title VI assurances and provisions included in advertisements and contracts?
3. If the agency is receiving over \$250,000 in contracting dollars, the agency must have a DBE program. Does the agency have a DBE program? If so, are DBE goals being included in contracts/awards? If so are they being achieved? If not, how does the agency promote the participation of certified DBE firms?
4. How does the agency monitor consultant/contractor adherence with Title VI requirements? DBE requirements?
5. Have advertisements, bids, contracts/awards, manuals, directives, guidelines, and policies been reviewed for Title VI language and assurance? DBE language and assurance?

Addendum D

Title VI Program-On Site Review Questionnaire

Name of Agency: _____ Date of Review: _____

Part I: Title VI Plan	Example Questions/Comments	Reviewer Notes/Comments/Recommendations
Request a copy of the Agency's Title VI Plan. (If they have one, review the plan for content and discuss questions/concerns where applicable.)	Date of the Title VI Plan? Has the plan been reviewed by FHWA? Was a copy of the plan given to sub-grantees/DOTD? Is the plan posted on the Agency's website?	Send letter of Acceptance of Title VI Plan indicating FHWA acceptance of plan, if applicable.
Policy Statement-signed by the Agency Director	Signed? Posted on Website/Material? Available to public?	
Authorities	Review for inclusion of all Title VI Authorities and cross cutting Authorities, E.O.s, etc. for the program; Title VI, LEP, Public Involvement/EJ, ADA 504	
Assurances-signed by Agency Director	Review/Confirm	
Organization and Staffing Chart	Org. structure/staffing for divisions indicating title of section heads, race, and gender. (Listing employees not necessary)	
Title VI Notification of Rights	Is this provided in other material for the public, such as pamphlets, brochures, etc?	
Title VI Program Administration-Overall/General	Is this in accordance with the Regulatory requirements of the Title VI Program?	
Title VI Coordinator's Responsibilities	Coordinator's name and contact information provided? Coordinator's responsibilities provided in plan? Has the Title VI Coordinator received/provided Title VI training?	

Agency's Monitoring Procedures for rec/grantees	Performed Annually? Schedule of On-Site Reviews, if performed? Any type of tracking of reg. requirements?	
Agency's Annual Reporting Requirements	Name and Type of annual reports? Are they sent to the FHWA? Are they sent to DOTD/to whom? Any annual reporting performed for rec/grantees?	
Does the Title VI Plan address the Agency's policy or plans for: Public Involvement, LEP, EJ, ADA 504, DBE/SBE Requirements	How are these policies monitored? Are these policies part of the agency's reviews?	
Title VI Complaint Process and Form	Is this posted on the agency's website? Provided to those doing business for the agency, such as: recipients/subrecipients, grantees? Placed where public documents are available?	
Additional Information that may be included in the plan where applicable	List of recipients/grantees. Review questionnaire for recipient/grantees. Annual or on-site review schedule for recipients/grantees. Sample contract language used in clauses, deeds, contracts, etc.	
Part II: Additional Authorities of the Title VI Program	Example Questions/Comments	Reviewer Notes/Comments
Does the Agency have an LEP Policy	If so, does it address the four-factor analysis? If not, how does the agency address LEP?	
ADA Section 504-Does the Agency have a Self-Evaluation and/or Transition Plan, if applicable	If so, was the Transition Plan posted for comment for 90 days? Is the completed Transition Plan posted on the website? Any yearly reporting required: If so, to whom?	

Does the Agency have a DBE/SBE Program	When applicable, if the Agency receives >\$250,000 in federal contracting dollars, they should have a DBE program or be a member of our UCP. Is the Agency familiar with the Department's SBE Program?	
Part III: Agency Records Retained for Review, if applicable	Example Questions/Comments	Reviewer Notes/Comments
Did the Agency have any Title VI Complaints for two years?	If so, who performed the investigation? Who was the complaint against? What was the outcome? Records kept on file for three years?	
Does the Agency have any Title VI Lawsuits?	If so, who performed the investigation? Who was the complaint against? What was the outcome? Records kept on file for three years?	
Date of the Agency's last Annual Review	Any comments from Compliance about Annual Reviews? If so, were they addressed?	
Date of the Agency's last On-site Review	Any recommendations in the Summary of findings still pending? If so, what is the status?	
Does Agency have records of Annual or On-site Reviews performed in the last two years?		
Does the Agency have Public Involvement/EJ Statistical Records?		
Does the Agency provide Title VI language, where applicable, in the following: Agreements/Contracts, Real Estate/Deeds, Licenses/Permits, Manuals, Directives/Guidelines, Policies, etc.		

Addendum E

Non-Discrimination Complaint Procedures

The **Louisiana Department of Transportation and Development's** Non-Discrimination Complaint Procedures are made available in the following locations:

- Agency website
 - Hard copy in the central office
 - Agency Title VI Plan
-

Any individual, group of individuals or entity that believes they have been discriminated against on the basis of race, color, national origin, disability, sex, age, low-income, or language discrimination by the **Louisiana Department of Transportation and Development (LADOTD)** may file a Non-Discrimination complaint by completing and submitting the agency's Non-Discrimination Complaint Form.

A complaint must be filed with the **Louisiana Department of Transportation and Development** no later than 180 days after the following:

1. The date of the alleged act of discrimination; or
2. The date when the person(s) became aware of the alleged discrimination; or
3. Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

Once the complaint is received, the **Louisiana Department of Transportation and Development** will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.

The **Louisiana Department of Transportation and Development** has 45 days to investigate the complaint.

After the investigator reviews the complaint, she/he will issue one of two (2) letters to the complainant: a closure letter or a letter of finding (LOF).

- ✓ A closure letter summarizes the allegations and states that there was not a discrimination violation and that the case will be closed.
- ✓ A letter of finding (LOF) summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur.

If the complainant wishes to appeal the decision, she/he has 180 days after the date of the letter or the LOF to do so. LADOTD will analyze the facts of the case and will issue its conclusion to the appellant within 60 days of the receipt of the appeal.

LADOTD maintains a Non-Discrimination Complaint Log for internal tracking purposes. All information contained within the complaint log is kept confidential.

Non-Discrimination Complaint Form

The Louisiana Department of Transportation and Development Non-Discrimination Complaint Form is made available in the following locations:

- Agency website
- Hard copy in the central office
- Agency Title VI Plan

Section I:			
Name:			
Address:			
Telephone (Home):		Telephone (Work):	
Electronic Mail Address:			
Accessible Requirements?	Format	Large Print	Audio Tape
		TDD	Other
Section II:			
Are you filing this complaint on your own behalf?		Yes*	No
*If you answered "yes" to this question, go to Section III.			
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
Section III:			
I believe the discrimination I experienced was based on (check all that apply):			
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Disability <input type="checkbox"/> Sex <input type="checkbox"/> Age <input type="checkbox"/> Income Status <input type="checkbox"/> Language			
Date of Alleged Discrimination (Month, Day, Year): _____			
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form or a separate sheet of paper.			

Section IV			
Have you previously filed a complaint with this agency?		Yes	No

Section V	
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, check all that apply:	
<input type="checkbox"/> Federal Agency: _____	
<input type="checkbox"/> Federal Court _____	<input type="checkbox"/> State Agency _____
<input type="checkbox"/> State Court _____	<input type="checkbox"/> Local Agency _____
Please provide information about a contact person at the agency/court where the complaint was filed.	
Name:	
Title:	
Agency:	
Address:	
Telephone:	
Section VI	
Name of agency complaint is against:	
Contact person:	
Title:	
Telephone number:	

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

Signature Date

Please submit this form in person at the address below, or mail this form to:

Louisiana Department of Transportation and Development
Cynthia Harvey Douglas
Compliance Programs-Title VI/ADA
PO Box 94245
1201 Capitol Access Road
Baton Rouge, LA 70804-9245
Phone: 225-379-1923
cynthia.douglas@la.gov

Addendum F

*****On March 1, 2024, Executive Order 14224, which rescinded Executive Order 13166, designated English as the official language of the United States. Further, entities receiving federal assistance must continue to ensure meaningful access for all individuals and to make accommodations for "limited English proficient" (LEP) individuals, as they deem necessary to fulfill the mission of their agency. Federal guidance on the extent of this rescission in rulemaking, policies, enforcement decisions and other activities is still being determined. Therefore, all and/or sections of information in this Title VI Plan that address LEP remain in their original form and are subject to edit, and interpretation on a case-by-case bases.*****



LOUISIANA DEPARTMENT OF
TRANSPORTATION & DEVELOPMENT

**LIMITED ENGLISH PROFICIENCY
GUIDELINES**

2026

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VI. APPENDICES

Appendix A: www.usdoj.gov/crt/cor/Pubs/eolep.htm

Appendix B: www.usdoj.gov/crt/cor/lep/dotlep.htm

Appendix C: LADOTD Complaint Form

Appendix D: Language Flashcards

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LIMITED ENGLISH PROFICIENCY GUIDELINES

NOTICE

The Compliance Program Office has developed these Limited English Proficiency Guidelines to ensure meaningful access to agency programs and services for persons with Limited English Proficiency (LEP). The LEP Guidelines are a tool to assist the Department in providing services to persons whose primary language is not English and who may have difficulty with reading, speaking or understanding English. Instructions on accessing translation services are included in the LEP Guidelines.

If you have questions about the guidelines, or if you would like to schedule training, please contact our Title VI Program Manager, at 225, 379-1923.

I. LIMITED ENGLISH PROFICIENCY

Statement of Commitment

The State of Louisiana, Department of Transportation and Development, (LADOTD), will effectuate the provisions of Title VI of the Civil Rights Act of 1964, 49 Code of Federal Regulations (CFR) part 21, 23 CFR section 200, Executive Orders (EO), and other applicable directives. These authorities provide that no person in the United States shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in LADOTD programs and activities.

As a recipient of federal-aid funding, LADOTD is committed to nondiscrimination in all its programs and activities whether or not those programs and activities are federally funded. This guidance clarifies LADOTD's fulfillment of responsibilities to limited English proficient (LEP) persons, pursuant to Executive Order 13166, entitled, "Improving Access to Services for Persons with Limited English Proficiency." LADOTD will take reasonable steps to ensure meaningful access to the agency's programs, activities, services, and information that are normally provided in English is accessible to LEP persons. Failure to ensure that LEP persons can effectively participate in federally assisted programs and activities may violate the prohibition against national origin discrimination in Title VI of the Civil Rights Act.

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 subrecipient of federal-aid funds administered by LADOTD takes reasonable steps to ensure meaningful access to LADOTD recipients' programs and activities. Where possible, every district and division will collect and maintain demographic statistics on persons who participate in their programs and services.

Allegations of discrimination will be brought to the immediate attention of the Compliance Programs Office.

II. Introduction

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

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.

English is the predominant language of the United States. The United States is also, however, home to millions of national origin minority individuals who are "limited English proficient" (LEP). 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 are often excluded from programs, benefits and/or activities of agencies receiving Federal financial assistance.

Presidential Executive Order (EO) 13166 entitled, "Improving Access to Services for Persons with Limited English Proficiency" was intended to improve access to federally conducted and assisted programs for persons who are LEP. The EO requires recipients of Federal financial assistance to develop and implement guidance on how the recipient will assess and address the needs of otherwise eligible limited English proficient persons seeking access to the programs and activities of recipients of federal financial assistance.

LADOTD's LEP guidance provides procedures that will assist LADOTD 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 LADOTD's programs, services and activities. To ensure that every individual in Louisiana, regardless of his or her native language, has access to and may participate in agency programs, LADOTD 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 LADOTD's services and programs requires that the individual's language needs be met to ensure clear communication, access and input.

LADOTD'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. Legal Authority

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, provides that no person 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.” Section 602 authorizes and directs Federal agencies that are empowered to extend Federal financial assistance to any program or activity “to effectuate the provisions of [section 601] * * * by issuing rules, regulations, or orders of general applicability.” 42 U.S.C. 2000d-1.

Department of Justice regulations promulgated pursuant to section 602 forbid recipients from “utilizing criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.” 28 CFR 42.104(b)(2). DOT’s Title VI regulations include almost identical language in this regard. See 49 CFR 21.5(b)(vii)(2) (portions of these regulations are provided in Appendix A).

The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted regulations promulgated by the former Department of Health, Education, and Welfare, including a regulation similar to that of DOJ, 45 CFR 80.3(b)(2), to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination. In *Lau*, a San Francisco school district that had a significant number of non-English speaking students of Chinese origin was required to take reasonable steps to provide them with a meaningful opportunity to participate in federally funded educational programs.

On August 11, 2000, Executive Order 13166 was issued, “Improving Access to Services for Persons with Limited English Proficiency,” 65 FR 50121 (August 16, 2000). Under that order, every Federal agency that provides financial assistance to non-Federal entities must publish guidance on how its recipients can provide meaningful access to LEP persons and thus comply with Title VI regulations forbidding recipients from “restricting an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program” or from utilizing “criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.”

On that same day, DOJ issued a general guidance document addressed to “Executive Agency Civil Rights Officers” setting forth general principles for agencies to apply in developing guidance documents for recipients pursuant to the Executive Order. “Enforcement of Title VI of the Civil Rights Act of 1964—National

Origin Discrimination Against Persons with Limited English Proficiency,” 65 FR 50123 (August 16, 2000) (DOJ’s General LEP Guidance).

Pursuant to Executive Order 13166, DOT developed its own guidance document for recipients and initially issued it on January 22, 2001, “DOT Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries.” However, in light of the public comments received and the Assistant Attorney General’s October 26, 2001, clarifying memorandum, DOT has revised its LEP guidance to ensure greater consistency with DOJ’s revised LEP guidance, published June 18, 2002, and other agencies’ revised LEP guidance. 67 FR 117 (June 18, 2002).

V. Agency Guidelines for Full Participation by LEP Persons

1. Four Factor Analysis:

In adherence with Federal regulations, the LADOTD will make reasonable efforts to ensure its programs, services, and activities are meaningfully accessible to those who do not speak English proficiently. The Department will utilize its bilingual employees, State and Local partners, organizations, community groups, and other language services to provide oral interpretation and translation of program documents, as required. To determine if or when alternate language usage is required for meaningful access, the Department will assess the program, service, or activity using the following four factor analysis:

Factor 1 - The number or proportion of LEP persons eligible to be served or likely to be encountered by the Department's programs, services, or activities.

- The Census 2020 reports a population of 4,657,757 for Louisiana. The 2020 American Community Survey (ACS) shows that the 3 most prevalent languages spoken by individuals who are LEP in Louisiana (among the population 5 years and over who speak a language other than English) are: Spanish or Spanish Creole (2.53%); Other Indo-European (5.44%); Asian and Pacific Islander (1.01%).

Factor 2 - The frequency with which LEP individuals come in contact with these programs, services, or activities.

- Pre-Covid, LADOTD's transit agencies provided more than 2 million passenger trips per year. Agencies have benefited from federal relief funding to maintain systems; however, ridership has not returned to pre-Covid levels. Currently, Louisiana transit agencies are providing nearly 1 million rides and the monthly service data continues to improve. Our transit agencies have an open door policy and will provide rides to any person who requests a ride. If an individual has speech limitations, the dispatcher or driver will work with the Transit Manager and the LADOTD, if needed, to ensure the individual receives access to the transit services.

Factor 3 - The nature and importance of the programs, services, or activities to people's lives.

- All of LADOTD's programs are important; however, those related to safety, public transit, ROW, environment, nondiscrimination and public involvement are among the most important. As such, publications and other material disseminated regarding these programs are routinely available in Spanish. Nevertheless, the LADOTD is committed to providing meaningful access and will provide written translation for any of its documents, when reasonable, effective, and with the available resources. In other cases, the LADOTD will strive to provide alternative but meaningful accessibility. Moreover, the LADOTD continually evaluates its programs, services, and activities to ensure that persons who may be LEP are always provided with meaningful access. The Title VI brochure and LEP brochure are available in Spanish on the LADOTD website.

Factor 4 - The resources available to the Department and costs.

- The LADOTD makes every effort to make its programs, services and activities accessible to LEP individuals. In addition to documents that are routinely published in the most frequently encountered languages, the LADOTD will use available resources, both internal and external to accommodate reasonable requests for translation.

The LADOTD has identified, developed and uses the following:

- a) Lists of Department staff who can fluently speak other languages and who volunteer to assist as needed. Lists are verified and updated by the Title VI Coordinator as needed.
- b) Individuals who have contact with the public are provided with "I Speak" language cards to identify language needs in order to match them with available services. Language cards are verified and distributed by the Title VI Coordinator as needed.
- c) The LADOTD and transit providers have developed partnerships with local agencies, organizations, law enforcement, colleges/universities, local school districts, and social service agencies that are available to assist with its LEP responsibilities.
- d) A list of web based translation services can be provided by contacting the LADOTD Human Resources Section.

Persons requiring special language services should contact LADOTD's Compliance Programs Office at (225) 379-1382.

2. Implementation

The Title VI Program Manager is responsible for monitoring agency programs and activities to ensure meaningful access for LEP persons. The Compliance Programs Director and Title VI Program Manager will identify language service needs and strategies for responding to those needs. The Title VI Program Manager, Cynthia Douglas, can be reached at 225-379-1923 or by email at cynthia.douglas@la.gov and is responsible for monitoring agency programs and activities to ensure meaningful access for LEP persons. The Compliance Programs Director has designated the Title VI Program Manager as the agency's Language Access Coordinator (LAC). The Coordinator's duties include:

- Ensure 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.
- Identify and develop or recommend guidelines to implement the Plan.
- Identify criteria for designation of languages for initial round of translation, based on demographic data.

- Create systems to distribute translated documents, post electronically, and maintain supply.
- Identify 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.
- Establish protocols for ensuring quality, timeliness, cost-effectiveness, and appropriate levels of confidentiality in translations, interpretation, and bilingual staff communications.
- Identify and implement a system for receiving and responding to complaints.
- Exchange promising practices information with divisions, districts and residencies.
- Review the progress of LADOTD on an annual basis in providing meaningful access to LEP persons, develop reports, and modify LEP Guidelines as appropriate.

LEP Monitors – In addition, the Compliance Programs Director, the Title VI Program Manager and Title VI Interdisciplinary Designees will serve as LEP Monitors for sections and districts. LEP Monitor duties include:

- Work with the LEP Coordinator to identify needs and strategies for meeting those needs so that staff will have access to appropriate language services.
- Ensure the facility's compliance with the LEP Guidelines, including any implementation.
- Provide training to facility staff on implementation of LEP Guidelines.
- Establish and maintain the facility's language assistance resource list, ensuring competency; revise the list as needed.
- Maintain data on requests from LEP persons and provide reports to management staff and the LEP Coordinator on an annual basis.

Training

LADOTD staff members and subrecipients should know their obligations to provide meaningful access to information and services for LEP persons, and all persons in public contact positions should be properly trained. An effective training objective will include training to ensure that:

- LADOTD staff and subrecipients know about LEP policies and procedures.
- LADOTD and subrecipients will include this training as part of the orientation provided for new employees.

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 Program Manager and Compliance Programs Director.

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 language assistance services available as deemed appropriate. In making this assessment, the agency will examine the prevalence of LEP stakeholders statewide, by district and/or by service area of program:

- 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 LADOTD and costs to provide LEP services

In making this assessment, the agency will consider 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
- Data maintained by other agencies including the Louisiana Department of Education and the Louisiana Department of Health
- Information sources maintained by private and public local entities, including community-based organizations and local social services departments; the need will be identified based upon the type of contract:

Contact the Compliance Programs Director or the Title VI Program Manager. They will assist in identifying the language need of the LEP person and provide them with assistance.

Written documents

Contact the Compliance Programs Director or the Title VI Program Manager. Electronic capability will result in the efficient return of written translated documents. The district can scan the document and email it to the Compliance Programs Office, Title VI Designee, or the Title VI Program Manager. If they do not have scanning capability and the document was not received by them electronically, then they can use inter-office mail to send the document.

- a. The Title VI Program Manager will create a mix of language assistance resources appropriate to the demographics of each district.

- b. The Title VI Program Manager will evaluate language resources available in his/her 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.
- d. 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.
- e. The Title VI Program Manager 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.

4. Headquarters

- a. The Title VI Program Manager will institute an LEP protocol appropriate to Headquarters.
- b. Headquarters protocol will be designed using the agency resources described in section 2 of these guidelines.

Other Covered Entities:

Contractors, sub-contractors, MPOs, PDCs, and other entities that receive funds from LADOTD for federal projects are covered under Title VI and Executive Order 13166. LADOTD will include language in any contract or Memorandum of Understanding stating that the recipient or subrecipient is responsible for monitoring access for limited English proficiency.

5. Agency Documents

The Title VI Program Manager, Compliance Programs Director, 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 websites. 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 bus and train stations, and in airports.
- Signs in waiting rooms, reception areas, and other initial points of entry.
- Instructions on how to participate in recipient's program.

The Title VI Program Manager will coordinate with a Language service provider to have identified documents translated accordingly.

Translated documents will be made available on the LADOTD portal for sections and districts' access.

6. Adjudication of Complaints

- a. Any LEP individual has a right to file a complaint against the agency where he or she believes that the agency did not provide necessary LEP services as appropriate. These complaints include those available under Title VI of the Civil Rights Act of 1964.
- b. All complaints, alleging a violation under Title VI will be referred to the Title VI Program Manager or Compliance Programs Director.
- c. The Title VI Program Manager and Compliance Programs Director will take appropriate steps to resolve all complaints, in accordance with the agency's discrimination complaint procedures.
- d. The Title VI Program Manager will maintain a database tracking requests for language services, all complaints and their resolution. The database will include the following items:
 1. Source of complaint
 2. LEP request including relevant contact information
 3. Nature of complaint request
 4. Date complaint/request received
 5. Date complaint/request resolved
 6. Manner of resolution
 7. Comments
- e. Fact-finding procedures by the Title VI Program Manager and Compliance Programs Office will follow the investigation protocol in the Title VI Manual.

7. 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 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

¹ Source is www.LEP.gov persons. What is "reasonable" is based on the four factor analysis. Once the recipient researches the demographics and takes resources available and costs into consideration it may be that they only provide language services in 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 has determined that 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.
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.

APPENDIX A

Executive Order on Limited English Proficiency Page 1 of 2

THE WHITE HOUSE

Office of the Press Secretary

(Aboard Air Force One)

For Immediate Release August 11, 2000

EXECUTIVE ORDER

13166

IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:

Section 1. Goals.

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible WILL persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English to this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningful access those services consistent with, and without unduly burdening the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin on violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Sec. 2. Federally Conducted Programs and Activities.

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin

to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

Sec. 3. Federally Assisted Programs and Activities.

Each agency providing Federal financial assistance shall draft Executive Order on Limited English Proficiency title VI guidance specifically tailored to its recipients that is consistent with the LED guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LED guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LED guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LED guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order, each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the Federal Register for public comment.

Sec. 4. Consultations.

In carrying out this order, agencies shall ensure that stakeholders, such as LED persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LED persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LED persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

Sec. 5. Judicial Review.

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedure] enforceable at law or equity by party against the United States, its agencies, its officers or employees, or any person.

WILLIAM I. CLINTON
THE WHITE HOUSE,
August 11, 2000.
FR-DOC-0523972

APPENDIX B

US DEPARTMENT OF TRANSPORTATION (USDOT) LEP GUIDANCE

[Federal Register: December 14, 2005 (Volume 70, Number 239)]
[Notices] [Page 74087-74100] From the Federal Register Online via GPO Access
[wais.access.gpo.gov]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. OST-2001-8696]

Policy Guidance Concerning Recipients' Responsibilities to
Limited English Proficient (LEP) Persons

AGENCY: Office of the Secretary (OST), U.S. Department of
Transportation (DOT).

ACTION: Notice of guidance with request for comments.

www.lep.gov/guidance

SUMMARY: The United States Department of Transportation (DOT) is publishing guidance concerning services and policies by recipients of Federal financial assistance from the Department of Transportation related to persons with limited English proficiency. The guidance is based on the prohibition against national origin discrimination in Title VI of the Civil Rights Act of 1964, as it affects limited English proficient persons.

DATES: This guidance is effective immediately. Comments must be received on or before January 13, 2006. Late-filed comments will be considered to the extent practicable. DOT will review all comments and will determine what modifications to the guidance, if any, are necessary. This guidance supplants existing guidance on the same subject originally published at 66 FR 6733 (January 22, 2001).

ADDRESSES: You may submit comments, identified by the docket number [OST-2001-8696], by any of the following methods: Web Site: <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic docket site.

Fax: (202) 493-2251.

Mail: Docket Management System; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

Hand Delivery: To the Docket Management System; Room PL- 401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Instructions: You must include the agency name and docket number [OST-2001-8696] or the Regulatory Identification Number (RIN) for this notice at the beginning of your comment. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78) or you may visit <http://dms.dot.gov>.

Docket: You may view the public docket through the Internet at <http://dms.dot.gov> or in person at the Docket Management System office at the above address.

FOR FURTHER INFORMATION, CONTACT: Joseph Austin, Chief, External Policy and Program Development Division, Departmental Office of Civil Rights, Telephone: (202) 366-5992, TTY: (202) 366-9696, E-mail: joseph.austin@dot.gov; or Bonnie Angermann, Attorney-Advisor, Office of General Law, Office of the General Counsel, Telephone: (202) 366-9166, E-mail: bonnie.angermann@dot.gov. Arrangements to receive the policy guidance in an alternative format may be made by contacting the named individuals.

SUPPLEMENTARY INFORMATION: Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance. The purpose of this limited English proficiency policy guidance is to clarify the responsibilities of recipients of Federal financial assistance from the U.S. Department of Transportation (DOT) ("recipients"), and assist them in fulfilling their responsibilities to limited English proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations.

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," reprinted at 65 FR 50121 (August 16, 2000), directs each Federal agency that is subject to the requirements of Title VI to publish guidance for its respective recipients clarifying that obligation. [[Page 74088]]

Executive Order 13166 further directs that all such guidance documents be consistent with the compliance standards and framework detailed in the department of Justice's (DOJ's) Policy Guidance entitled "Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons with Limited English Proficiency." See 65 FR 50123 (August 16, 2000) (DOJ's General LEP Guidance).

DOT published its initial guidance regarding its recipients' obligations to take reasonable steps to ensure access by LEP persons on January 22, 2001, and requested public comment on the guidance. See 66 FR 6733. DOT received 21 comments in response to its January 22, 2001, policy guidance. The comments reflected the views of individuals, organizations serving LEP populations, organizations favoring the use of the English language, and recipient agencies. While many comments identified areas for improvement and/or revision, the majority of the comments on the DOT LEP Guidance expressed agreement with its overall goal of ensuring access of LEP individuals to recipients' services. DOT worked closely with DOJ to ensure that recipients' comments were addressed in a consistent fashion.

In the order most often raised, the common areas of comment regarded: cost considerations, especially for smaller recipients serving few LEP persons; increased litigation risk and liability for recipients as a result of the guidance; and use of interpreters and the definition of "qualified interpreter."

A large number of comments focused on cost considerations and suggested that the Department address them as part of its evaluation of the language assistance needs of LEP persons. Particularly, this concern was expressed by state agencies that at the time received Coast Guard grants to administer safe boating courses. \1\ But this policy guidance does not require DOT recipients to translate all courses or materials in every circumstance or to take unreasonable or burdensome steps in providing LEP persons access. We have clarified the guidance to better convey its flexibility, based on the four-factor analysis set forth in DOJ's General LEP Guidance.

\1\ This guidance does not address the extent to which Executive Order 13166 requires language access services in the provision of boating safety courses funded by the Coast Guard, because that agency is no longer a component of the Department of Transportation.

Several recipients commented that they serve few if any LEP persons and that the cost of interpreting all of their courses and materials would be excessive and unnecessary. While none urged that costs be excluded from consideration altogether, at least one comment expressed concern that a recipient could use cost as a basis for avoiding otherwise reasonable and necessary language assistance to LEP persons. In contrast, a few comments suggested that the flexible fact-dependent compliance standard set forth in the guidance, when combined with the desire of most recipients to avoid the risk of noncompliance, could lead some large recipients to incur unnecessary or inappropriate fiscal burdens in the face of already strained program budgets. The Department is mindful that cost considerations could be inappropriately used to avoid providing otherwise reasonable and necessary language assistance. Similarly, cost considerations could be ignored or minimized to justify the provision of a particular level or type of language service even though effective alternatives exist at a minimal cost. The De-

partment also is aware of the possibility that satisfying the need for language services might be quite costly for certain types of recipients, particularly if they have not updated their programs and activities to the changing needs of the populations they serve. The potential for some recipients to assert adverse cost impacts in order to avoid Title VI obligations does not, in the Department's view, justify eliminating cost as a factor in all cases when determining the necessary scope of reasonable language assistance services under DOT's guidance. The Department continues to believe that costs are a legitimate consideration in identifying the reasonableness of particular language assistance measures, and the DOJ Recipient LEP Guidance identifies the appropriate framework through which costs are to be considered. See Department of Justice Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 FR 41455 (June 18, 2002).

The second most common category of comments DOT received expressed concern over increased litigation risk and liability for recipients as a result of the LEP Guidance. As is addressed below in the Introduction, *Alexander v. Sandoval*, 532 U.S. 275 (2001), holds principally that there is no private right of action to enforce Title VI disparate impact regulations. The LEP Guidance is 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, the LEP Guidance does not increase the risk of recipients' legal liability to private plaintiffs. However, the Department does not dismiss the possibility that individuals may continue to initiate such legal actions.

The third most numerous category of comments DOT received regarded the definition of "qualified interpreter" and expressed commentators' concern with recipients' responsibility to make interpreters available, especially for recipients who serve populations with extremely diverse language needs. Set forth below in section VI are practices to help recipients ascertain that their interpreters are both competent and effective. This section should enable recipients to assess the qualifications of the interpreters they use and identify any improvements that need to be addressed.

Three of the comments urged withdrawal of the guidance, arguing it is unsupported by law. In response, the Department notes that its commitment to implementing Title VI and its regulations to address language barriers is longstanding and is unaffected by recent judicial action precluding individuals from successfully maintaining suits to enforce agencies' Title VI disparate impact regulations. This guidance clarifies existing statutory and regulatory provisions by describing the factors recipients should consider in fulfilling their responsibilities to LEP persons.

The remaining 18 comments were generally supportive of the guidance and DOT's leadership in this area. One recipient commented that constraining LEP persons' access to services may actually hinder their ability to become more proficient in the English language, therefore justifying increased programs for LEP persons. Several comments received addressed areas unique to the provision of transportation services to LEP persons. One recipient discussed the inconsistency between the Federal Motor Carrier Safety Administration's (FMCSA's) regulations requiring all drivers to speak and understand a certain amount of English, and the guidance's requirement that the FMCSA division offices provide information and services in other languages to accommodate LEP persons. Pursuant to 49 CFR 391.11(b)(2), a person is qualified to drive a motor vehicle if he or she can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records." In 1997, following an [[Page 74089]]

American Civil Liberties Union (ACLU) legal challenge to this requirement, DOT issued an advance notice of proposed rulemaking (ANPRM) to address this issue. On July 24, 2003, FMCSA withdrew this ANPRM, concluding that the information introduced in response to the notice "does not establish that the current regulation requires an unnecessarily high level of English fluency that has resulted in a discriminatory impact or effect based upon national origin, color, or ethnicity." FMCSA determined the regulation "as written and properly enforced effectively balances issues of civil rights and highway safety." 68 FR 43890.

Another recipient, who works with community-based organizations concerned with transportation practices and policies, suggested mandatory LEP Access Assessments be attached to the standard financial assistance Assurance Forms that recipients must execute, to serve as a basis for disqualifying recipients submitting inaccurate or substantially incomplete assessments from Federal grant funding. While providing LEP persons with meaningful access is the law and should be given high priority, DOT advocates a flexible approach in ensuring such access, as outlined below in section V, in order to suit the varying needs of its recipients, and therefore has not adopted this suggestion. As discussed in section VIII, DOT seeks to promote voluntary compliance to meet Title VI's goal of ensuring that Federal funds are not used in a manner that discriminates on the basis of race, color, or national origin. DOT will work with recipients to meet this goal, and will resort to more intrusive administrative remedies only if voluntary compliance cannot be secured and stronger measures become necessary to ensure LEP persons have meaningful access to services from recipients of DOT financial assistance.

This document has been modified based on careful consideration of public comments received by DOT, and the approach DOJ adopted after analyzing the public comments it received following its initial guidance published at 66 FR 3834 (January 16, 2001). This guidance is consistent with: Title VI, implementing regu-

lations, Executive Order 13166, the DOJ General LEP Guidance, and the model DOJ Recipient Guidance issued on June 18, 2002. With particular emphasis on the concerns mentioned above, the Department proposes this "Limited English Proficiency Guidance for Department of Transportation Recipients." The text of this guidance document appears below. Because this guidance must adhere to the Federal-wide compliance standards and framework detailed in the model DOJ Recipient Guidance issued on June 18, 2002, DOT specifically solicits comments on the nature, scope, and appropriateness of the DOT-specific examples set out in this guidance explaining and/or highlighting how those consistent Federal-wide compliance standards are applicable to recipients of Federal financial assistance from DOT. This guidance supplants the existing guidance on the same subject published at 66 FR 6733 (January 22, 2001). This guidance does not constitute a regulation subject to the rulemaking requirements of the Administrative Procedure Act, 5 U.S.C. 553. Dated: December 7, 2005. J. Michael Trujillo, Director, Departmental Office of Civil Rights.

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons

I. Introduction

Most individuals living in the United States read, write, speak, and understand English. There are many individuals, however, for whom English is not their primary language. For instance, based on the 2000 census, regarding individuals older than age 5, over 26 million individuals speak Spanish and almost 7 million individuals speak an Asian or Pacific Island language at home. If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient, or "LEP." In a 2001 Supplementary Survey by the U.S. Census Bureau, 33% of Spanish speakers and 22.4% of all Asian and Pacific Island language speakers aged 18-64 reported that they spoke English either "not well" or "not at all."

\2\ PO35. Age by Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over. Cens. Summ. File 3, 2001 Supp. Survey Summ. Tables (SF 3) (based on 12 monthly samples during 2001) Washington: U.S. Dep't of Comm., Bur. of the Census. Viewed 14 September 2004, available at: http://factfinder.census.gov/servlet/DTable?_bm=y&-geo_id=D&-s_name=D&-lang=en&-redoLog=false&-mt_name=DSS_2001_EST_G2000_P035

Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. The Federal Government funds an array of services that can be made meaningfully accessible to otherwise eligible LEP persons. The Federal Government is committed to improving the accessibility of these programs and activities to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. Recipients of Federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important government services. \3\

\3\ DOT recognizes that many recipients had language assistance programs in place prior to the issuance of Executive Order 13166. This policy guidance provides a uniform framework for a recipient to integrate, formalize, and assess the continued vitality of these existing and possibly additional reasonable efforts based on the nature of its programs and activities, the current needs of the LEP populations it encounters, and its prior experience in providing language services in the community it serves.

In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally assisted programs and activities may violate the prohibition under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d,

and Title VI regulations against national origin discrimination. The purpose of this policy guidance is to assist recipients in fulfilling their responsibilities to provide meaningful access to LEP persons under existing law. This guidance clarifies existing legal requirements for LEP persons by describing the factors recipients should consider in fulfilling their responsibilities to LEP persons. \4\ These are the same criteria DOT will use in evaluating whether recipients are complying with Title VI and Title VI regulations.

\4\ This policy guidance is not a regulation but rather a guide. Title VI and its implementing regulations require that recipients take responsible steps to ensure meaningful access by LEP persons. Recipients should use the guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are LEP.

Executive Order 13166 charges DOJ with the responsibility for providing LEP Guidance to other Federal agencies, such as DOT, and for ensuring consistency among each agency-specific guidance. Consistency among Federal Government agencies is particularly important. Inconsistent or contradictory guidance could confuse recipients of Federal funds and needlessly increase costs without facilitating the meaningful access for LEP persons that this policy guidance is designed to address. As with most government initiatives, this requires balancing several principles. [[Page 74090]]

While this guidance discusses that balance in some detail, it is important to note the basic principles behind that balance. First, we must ensure that federally assisted programs and activities aimed at the American public do not leave individuals behind simply because they face challenges communicating in English. This is of particular importance because, in many cases, LEP individuals form a substantial portion of those who particularly benefit from federally assisted programs and activities. Second, we must achieve this goal while finding constructive methods to reduce the costs of LEP requirements on small businesses, small local governments, or small nonprofit organizations that receive Federal financial assistance. There are many productive steps that the Federal Government, either collectively or as individual agencies, can take to help recipients reduce the costs of language services without sacrificing meaningful access for LEP persons. Without these steps, certain smaller recipients may choose not to participate in federally assisted programs or activities, threatening the critical functions that the programs or activities strive to assist. To that end, DOT plans to continue to work with DOJ and other Federal agencies to provide ongoing assistance and guidance in this important area. In addition, DOT plans to work with recipients of Federal financial assistance--for example, with motor vehicle departments, transit authorities, state departments of transportation, and other transportation service providers--and LEP persons, to identify and share model plans, examples of best practices, and cost-saving approaches. Moreover, DOT intends to explore how

language assistance measures and cost-containment approaches developed with respect to its own federally conducted programs and activities can be effectively shared or otherwise made available to recipients, particularly small businesses, small local governments, and small nonprofit organizations. An inter-agency working group on LEP has developed a Web site, <http://www.lep.gov>, to assist in disseminating this information to recipients, Federal agencies, and the communities being served.

Many commentators have noted that some have interpreted the case of *Alexander v. Sandoval*, 532 U.S. 275 (2001), as impliedly striking down the regulations promulgated under Title VI that form the basis for the part of Executive Order 13166 that applies to federally assisted programs and activities. We have taken the position that this is not the case, and will continue to do so. Accordingly, we will strive to ensure that federally assisted programs and activities work in a way that is effective for all eligible beneficiaries, including those with limited English proficiency.

II. Legal Authority

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, provides that no person 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." Section 602 authorizes and directs Federal agencies that are empowered to extend Federal financial assistance to any program or activity "to effectuate the provisions of section 601] * * * by issuing rules, regulations, or orders of general applicability." 42 U.S.C. 2000d-1.

Department of Justice regulations promulgated pursuant to section 602 forbid recipients from utilizing criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin." 28 CFR 42.104(b)(2). DOT's Title VI regulations include almost identical language in this regard. See 49 CFR 21.5(b)(vii)(2) (portions of these regulations are provided in Appendix A).

The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted regulations promulgated by the former Department of Health, Education, and Welfare, including a regulation similar to that of DOJ, 45 CFR 80.3(b)(2), to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination. In *Lau*, a San Francisco school district that had a significant number of non-English-speaking students of Chinese origin was required to take reasonable steps to provide them with a meaningful opportunity to participate in federally funded educational programs.

On August 11, 2000, Executive Order 13166 was issued. "Improving Access to Services for Persons with Limited English Proficiency," 65 FR 50121 (August 16, 2000). Under that order, every Federal agency that provides financial assistance to non-Federal entities must publish guidance on how its recipients can provide meaningful access to LEP persons and thus comply with Title VI regulations forbidding recipients from restricting an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program" or from utilizing criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin."

On that same day, DOJ issued a general guidance document addressed to "Executive Agency Civil Rights Officers" setting forth general principles for agencies to apply in developing guidance documents for recipients pursuant to the Executive Order. "Enforcement of Title VI of the Civil Rights Act of 1964--National Origin Discrimination Against Persons with Limited English Proficiency," 65 FR 50123 (August 16, 2000) (DOJ's General LEP Guidance).

Subsequently, Federal agencies raised questions regarding the requirements of the Executive Order, especially in light of the Supreme Court's decision in *Alexander v. Sandoval*, 532 U.S. 275 (2001). On October 26, 2001, the Assistant Attorney General for Civil Rights issued a memorandum for "Heads of Departments and Agencies, General Counsels and Civil Rights Directors." This memorandum clarified and reaffirmed the DOJ LEP Guidance in light of *Sandoval*. The Assistant Attorney General stated that because *Sandoval* did not invalidate any Title VI regulations that proscribe conduct that has a disparate impact on covered groups--the types of regulations that form the legal basis for the part of Executive Order 13166 that applies to federally assisted programs and activities--the Executive Order remains in force. \5\

\5\ The memorandum noted that some commentators have interpreted *Sandoval* as impliedly striking down the disparate impact regulations promulgated under Title VI that form the basis for the part of Executive Order 13166 that applies to federally assisted programs and activities. See, e.g., *Sandoval*, 532 U.S. at 286, 286 n.6

We assume for purposes of this decision that section 602 confers the authority to promulgate disparate-impact regulations; *

* * We cannot help observing, however, how strange it is to say that disparate-impact regulations are "inspired by, at the service of, and inseparably intertwined with" Sec. 601 * * * when Sec. 601 permits the very behavior that the regulations forbid"). The memorandum, however, made clear that DOJ disagreed with the commentators' interpretation. *Sandoval* holds principally that there is no private

right of action to enforce Title VI disparate impact regulations. It did not address the validity of those regulations or Executive Order 13166 or otherwise limit the authority and responsibility of Federal agencies to enforce their own Title VI regulations.

[[Page 74091]] Pursuant to Executive Order 13166, DOT developed its own guidance document for recipients and initially issued it on January 22, 2001. "DOT Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries." However, in light of the public comments received and the Assistant Attorney General's October 26, 2001, clarifying memorandum, DOT has revised its LEP guidance to ensure greater consistency with DOJ's revised LEP guidance, published June 18, 2002, and other agencies' revised LEP guidance. 67 FR 117 (June 18, 2002).

III. Who Is Covered?

Pursuant to Executive Order 13166, the meaningful access requirement of Title VI, the Title VI regulations, and the four-factor analysis set forth in the DOJ's revised LEP Guidance, 67 FR 117 (June 18, 2002), apply to the programs and activities of Federal agencies, including DOT. Federal financial assistance includes grants, cooperative agreements, training, use of equipment, donations of surplus property, and other assistance.

Recipients of DOT assistance include, for example:

- State departments of transportation.
- State motor vehicle administrations.
- Airport operators.
- State highway safety programs.
- Metropolitan planning organizations.
- Regional transportation agencies.
- Regional, state, and local transit operators.
- Public safety agencies. \6\

\6\ Recipients should review DOJ's LEP Guidance for specific examples of how the four-factor analysis applies to interactions between funded law enforcement authorities and first responders.

Hazardous materials transporters and other first responders. State and local agencies with emergency transportation responsibilities, for example, the transportation of supplies for natural disasters, planning for evacuations, quarantines, and other similar action.

Subrecipients likewise are covered when Federal funds are passed through from one recipient to a subrecipient. Coverage extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. This is true even if only one part of the recipient receives the Federal assistance. Example: DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System. All of the operations of the entire state department of transportation--not just the particular highway program--are covered by the DOT guidance.

Finally, some recipients operate in jurisdictions in which English has been declared the official language. Nonetheless, these recipients continue to be subject to Federal nondiscrimination requirements, including those applicable to the provision of federally assisted services to persons with limited English proficiency.

IV. Who Is a Limited English Proficient Individual? Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be limited English proficient, or "LEP," and, therefore, are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter. However, if a Federal agency were to decide to terminate Federal funds based on noncompliance with Title VI or its regulations, only funds directed to the particular program or activity that is out of compliance would be terminated. 42 U.S.C. 2000d-1.

Examples of populations likely to include LEP persons who are served or encountered by DOT recipients and should be considered when planning language services include, but are not limited to: Public transportation passengers. Persons who apply for a driver's license at a state department of motor vehicles. Persons subject to the control of state or local transportation enforcement authorities, including, for example, commercial motor vehicle drivers. Persons served by emergency transportation response programs. Persons living in areas affected or potentially affected by transportation projects. Business owners who apply to participate in DOT's Disadvantaged Business Enterprise program.

V. How Does a Recipient Determine the Extent of Its Obligation to Provide LEP Services?

Recipients 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 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; and (4) the resources available to the recipient and costs. As indicated above, the intent of this policy guidance is to suggest a balance that ensures meaningful access by LEP persons to

critical services while not imposing undue burdens on small businesses, small local governments, or small nonprofit organizations. After applying the above four-factor analysis to the various kinds of contacts a recipient has with the public, the recipient may conclude that different language assistance measures are sufficient to ensure meaningful access to the different types of programs or activities in which it engages. For instance, some of a recipient's activities will have a greater impact on or contact with LEP persons than others, and thus may require more in the way of language assistance. The flexibility that recipients have in addressing the needs of the LEP populations they serve does not diminish, and should not be used to minimize, the obligation that those needs be addressed. DOT recipients should apply the following four factors to the various kinds of contacts that they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons.

(1) The Number or Proportion of LEP Persons Served or Encountered in the Eligible Service Population

The greater the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population, the more likely language services are needed. Ordinarily, persons "eligible to be served, or likely to be directly affected, by" a recipient's programs or activities are those who are in fact, served or encountered in the eligible service population. This population will be program-specific, and includes persons who are in the geographic area that is part of the recipient's service area. However, where, for instance, a motor vehicle office serves a large LEP population, the appropriate service area is that served by the office, and not the entire population served by the department. Where no service area has previously been approved, the relevant service area may be that which is approved by state or local authorities or designated by the recipient itself, [[Page 74092]] provided that these designations do not themselves discriminatorily exclude certain populations. When considering the number or proportion of LEP individuals in a service area, recipients should consider LEP parent(s) whose English proficient or LEP minor children and dependents encounter the services of DOT recipients. Recipients should first examine their prior experiences with LEP individuals and determine the breadth and scope of language services that are needed. In conducting this analysis, it is important to: Include language minority populations that are eligible beneficiaries but may be underserved of recipients' programs, activities, or services because of existing language barriers; and consult additional data, for example, from the census, school systems and community organizations, and data from state and local governments, community agencies, school systems, religious organizations, and legal aid entities.

17\ The focus of the analysis is on lack of English proficiency, not the ability to speak more than one language. Note that demographic data may indicate the most frequently spoken languages other than English and the percentage of people who speak that language but speak or understand English less than well. People who are also proficient in English may speak some of the most commonly

spoken languages other than English.

(2) The Frequency with Which LEP Individuals Come in Contact with the Program, Activity, or Service

Recipients should assess, as accurately as possible, the frequency with which they have or should have contact with LEP individuals from different language groups seeking assistance, as the more frequent the contact, the more likely enhanced language services will be needed. The steps that are reasonable for a recipient that serves an LEP person on a one-time basis will be very different than those expected from a recipient that serves LEP persons daily. Recipients should also consider the frequency of different types of language contacts, as frequent contacts with Spanish-speaking people who are LEP may require certain assistance in Spanish, while less frequent contact with different language groups may suggest a different and/or less intensified solution. If an LEP individual accesses a program or service on a daily basis, a recipient has greater duties than if the same individual's program or activity contact is unpredictable or infrequent. However, even recipients that serve LEP persons on an unpredictable or infrequent basis should use this balancing analysis to determine what to do if an LEP individual seeks services under the program in question. This plan need not be intricate. It may be as simple as being prepared to use a commercial telephonic interpretation service to obtain immediate interpreter services. Additionally, in applying this standard, recipients should consider whether appropriate outreach to LEP persons could increase the frequency of contact with LEP language groups.

(3) The Nature and Importance of the Program, Activity, or Service Provided by the Program

The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. The obligations to communicate rights to an LEP person who needs public transportation differ, for example, from those to provide recreational programming. A recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual. Decisions by a Federal, state, or local entity to make an activity compulsory, such as requiring a driver to have a license, can serve as strong evidence of the importance of the program or activity.

(4) The Resources Available to the Recipient and Costs

A recipient's level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. Smaller recipients with more limited budgets are not expected to provide

the same level of language services as larger recipients with larger budgets. In addition, "reasonable steps" may cease to be reasonable where the costs imposed substantially exceed the benefits. Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns. Resource and cost issues, however, can often be reduced by technological advances, reasonable business practices, and the sharing of language assistance materials and services among and between recipients, advocacy groups, affected populations, and Federal. For example, the following practices may reduce resource and agencies. Cost issues where appropriate:

- Training bilingual staff to act as interpreters and translators.
- Information sharing through industry groups.
- Telephonic and video conferencing interpretation services.
- Translating vital documents posted on Web sites.
- Pooling resources and standardizing documents to reduce translation needs.
- Using qualified translators and interpreters to ensure that documents need not be "fixed" later and that inaccurate interpretations do not cause delay or other costs.
- Centralizing interpreter and translator services to achieve economies of scale.

\8\ Small recipients with limited resources may find that entering into a bulk telephonic interpretation service contract will prove cost effective.

Formalized use of qualified community volunteers. Large entities and those entities serving a significant number or proportion of LEP persons should ensure that their resource limitations are well substantiated before using this factor as a reason to limit language assistance. Such recipients may find it useful to be able to articulate, through documentation or in some other reasonable manner, their process for determining that language services would be limited based on resources or costs.

This four-factor analysis necessarily implicates the "mix" of LEP services required. Recipients have two main ways to provide language services: Oral interpretation either in person or via telephone interpretation service (hereinafter "interpretation") and written translation (hereinafter "translation"). Oral interpretation can range from on-site interpreters for critical services provided to a high volume of LEP persons to access through commercially available telephonic interpretation services. Written translation, likewise, can range from translation of an entire document to translation of a short description of the document. In some cases, language services should be made available on an expedited basis while in others the LEP individual may be referred to another office of the recipient for language assistance. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis. For instance, a motor vehicle department or an emergency hazardous material clean-up team in a largely

Hispanic neighborhood may need immediate oral interpreters available and should give serious consideration to hiring bilingual staff (of course, many such departments have already made these arrangements). Additionally, providing public [[Page 74093]] transportation access to LEP persons is crucial. An LEP person's inability to utilize effectively public transportation may adversely affect his or her ability to obtain health care, or education, or access to employment. In contrast, there may be circumstances where the importance and nature of the activity and number or proportion and frequency of contact with LEP persons may be low and the costs and resources needed to provide language services may be high--such as in the case of a voluntary general public tour of an airport or train station--in which pre-arranged language services for the particular service may not be necessary. Regardless of the type of language services provided, quality and accuracy of those services can be critical. Recipients have substantial flexibility in determining the appropriate mix.

VI. Selecting Language Assistance Services

Recipients may provide language services in either oral or written form. Quality and accuracy of the language service is critical in order to avoid potential serious consequences to the LEP person and to the recipient.

A. Oral Language Services (Interpretation)

Interpretation is the act of listening to something in one language (source language) and orally translating it into another language (target language). Where interpretation is needed and is reasonable, recipients should consider some or all of the options below for providing competent interpreters in a timely manner. Competence of Interpreters. When providing oral assistance, recipients should ensure competency of the language service provider, no matter which of the strategies outlined below are used. Competency requires more than self-identification as bilingual. Some bilingual staff and community volunteers, for instance, may be able to communicate effectively in a different language when communicating information directly in that language, but not be competent to interpret into and out of English. Likewise, they may not be able to do written translations. Competency to interpret, however, does not necessarily mean formal certification as an interpreter, although certification is helpful. When using interpreters, recipients should ensure that they: Demonstrate proficiency in and ability to communicate information accurately in both English and in the other language and identify and employ the appropriate mode of interpreting (e.g., consecutive, simultaneous, summarization, or sight translation). Have knowledge in both languages of any specialized terms or concepts peculiar to the recipient's program or activity and of any particularized vocabulary and phraseology used by the LEP person; and understand and follow confidentiality and impartiality rules to the same extent as the recipient employee for whom they are interpreting and/or to the extent their position requires.

19) Many languages have "regionalisms," or differences in usage. For instance, a word that may be understood to mean something in Spanish for someone from Cuba may not be so understood by someone from Mexico. In addition, because there may be languages that do not have an appropriate direct interpretation of certain legal terms, the interpreter should be able to provide the most appropriate interpretation. The interpreter should make the recipient aware of the issue and the interpreter and recipient can then work to develop a consistent and appropriate set of descriptions of these terms in that language that can be used again, when appropriate.

Understand and adhere to their role as interpreters without deviating into a role as counselor, legal advisor, or other roles. Additionally, some recipients may have their own requirements for interpreters, as individual rights may depend on precise, complete, and accurate interpretations or translations. In some cases, interpreters may be required to demonstrate that their involvement in a matter would not create a conflict of interest.

While quality and accuracy of language services are critical, they are nonetheless part of the appropriate mix of LEP services required. The quality and accuracy of language services as part of disaster relief programs, or in the provision of emergency supplies and services, for example, must be extraordinarily high, while the quality and accuracy of language services in a bicycle safety course need not meet the same exacting standards. Finally, when interpretation is needed and is reasonable, it should be provided in a timely manner in order to be effective. Generally, to be "timely," the recipient should provide language assistance at a time and place that avoids the effective denial of the service, benefit, or right at issue or the imposition of an undue burden on or delay in important rights, benefits, or services to the LEP person. For example, when the timeliness of services is important, such as when an LEP person needs access to public transportation, a DOT recipient does not provide meaningful LEP access when it has only one bilingual staff member available one day a week to provide the service. Hiring Bilingual Staff. When particular languages are encountered often, hiring bilingual staff offers one of the best, and often most economical, options. Recipients can, for example, fill public contact positions, such as transit station managers, department of motor vehicle service representatives, security guards, or program directors, with staff that are bilingual and competent to communicate directly with LEP persons in their language. If bilingual staff members are also used to interpret between English speakers and LEP persons, or to orally interpret written documents from English into another language, they should be competent in the skill of interpreting, as discussed above. Effective management strategies, including any appropriate adjustments in assignments and protocols for using bilingual staff, can ensure that bilingual staff members are fully and appropriately utilized. When bilingual staff cannot meet all of the language service obligations of the recipient, the recipient should turn to other options. Hiring Staff Interpreters. Hiring interpreters may be most helpful where there is a frequent need for interpreting services in one or more languages. Depending on the facts,

sometimes it may be necessary and reasonable to provide on-site interpreters to facilitate accurate and meaningful communication with an LEP person. Contracting for Interpreters. Contract interpreters may be a cost-effective option when there is no regular need for a particular language skill. In addition to commercial and other private providers, many community-based organizations and mutual assistance associations provide interpretation services for particular languages. Contracting with interpreters and providing training regarding the recipient's programs and processes to these organizations can be a cost-effective option for providing language services to LEP persons from those language groups. Using Telephone Interpreter Lines. Telephone interpreter service lines often offer prompt interpreting assistance in many different languages. They may be particularly appropriate where the mode of communicating with an English proficient person would also be over the phone. Although telephonic interpretation services are useful in many situations, it is important to ensure that, when using such services, the interpreters are competent to interpret any technical or legal terms specific to a particular program that may be important parts of the conversation. Nuances in language and non-verbal communication can often assist an [[Page 74094]] interpreter and cannot be recognized over the phone. The issues discussed above regarding interpreter competency are also relevant to telephonic interpreters. Video teleconferencing and allowing interpreters to review relevant documents in advance may also be helpful.

Using Community Volunteers

In addition to consideration of bilingual staff, staff interpreters, or contract interpreters (either in-person or by telephone) as options to ensure meaningful access by LEP persons, use of recipient-coordinated community volunteers may provide a cost-effective supplemental language assistance strategy under appropriate circumstances. They may be particularly useful in providing language access for a recipient's less critical programs and activities. To the extent the recipient relies on community volunteers, it is often best to use volunteers who are trained in the information or services of the program and can communicate directly with LEP persons in their language. Just as with all interpreters, community volunteers used to interpret between English speakers and LEP persons, or to orally translate documents, should be competent in the skill of interpreting and knowledgeable about applicable confidentiality and impartiality rules. Recipients should consider formal arrangements with community-based organizations that provide volunteers to address these concerns and help ensure that services are available more regularly. Use of Family Members, Friends, Other Customers/Passengers as Interpreters. Although recipients should not plan to rely on an LEP person's family members, friends, or other informal interpreters to provide meaningful access to important programs and activities, where LEP persons so desire, they should be permitted to use an interpreter of their choice at their own expense (whether a professional interpreter, family member, or friend) in place of or as a supplement to the free language services expressly offered by the recipient. LEP persons may feel more comfortable when a trusted family member or friend acts as an interpreter. In addition, in exigent circumstances that are not

reasonably foreseeable, temporary use of interpreters not provided by the recipient may be necessary. However, with proper planning and implementation, recipients should be able to avoid most such situations. Recipients, however, should take special care to ensure that family members, legal guardians, caretakers, and other informal interpreters are appropriate in light of the circumstances and subject matter of the program, service or activity, including protection of the recipient's own administrative, mission-related, or enforcement interest in accurate interpretation. In many circumstances, family members (especially children) or friends are not competent to provide quality and accurate interpretations. Issues of confidentiality, privacy, or conflict of interest may also arise. LEP individuals may feel uncomfortable revealing or describing sensitive or confidential information to a family member, friend, or member of the local community. In addition, such informal interpreters may have a personal connection to the LEP person or an undisclosed conflict of interest, such as the desire to obtain an LEP person's personal identification information, for example, in the case of an LEP person attempting to apply for a driver's license. Thus, DOT recipients should generally offer free interpreter services to the LEP person. This is particularly true in situations in which health, safety, or access to important benefits and services are at stake, or when credibility and accuracy are important to protect an individual's rights and access to important services.

An example of such a case is when no interpreters, or bilingual or symbolic signs are available in a state department of motor vehicles. In an effort to apply for a driver's license, vehicle registration, or parking permit, an LEP person may be forced to enlist the help of a stranger for translation. This practice may raise serious issues of competency or confidentiality and may compromise the personal security of the LEP person, as the stranger could have access to the LEP person's personal identification information, such as his or her name, phone number, address, social security number, driver's license number (if different from the social security number), and medical information. However, there are situations where proper application of the four factors would lead to a conclusion that recipient-provided services are not necessary. An example of this is a voluntary educational tour of an airport, or a train or bus station. There, the importance and nature of the activity may be relatively low and unlikely to implicate issues of confidentiality, conflict of interest, or the need for accuracy. In addition, the resources needed and costs of providing language services may be high. In such a setting, an LEP person's use of family, friends, or others to interpret may be appropriate. If the LEP person voluntarily chooses to provide his or her own interpreter, a recipient should consider whether a record of that choice and of the recipient's offer of assistance is appropriate. Where precise, complete, and accurate interpretations or translations of information and/or testimony are critical, or where the competency of the LEP person's interpreter is not established, a recipient might decide to provide its own, independent interpreter, even if an LEP person wants to use his or her own interpreter as well. Extra caution should be exercised when the LEP person chooses to use a minor as the interpreter. While the LEP person's decision should be respected, there may be additional issues of competency, confidentiality, or conflict of interest when the choice involves using children

as interpreters. The recipient should take care to ensure that the LEP person's choice is voluntary, that the LEP person is aware of the possible problems if the preferred interpreter is a minor child, and that the LEP person knows that a competent interpreter could be provided by the recipient at no cost.

B. Written Language Services (Translation)

Translation is the replacement of a written text from one language (source language) into an equivalent written text in another language (target language). What documents should be translated? After applying the four-factor analysis, a recipient may determine that an effective LEP plan for its particular program or activity includes the translation of vital written materials into the language of each frequently encountered LEP group eligible to be served and/or likely to be affected by the recipient's program. Such written materials could include, for example: Driver's license, automobile registration, and parking permit forms. Parking tickets, citation forms, and violation or deficiency notices, or pertinent portions thereof. Emergency transportation information. Markings, signs, and packaging for hazardous materials and substances. Signs in bus and train stations, and in airports. Notices of public hearings regarding recipients' proposed transportation plans, projects, or changes, and reduction, denial, or termination of services or benefits. Signs in waiting rooms, reception areas, and other initial points of entry. Notices advising LEP persons of free language assistance and language identification cards for staff (i.e., "I speak" cards). [[Page 74095]] Statements about the services available and the right to free language assistance services in appropriate non-English languages, in brochures, booklets, outreach and recruitment information, and other materials routinely disseminated to the public. Written tests that do not assess English-language competency, but test competency for a particular license, job, or skill for which knowing English is not required. Applications, or instructions on how to participate in a recipient's program or activity or to receive recipient benefits or services.

Consent Forms

Whether or not a document (or the information it solicits) is "vital" may depend upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not accurate or timely. For instance, applications for bicycle safety courses should not generally be considered vital, whereas access to safe driving handbooks could be considered vital. Where appropriate, recipients are encouraged to create a plan for consistently determining, over time and across their various activities, what documents are "vital" to the meaningful access of the LEP populations they serve. Classifying a document as vital or non-vital is sometimes difficult, especially in the case of outreach materials like brochures or other information on rights and services. Awareness of rights or services is an important part of "meaningful access," as lack of awareness may effectively deny LEP individuals meaningful access. Thus, where a recipient is engaged in community outreach efforts in furtherance of its programs and activities, it should regularly assess the

needs of the populations frequently encountered or affected by the program or activity to determine whether certain critical outreach materials should be translated. Community organizations may be helpful in determining what outreach materials may be most helpful to translate, and some such translations may be made more effective when done in tandem with other outreach methods, including utilizing the ethnic media, schools, and religious and community organizations to spread a message.

Sometimes a very large document may include both vital and non-vital information. This may also be the case when the title and a phone number for obtaining more information on the contents of the document in frequently encountered languages other than English is critical, but the document is sent out to the general public and cannot reasonably be translated into many languages. Thus, vital information may include, for instance, providing information in appropriate languages regarding where an LEP person might obtain an interpretation or translation of the document.

Into what languages should documents be translated? The extent of the recipient's obligation to provide written translations of documents should be determined by the recipient on a case-by-case basis, looking at the totality of the circumstances in light of the four-factor analysis. Because translation is a one-time expense, consideration should be given to whether the upfront cost of translating a document (as opposed to oral interpretation) should be amortized over the likely lifespan of the document when applying this four-factor analysis. The languages spoken by the LEP individuals with whom the recipient has frequent contact determine the languages into which vital documents should be translated. However, because many DOT recipients serve communities in large cities or across an entire state and regularly serve areas with LEP populations that speak dozens and sometimes more than 100 languages, it would be unrealistic to translate all written materials into each language. Although recent technological advances have made it easier for recipients to store and share translated documents, such an undertaking would incur substantial costs and require substantial resources. However, well-substantiated claims of lack of resources to translate all such documents into dozens or more than 100 languages do not necessarily relieve the recipient of the obligation to translate vital documents into at least several of the more frequently encountered languages. The recipient should then set benchmarks for continued translations into the remaining languages over time.

Safe Harbor

Many recipients would like to ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English. Paragraphs (a) and (b) below outline the circumstances that can provide a "safe harbor" for recipients regarding the requirements for translation of written materials. A "safe harbor" means that if a recipient provides written translations under these circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI. The failure

to provide written translations under the circumstances outlined in paragraphs (a) and (b) does not mean there is noncompliance. Rather these paragraphs merely provide a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances. Safe Harbor. 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 or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or
- (b) If there are fewer than 50 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.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Competence of Translators.

As with oral interpreters, translators of written documents should be competent. Many of the same considerations apply. However, the skill of translating is very different from the skill of interpreting, and a person who is a competent interpreter may or may not be competent to translate, and vice versa. Particularly where vital documents are being translated, competence can often be achieved by use of certified translators. Certification or accreditation may not always be possible or necessary. \10\ Competence can often be ensured by having a second, independent translator check the work of the primary translator. Alternatively, one translator can translate the document, and a second, independent [[Page 74096]] translator could translate it back into English to check that the appropriate meaning has been conveyed. This is called "back translation."

\10\ For those languages in which no formal accreditation exists, a particular level of membership in a professional translation association can provide some indicator of professional competence.

Translators should understand the expected reading level of the audience and, where appropriate, have fundamental knowledge about the target language group's vocabulary and phraseology. Sometimes direct translation of materials results in a translation that is written at a much more difficult level than the English-language version or has no relevant equivalent meaning. \11\ Community organizations may be able to help consider whether a document is written at an appropriate level for the audience. Likewise, consistency in the words and phrases used to translate terms of art, legal, or other technical or programmatic terms helps avoid confusion by LEP individuals and may reduce costs. Creating or using already created glossaries of commonly used terms may be useful for LEP persons and translators and cost effective for the recipient. Providing translators with examples of previous accurate translations of similar material by other recipients or Federal agencies may also be helpful.

\11\ For instance, although there may be languages that do not have a direct translation of some legal, technical, or program-related terms, the translator should be able to provide an appropriate translation. The translator should likely also make the recipient aware of this. Recipients can then work with translators to develop a consistent and appropriate set of descriptions of those terms in that language that can be used again, when appropriate.

While quality and accuracy of translation services are critical, they are nonetheless part of the appropriate mix of LEP services required. For instance, documents that are simple and have no important consequences for LEP persons who rely on them may be translated by translators who are less skilled than important documents with legal or other information upon which reliance has important consequences (including, e.g., driver's license written exams and documents regarding important benefits or services, or health, safety, or legal information). The permanent nature of written translations, however, imposes additional responsibility on the recipient to ensure that the quality and accuracy permit meaningful access by LEP persons. VII. Elements of an Effective Implementation Plan on Language Assistance for LEP Persons After completing the four-factor analysis and deciding what language assistance services are appropriate, a recipient should develop an implementation plan to address the identified needs of the LEP populations it serves. Although recipients have considerable flexibility in developing such a plan, maintaining a periodically updated written plan on language assistance for LEP persons ("LEP plan") for use by recipient employees serving the public would be an appropriate and cost-effective means of documenting compliance and providing a framework for the provision of timely and reasonable language assistance. Such written plans may also provide additional benefits to a recipient's managers in the areas of training, administration, planning, and budgeting. Thus, recipients may choose to document the language assistance services in their plan, and how staff and LEP persons can access those services. Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan. However, the absence of a written LEP plan does not obviate the un-

derlying obligation to ensure meaningful access by LEP persons to a recipient's program or activities. In that event, a recipient should consider alternative ways to reasonably articulate a plan for providing meaningful access. Early input from entities such as schools, religious organizations, community groups, and groups working with new immigrants can be helpful in forming this planning process. The following five steps may be helpful in designing an LEP plan and are typically part of effective implementation plans.

(1) Identifying LEP Individuals Who Need Language Assistance

There should be an assessment of the number or proportion of LEP individuals eligible to be served or encountered and the frequency of encounters pursuant to the first two factors in the four-factor analysis. One way to determine the language of communication is to use language identification cards (or "I speak cards"), which invite LEP persons to identify their language needs to staff. Such cards, for instance, might say, "I speak Spanish" in both Spanish and English, or "I speak Vietnamese" in both English and Vietnamese. To reduce costs of compliance, the Federal Government has made a set of these cards available on the Internet. The Census Bureau's "I speak card" can be found and downloaded at <http://www.usdoj.gov/crt/cor/13166.htm>. When records are normally kept of past interactions with members of the public, the language of the LEP person can be included as part of the record. In addition to helping employees identify the language of LEP persons they encounter, this process will help in future applications of the first two factors of the four-factor analysis. In addition, posting notices in commonly encountered languages notifying LEP persons of language assistance will encourage them to self-identify.

(2) Language Assistance Measures

An effective LEP plan would likely include information about the ways in which language assistance will be provided. For instance, recipients may want to include information on at least the following:

- Types of language services available.
- How recipient staff can obtain those services.
- How to respond to LEP callers.
- How to respond to written communications from LEP persons.
- How to respond to LEP individuals who have in-person contact with recipient staff.
- How to ensure competency of interpreters and translation services.

(3) Training Staff

Staff members should know their obligations to provide meaningful access to information and services for LEP persons, and all employees in public contact positions should be properly trained. An effective LEP plan would likely include training to ensure that: Staff knows about LEP policies and procedures.

Staff having contact with the public (or those in a recipient's custody) is trained to work effectively with in-person and telephone interpreters. Recipients may want to include this training as part of the orientation for new employees. Recipients have flexibility in deciding the manner in which the training is provided, and the more frequent the contact with LEP persons, the greater the need will be for in-depth training. However, 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.

(5) Providing Notice to LEP Persons

Once an agency has decided, based on the four factors, that it will provide language services, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand. Examples of notification that recipients should consider include: [[Page 74097]] Posting signs in intake areas and other entry points. This is important so that LEP persons can learn how to access those language services at initial points of contact. This is particularly true in areas with high volumes of LEP persons seeking access to certain transportation safety information, or other services and activities run by DOT recipients. \12\

\12\ For instance, signs in intake offices could state that free language assistance is available. The signs should be translated into the most common languages encountered and should explain how to get the necessary language assistance. The Social Security Administration has made such signs available at <http://www.ssa.gov/multilanguage/langlist1.htm>. DOT recipients could, for example, modify these signs for use in programs, activities, and services.

Stating in outreach documents that language services are available from the agency. Announcements could be in, for instance, brochures, booklets, and in outreach and recruitment information. These statements should be translated into the most common languages and could be ``tagged" onto the front of common documents. Working with community-based organizations and other stakeholders to inform LEP individuals of the recipients' services, including the availability of language assistance services. Using an automated telephone voice mail attendant or menu system. The system could be in the most common languages encountered. It should provide information about available language assistance services and how to get them. Including notices in local newspapers in languages other than English. Providing notices on non-English-language radio and television stations about the available language assistance services and how to get them. Providing presentations and/or notices at schools and religious organizations. (5) Monitoring and Updating the LEP Plan Recipients should, where appropriate, have a process for determining, on an ongoing basis, whether new documents, programs, services, and activities need to be made accessible for LEP individuals, and they may want to provide notice of any changes in services to the LEP public and to employees. In addition, recipients should consider whether changes in demographics, types of services, or other needs require an-

nual reevaluation of their LEP plan. Less frequent reevaluation may be more appropriate where demographics, services, and needs are more static. One good way to evaluate the LEP plan is to seek feedback from the community. In their reviews, recipients may want to consider assessing changes in:

- Current LEP populations in the service area or population affected or encountered.
- Frequency of encounters with LEP language groups.
- Nature and importance of activities to LEP persons.
- Availability of resources, including technological advances and sources of additional resources, and the costs imposed.
- Whether existing assistance is meeting the needs of LEP persons.
- Whether staff knows and understands the LEP plan and how to implement it.
- Whether identified sources for assistance are still available and viable.

In addition to these five elements, effective plans set clear goals, management accountability, and opportunities for community input and planning throughout the process.

VIII. Voluntary Compliance Effort

The goal for Title VI and Title VI regulatory enforcement is to achieve voluntary compliance. DOT enforces Title VI as it applies to recipients' responsibilities to LEP persons through the procedures provided for in DOT's Title VI regulations (49 CFR part 21, portions of which are provided in Appendix A). The Title VI regulations provide that DOT will investigate whenever it receives a complaint, report, or other information that alleges or indicates possible noncompliance with Title VI or its regulations. If the investigation results in a finding of compliance, DOT will inform the recipient in writing of this determination, including the basis for the determination. DOT uses voluntary mediation to resolve most complaints. However, if a case is fully investigated and results in a finding of noncompliance, DOT must inform the recipient of the noncompliance through a Letter of Findings that sets out the areas of noncompliance and the steps that must be taken to correct the noncompliance. It must attempt to secure voluntary compliance through informal means. If the matter cannot be resolved informally, DOT must secure compliance through the termination of Federal assistance after the DOT recipient has been given an opportunity for an administrative hearing and/or by referring the matter to DOJ with a recommendation that appropriate proceedings be brought to enforce the laws of the United States. In engaging in voluntary compliance efforts, DOT proposes reasonable timetables for achieving compliance and consults with and assists recipients in exploring cost-effective ways of coming into compliance. In determining a recipient's compliance with the Title VI regulations, DOT's primary concern is to ensure that the recipient's policies and

procedures provide meaningful access for LEP persons to the recipient's programs, activities, and services. While all recipients must work toward building systems that will ensure access for LEP individuals, DOT acknowledges that the implementation of a comprehensive system to serve LEP individuals is a process and that a system will evolve over time as it is implemented and periodically reevaluated. As recipients take reasonable steps to provide meaningful access to federally assisted programs and activities for LEP persons, DOT will look favorably on intermediate steps recipients take that are consistent with this guidance, and that, as part of a broader implementation plan or schedule, move their service delivery system toward providing full access to LEP persons. This does not excuse noncompliance but instead recognizes that full compliance in all areas of a recipient's activities and for all potential language minority groups may reasonably require a series of implementing actions over a period of time. However, in developing any phased implementation schedule, DOT recipients should ensure that the provision of appropriate assistance for significant LEP populations or with respect to activities having a significant impact on the health, safety, legal rights, or livelihood of beneficiaries is addressed first. Recipients are encouraged to document their efforts to provide LEP persons with meaningful access to federally assisted programs and activities.

IX. Promising Practices

The following examples are provided as illustrations of the responses of some recipients to the need to provide services to LEP persons, and are meant to be interesting and useful examples of ways in which LEP recipients can provide language services. Recipients are responsible for ensuring meaningful access to all portions of their program or activity, not just the portions to which DOT assistance is targeted. So long as the language services are accurate, timely, and appropriate in the manner outlined in this guidance, the types of promising practices summarized below can assist recipients in moving toward [[Page 74098]] meeting the meaningful access requirements of Title VI and the Title VI regulations. These examples do not, however, constitute an endorsement by DOT, which will evaluate recipients' situations on a case-by-case basis using the factors described elsewhere in this guidance.

Language Banks. In several parts of the country, both urban and rural, community organizations and providers have created language banks that dispatch competent interpreters, at reasonable rates, to participating organizations, reducing the need to have on-staff interpreters for low-demand languages. This approach is particularly appropriate where there is a scarcity of language services or where there is a large variety of language needs but limited demand for any particular language.

Language Support Offices. A state social services agency has established an "Office for Language Interpreter Services and Translation." This office tests and certifies all in-house and contract interpreters, provides agency-wide support for translation of forms, client mailings, publications, and other written materials into non-English languages, and monitors the policies of the agency and its vendors that affect LEP persons.

Some recipients have established working liaisons with local community colleges to educate the LEP community in transportation matters. One city formed a multi-lingual/multi-agency task force to address language barriers and the concerns of the affected communities. The task force completed a survey of city staff with multilingual skills in order to identify employees willing to serve as interpreters and is preparing lists of community and cultural organizations. Use of Technology. Some recipients use their Internet and/or intranet capabilities to store translated documents online, which can be retrieved as needed and easily shared with other offices. For example, a multi-language gateway on a Web page could be developed for LEP persons and the public to access documents translated into other languages.

Telephone Information Lines and Hotlines. Recipients have subscribed to telephone-based interpretation services and established telephone information lines in common languages to instruct callers on how to leave a recorded message that will be answered by someone who speaks the caller's language. For example, a recipient may choose to adopt a program similar to the National Highway Traffic Safety Administration's (NHTSA's) Auto Safety Hotline, which has four representatives who speak Spanish and are available during normal hotline business hours (Mon.-Fri., 8 a.m.-10 p.m. eastern time). \13\

\13\ The evening hours permit people from the West Coast (where a significant number of LEP persons reside) to call after work, providing an option for instructions in Spanish, a separate queue, and Spanish-speaking operators.

Signage and Other Outreach. Recipients have provided information about services, benefits, eligibility requirements, and the availability of free language assistance, in appropriate languages by:

- (a) posting signs and placards with this information in public places such as grocery stores, bus shelters, and subway stations;
- (b) putting notices in print media and on radio and television stations that serve LEP groups or broadcasting in languages other than English; \14\
- (c) airing videos and public service announcements for non-English-speaking residents;
- (d) placing flyers and signs in the offices of community-based organizations that serve large populations of LEP persons;
- (e) distributing information at places of worship, ethnic shopping areas, and other gathering places for LEP groups;
- (e) using posters with appropriate languages designed to reach potential beneficiaries; and
- (g) developing pictures, images, figures, or icons that could be understandable alternatives to written words.

\14\ Notifications should be delivered in advance of scheduled meetings or events to allow time for persons to request accommodation and participate.

DOT agencies and recipients have implemented numerous language access services:

DOT's Pipeline and Hazardous Materials Safety Administration (formerly known as the Research and Special Programs Administration), at 49 CFR Sec. Sec. 192.616 and 195.440, requires pipeline officers to establish a program for effective reporting by the public of gas pipeline emergencies to the operator or public officials, also providing that the program must be conducted in English and other common languages.

\15\ We recommend that recipients consider the appropriateness of such an approach to meet their individual service provision needs.

\15\ "Each [pipeline] operator shall establish a continuing educational program to enable customers, the public, appropriate government organizations, and persons engaged in excavation related activities to recognize a gas pipeline emergency for the purpose of reporting it to the operator or the appropriate public officials. The program and the media used should be as comprehensive as necessary to reach all areas in which the operator transports gas. The program must be conducted in English and in other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator's area." 49 CFR

Sec. 192.616. Section 195.440 of title 49, Code of Federal Regulations, imposes similar requirements in the case of hazardous liquid or carbon dioxide pipeline emergencies.

DOT's National Highway Traffic Safety Administration (NHTSA) has translated the National Standardized Child Passenger Safety Training Program curriculum into Spanish. The course, designed to help communities work with parents and caregivers on the proper installation of child safety seats, has been pilot tested and is scheduled to be available to the public by early 2006 through many national Latino organizations and State Highway Safety Offices.

DOT's Federal Motor Carrier Safety Administration (FMCSA) division offices in California, Arizona, New Mexico, Texas, and Puerto Rico employ personnel conversant in Spanish to communicate the agency's critical safety regulations. The Del Rio, Texas, Police Department implemented the El Protector program in Del Rio and developed public service broadcasts in Spanish about traffic safety issues such as loading and unloading school buses, drinking and driving, and pedestrian safety. Emergency Medical Services (EMS) staff in Los Angeles reported that their system is equipped to receive calls in more than 150 languages, although Spanish is the most frequent language used by 911 callers who do not speak English. District of Columbia DMV information, forms, and support material are available in German, Spanish, French, Russian, Dutch, and Portuguese and can be downloaded from the division's Web site. The DC DMV also provides a "City Services Guide" in Chinese, Korean, Spanish, and Vietnamese. DC's "Click It or Ticket" program material and information on child safety seat loaner programs and fitting station locations are available in Spanish. The New Jersey Department of Motor Vehicles administers driver's license tests in more than 15

languages, including Arabic, French, Greek, Korean, Portuguese, and Turkish.
\\16\\

\\16\\ DOT recommends that state agencies share such information, to avoid the necessity of each agency performing every translation.

In North Dakota, while the Traffic Safety Office acknowledges a limited minority population requiring assistance with translation, the Driver Licensing Unit offers the option of an oral test in Spanish.

The Iowa Department of Transportation (IDOT) provides a Spanish version of the Commercial [[Page 74099]]

Driver's License knowledge test using a touch screen computer, and study guides of the Iowa Driver's Manual in Albanian, Bosnian, Russian, Vietnamese, and Korean. IDOT established a liaison with a local community college to provide education for Bosnian refugees concerning the Commercial Motor Vehicle driving course. \\17\\

\\17\\ DOT especially recommends the idea of working with local community colleges to educate the LEP community in transportation matters.

The Wisconsin DOT created a 3rd grade level study guide, the Motorist Study Manual Easy Reader, which was translated by the Janesville Literacy Council into Spanish. Wisconsin DOT also provides the regular 6th grade level version of the Reader in English, Spanish, and Hmong; a Motorcycle Study Manual in English and Spanish; and a CDL (Commercial Driver's License) Study Manual in English and Spanish. In addition, Knowledge and Highway Sign Tests are written in 13 languages other than English, recorded on audiocassette tapes in English and Spanish, or orally interpreted by bilingual staffers obtained from a roster of Wisconsin DOT employees who speak, read, or write foreign languages. The Idaho Office of Traffic and Highway Safety implemented a Spanish-language safety belt media campaign to educate its Hispanic community on the statewide "Click It, Don't Risk It!" program to boost seat belt use. Information appears in *Unido*, Idaho's largest Spanish-language newspaper, and warns all motorists to buckle up or risk receiving a safety belt citation. The New Mexico State Highway and Transportation Department, with Federal Highway Administration (FHWA) support, provides Spanish-language translations of its Right-of-Way Acquisition and Relocation brochures and also employs bilingual right-of-way agents to discuss project impacts in Spanish. The State of Oregon developed a report on multilingual services provided by state agencies. State agencies will use the final document to enhance their existing programs, including expanding communication efforts to serve and protect all Oregonians.

The Texas DOT utilizes bilingual employees in its permit office to provide instruction and assistance to LEP Spanish-speaking truck drivers when providing permits to route overweight trucks through Texas. In its "On the Job Training Supportive Services Program" Texas DOT has used Spanish-language television to

inform people who have difficulty reading English of opportunities in the construction industry.

When the Virginia Department of Transportation (VDOT) became aware that several Disadvantaged Business Enterprise (DBE) firms were about to be removed from construction projects in Northern Virginia because they required certified concrete inspectors, and that they could not comply because the concrete inspection test was only offered in English, it used supportive services funding from the Federal Highway Administration to translate the training manual and test material into Spanish. VDOTD also provides tutoring for the DBE firms. The Virginia State Police maintains a written list of interpreters available statewide to troopers through the Red Cross Language Bank, as well as universities and local police departments.

The Colorado State Patrol produced safety brochures in Spanish for farmers and ranchers. It has also printed brochures in Spanish pertaining to regulatory requirements for trucking firms. In preparation of its 20-year planning document, the Transportation Concept Report, the California DOT (Caltrans) held a public meeting titled "Planning the Future of Highway 1" in the largely Hispanic city of Guadalupe, through which Highway 1 runs. The meeting was broadcast on the local public access channel since many of the Spanish-speaking residents potentially affected by Highway 1 projects rely on the channel to receive public affairs information. Caltrans provided a Spanish-language interpreter during the meeting and also made its Spanish-speaking public affairs officer available to meet with participants individually. During project planning for interstate improvements along Interstate 710 in California, engineers presented "good" alternatives to the affected communities; however, the proposed highway expansion would have removed low-income homes in communities that are 98% Spanish speaking. To ensure that their concerns were heard, California identified the affected communities and facilitated the establishment of Community Advisory Committees that held bilingual workshops between engineers and the public. The Minnesota DOT authored a manual detailing its requirements to provide access to all residents of Minnesota under environmental justice standards, which included ideas such as publishing notices in non-English newspapers, printing notices in appropriate languages, and providing interpreters at public meetings. In New Mexico, the Zuni Entrepreneurial Enterprises, Inc. (ZEE) Public Transportation Program designed the Zuni JOBLINKS program to develop, implement, and maintain a transportation system to link Native Americans and other traditionally unserved/underserved persons in the service area to needed vocational training and employment opportunities. Outreach for the program included radio announcements and posting of signs in English and Zuni that described ZEE's services and provided ZEE's phone number. Washington, DC's Metropolitan Area Transit Authority (WMATA) publishes pocket guides regarding its system in French, Spanish, German, and Japanese, and has a multi-language website link. In North Dakota, Souris Basin Transportation (SBT) started using visual logos on the sides of the vehicles to help illiterate passengers identify the bus on which they were riding. Although the illiteracy rate has dropped among seniors, SBT kept the logos on its vehicles for use by the growing LEP population and also

added volunteers who speak languages other than English (such as Spanish, German, Norwegian, Swedish, and French) available by phone to drivers and staff.

New York City Transit MetroCard vending machines are located in every station and contain software that allows them to be programmed in three languages in addition to English, based upon area demographics. Currently, these machines are capable of providing information in Spanish, French, French Creole, Russian, Chinese, Japanese, Italian, Korean, Greek, and Polish. The Metropolitan Atlanta Rapid Transit Authority (MARTA) advertises upcoming service and fare changes in Spanish, Korean, Vietnamese, and Chinese language newspapers. MARTA also produces a bilingual (Spanish/English) service modifications booklet. The Fort-Worth Transportation Authority communicates information about service and fare changes in Spanish and English. It recruits Spanish-speaking customer service representatives and bus operators and has a community outreach liaison who is bilingual. The transit provider also provides a Spanish-language interpreter at all public meetings.

The Salt Lake City International Airport maintains a list of 35 bilingual and multilingual employees who speak one of 19 languages (including three dialects of Chinese) and their contact information. The list is published in the [[Page 74100]] Airport Information Handbook and provided to all airport employees. The airport also contracts with a telephonic interpretation service to provide on-demand telephone interpretation services to beneficiaries. The Port of Seattle has 16 "Pathfinders" on staff who act as guides and information sources throughout the Seattle Tacoma International Airport. A key selection criterion for Pathfinders is multilingual ability. The Pathfinders collectively speak 15 languages and are often called on to act as interpreters for travelers who do not speak English. Pathfinders greet all international flights and are assigned to do so based on language skills. Seattle Tacoma International Airport's trains carry announcements in English, Japanese, and Korean. The Port of Seattle contributed \$5,000 to the creation of the City of Tukwila's "Newcomers Guide," which is published in six languages and includes information about the airport and Airport Jobs, a referral service for employment at the airport. The following is a sample notice that would be useful for recipients to add to the publications or signs for their programs, services, or activities, in order to notify LEP individuals of the availability of materials and services in other languages. Sample Notice of Availability of Materials and Services FOR FURTHER INFORMATION, CONTACT: For hearing-impaired individuals or non-English-speaking attendees wishing to arrange for a sign language or foreign language interpreter, please call or fax [name] of [organization] at Phone: xxx-yyy-zzzz, TTY: xxx-yyy-zzzz, or Fax: xxx-yyy-zzzz." \18\

\18\ If there is a known and substantial LEP population that may be served by the program discussed in the notice, the notice should be in the appropriate non-English language.

Appendix A to DOT Guidance DOT's Title VI regulation (49 CFR part 21) states the following, in relevant part: Sec. 21.5 Discrimination prohibited.

(a) General. No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program to which this part applies.

(b) Specific discriminatory actions prohibited:

(1) A recipient under any program to which this part applies may not, directly or through contractual or other arrangements, on the grounds of race, color, or national origin.

- (i)** Deny a person any service, financial aid, or other benefit provided under the program;
- (ii)** Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;
- (iii)** Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;
- (iv)** Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;
- (vi)** Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program; or
- (vii)** Deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of person to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of persons to be afforded an opportunity to participate in any such program; may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

* * * * *

(3) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

* * * * *

(4) This part does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin.

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BILLING CODE 4910-62-P

APPENDIX C

Non-Discrimination Complaint Procedure

The **Louisiana Department of Transportation and Development's** Non-Discrimination Complaint Procedure is made available in the following locations:

- Agency website
 - Hard copy in the central office
 - Agency Title VI Plan
-

Any individual, group of individuals or entity that believes they have been discriminated against on the basis of race, color, national origin, disability, sex, age, low-income, or LEP (Limited English Proficiency) by the **Louisiana Department of Transportation and Development (LADOTD)** may file a Non-Discrimination complaint by completing and submitting the agency's Non-Discrimination Complaint Form.

A complaint must be filed with the **Louisiana Department of Transportation and Development** no later than 180 days after the following:

1. The date of the alleged act of discrimination; or
2. The date when the person(s) became aware of the alleged discrimination; or
3. Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

Once the complaint is received, the **Louisiana Department of Transportation and Development** will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.

The **Louisiana Department of Transportation and Development** has 45 days to investigate the complaint.

After the investigator reviews the complaint, she/he will issue one of two (2) letters to the complainant: a closure letter or a letter of finding (LOF).

- ✓ A closure letter summarizes the allegations and states that there was not a discrimination violation and that the case will be closed.
- ✓ A letter of finding (LOF) summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur.

If the complainant wishes to appeal the decision, she/he has 180 days after the date of the letter or the LOF to do so. LADOTD will analyze the facts of the case and will issue its conclusion to the appellant within 60 days of the receipt of the appeal.

LADOTD maintains a Non-Discrimination Complaint Log for internal tracking purposes. All information contained within the complaint log is kept confidential.

Non-Discrimination Complaint Form

The Louisiana Department of Transportation and Development Non-Discrimination Complaint Procedure is made available in the following locations:

- Agency website
- Hard copy in the central office
- Agency Title VI Plan

Section I:			
Name:			
Address:			
Telephone (Home):		Telephone (Work):	
Electronic Mail Address:			
Accessible Format Requirements?	Require-	Large Print TDD	Audio Tape Other
Section II:			
Are you filing this complaint on your own behalf?		Yes*	No
*If you answered "yes" to this question, go to Section III.			
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
Section III:			
I believe the discrimination I experienced was based on (check all that apply):			
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Disability <input type="checkbox"/> Sex <input type="checkbox"/> Age <input type="checkbox"/> Income Status <input type="checkbox"/> LEP			
Date of Alleged Discrimination (Month, Day, Year): _____			
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form or a separate sheet of paper.			

Section IV:			
Have you previously filed a complaint with this agency?		Yes	No
Section V:			
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?			
<input type="checkbox"/> Yes		<input type="checkbox"/> No	

If yes, check all that apply:	
<input type="checkbox"/> Federal Agency: _____	
<input type="checkbox"/> Federal Court _____	<input type="checkbox"/> State Agency _____
<input type="checkbox"/> State Court _____	<input type="checkbox"/> Local Agency _____
Please provide information about a contact person at the agency/court where the complaint was filed.	
Name:	
Title:	
Agency:	
Address:	
Telephone:	
Section VI	
Name of agency complaint is against:	
Contact person:	
Title:	
Telephone number:	

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

Signature

Date

Please submit this form in person at the address below, or mail this form to:

Louisiana Department of Transportation and Development

Cynthia Harvey Douglas

Compliance Programs-Title VI/ADA

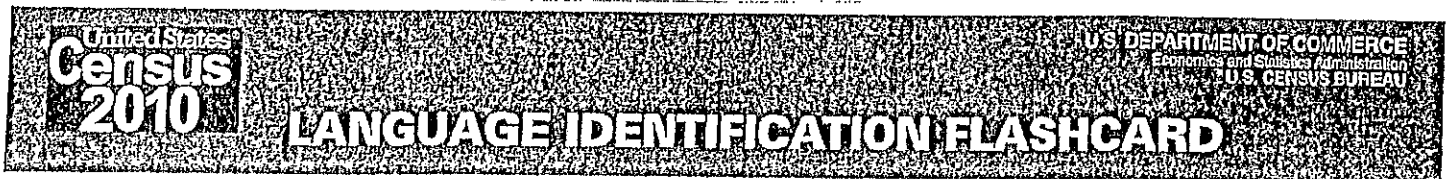
PO Box 94245

1201 Capitol Access Road

Baton Rouge, LA 70804-9245

Phone: 225-379-1923

cynthia.douglas@la.gov



LANGUAGE IDENTIFICATION FLASHCARD

Hello, I'm from the U.S. Census Bureau. Is someone here now who speaks English and can help us? If not, please write your phone number and someone will contact you in English.

01. English

Buenos días (Buenas tardes), soy de la Oficina del Censo de los Estados Unidos. ¿Se encuentra alguien que hable inglés y pueda ayudarnos? Si no, por favor, anote su número de teléfono y alguien se comunicará con usted en español.

02. Español/
Spanish

Përshëndetje, unë vij nga Zyra e Regjistrimit të Popullsisë së Sh.B.A-së. A ndodhet dikush tani këtu që flet anglisht dhe mund të na ndihmojë? Nëse jo, ju lutemi shkruani numrin e telefonit tuaj dhe dikush do t'ju kontaktojë në gjuhën shqipe.

03. Shqip/
Albanian

እንደምንት ፣ ከአሜሪካ የሕዝብ ቁጠራ ቢሮ ነኝ ። አሁን እንግሊዝኛ ቋንቋ የሚናገር እና ሲረዳን የሚችል ሰው አለ? ከሌለ እባክትን የስልክ ቁጥርን ይጻፉልንና በአማርኛ የሚያናግርት ይኖራል።

04. ቁሻርቁሽለ/
Amharic

مرحبًا، أنا من مكتب الإحصاء الأمريكي. هل يوجد هنا الآن شخص يتحدث الإنجليزية ويمكنه مساعدتنا؟ إذا كان لا يوجد، فلارجاء كتابة رقم هاتفكم وسيصل بكم أحد الأشخاص بلغة العربية.

05. العربية/
Arabic

Բարև Ձեզ, Ես ԱՄՆ-ի Մարդահամարի Բյուրոյից եմ: Ներկա՞ է արդյոք մեկը, որը խոսում է Անգլերեն և կարող է մեզ օժննել: Եթե ոչ, մտրեք Ձեր հեռախոսի համարը և Ձեզ հետ կկապվեն Հայերենով:

06. Հայերեն/
Armenian

হ্যালো, আমি ইউ.এস. সেন্সাস বিউরো থেকে এসেছি। এখানে এখন এমন কেউ আছেন কি যিনি ইংরেজি বলতে পারেন এবং আমাদের সাহায্য করতে পারেন যদি তেমন কেউ না থাকে, আপনার ফোন নম্বর লিখে দিন এবং আপনার সঙ্গে একজন বাংলায় যোগাযোগ করবেন।

07. বাংলা/
Bengali

Разрешете да ви се представя, аз съм служител на Бюрото по преброяване на населението на САЩ. Има ли тук някой, който говори английски и би могъл да ни помогне? Ако няма, моля, напишете своя телефонен номер, за да може някой от нашите служители да ви се обади на български.

08. български/
Bulgarian

နိုသယူဝ်မသာ အနု ဟနညကျ ကြမနကော ပါသာနသညန. နမန ညသတ တုသ ပုစနရူ နညါဗျ ညေိ
ခညေ. နူစ ကျိ ညသအယ ဝုနဗျန တမငအန ပသကမ စုသညန ညကာဘနမ ညေိ ပါသာနသညန တဂူ
သညအခေအ ပသက ငည နညါဗျ.

09. မြန်မာ/
Burmese

សូម្បី ខ្ញុំមកពីការិយាល័យជំរឿនរបស់សហរដ្ឋអាមេរិក ១ ឬ ១ ជនសុស ពុររុច ។ តើមានអ្នកនៅ ទីនេះដែលចេះនិយាយភាសាខ្មែរឬស្រីយ៉ាងច្រើន ឬ យើង
នេះ ? ប្រសិនបើមិនមានទេ សូមសរសេរ លេខទូរស័ព្ទរបស់អ្នកមក ហើយអរណាម្នាក់នឹងទាក់ទងអ្នកជាភាសាខ្មែរ ។

10. ភាសាខ្មែរ/
Cambodian

您好。我是为美国人口普查局工作的。您这里有没有会说英语的人可以帮助我们？如果没有，
请写下您的电话号码，然后将有人用中文与您联系。

11. 中文/
Chinese
(Simplified)

您好。我是为美国人口普查局工作的。請問您這裡有沒有會說英語的人可以幫助我們？如
果沒有，請寫下您的電話號碼，之後將有人使用中文與您聯絡。

12. 中文/
Chinese
(Traditional)

Dobar dan, ja sam iz Američkog biroa za cenzus. Ima li ovdje nekoga tko govori engleski i može
nam pomoći? Ako nema, molim Vas da napišete svoj broj telefona, pa ćemo stupiti s Vama u
kontakt na hrvatskom jeziku.

13. hrvatski/
Croatian

Dobrý den, jsem z Amerického úřadu pro sčítání lidu (U.S. Census Bureau). Je zde někdo, kdo
hovoří anglicky a může nám pomoci? Pokud ne, napište prosím své telefonní číslo a někdo Vás
bude kontaktovat v češtině.

14. čeština/
Czech

سلام، من در دفتر نفوس شماری، در ایالات متحده امریکا ایفای وظیفه مینمایم. آیا همراه شما،
همین لحظه کسی است که با لسان انگلیسی آشنایی داشته باشد و ما را کمک کرده بتواند؟ اگر
نیست، پس لطفاً نمبر تلفونیتانرا بدهیشتا به لسان هندی با شما در تماس شویم.

15. دری/
Dari

Kudual, ʔen ʔe raan de maktam de kuɛn de koc de Amerika. Non raan ʔe jam ɛ thon de Linglith lɛu
bɛ wok kony ɛ kɛ looiku? Na liu, ke yɛ gɔɔr telepundu ku anɔŋ raan bɛ yɛn cɔl ɛ thuonjɛŋ.

16. Thuanjɛŋ/
Dinka

Hallo, ik ben van het Amerikaanse Census Bureau. Is er iemand hier die Engels spreekt en ons kan
helpen? Als dat niet zo is, wilt u dan uw telefoonnummer opschrijven? Dan zal iemand telefonisch
contact met u opnemen in het Nederlands.

17. Nederlands/
Dutch

سلام. من یک کارمند اداره سرشماری ایالات متحده هستم. آیا کسی حالا اینجا هست که به زبان انگلیسی صحبت میکند و میتواند به ما کمک کند؟ اگر کسی نیست، لطفاً شماره تلفنتان را بنویسید، و یک نفر به زبان فارسی با شما تماس خواهد گرفت.

18. فارسی/
Farsi

Bonjour, je travaille pour le Bureau de Recensement des États-Unis. Y a-t-il quelqu'un ici qui parle anglais et puisse nous aider ? Sinon, notez votre numéro de téléphone pour que quelqu'un puisse vous contacter en Français.

19. Français/
French

Guten Tag, ich komme im Auftrag des Bundesbüro zu Durchführung von Volkszählungen. Kann ich mit jemandem sprechen, der Englisch spricht und der uns helfen kann? Wenn nicht, schreiben Sie bitte Ihre Telefonnummer auf und es wird sich jemand in deutscher Sprache mit Ihnen in Verbindung setzen.

20. Deutsch/
German

Γειά σας,
Είμαστε από την Υπηρεσία Απογραφής των ΗΠΑ. Είναι κανείς εδώ αυτή τη στιγμή που μιλάει Αγγλικά να μας εξυπηρετήσει; Αν όχι, παρακαλώ σημειώστε το τηλέφωνό σας και θα επικοινωνήσει κάποιος μαζί σας στα ΕΛΛΗΝΙΚΑ.

21. Ελληνικά/
Greek

Bonjou, mwen se anpwlaye biwo resansman ameriken. Èske m ka pale ak yon moun nan kay la ki konn pale anglè ? Si pa gen moun nan kay la ki pale anglè, tanpri ekri nimewo telefòn ou pou yon moun kki pale kreyòl ayisyen rele w.

22. kreyòl ayisyen/
Haitian Creole

שלום, אני ממושרד מפקד האוכלוסין של ארצות הברית. האם יש כאן מישהו ברגע זה שמדבר אנגלית ויכול לעזור לנו? במידה ולא, אנא כתבו את מספר הטלפון שלכם ומישהו ייצור קשר אתכם בשפה העברית.

23. עברית/
Hebrew

हैलो, मैं यूएस. जनगणना ब्यूरो से हूँ। क्या अभी यहाँ ऐसा कोई व्यक्ति है जो अंग्रेजी बोलता हो और हमारी मदद कर सकता हो? यदि नहीं, तो कृपया अपना फोन नंबर लिखें और कोई व्यक्ति आपसे हिन्दी में संपर्क करेगा।

24. हिन्दी/
Hindi

Nyob zoo. Kuv tuaj hauv Teb Chaws Asmeskas Chaw Suav Pej Xeem tuaj. Puas muaj leej twg nyob hauv tsev uas txawj lus Askiv thiab pab tau peb? Yog tsis muaj, thov sau koj tus xov tooj tseg, mam li muaj ib tug neeg hals lus Hmoob hu tuaj rau koj.

25. Hmoob/
Hmong

Jó napot kívánok, az Egyesült Államok Népszámlálási Hivatalától vagyok. Van a közelben valaki, aki beszél angolul, és segíteni tud nekünk? Ha nem, kérem, írja le a telefonszámát, és kapcsolatba fogunk lépni Önnel magyarul.

26. Magyar/
Hungarian

Hello, taga Census Bureau ako ng U.S. Adda kadi kadakayo nga makapagsarita ti English ken mabalin nga tumulong kaniami? Nu awan paki surat yo iti numero iti telepono yo ta adda iti tumawag kaniayo nga ag Ilocano.

27. Ilocano/
Ilocano

Salve, chiamo da parte del Census Bureau degli Stati Uniti. C'è qualcuno che parla inglese ed è in grado di aiutarci? In caso negativo, scriva il numero di telefono e sarà contattato da qualcuno che parla Italiano.

28. Italiano/
Italian

こんにちは。私は米国勢調査局の係員です。こちらには英語を理解できこの調査にご協力いただける方がいらっしゃいますか？もしない場合は、あなたのお電話番号をお書きいただければ、日本語を話す係員が連絡をいたします。

29. 日本語/
Japanese

안녕하세요. 저는 미국 인구조사국에서 일하고 있습니다. 영어를 사용하시는 분 중에 저희를 도와 주실 수 있는 분이 여기 계십니까? 없으신 경우, 전화번호를 적어주시면 한국어를 할 수 있는 직원이 연락을 드릴 것입니다.

30. 한국어/
Korean

ສະບາຍດີ, ຂ້າພະເຈົ້າ ມາຈາກສຳນັກງານສຳຫຼວດພົນລະເມືອງ ແຫ່ງສະຫະລັດອາເມລິກາ. ມີໃຜຢູ່ທີ່ນີ້ ສາມາດເວົ້າພາສາອັງກິດ ແລະ ຊ່ວຍເຫຼືອພວກເຮົາໄດ້ບໍ່? ຖ້າບໍ່ມີ, ກະລຸນາຂຽນເລກ ໂທລະສັບຂອງທ່ານ ແລະ ພວກເຮົາ ຈະຕິດຕໍ່ຫາທ່ານ ເປັນພາສາລາວ.

31. ພາສາລາວ/
Laotian

Sveiki, aš esu iš JAV Gyventojų surašymo biuro. Ar čia dabar yra kas nors, kas kalba angliškai ir galėtų mums padėti? Jei ne, prašome užrašyti savo telefono numerį ir su jumis susisieks lietuvių kalba.

32. Lietuvių/
Lithuanian

ഹലോ, ഞാൻ യു എസ് സെൻസസ് ബ്യൂറോയിൽ നിന്നാണ്. ഇംഗ്ലീഷ് സംസാരിക്കുന്ന ആരെങ്കിലും ഇപ്പോൾ ഇവിടെയുണ്ടോ ഞങ്ങളെ സഹായിക്കാൻ? ഇല്ലെങ്കിൽ, നിങ്ങളുടെ ടെലിഫോൺ നമ്പർ എഴുതി നൽകുക. മലയാളത്തിൽ സംസാരിക്കുന്ന ആരെങ്കിലും താങ്കളെ ബന്ധപ്പെടും.

33. മലയാളം/
Malayalam

Yá'át'ééh, Neeznáá nináháháágo Bila'ashdla'ii náóltah bił haz'ą́ bá naashnish. Háidaa'ish kóó Bilagáanaa biq zaad yee yá'ítí'ígíí hólí? 'Ádingo 'éí nibéésh bee hane'és nihá 'ádíííííí dóó t'áá háida t'áá Diné Bizaad yee yá'ítí'ígíí nich'í' náhodoolnih.

34. Diné Bizaad/
Navajo

नमस्ते, म अमेरिकाको जनगणना अफिसबाट आएको । यहाँ अंग्रेजी बोल्न जान्ने अन्त हामीलाई मदत गर्नसक्ने कोहि मान्छे छन ? नभ्या, तपाईंको फोन नम्बर लेखिदिनु अनि कसैले तपाईंसित नेपाली भाषामा कुरा गर्नछन् ।

35. नेपाली/
Nepali

ਹੈਲੋ, ਮੈਂ ਯੂ ਐੱਸ. ਜਨਗਣਨਾ ਬਿਊਰੋ ਵਲੋਂ ਆਇਆ/ਆਈ ਹਾਂ। ਕੀ ਇਥੇ ਕੋਈ ਅੰਗਰੇਜ਼ੀ ਬੋਲ ਸਕਦਾ ਹੈ ਅਤੇ ਸਾਡੀ ਮਦਦ ਕਰ ਸਕਦਾ ਹੈ? ਜੇ ਨਹੀਂ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਆਪਣਾ ਟੈਲੀਫੋਨ ਨੰਬਰ ਲਿਖ ਦਿਉ ਅਤੇ ਕੋਈ ਤੁਹਾਨੂੰ ਪੰਜਾਬੀ ਵਿੱਚ ਸੰਪਰਕ ਕਰੇਗਾ।

36. ਪੰਜਾਬੀ/
Panjabi

Dzień dobry. Jestem z Amerykańskiego Biura Spisu Ludności. Czy ktoś tutaj mówi po angielsku i mógłby nam pomóc? Jeżeli nie, proszę napisać swój numer telefonu, a ktoś skontaktuje się z Państwem po polsku.

37. Polski/
Polish

Olá, sou do Serviço de censo dos Estados Unidos. Alguém aqui fala inglês e pode nos ajudar? Caso contrário, escreva seu telefone e alguém vai entrar em contato com você em português.

38. Português/
Portuguese

Bună ziua, sunt de la Biroul de Recensământ al S.U.A. Este cineva aici, în acest moment, care vorbește engleză și ne poate ajuta? Dacă nu, vă rog scrieți-vă numărul de telefon și cineva vă va contacta telefonic în română.

39. Română/
Romanian

Здравствуйте! Я представляю Бюро переписи населения Соединенных Штатов. Присутствует здесь кто-нибудь, кто говорит по-английски и мог бы помочь нам? Если нет, то, пожалуйста, напишите свой телефонный номер, чтобы наши сотрудники могли побеседовать с вами по-русски.

40. русский/
Russian

Добар дан, ја сам из Америчког бироа за попис становништва. Да ли овде има некога ко говори енглески и може да нам помогне? Ако нема, молим Вас да напишете свој број телефона, па ћемо контактирати с Вама на српском језику.

41. српски/
Serbian

Hallo, Waxaan anigu ka tirsanahay Xafiiska Tirakoobka Mareykanka. Halkan ciddi ma Joogta hadda oo ku hadasha Ingiriisiga oo na caawin karta? Haddi kalese, fadlan qor lambarka talafoonkaaga markaasna qof ayaa kugulasoo xidhiidhi doona adiga Soomaalliga.

42. Soomaali/
Somali

Halo, nimetoka Shirika la Sensa la Merika Je, kuna mtu hapa sasa anayezungumza Kiingereza na anaweza kutusaidia? Ikiwa hakuna, tafadhali andika nambari yako ya simu na mtu atawasiliana na wewe kwa Kiswahili.

43. Kiswahili/
Swahili

Hello, Ako'y galing sa U.S. Census Bureau. Mayroon ba ditong marunong magsalita ng Ingles at makakatulong sa amin ngayon? Kung wala, pakisulat ang telepono ninyo at may tatawag sa inyo sa Tagalog.

44. Tagalog/
Tagalog

Appendix E

Memorandum

U.S. Department of Transportation Federal Highway Administration

Date: April 7, 2006

Subject: ACTION: Implementation of Executive Order
13166-Improving Access to Services for People with Limited
English Proficiency

From: Frederick D. Isler, Associate Administrator for Civil Rights

To: Division Administrators, Directors of Resource Centers,
Directors of Field Services

Reply to: Attention of: HCR -10

On August 11, 2000, President Clinton issued Executive Order (EO) 13166 directing Federal agencies to ensure that their program and activities are accessible to persons with Limited English Proficiency (LEP). The EO requires each Federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each agency must prepare a plan to improve access to its Federally conducted programs and activities (i.e., the services it provides directly to the public) by eligible LEP persons.

In accordance with the EO, the U.S. Department of Transportation (DOT) published revised LEP guidelines concerning service and policies by recipients of Federal financial assistance in the Federal Register (70 FR 74087) on December 14, 2005 (see attached). This guidance supersedes existing guidance on the same subject originally published in the 66 FR 6733 (January 22, 2001). The purpose of this LEP policy guidance is to clarify the responsibilities of recipients of Federal financial assistance from the USDOT recipients and assist them in fulfilling their responsibilities to LEP persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. The guidance applies to all DOT funding recipients, which include State departments of transportation, State motor vehicle administrations, airport operators, metropolitan planning organizations (MPO), and regional, State, and local transit operators, among many others. Additional information regarding DOT's LEP guidance can also be found at <http://www.dotor.ost.dot.gov/asp/lep.asp>. The DOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

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.

In accordance with the requirements, the FHWA's Office of Civil Rights is available to assist with the implementation of the EO 13166. Please distribute this information to your State partners, local government, MPOs, etc. and work with them in the implementation of the LEP requirements.

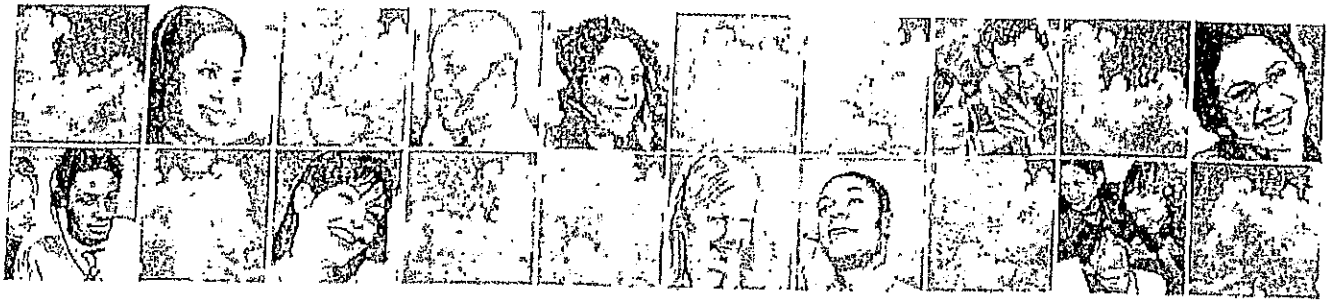
Should you have any questions, please contact either Ms. Rosemarie Morales at (410)779-7150, Ms. Linda J. Williams at (202)366-1604, or Ms. Ann Wicks at (202) 366-2213.

Thank you for your assistance in this important matter.

Attachment:

LEP Guidelines, Federal Register (70 FR 74087)
TEXT PDF (111 KB)

cc: Joseph Austin



Appendix F

“One Moment Please” TOOL

Language:	Written in Language	Phonetic Pronunciation
Albanian:	Nje minutë ju lutem.	nee-yeh mee-noo-teh you loo-tem
Arabic:	دقيقة من فضلك	dakika meen fahdlock (masculine) dakika meen fahdlick (feminine)
Chinese:	请稍候	ching show hoe
French:	Un moment s'il vous plaît.	uhn moe-mon seal-voo-play
German:	Einen Moment bitte.	eye-nen moment bee-teh
Gujarati:	મેહરબાની કરીને એક પણ થોભશો	meherbani kariné ek pul thobso
Haitian Creole:	Tanpri lann yon li moman.	tan-pree tan yaw tee moe-maw
Hindi:	कृपया एक पल प्रतीक्षा करें	kreepya ek pal prateeksha karen
Italian:	Un momento per favore.	oon moe-mento pair fah-vore-ay
Japanese:	少々お待ちください。	shosho omachi kudasai
Korean:	잠깐 기다리세요	jam-kan ki-da-ri-se-yo
Polish:	Moment, proszę.	moment prosheh
Portuguese:	Um momento, por favor.	um moe-mento, poor fah-vor
Russian:	Подождите, пожалуйста.	padazhdite, pazhalusta
Spanish:	Un momento por favor.	oon moe-mento poor fah-vor
Swahili:	Subiri kidogo	soo-bee-re key-dough-go
Tamil:	தயவு செய்து ஒரு நிமிடம்	dye-ya-vu seydu oru nimi-dom
Vietnamese:	Xin chờ một chút	sin char moe-chew

Appendix G

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 Louisiana Department of Transportation and Development (LADOTD) is conducting a survey in the Central Office to determine the level of potential resources available within LADOTD for possible language translation and interpretation. The Civil Rights Division has a language service contract that will be the primary source for interpretations. We anticipate using employees as a back up resource from time to time. Disclosure of this information is strictly voluntary.

Name: Division:

Please indicate languages you speak in addition to English:

Spanish Polish

Chinese (Mandarin) Portuguese

Chinese (Cantonese) Thai

Japanese Arabic

Korean Hebrew

Russian Hindi

Vietnamese Bosnian

Armenian Punjabi

Cambodian (Khmer) Urdu

German Tagalog

Haitian Creole African Dialects

Italian Other

Language #1:

Read Fluent Passable Limited

Write Fluent Passable Limited

Speak	Fluent	Passable	Limited
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Language #2:

Read	Fluent	Passable	Limited
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Write	Fluent	Passable	Limited
-------	--------	----------	---------

Speak	Fluent	Passable	Limited
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Language #3:

Read	Fluent	Passable	Limited
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Write	Fluent	Passable	Limited
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Speak	Fluent	Passable	Limited
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Please indicate whether you would be willing to provide language assistance.

Yes

No

If you have any questions or need assistance, please contact LADOTD's Civil Rights Division at 225-379-1382.

Addendum G

PUBLIC INVOLVEMENT PROCEDURES FOR STAGE 1 ENVIRONMENTAL PROCESS

as of February 2015

PURPOSE:

Public involvement provides stakeholders, including federal, state, and local agencies and officials, and the public, the opportunity to participate in Louisiana's transportation program. Public involvement occurs during various stages of a project. These procedures relate to the Stage 1 Environmental Process, an early stage in LADOTD's Project Delivery Process in which LADOTD processes projects requiring permits, approvals, or utilizing federal funds in compliance with the National Environmental Policy Act (NEPA).

These procedures incorporate the LADOTD Secretary's Policy for Achieving Context Sensitive Solutions collaborative approach to decision making whereby transportation solutions are developed that fit within the context of their surroundings. The intent is to deliver better projects for the community and the State as a whole.

Many of LADOTD's projects involve the Federal Highway Administration (FHWA) and compliance with FHWA rules, regulations, policies, and guidance. FHWA's Environmental Policy Statement stresses the full involvement of all partners. It is FHWA policy to:

- Pursue communication and collaboration with Federal, state, and local partners in the transportation and environmental communities, including other modal administrations within the U.S. DOT.
- Seek new partnerships with tribal governments, businesses, transportation and environmental interests groups, resource and regulatory agencies, affected neighborhoods, and the public.
- Ensure that those historically underserved by the transportation system, including minority and low-income populations, are included in outreach.
- Actively involve partners and all affected parties in an open, cooperative, and collaborative process, beginning at the earliest planning stages and continuing through project development, construction, and operations.
- Ensure the development of comprehensive and cooperative public involvement programs during statewide and metropolitan planning and project development activities.

Per FHWA's Public Involvement Requirements, each State must have procedures approved by FHWA to carry out a public involvement/ public hearing program pursuant to 23 U.S.C. 128 and 40 CFR parts 1500 through 1508. State public involvement/public hearing procedures must provide for:

- Coordination of public involvement activities and public hearings with the entire NEPA process.
- Early and continuing opportunities during project development for the public to be involved in the identification of social, economic, and environmental impacts, as well as impacts associated with relocation of individuals, groups, or institutions.
- One or more public hearings or the opportunity for hearing(s) to be held by the State highway agency at a convenient time and place for any Federal-aid project which requires significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which the FHWA determines that a public hearing is in the public interest.
- Reasonable notice to the public of either a public hearing or the opportunity for a public hearing. Such notice will indicate the availability of explanatory information. The notice shall also provide information required to comply with public involvement requirements of other laws, Executive Orders, and regulations.

SAFETEA-LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users approved in 2005) further defined the role of agencies involved with a transportation project receiving Federal (FHWA) funds. The SAFETEA-LU Environmental Review Process Final Guidance, issued November 15th, 2006, defines the role of Lead Agencies, Participating Agencies, and Cooperating Agencies. The purpose of the environmental streamlining provisions are to coordinate Federal agency involvement in major highway projects under the NEPA process and to address concerns relating to delays in implementing projects, unnecessary duplication of effort, and added costs often associated with the conventional process for reviewing and approving surface transportation projects.

The Center for Environmental Quality (CEQ) goals of improved transparency and informed decision making, include improving the effectiveness of public engagement, by making NEPA documents and analyses easier to read and understand, and by enhancing public involvement to address environmental justice or other community concerns.

UTILIZATION:

Successful stakeholder involvement means providing equitable access to the decision making process, providing opportunity for participation by all populations in a community, obtaining meaningful input, meaningful collaboration, and careful consideration of input when transportation decisions are made, resulting in better transportation solutions.

Comments received as a result of solicitation of views, publication of environmental documents, and public involvement events are reviewed, considered, and addressed to extent possible in the environmental document.

Commitments identified during the Stage 1 process will be included in the Permits, Mitigation, and Commitments page of the environmental document prepared for the project.

PROCEDURES:

A variety of methods are used in seeking stakeholder involvement. The four most frequently used are solicitation of views, public meetings, comment on environmental documents, and public hearings. These methods may be singularly or in combination depending on the nature of each proposed project.

Additional methods, such as project websites with option for submitting comments via internet, newsletters, flyers, telephone hot-lines, charrettes, and local project offices, are used on a project basis. Social media may also be used on a project basis provided there is an approved protocol for documenting and responding to comments.

Innovative methods that encourage participation may be used provided that the methods receive prior approval from Environmental Engineer Administrator, as well as FHWA for federally-funded projects.

Public Involvement carried out during Stage 0 Feasibility can be incorporated into the Stage 1 NEPA process, particularly if handled in accordance with the Public Meeting procedures below.

Solicitations of Views (SOV):

Early coordination with appropriate local, state, and federal agencies is accomplished by solicitation of views to assist in the identification of reasonable alternatives and the evaluation of the social, economic, and environmental impacts of any proposed action and measures to mitigate adverse impacts which result from that action.

The Environmental Section maintains lists of various federal, state, and local agencies and officials, and federally-recognized Tribes. The state list of federal and state agencies and officials includes those with jurisdiction/interest statewide. The parish lists of federal, state, and local agencies and officials include those with jurisdiction/interest within the applicable parish. Upon request, any group or individual can be included on a list.

SOVs are sent to the state list and parish list(s) in which the proposed project is located. SOVs include:

- Cover letter, which includes explanation of why views are being solicited, and requested date for receipt of comments
- Preliminary project description, which includes preliminary purpose and need, and preliminary build alternatives (when applicable)
- Vicinity map showing the location of the proposed project

SOVs are done as early as possible in the environmental process for projects other than minor federally-funded and state-funded projects such as overlays, turn lanes, signage, etc. Recipients are usually requested to provide comments within 30 days. SOVs may include information about early coordination for Section 106 of the National Historic Preservation Act.

Views are solicited for federally-funded: Categorical Exclusions upon receipt of preliminary plans or comparable project information; Environmental Assessments (EA) upon approval of the Logical Termini for the project study area; and Environmental Impact Statements (EIS) after publication of Notice of Intent in the Federal Register.

Views may be solicited for state-funded only projects upon receipt of sufficient project information.

PUBLIC MEETINGS:

Public Meetings are held early in the environmental process to provide information about proposed projects and obtain input from interested parties. They are held at convenient and accessible locations and provide reasonable opportunities for participation.

Public Meeting notices are:

- Published two times as display ads in a prominent section of the newspaper(s) with substantial circulation in the project area -- one time within the 2nd week prior to the meeting and one time within the week prior, or at the discretion of the Environmental Engineer Administrator
- Mailed or e-mailed to the state and applicable parish SOV lists, list of attendees from previous public involvement events, and other project-specific stakeholders
- Mailed or e-mailed to radio and television stations in the project area with request for public service announcements
- Posted on DOTD's internet website

Public Meeting notices contain:

- Purpose of meeting
- Brief project description and location
- Date, time, and place of meeting
- Statement that should assistance be required due to a disability to participate, the meeting organizer should be notified at least 5 days in advance so accommodations can be arranged

Handout. Handouts that include preliminary information about the proposed project are distributed at meetings. Written comment forms with return mailing address are provided in the handouts.

Format. The meeting format is flexible and can be moderated, open house, or combination. At moderated meetings, the opening remarks, technical presentation, and question & answer portions are recorded. Open house format includes a continuous multimedia presentation with voiceover, and court reporter or tape recorder available for verbal statements. For combination format, the open house portion typically takes place prior to the moderated portion.

Presentation and handout include:

- Preliminary Purpose and Need
- Pertinent location and design information, including preliminary alternatives and major design features
- Federal/state/local relationship in the financing of the project
- Written comment forms with return mailing address

Transcript. A transcript of the meeting which includes meeting notice, handout(s), moderated presentation or continuous multimedia presentation, sign-in sheets, verbatim verbal comments, and written statements, is distributed (see attached distribution list).

PUBLIC HEARINGS

Public Hearings, or opportunities for requesting public hearings, are a required part of the NEPA process for projects processed as EAs and EISs. A Public Hearing is held after the EA or DEIS has been approved by FHWA for publication and distributed for public comment.

Notices of Opportunity:

Two notices of opportunity are published in newspapers having general circulation in the project area. The second notice is published no sooner than one week after the first. Requests for public hearings must be submitted within fourteen days after publication of the second notice.

Request for Hearing:

If any requests are received within the stipulated period, a public hearing will be held unless the request(s) is resolved and withdrawn.

Notices of Public Hearing are:

- Published two times as display ads in prominent sections of newspaper(s) with substantial circulation in the project area – one time 30-40 days prior to the hearing and one time 5-12 days prior
- Mailed or e-mailed to the state and applicable parish SOV lists, list of attendees from public meetings and other public involvement events, and other project-specific stakeholders
- Mailed or e-mailed to radio and television stations in the project area with request for public services announcements
- Posted on DOTD's internet website

Public Hearing notices contain:

- Project description and location
- Date, time, and place of hearing
- Indication that information regarding acquisition of right-of-way and relocation assistance will be presented (as applicable)
- Location of environmental document and availability for review and purchase
- Indication that tentative schedules for right-of-way acquisition and construction will be discussed
- Description of provisions for submission of verbal statements and written statements within 10 calendar days following the hearing
- Location map of proposed project
- Statement that should assistance be required due to a disability to participate, the meeting organizer should be notified at least 5 days in advance so that accommodations can be arranged

Handout. Handouts that include information about the proposed project are distributed at hearings. Written comment forms, with return mailing address and statement that comments will be received for ten calendar days following the hearing, are provided at the hearing.

Format. The hearing format can be moderated, open house, or combination. At moderated hearings, the opening remarks, technical presentation, and comment portions are recorded. Written statements are accepted for the official record and addressed later in the final environmental document. Open house format includes a continuous multimedia presentation with voiceover, and court reporter or tape recorder available for verbal statements. For combination format, the open house portion typically takes place prior to the moderated portion.

Presentation and handout include:

- Purpose and Need
- Information regarding consistency with local urban planning
- Pertinent location and design information, including alternatives and major design features, as well as preferred alternative, if identified
- Explanation of public availability of all information developed in support of the project location and design recommended
- Identification and explanation of encroachments on floodplains
- Identification and explanation of impact to wetlands/other waters
- Identification and explanation of other impacts, including Sections 106, 4(f), and 6(f) properties as applicable
- Federal/state/local relationship in the financing of the project
- Estimated number of individual, families, businesses, farms, and nonprofit organizations to be relocated by each alternative under consideration
- Tentative schedule for right-of-way acquisition and construction
- Explanation of DOTD's Acquisition of Right-of-Way and Relocation Assistance Program
- Written comment forms with return mailing address

Transcript. A transcript of the hearing which includes hearing notice, handout(s), moderated presentation or continuous multimedia presentation, sign-in sheets, verbatim verbal comments, and written statements, is distributed (see attached distribution list).

OTHER TYPES OF PUBLIC INVOLVEMENT:

Consulting Party participation under Section 106 of the National Historic Preservation Act: Consulting Parties are identified for involvement in the findings and determinations made during the Section 106 process regarding a project's effect on historic properties (properties listed on or determined eligible for the National Register of Historic Places). Consulting Parties can include State Historic Preservation Officer, federally-recognized Indian tribes, Tribal Historic Preservation Officers, and individuals and organizations with a demonstrated interest in the project. Identification of Consulting Parties can be done using procedures for public involvement under NEPA (SOV, Public Meeting, etc.) and may also include Consulting Party meetings. Projects for which additional Consulting Party involvement is identified after environmental document approval will be handled on a project basis.

Public Involvement under Section 4(f) of the US Department of Transportation Act for *de minimis* impact determinations.

Prior to making *de minimis* impact determinations under §774.3(b), the following coordination shall be undertaken: For historic properties, the consulting parties identified in accordance with 36 CFR part 800 must be consulted; and FHWA must receive written concurrence from the pertinent State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO), and from the Advisory Council on Historic Preservation (ACHP) if participating in the consultation process, in a finding of “no adverse effect” or “no historic properties affected” in accordance with 36 CFR part 800. FHWA shall inform these officials of its intent to make a *de minimis* impact determination based on their concurrence in the finding of “no adverse effect” or “no historic properties affected.”

For parks, recreation areas, and wildlife and waterfowl refuges, public notice and an opportunity for public review and comment concerning the effects on the protected activities, features, or attributes of the property must be provided. This requirement can be satisfied in conjunction with other public involvement procedures, such as a comment period provided on a NEPA document. FHWA shall inform the official(s) with jurisdiction of its intent to make a *de minimis* impact finding. Following an opportunity for public review and comment, the official(s) with jurisdiction over the Section 4(f) resource must concur in writing that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection. This concurrence may be combined with other comments on the project provided by the official(s).

DOCUMENTATION FOR FEDERALLY-FUNDED PROJECTS (FHWA)

Three types of environmental documents are prepared in compliance with the National Environmental Policy Act: Categorical Exclusion, Environmental Assessment, and Environmental Impact Statement.

Categorical Exclusions:

Views are usually solicited for projects in this category. Public Meetings for this category of projects can be held when considered desirable to inform area residents and/or businesses of the proposed project and receive comments related to the project.

Environmental Assessments and Environmental Impact Statements:

Projects for which preparation of an Environmental Assessment (EA) or Environmental Impact Statement (EIS) is warranted will require at least a solicitation of views, public meeting, and public hearing.

If there are no substantial public comments in response to the solicitation of views or public meeting(s), an opportunity for requesting a public hearing can be provided. If requested, a public hearing will be held unless the request is resolved and withdrawn.

Environmental Assessments (EA): Upon approval of the EA by the lead federal agency, usually the Federal Highway Administration (FHWA), the document is made available at the parish library and local branches in the project area as well as applicable DOTD district office. Its availability is made known by publication of display ads in local newspaper(s). The comment period is a minimum of 21 days from date of first publication. The notice of availability for the EA is combined with the notice of public hearing in newspaper display advertisement. The document is distributed to agencies and officials as appropriate (see attached list). The document may be posted on DOTD's internet website.

Draft Environmental Impact Statements (DEIS): Upon approval of the DEIS by the lead federal agency (usually FHWA), the document is made available for review and comment at the parish library and local branches in the project area, FHWA, DOTD headquarters, and applicable DOTD District office. Document availability is made known through publication of a Federal Register notice of a 45-day comment period as well as publication of display ad in local newspaper(s). The notice of availability for the DEIS is combined with the notice of public hearing in newspaper display advertisement. The document is distributed to cooperating and resource agencies as well as other agencies and officials as appropriate (see attached list). The document may be posted on DOTD's internet website.

Final Environmental Impact Statements (FEIS): Upon approval of the FEIS by the federal agency (usually FHWA), the document is made available for review and comment at the parish library and local branches in the project area, FHWA, DOTD headquarters, and applicable DOTD District office. Document availability is made known through publication of a Federal Register notice of a 30-day comment period as well as publication of display ad in local newspaper. The document is distributed to cooperating and resource agencies as well as other agencies, officials, and interested parties as appropriate (see attached list), including parties who commented on the DEIS. The document may be posted on DOTD's internet website.

Re-evaluations:

Public involvement for projects in which there are changes in the scope of the proposed project and/or impacts and a Re-evaluation of the approved CE/EA/EIS is warranted will be handled on a project basis. This public involvement may include solicitation of views, public meeting, or other public involvement as deemed appropriate to the scale of the changes.

Supplemental EAs and EISs:

Public involvement for projects in which substantial changes to the scope of the proposed project and/or impacts are determined and a Supplemental EA or Supplemental EIS is warranted will be handled on a project basis. This public involvement may include solicitation of views, public meeting/hearing, or other public involvement as deemed appropriate to the scale of the changes.

Other Federal Project Documentation:

The procedures regarding public involvement for other Federal projects will comply with Council on Environmental Quality (CEQ) regulations as well as the regulations and guidance of the respective Federal agency.

Documentation for State-Funded only Projects:

For state-funded only projects, DOTD will follow the same procedure followed for FHWA projects to the extent practicable and reasonable.

AN ADDENDUM TO PUBLIC INVOLVEMENT PROCEDURES
FOR STAGE 1 ENVIRONMENTAL PROCESS

as of December 10, 2020

PURPOSE:

Insert reference to 23 USC 139 when citing FHWA's procedures.

UTILIZATION:

All populations in a community include, but are not limited to, minority and low income populations, persons with limited English proficiency, the elderly, and disabled persons. LADOTD has guidance for encouraging diverse representation at public meetings¹ along with guidelines for limited English proficiency.² DOTD has a Title VI Plan³ and an ADA Plan⁴ which discuss compliance with Title VI of the Civil Rights Act and the American with Disabilities Act, respectively.

PROCEDURES:

Virtual public involvement is acceptable and may use one or more different platforms such as websites, web or phone based applications, video, or social media platforms.

During a Federal or State declared emergency, which often requires immediate action or expedited delivery, innovative methods using different techniques are encouraged.

DOTD has requirements for public involvement for specific projects⁵.

Press and media inquiries are referred to the DOTD's Public Relations office. Staff from DOTD's Public Relations office coordinate with the press and media outlets. They handle media inquiries and requests as well as issue press releases.

¹ Guidance for Encouraging Diverse DOTD Representation at Public Meetings,
(http://ladotnet/administration/compliance/documents/diversity/guidance_for_encouraging_diverse_dotd_representation_at_public_meetings.pdf)

² Limited English Proficiency Guidelines
([http://wwwsp.dotd.la.gov/Inside_LaDOTD/Divisions/Administration/Compliance/Title%20VI/Limited%20English%20Proficiency%20\(LEP\)/LEP%20PLAN%20FINAL.pdf](http://wwwsp.dotd.la.gov/Inside_LaDOTD/Divisions/Administration/Compliance/Title%20VI/Limited%20English%20Proficiency%20(LEP)/LEP%20PLAN%20FINAL.pdf))

³ Title VI Plan,
(http://wwwsp.dotd.la.gov/Inside_LaDOTD/Divisions/Administration/Compliance/Title%20VI/2020%20Title%20VI%20Program/_2020_Title_VI_Plan.pdf)

⁴ Americans with Disabilities Act Plan,
(http://wwwsp.dotd.la.gov/Inside_LaDOTD/Divisions/Administration/Compliance/ADA%20Program/ADA%20Transition%20Plan%20Final%2010-2018.pdf)

⁵ LADOTD EDSM VI.1.1.9 Access Management and Public Involvement

Solicitations of Views (SOV):

For some projects, the solicitation of views may be limited to entities with an interest in the project based on the project's location or context. In the cases of emergency repair projects, the solicitation is often limited to resource and permitting agencies and typically consists of an email or phone call rather than a letter.

PUBLIC MEETINGS:

Public Meeting notices are:

- Posted on DOTD's internet website and emailed to the MyDOTD⁶ list.

Format.

Virtual public involvement is acceptable for public meetings either alone or in conjunction with another format.

The information presented at a public meeting is dependent on the reason for the meeting. Information may be presented in a variety of forms such as exhibits, computer modeling, visual images, GIS stations, written text, oral statements, videos, slideshows, etc. The goal is to tailor the meeting to meet the objectives of the meeting.

Transcript/Meeting Summary. The transcript or summary is distributed to the project team (which includes lead and cooperating agencies), made available to public at local libraries, and may be posted on the web. If posted on the web, it will be posted on DOTD's website either on the project's page, if one exists, or on the Environmental Section's page.

PUBLIC HEARINGS

Notices of Public Hearing are:

- Posted on DOTD's internet website and emailed to the MyDOTD list

Format. Similar to Public Meetings, the hearing format can be moderated, open house, or a hybrid. Regardless of the format used, unlike a public meeting, a public hearing requires a face-to-face component. Ideally, a date and time is scheduled for an in-person hearing in the project area; however, this may not always be possible.

With the face-to-face requirement, a public hearing using virtual public involvement techniques requires also providing an opportunity for the public to speak to a project team member directly; thus, satisfying the face-to-face requirement. Examples of innovative methods that may be used to meet the face-to-face requirement, include but are not limited to, a local broadcast via television, cable, or other media with telephone access for speaking with project team member; a distribution of a web link to information with telephone access for speaking with project team members; offering to mail information to those interested followed by an opportunity to speak with a project team member over the phone, virtually, or in person; providing information via web or other means

⁶ MyDOTD is a service where the public can sign up online to receive, via email, notices issued by DOTD for particular routes or parishes.

then providing a public location for specified period for receiving comments; or some combination of the above. The need to provide access to a project team member who can listen and properly record the comment is critical for a public hearing.

The lead Federal agency should be consulted in writing prior to engaging in any innovative format for public hearings to ensure the format and methods used to achieve the face-to-face requirement meets the Federal/State agencies current policies and procedures.

Transcript. The transcript of the hearing includes the public notice; handout(s); presentation; sign-in sheets; verbatim oral comments given at the comment station, given during formal comment portion of the hearing, or, for innovative methods, given during the interaction with the project team; and written statements. The transcript is distributed to the project team (which includes lead and cooperating agencies), made available to the public at local libraries, and may be posted on the web. If posted on the web, it will be posted on DOTD's website either on the project's page, if one exists, or on the Environmental page.

OTHER TYPES OF PUBLIC INVOLVEMENT:

Public Involvement is not limited to public hearings and meetings. It can include virtual public involvement, crowdsourcing, neighborhood and community meetings, stakeholder meetings, elected and public official meetings, agency meetings, committee meetings, workshops, and more. Larger projects will include a variety of outreach methods, including attending group meetings arranged by others. When attending events arranged by others, a summary is prepared for the file.

Environmental Public Involvement Events
10-28-24 to 5-20-25

TEAM Project Number	Project Definition	Environmental Project Description	Event Date	Event Type	Description	Location	Number of Attendees
2	H.004100	I-10: LA 415 TO ESSEN AT I10 AND I12	5/20/2025	O	COMMUNITY DROP-IN SESSIONS	Dr. Leo S Butler Community Center, BR	15
287	H.008837	I-10: LA 415 TO ESSEN AT I10 AND I12	5/22/2025	O	COMMUNITY DROP-IN SESSIONS	Carver Brandt Public Library, BR	10
975	H.015372	LA-64 ROUNDABOUT @ LA 1019	9/25/2025	PM	PUBLIC MEETING	Anville Baptist Church in Livingston Parish, Lafayette	0
975	H.015372	LAFAYETTE I-49 CONNECTOR (SEIS)	10/1/2024	SM	MCCOMB-YEZZEY	Lafayette Public Library, Main Branch, 301 W Congress St, Lafayette	20
975	H.015372	LAFAYETTE I-49 CONNECTOR (SEIS)	10/2/2024	SM	LAPLAGE & WILLOW COMBINED	Dedmon of Faith Church, 408 Patterson St, Lafayette	4
975	H.004273	LAFAYETTE I-49 CONNECTOR (SEIS)	10/3/2024	SM	4 VIRTUAL MTGS FOR EACH NEIGHBORHOOD	Zoom	4
3073	H.014041	INTER. IMP. ON LA92 @ LA733 & GALLET RD	10/18/2024	SM	LAFAYETTE	DO7D HQ	6
3826	H.013872	US 80: ROUNDABOUT AT LA 101	6/18/2025	PM	PUBLIC MEETING	Milton Elementary Middle School, Milton LA 70558	9
3927	H.015226	LA 22 @ LA 1085 ROUNDABOUT	10/24/2024	PM	OPEN HOUSE PUBLIC MEETING	208 LA 22, Madisonville Town Hall, Madisonville, LA 70447	15
3940	H.015109	ACCESS MGMT. IMPR. TANGIPAHOA/ST TAMMANY	10/10/2024	PM	PUBLIC MEETING	Lassaline Community Center	15
4235	H.015276	LA 447 & LA 1025: ROUNDABOUT	1/16/2025	PM	TANGIPAHOA MEETING	Hannou City Chambers, 312 E. Charles St., Hammond, LA 70401	22
4295	H.014918	LA 73 ROUNDABOUT AT BLUFF RD CONNECTOR	3/26/2025	PM	ROUNDABOUT	Roop Courant Chambers, 21489 Koop Dr., Mandeville, LA 70471	7
4382	H.015638	LA 95 @ LEVINGTON/10 ROUNDABOUT	3/26/2025	PM	OPEN HOUSE PUBLIC MEETING	JUDSON BAPTIST CHURCH, 32470 WALKER RD N, WALKER, LA 70734	10
4442	H.014340	E. MINNESOTA PARK RD AT RANGE RD	5/8/2025	PM	OPEN HOUSE PUBLIC MEETING	Ditchtown Middle School, 13078 LA 73, Gelbmar, LA 70734	21
4503	H.014375	USP: US 190W ROUNDABOUTS, SLIDELL	7/1/2025	PM	ELDS AND PARISH HANDLED PUBLIC MEETING	Duson Community Center, 310 Avenue Au Nord, Duson, LA 70535	35
4647	H.015101	US 61 SUPERSTREET: LOWES AT LA 44 RNDABT	8/19/2025	PM	PUBLIC MEETING WAS HELD FROM 8PM TO 8PM.	Claussen Large Conference Room 15485 W. Club Deluxe Rd, Hammond, LA 70403	20
4673	H.015541	US 185: SUPERSTREET, DELOACH ST-WHITE ST	7/23/2025	PM	OPEN HOUSE PUBLIC MEETING	Slidell Municipal Auditorium, 2056 2nd Street, Slidell, LA 70458	21
			10/28/2024	PM	OPEN HOUSE PUBLIC MEETING	Ascension Parish Government Complex, 615 E Worthing St, Gonzales, LA 70302	27
				PM	OPEN HOUSE PUBLIC MEETING	Wassman High School Gymnasium, 1800 Arizona Ave., Metairie, LA 70001	26

Compliance Programs Public Involvement Events
5-20-25 to 9-24-25

Event Date	Event Type	Description	Location	Number of Attendees
5/20/2025	Public Meeting	DBE Goal Methodology FY 2026-2028	Baton Rouge	15
5/22/2025	Public Meeting	DBE Goal Methodology FY 2026-2028	Shreveport	13
7/24/2025	DBE and Prospective DBE clients/Public Meeting	DBE Program Updates FY 2025-2026	Baton Rouge	45
8/14/2025	DBE and Prospective DBE clients/Public Meeting	DBE Program Updates FY 2025-2026	Alexandria	25
8/19/2025	DBE and Prospective DBE clients/Public Meeting	DBE Program Updates FY 2025-2026	Shreveport	30
8/29/2025	DBE and Prospective DBE clients/Public Meeting	DBE Program Updates FY 2025-2026	Monroe	27
9/4/2025	DBE and Prospective DBE clients/Public Meeting	DBE Program Updates FY 2025-2026	Lata Charles	15
9/24/2025	DBE and Prospective DBE clients/Public Meeting	DBE Program Updates FY 2025-2026	Lafayette	30

Addendum H

Executive Order 12898, titled: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” was rescinded by President Donald Trump on January 21, 2025. This rescission was formalized in Executive Order 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity.” As a result of this rescission, federal agencies are no longer mandated to consider environment justice issues in their rulemaking, policies, enforcement decisions, and other activities.

Presidential Documents

Executive Order 14173 of January 21, 2025

Ending Illegal Discrimination and Restoring Merit-Based Opportunity

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. Purpose. Longstanding Federal civil-rights laws protect individual Americans from discrimination based on race, color, religion, sex, or national origin. These civil-rights protections serve as a bedrock supporting equality of opportunity for all Americans. As President, I have a solemn duty to ensure that these laws are enforced for the benefit of all Americans.

Yet today, roughly 60 years after the passage of the Civil Rights Act of 1964, critical and influential institutions of American society, including the Federal Government, major corporations, financial institutions, the medical industry, large commercial airlines, law enforcement agencies, and institutions of higher education have adopted and actively use dangerous, demeaning, and immoral race- and sex-based preferences under the guise of so-called “diversity, equity, and inclusion” (DEI) or “diversity, equity, inclusion, and accessibility” (DEIA) that can violate the civil-rights laws of this Nation.

Illegal DEI and DEIA policies not only violate the text and spirit of our longstanding Federal civil-rights laws, they also undermine our national unity, as they deny, discredit, and undermine the traditional American values of hard work, excellence, and individual achievement in favor of an unlawful, corrosive, and pernicious identity-based spoils system. Hard-working Americans who deserve a shot at the American Dream should not be stigmatized, demeaned, or shut out of opportunities because of their race or sex.

These illegal DEI and DEIA policies also threaten the safety of American men, women, and children across the Nation by diminishing the importance of individual merit, aptitude, hard work, and determination when selecting people for jobs and services in key sectors of American society, including all levels of government, and the medical, aviation, and law-enforcement communities. Yet in case after tragic case, the American people have witnessed first-hand the disastrous consequences of illegal, pernicious discrimination that has prioritized how people were born instead of what they were capable of doing.

The Federal Government is charged with enforcing our civil-rights laws. The purpose of this order is to ensure that it does so by ending illegal preferences and discrimination.

Sec. 2. Policy. It is the policy of the United States to protect the civil rights of all Americans and to promote individual initiative, excellence, and hard work. I therefore order all executive departments and agencies (agencies) to terminate all discriminatory and illegal preferences, mandates, policies, programs, activities, guidance, regulations, enforcement actions, consent orders, and requirements. I further order all agencies to enforce our longstanding civil-rights laws and to combat illegal private-sector DEI preferences, mandates, policies, programs, and activities.

Sec. 3. Terminating Illegal Discrimination in the Federal Government. (a) The following executive actions are hereby revoked:

- (i) Executive Order 12898 of February 11, 1994 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations);
- (ii) Executive Order 13583 of August 18, 2011 (Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce);
- (iii) Executive Order 13672 of July 21, 2014 (Further Amendments to Executive Order 11478, Equal Employment Opportunity in the Federal Government, and Executive Order 11246, Equal Employment Opportunity); and
- (iv) The Presidential Memorandum of October 5, 2016 (Promoting Diversity and Inclusion in the National Security Workforce).
- (b) The Federal contracting process shall be streamlined to enhance speed and efficiency, reduce costs, and require Federal contractors and subcontractors to comply with our civil-rights laws. Accordingly:
- (i) Executive Order 11246 of September 24, 1965 (Equal Employment Opportunity), is hereby revoked. For 90 days from the date of this order, Federal contractors may continue to comply with the regulatory scheme in effect on January 20, 2025.
- (ii) The Office of Federal Contract Compliance Programs within the Department of Labor shall immediately cease:
- (A) Promoting “diversity”;
- (B) Holding Federal contractors and subcontractors responsible for taking “affirmative action”; and
- (C) Allowing or encouraging Federal contractors and subcontractors to engage in workforce balancing based on race, color, sex, sexual preference, religion, or national origin.
- (iii) In accordance with Executive Order 13279 of December 12, 2002 (Equal Protection of the Laws for Faith-Based and Community Organizations), the employment, procurement, and contracting practices of Federal contractors and subcontractors shall not consider race, color, sex, sexual preference, religion, or national origin in ways that violate the Nation’s civil rights laws.
- (iv) The head of each agency shall include in every contract or grant award:
- (A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government’s payment decisions for purposes of section 3729(b)(4) of title 31, United States Code; and
- (B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.
- (c) The Director of the Office of Management and Budget (OMB), with the assistance of the Attorney General as requested, shall:
- (i) Review and revise, as appropriate, all Government-wide processes, directives, and guidance;
- (ii) Excise references to DEI and DEIA principles, under whatever name they may appear, from Federal acquisition, contracting, grants, and financial assistance procedures to streamline those procedures, improve speed and efficiency, lower costs, and comply with civil-rights laws; and
- (iii) Terminate all “diversity,” “equity,” “equitable decision-making,” “equitable deployment of financial and technical assistance,” “advancing equity,” and like mandates, requirements, programs, or activities, as appropriate.

Sec. 4. Encouraging the Private Sector to End Illegal DEI Discrimination and Preferences. (a) The heads of all agencies, with the assistance of the

Attorney General, shall take all appropriate action with respect to the operations of their agencies to advance in the private sector the policy of individual initiative, excellence, and hard work identified in section 2 of this order.

(b) To further inform and advise me so that my Administration may formulate appropriate and effective civil-rights policy, the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil-rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying:

(i) Key sectors of concern within each agency's jurisdiction;

(ii) The most egregious and discriminatory DEI practitioners in each sector of concern;

(iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated "DEI" or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large non-profit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars;

(iv) Other strategies to encourage the private sector to end illegal DEI discrimination and preferences and comply with all Federal civil-rights laws;

(v) Litigation that would be potentially appropriate for Federal lawsuits, intervention, or statements of interest; and

(vi) Potential regulatory action and sub-regulatory guidance.

Sec. 5. *Other Actions.* Within 120 days of this order, the Attorney General and the Secretary of Education shall jointly issue guidance to all State and local educational agencies that receive Federal funds, as well as all institutions of higher education that receive Federal grants or participate in the Federal student loan assistance program under Title IV of the Higher Education Act, 20 U.S.C. 1070 *et seq.*, regarding the measures and practices required to comply with *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181 (2023).

Sec. 6. *Severability.* If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of its provisions to any other persons or circumstances shall not be affected thereby.

Sec. 7. *Scope.* (a) This order does not apply to lawful Federal or private-sector employment and contracting preferences for veterans of the U.S. armed forces or persons protected by the Randolph-Sheppard Act, 20 U.S.C. 107 *et seq.*

(b) This order does not prevent State or local governments, Federal contractors, or Federally-funded State and local educational agencies or institutions of higher education from engaging in First Amendment-protected speech.

(c) This order does not prohibit persons teaching at a Federally funded institution of higher education as part of a larger course of academic instruction from advocating for, endorsing, or promoting the unlawful employment or contracting practices prohibited by this order.

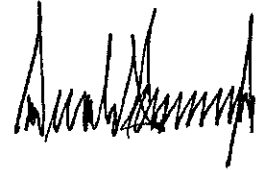
Sec. 8. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to and does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to be a stylized name, located on the right side of the page.

THE WHITE HOUSE,
January 21, 2025.

[FR Doc. 2025-02097
Filed 1-30-25; 8:45 am]
Billing code 3395-F4-P



LADOTD

**Louisiana Local
Public Agency
Manual**

**For Accessing Federal & State
Transportation Funds for Locally
Owned Projects**

General Information



Updated Spring 2017

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Introduction

The successful delivery of transportation projects is only achieved through an effective partnership between the Department of Transportation and Development (DOTD) and Local Public Agencies (LPA) that are sub-recipients of Federal funds. DOTD has and will continue to develop programs, processes, and training that provide local governments with the necessary tools to successfully deliver transportation projects so Federal and State stewardship and oversight obligations can be met and projects can be implemented in the most efficient and effective manner possible.

This manual was created to supplement the training and to familiarize the public agencies with the programs that are available to them through DOTD for local transportation and public works projects. It is also intended to help Louisiana's sub-recipients fulfill the requirements of planning, environmental clearance, design, right-of-way purchase, construction, and maintenance of transportation facilities using state or Federal funds. To assist agencies in accomplishing these goals, this manual describes the processes, documents, and approvals necessary to obtain Federal Highway Administration (FHWA) federal aid funds or state funds through DOTD to develop local transportation projects and defray the LPA's costs. These programs require a local public agency to initiate and sponsor the projects that are to be included in the DOTD Highway Program, Public Works projects, and Intermodal Transportation Programs using state and/or Federal Funds.

The following table lists the various programs that LPAs can apply for and the annual funding available statewide.

2017-18 Funding Available for LPA Programs	
Program	Annual Funding for 2017-18*
Transportation Alternative Program (TAP)	\$12M
Recreational Trails	\$1.9M
Safe Routes to Public Places (SRTPP)	\$2.4M
Local Road Safety Program (LRSP)	\$2.9M
Off System Bridge Program (OSBR)	\$13M
MPO – Urban System Program	\$68M
Total	\$100.2M*

*Total = Federal Funds + Matching Funds

Training

A phased training program has been developed by DOTD, LTAP and FHWA Louisiana Division to ensure qualified individuals are involved in oversight and implementation of LPA projects. The training includes the following modules:

- “Core Qualification Training”
- “Responsible Charge Project Management”
- “Construction Engineering and Inspection”

The training began in 2011. In the spring of 2014, DOTD began requiring that all LPA’s with active Federal Aid projects to take the 1st course in the LPA training program, the “Core Qualification Training.” The Qualifications Core Training is required for Local Public Agency (LPA) project representatives and consultants working on LPA projects that receive federal or state funding through DOTD. DOTD will keep a database of who has been to the qualification training. This course is required for the LPA person in responsible charge, elected officials, MPO personnel, consultants or anyone that will be explaining/or be involved with a LPA project. Projects will not be accepted into programs if the LPA has not participated in the training.

There are three purposes of the LPA Qualification Core Training. The first is to familiarize the LPAs with the expectations and requirements specified in the Entity-State Agreement, for local transportation and public works projects. The second is to strengthen the partnership between DOTD and the LPAs to successfully implement projects and the third is to provide information on how an LPA can successfully get a project into the DOTD system. This includes helping the LPA understand the expectations of the programs, understanding responsible charge duties, ensuring there is no misunderstanding of the commitments of the Entity-State Agreement, teaching the expectations of reporting and to identifying the resources available.

The other LPA training modules are strongly recommended, but are not currently required.

Federal-Aid Funding

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23 U.S.C. 106(g) (4) requires that the states provide oversight of the sub-recipients' (LPA's) to ensure proper expenditure of Federal Aid Funds. DOTD refers to FHWA funds as Federal-aid funds. All FHWA funding programs are **Reimbursement** programs; **NOT Grant programs**. The cost reimbursable funds are provided to an LPA by the FHWA through DOTD. DOTD **facilitates** the projects for the LPAs to use Federal funds through the Entity/State Agreement.

Federal Law requires states to be fiscally responsible for all sub-recipients' (LPA's) proper expenditure of federal funds.

The United States Code, 23 USC 114, states "the construction of any highways or portion of highways located on the Federal-aid system shall be undertaken by the respective State transportation departments or under their direct supervision... such construction shall be subject to the inspection and approval of the Secretary."

Stewardship and Oversight Agreement

Each FHWA Division Office has a unique Stewardship and Oversight Agreement with its State DOTD. The Louisiana Stewardship Agreement was signed in 2015. Based on a core set of rules and regulations that apply to all states, it focuses mainly on Interstate and National Highway System (NHS) projects, but established an oversight and delegation table under Title 23 Section 106.

In this agreement DOTD is responsible to ensure that the federal transportation funds are properly obligated, authorized and utilized. (Federal authorization is when FHWA officially approves the project and establishes the funding for the project in the federal financial system.) For all projects, including LPA projects, this responsibility extends from the programming of the funds through project completion and closeout.

On local routes LPAs are responsible for all aspects of design and construction inspection to DOTD's standards ensuring the project is constructed in accordance with the contract documents and specifications unless the project is part of the Off-System Bridge Replacement (OSBR) Program, the Local Road Safety Program (LRSP), Safe Routes to Public Places (SRTPP) or otherwise established in the Entity State Agreement.

The LPAs may employ the services of DOTD to administer local projects. In order for DOTD to administer the engineering phase of a project, prior to the execution of a phase, the LPA must provide the estimated required matching funds plus the amount of estimated DOTD indirect cost (IDC) funds at the time of contract execution.

Notes:

- State Routes: DOTD should hold the contract on all phases of the projects that are on state routes.

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- High-risk Entities: DOTD should hold the contract all projects for entities that have been deemed “high-risk”. The funds will have to be provided prior to DOTD entering into any contract.

Some programs allow Federal Funds to be used for the design and construction inspection, but the contracts must be advertised and selected through the DOTD [Consultant Contract Services process](#) (unless the LPA has a federally approved selection process). Funds are not accessible until the project is authorized by FHWA.

The LPA sponsored projects must be compliant with all applicable Federal and State requirements. Non-compliance can result in partial or complete withdrawal of Federal participation in the project. In the event of the LPA’s noncompliance with applicable requirements, DOTD may impose such contract sanctions as it, or the Federal Highway Administration (FHWA), may determine to be appropriate, including but not limited to withholding of payments to the LPA until the LPA complies and/or cancellation, termination, or suspension of the Entity-State Agreement, in whole or in part. Where reimbursements have been made, FHWA has the authority to seek repayment from DOTD for non-compliance. DOTD has the authority to seek repayment from the LPA if the LPA’s non-compliance is not resolved.

Depending on the program, Federal funds can fund many types of projects.

Types of Projects Eligible for Federal Funds

- Roadway Construction (new or pavement preservation)
- Rehabilitation or Replacement of Local Deficient Bridges
- Transportation Studies
- Roadway Safety
- Traffic Signalization
- Pedestrian and Bicycle Facilities
- Conversion of Abandoned Railway Corridors to Trails
- Pedestrian and Bicycle Routes to Public Places for Safety Improvements
- Recreational Trails

Eligible Uses of Federal Funds within the LPA Programs

The eligible phases are: preliminary engineering (design), right-of-way acquisition, utility relocation, construction, and construction engineering and inspection. ***EACH PROGRAM IS SPECIFIC ON THE PHASES IT WILL FUND. CHECK WITH THE PROGRAM MANAGER FOR ELIGIBLE PHASES WITHIN A SPECIFIC PROGRAM.***

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If Federal Funds are used on ANY phase of a project, ALL phases must follow DOTD/FHWA policies and procedures. Failure to do so will result in the forfeiture of ALL Federal Funds in **every** phase.

If 100% Local Funds are used for preliminary engineering (pre-construction), the LPA can either perform the work with in-house staff or select their own consultant to help with work using state procurement laws.

If Federal Funds are used for preliminary engineering (with local and/or state match), FHWA requires DOTD to facilitate the advertising of the consultant contracts and the bidding of the construction projects. If Federal funds are used for a project, DOTD selects the consultants and advertises construction projects even though the LPA **signs** both of these contracts. If the LPA has an FHWA approved consultant selection process, they can choose their consultant. *The Exception: If prior to the contract execution the Entity provides the matching funds plus the DOTD indirect cost (IDC) for a consultant contract to the DOTD, DOTD will hold the contract. This must be stated in the Entity-State Agreement.*

DOTD has a federally approved selection procedure because it incorporates the Brooks Act into its selection process. LA State Law procurement requirements for professional services do NOT meet the Brooks Act.

The Brooks Act (USC 40 Ch.) requires agencies to promote open competition by advertising, ranking, selecting, and negotiating contracts based on demonstrated competence and qualifications for the type of engineering and design services being procured, and at a fair and reasonable price.

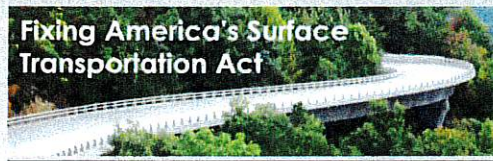
In addition to the consultant selection, DOTD HQ advertises for bid ALL Federally funded construction projects for the LPA. The DOTD headquarters' procedures for both consultant selection and bidding activities have been previously approved by FHWA and meet all Federal requirements. (Even the DOTD district offices are not allowed to bid Federally funded construction projects.)

Matching funds - DOTD Transportation Trust Funds (TTF) are designated for State owned roads. The only exception is the Off-System Bridge Replacement Program which was amended by law. The LPA is required to provide match for their projects.

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Stage of a Project	LPA Paying 100%	Federal Funds will Reimburse costs
Conceptual Plans and Environmental Decision	LPA can do work or select a consultant	DOTD process used for consultant selection
Preconstruction Engineering	LPA can do work or select a consultant	DOTD process used for consultant selection
Right-of-Way Acquisition and Relocation	LPA purchases – must follow fed. procedures	LPA purchases – must follow Federal procedures
Utility Relocation	LPA handles	LPA handles – must follow DOTD procedures
Construction Engineering & Inspection	LPA can do work or select a consultant	DOTD process used for consultant selection
Construction Bid	N/A	DOTD process used for project - award to low bid contractor

Current National Transportation Law



Fixing America's Surface Transportation (FAST) Act

The [Fixing America's Surface Transportation \(FAST\) Act](#) was signed into law on December 4, 2015. It provides long-term funding for surface transportation infrastructure planning and investment. The FAST Act authorized \$305 billion over fiscal years 2016 through 2020 for highway, highway and motor vehicle safety, public transportation, motor carrier safety, hazardous materials safety, rail, and research, technology, and

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statistics programs. The FAST Act maintains a focus on safety, keeps intact the established structure of the various highway-related programs we manage, continues efforts to streamline project delivery and, for the first time, provides a dedicated source of federal dollars for freight projects. With the enactment of the FAST Act, states and local governments have the confidence that they will have a federal partner over the long term. The FAST Act codified the online system to track projects and interagency coordination processes.

Each program has a fact sheet that can be found at <https://www.fhwa.dot.gov/fastact/factsheets/>. The Fact sheets on FAST Act provide program questions and answers. They identify the types of projects that are eligible for each funding program

FAST Act Impacts on LPAs

The funding categories that affect the LPA are:

- Off-System Bridge Replacement will be continue to be managed by the DOTD and is located in the Surface Transportation Program (STP).
- Greater than (>) and less than (<) 200K Urban System projects are continuing to be funded out of the same federally designated program (STP).
- CMAQ program will receive applications from the MPOs.
- HSIP is safety on all public roads and will maintain its Local Roads Safety Program which is administered through LTAP. Louisiana DOTD will fund a new program, the Safe Routes to Public Places Program, with safety money. These projects are required to be data driven.
- Planning for the major metropolitan areas will continue to be coordinated by the MPOs. A MPO area is established for urbanized areas greater than 50K
- Transportation Alternatives Program continues to combine the distinct programs: Scenic Byways, Safe Routes to School, Recreational Trails and Transportation Enhancements Programs into one program

Federal Aid Essentials Videos



Federal-aid Essentials for Local Public Agencies is a transportation resource designed by FHWA to help

local agency professionals navigate the Federal-aid Highway Program. The Federal-aid Essentials Web site contains a resource library of informational videos and related materials. Each video addresses a single topic in a broad way and condenses the complex regulations and requirements of the Federal-aid Highway Program into easy-to-understand concepts and illustrated examples.

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The topics include:

- [Federal-aid Program Overview](#)
- [Civil Rights](#)
- [Environment](#)
- [Finance](#)
- [Right-of-Way](#)
- [Project Development](#)
- [Project Construction and Contract Administration](#)

Responsible Charge

In accordance with Federal Regulation 23 CFR 635.105, the LPA must provide a full time employee *of the LPA* to be in “responsible charge” of a project. This person is not required to be engineer, and is required, even if a consultant is retained by LPA, to perform the duties of Entity’s engineer. This position is not a full time job, but must be full time on the LPA’s staff (not a consultant hired by the LPA). It does not have to be the same person in design as in construction but, any change to the designated person requires written notification of DOTD.

Duties/Expectations when the LPA holds the contract: The Responsible Charge acts as the primary point of contact for the LPA with the DOTD Project Manager / DOTD Project Coordinator. They must attend and be involved in all key project related meetings and decisions involving the scope, schedule and/or budget. (A consultant does not have the authority to commit the LPA to additional money or a change of scope.)

IF THE RESPONSIBLE CHARGE IS NOT IN ATTENDANCE IN A KEY MEETING, THE MEETING WILL BE CANCELLED

As primary point of contact for the LPA, the Responsible Charge should oversee project activities including:

- Scope – Is involved in any decision that allows deviation from the approved project scope
- Schedule – Monitors the time adherence to contract requirements
- Budget (Costs) – Can make fiscal decisions and keeps decision makers informed of changes
- Documentation – Ensures proper documentation is being kept throughout the project

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The qualities that DOTD Project Managers consider as good traits of a responsible charge are following.

Best practices for a Responsible Charge:

- Sets a project schedule with the consultant and then sticks to it.
- Has attended the LPA training.
- Completes the quarterly or monthly reporting forms.
- Is an active participant in meetings
- Reviews consultants responses to DOTD comments, ensuring that the comments are addressed or have a good explanation as to why they weren't (Just doesn't pass the plans through without looking at them)
- Attends all project related meetings.
- Visits project site as needed.

**These are LPA projects. It is
the LPA's responsibility to keep
it moving!**

On Local Routes:

If the LPA chooses for DOTD to hold the contact for a project phase, both DOTD and the LPA will have a Responsible Charge. (DOTD limits Responsible Charge duties to when they hold the contract.) In this situation the duties of the LPA responsible charge will be modified as following:

- Acts as primary point of contact for the LPA with DOTD
- Participates in decisions regarding cost, time, and scope of the project including changed/ unforeseen conditions or scope changes that require change orders or supplemental agreements
- Visits and reviews the project on a frequency with the magnitude and complexity of the project or as determined by the DOTD Responsible Charge
- Attends projects meetings as determined by the DOTD Responsible Charge; and shall attend the project's "Final Inspection".

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Reporting Requirements for Federal Aid Projects

In order to facilitate better communication between the DOTD project manager and the LPA, DOTD has instituted a reporting system. Web based forms have been created for each program to allow easy completion by the Responsible Charge. These forms communicate the LPA's perceived status of the project to the Project Manager. Status updates for the projects in the federal programs are required. The Urban System Program monthly status reports are sent to the DOTD Project Manager, DOTD District Administrator, and the MPO. The TAP, SRTS, and LRSP programs all require quarterly status updates. These reports are sent to the DOTD Program Manager and the DOTD District Administrators. The forms can be submitted electronically. The forms can be found on the website. **For detailed information see LPA Manual, Engineering.**

http://wwwsp.dotd.la.gov/Inside_LaDOTD/Divisions/Administration/LPA/Pages/Forms.aspx

Stages of a Transportation Project

Every project – no matter how big or small – has to go through all of the DOTD project stages. For funding purposes, the projects are broken into phases. The following is the relationship between the stages and corresponding phases.

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Relationship Between Stages and Phases			
Stage No.	Description (Stage)	Phase No.	Description (Phase)
0	Feasibility/Planning	1	<i>Feasibility/Planning</i> - Develops scope and alternatives. Identifies what we are going to do, if we can afford it and what needs to be done. (Will it work? Can we build it? What are the options for building it? How much money is available? Is there a need for the project?),
1	Environmental	1, 2	<i>Feasibility/Planning, Environmental</i> - Selects the preferred alternative and culminates in an environmental closure
2	Funding		Establishes a project design and development completion date or Project Delivery Date (PDD)
3	Preconstruction	2, 3, 4, 5	<i>Environmental, Design, Right-of-way, Utilities, Engineering</i> - Executes project development within the scope, on schedule, and within budget
4	Bidding (Letting)		Readies the project to be bid for construction
5	Construction	6	<i>Construction</i> - Administers a construction project from receiving the approved contract from Stage 4 through the final acceptance of the constructed project
6	Maintenance		Post construction activities such as disposing of excess right-of-way; documenting the addition of any utilities permitted on the right-of-way; ensuring compliance with post-construction environmental commitments; and maintaining the facility in acceptable condition

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All phases must conform to Federal Law if Federal Funds are used for ANY phase. The LPA should carefully consider the procedures required by the funding types for each phase of project development when developing project schedules. Using Federal funds in any phase may require additional work or activities in prior work phases or require certain commitments or compliance in later work phases. A written Notice to Proceed (NTP) is required from the Project Manager to begin any reimbursable phase of a project.

Stage 0 - Planning and Feasibility

Planning from the State Perspective

What is the State's role in transportation?

1. To provide for the international, interstate, interregional, and interurban movement of people and goods.
2. To maintain a basic farm-to-market network.
3. To address identified traffic operations and safety issues on state-maintained highways.
4. To assist local government officials in addressing local transportation needs.
 - a. Administer programs (Off-System Bridge Replacement, Local Road Safety Program, Transportation Alternative Program, Safe Routes to Public Places, Urban Systems Program, Airport Priority Program, Port Priority Program, Rural Transit, Urban Transit)
 - b. Advice and training (LTAP)
 - c. Planning assistance in metropolitan areas and on a pilot basis in non-metro areas
 - d. Parish Transportation Fund (by formula)
 - e. Flood control program and public works support

Local Transportation Planning

The objective for local planning is to improve the local transportation system to benefit the citizens in the local community. Projects should support plans to accomplish local and community goals; both short & long term.

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Why is planning important? It allows the LPA to direct growth rather than simply being the recipient of growth, it provides consistency and predictability, which leads to economic development, and it leverages public investment with private development.

What is a Comprehensive Plan? It is shared community vision, goals & objectives and provides a policy blueprint for 15-20 years in the future. It allows for coordination of government and private programs, major projects and funding opportunities. It is comprised of "Elements": land use, transportation, economic development, public infrastructure/utilities, housing and human services, parks and open spaces, historic, environment and coastal resources, community facilities

Why Plan? It was not emphasized in the past and has led to entities being in responsive mode, rather than being proactive and able to manage change and growth in communities. We strongly encourage an LPA to plan, but it is NOT mandated. An advantage of a plan is that it allows the LPA to write a better application thus increasing the project's chance of being selected and being successful. Projects that support local plans will be given priority during evaluation

Getting Started

1. Link transportation needs to community vision, goals and objectives
2. Identify a fact-base: Document locations and baseline conditions of existing facilities
3. Engage a team of key stakeholders that meet regularly to develop the plan
4. Incorporate public participation – input & transparency
5. Summarize results from 1

Planning Actions

1. Communicate your initial summary & opportunities within your LPA
2. Use your initial summary to identify and prioritize locations needing improvement
3. Use or set policies for transportation improvements
4. Estimate preliminary costs for improvements
5. Finalize plan – Write it down & publicize
6. Identify funding sources for plan implementation



Things to consider when developing a plan

Economic Development

Three things people call "economic development"

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1. True Economic Development (net increases in employment & income for the state)
2. Real Estate Development (shifts or growth in population & retail sales)
3. Attempts to Stimulate Economic Growth (attempts to reverse economic decline & poverty)

Manage Growth

1. Develop a long-range (20-year) vision
2. Set some goals to achieve that vision
 - a. Preserve character of towns
 - b. Define and develop city centers/downtowns
 - c. Architectural themes/standards/zones
 - d. Placement of schools and other public facilities
3. Develop a land use plan that compliments the goals
4. Establish mechanisms to implement the plan (zoning, tax incentives)
5. Consider development codes and sign ordinances

Invest in Infrastructure

1. Develop a plan
2. Protect local infrastructure – weight enforcement
3. Improve local roads
4. Build new roads to develop grid
 - a. Think about transit
 - b. Serving the elderly
5. Workforce development
6. Think about walking and biking
7. What about other modes – airport, railroad, port

Hold Developers Accountable

1. Require mitigation of impacts
 - a. DOTD has a traffic impact policy for state highways
 - b. Many local governments assess impact fees
2. Manage access to improve safety and efficiency
 - a. require interconnection of parking lots
 - b. don't allow driveways too close to intersections
 - c. limit number and spacing of driveways
3. Consider the future – building setbacks
4. Work with the Metropolitan Planning Organization if applicable
Regional Discussion and Visioning (The MPO staff can assist with the following.)

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- Provide a forum for discussion of regional transportation issues
- Forge consensus on a vision for the metropolitan area
- Develop goals to achieve that vision
- Regional Planning and Coordination
- Develop a regional transportation plan based on the vision and goals
- Provide advice, technical data and analyses, and information to assist in local planning efforts
- Coordinate local land use and transportation plans
 - among local governments
 - with the regional transportation plan

Administer Transportation Funds

1. Administer an open, transparent decision-making process for setting priorities and allocating available funds to implement the regional plan
2. Build consensus on regional priorities for requests for additional state or federal funds

References for plans

- MPOs - http://wwwsp.dotd.la.gov/Inside_LaDOTD/Divisions/Multimodal/Transportation_Planning/Pages/Metropolitan_Planning_Organizations.aspx
- DOTD Stage 0 Manual - http://wwwsp.dotd.la.gov/Inside_LaDOTD/Divisions/Engineering/Environmental/Pages/Stage_1.aspx
- Center for Planning Excellence (CPEX) <http://cpex.org/>
- FHWA - <http://www.fhwa.dot.gov/planning/>

Community Level Transportation Plans - Examples of Comprehensive Plans

- Town of Jena - <http://jenavision.blogspot.com/>
- Tangipahoa Parish - <http://www.cpex.org/tangipahoa-parish>
- Vernon Parish - <http://www.planvernonparish.org/wp-content/uploads/2013/11/Vernon-Parish-Transportation-Plan-FINAL.pdf>
- West Feliciana Parish - <http://westfelicianatogether.frego.com/documents/AprilSupportCommitteeWF.pdf>
- St. Tammany Parish – New Directions 2025 - <http://www.stpgov.org/new-directions-2025>

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Example of a successful plan



The Town of Jena created a plan, the *Jena Vision* for transportation & mobility priorities. They knew that Hwy 84 was going to be expanded. They wanted to ensure it would be expanded in a context sensitive manner. They wanted to improve the street network, maintain the existing roadway character, and expand transportation choices. Mayor McMillan from the Town of Jena said, “Jena’s long-range strategic plan, called *Jena Vision*, has been our key to success in growing a smart, sustainable community. Success in improving quality of life and sustainable growth of a community hinges on a well thought out long-range plan of action. Potential partners rely on the quality of a communities planning effort in selecting grant awardees.”

When creating a local plan, there are statewide and regional plans that should, also, be considered.

1. Metropolitan Transportation Plans (MPOs)
2. LA Bicycle Pedestrian Master Plan
3. LA Bicycle Suitability Map
4. LA Bicycle Goals Map (under development)
5. LA Complete Streets Policy
6. Louisiana Strategic Highway Safety Plan
7. Regional Safety Plans

Resources for a Local Plan

1. MPO *Metropolitan Transportation Plans* (MTP) - MPOs develop an MTP every four to five years to guide transportation system development over a 20-year planning horizon. The MTP presents a vision and goals for a region's transportation system
2. The *LA Statewide Bicycle and Pedestrian Master Plan* at http://wwwsp.dotd.la.gov/Inside_LaDOTD/Divisions/Multimodal/Highway_Safety/Bicycle_Ped/Pages/MasterPlan.aspx established master plan goals. These goals include, social equity, personal safety, economic development, public health, and environmental stewardship.
3. The purpose for the *Statewide Bicycle Suitability Map* is to provide the users with a tool to easily identify bicycle routes. It also identifies regional or national bike routes.
http://wwwsp.dotd.la.gov/Inside_LaDOTD/Divisions/Multimodal/Data_Collection/

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[Mapping/Bicycle%20Map/Louisiana%20Bicycle%20Suitability%20Map%20%E2%80%93%202012%20\(side%20\).pdf](http://www.sp.dotd.la.gov/Inside%20LaDOTD/Divisions/Multimodal/Highway%20Safety/Complete%20Streets/Pages/default.aspx) .

4. DOTD's *Complete Streets Policy* Statement is to develop a comprehensive, integrated, connected network for Louisiana that balances access, mobility, and safety needs for motorists, transit users, bicyclists, and pedestrians of all ages and abilities, including users of wheelchairs and mobility aids. The Complete Streets policy is located on the DOTD website at [http://www.sp.dotd.la.gov/Inside LaDOTD/Divisions/Multimodal/Highway Safety/Complete Streets/Pages/default.aspx](http://www.sp.dotd.la.gov/Inside%20LaDOTD/Divisions/Multimodal/Highway%20Safety/Complete%20Streets/Pages/default.aspx)

It ensures a fully integrated transportation system by planning, funding, designing, constructing, managing and maintaining a complete and multi-modal network that achieves and sustains mobility, while safely accommodating pedestrians, bicyclist and transit users.

There are exceptions to the policy. These exceptions include the following types of projects.

- Interstate improvements prohibit bicycles/pedestrians by Law.
 - Pavement Preservation Projects (Overlays) that do not require additional rights-of-way to provide pedestrian & bicycle facilities
 - If the cost of the improvements exceeds 20% of the associated project cost
 - Other factors that can affect the application of policy including a general lack of need; e.g. Sidewalks in rural areas may not be appropriate
 - A condition of the installation is the acceptance of maintenance and liability of the improvements (sidewalks, separate bike paths, lighting, landscaping) is the responsibility of the local jurisdiction and maintenance agreements must be in effect before the improvement is installed.
5. The statewide Strategic Highway Safety Plan (SHSP), Destination Zero Deaths, is located at <http://www.destinationzerodeaths.com/strategic/> . The goal of Louisiana's Strategic Highway Safety Plan (SHSP) is to reduce traffic crashes. It is led by DOTD, the Louisiana State Police (LSP), and the Louisiana Highway Safety Commission (LHSC). The plan outlines various ways safety stakeholders from throughout the state can make a difference.
6. In addition to the statewide coalition, there are Regional Safety Coalitions. The purpose of the Regional Safety Coalitions is to
- Review data to identify regional transportation safety problems;
 - Review the strategies from the statewide SHSP and determine relevance for the region;
 - Develop regional action plans;

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- Assign responsibility for action step implementation; and
 - Report on progress to the statewide Emphasis Area Team leaders - (*Alcohol Related, Occupant Protection, Infrastructure & Operations, and Young Drivers*)
-

Regional Safety Coalitions in LA

1. Acadiana Traffic Safety Coalition
 2. Capital Region Transportation Safety Coalition
 3. Central Louisiana Regional Safety Coalition
 4. New Orleans Regional Traffic Safety Coalition
 5. North Shore Regional Traffic Safety Coalition
 6. Northeast Louisiana Highway Safety Partnership
 7. Northwest Louisiana Regional Safety Coalition
 8. South Central Safe Community Partnership
 9. Southwest Louisiana Regional Safety Coalition
-

Planning Expectations Summary:

- Develop a Local Transportation Plan if your LPA does not already have one
 - Projects Should Support **Local** Plans and Goals
 - Statewide Policies Should Be Considered in your projects
 - Projects Should Support **Statewide & Regional** Plans as Appropriate
-

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The Entity-State Agreement

Federal law authorizes state transportation departments to enter into Entity-State Agreements with LPAs to administer Federal-aid projects provided certain criteria are met. Any LPA that chooses to take advantage of this opportunity must adhere to applicable state and federal laws

The Entity-State Agreement is a written/signed agreement between the state and the sponsoring entity (an LPA). It identifies the responsibilities and funding commitments of each entity and is a LEGALLY BINDING document. It is very important for the LPA sponsoring entity to understand what they are signing. The Entity-State Agreement template is located on the Consultant Contract Services DOTD website http://wwwsp.dotd.la.gov/Inside_LaDOTD/Divisions/Engineering/CCS/Pages/Manuals_Forms_Agreements.aspx

Every project must have an agreement signed by both parties before the project can move forward.

The LPA is required to provide a resolution by the governing body for the Transportation Alternative, Safe Routes to Public Places, and Local Roads Safety Programs before the Entity-State Agreement can be initiated. DOTD generates the Entity-State Agreement for the project prior to the initiation of any portion of the project that will require federal reimbursement.

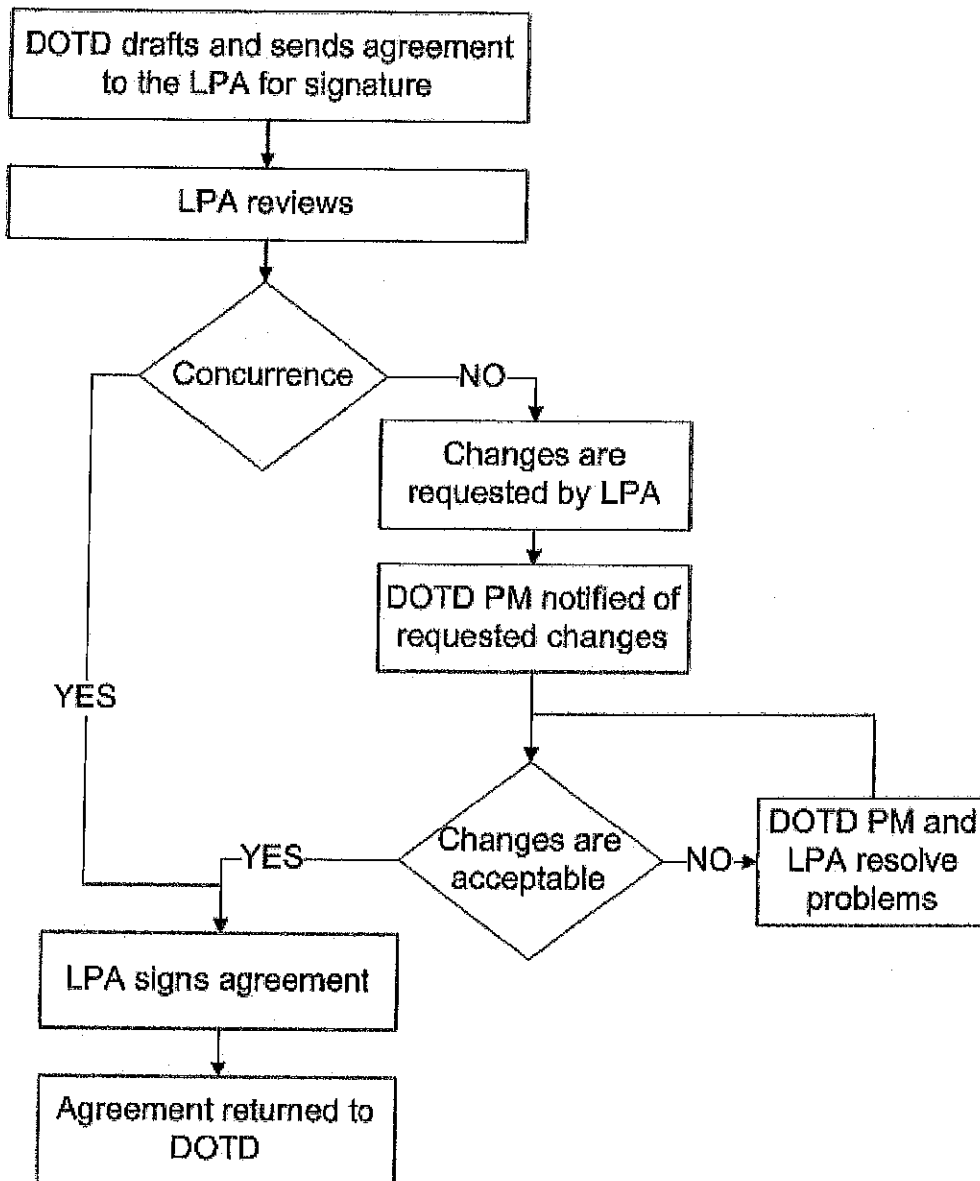
The agreement is a standard template. It cannot be individualized for each entity. It has standard language and contains articles that may not apply because the template encompasses all stages of a project.

The applicability of the section is determined by the "Responsibility Table" and the "Funding Table" (defined in the Article II, Funding section). If either of these two tables is modified to add a stage, the language of that stage will then apply. For example, if right-of-way participation changed from "no participation" at project initiation to "participation" during the project, the agreement would not have to add that section, but just change the responsibility and funding tables.

The LPA cannot start a reimbursable phase without an executed agreement. Therefore, review and signing of the agreement should be done ASAP by the LPA so that project progress is not halted. This task should be overseen by the Responsible Charge.

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The process



Supplemental Agreements - If changes to the responsibilities or scope arise during project development, a Supplemental Agreement may be needed. Any Supplemental Agreements must be generated, approved and processed by DOTD. The Supplemental Agreements to the Agreement are executed between DOTD and the LPA.

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If any Federal funding changes are made for the Safe Routes to Public Place, Local Roads Safety Program or Transportation Alternatives Program, a revised Funding Commitment Letter is sent to the Responsible Charge. If Federal funding changes on an Urban System project, is reflected in the MPO TIP.

Initiating an Agreement

For DOTD to initiate an Entity-State Agreement, the following information is required from the LPA.

- Project Name – Must conform to DOTD’s naming convention (40 total characters allowed)
- Project Description – At a minimum should include location, limits, construction type, drainage, bridge, traffic control devices, and enhancements
- Contracting/Signatory Party
 - Official name and title
 - Telephone number
 - Parish
 - Mailing address (Street address, City, State, Zip + 4)
 - Email Address

 - Data Universal Numbering System (DUNS) Number
 - Catalog of Federal Domestic Assistance (CFDA) Number
- Name of Contact Person (if different from signatory party) with their telephone number and email address

This information is placed at the beginning of all Entity-State Agreements. It identifies the project information in the project header. It also identifies that the DOTD and “Entity” (the LPA and MPO if in an urban area) agree to work together on this project.

Agreement Identifying Information

Each project is assigned a unique project number which will be sent to the LPA by the DOTD PM. This number with the project title and parish number should be place on all correspondence.

DOTD identifies Agreements by the following basic information, which except for the project number and DOTD district is provided to DOTD by the LPA. This information includes the following:

- The project number

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- The project title
- The parish and DOTD district where the project will be constructed
- The LPA sponsoring entity's legal name, DUNS number and CFDA number (federal identification number)
- A detailed project description & scope of work
- Amount or percentage of federal funding eligible to be used for the project & matching funds required

Outline of the Articles in the Agreement

- I. Project Description
- II. Funding
- III. Project Responsible Charge
- IV. Period of Performance
- V. Consultant Selection
- VI. Environmental Process
- VII. Pre-Construction Engineering
- VIII. Right-of-Way Acquisition and Relocation
- IX. Transfer and Acceptance of Right-of-Way
- X. Permits
- XI. Utility Relocation/Railroad Coordination
- XII. Bids for Construction
- XIII. Construction Engineering and Inspection
- XIV. Subcontracting
- XV. DBE Requirements
- XVI. Direct and Indirect Costs
- XVII. Record Retention
- XVIII. Cancellation
- XIX. Compliance with Civil Rights
- XX. Indemnification
- XXI. Construction, Final Inspection and Maintenance
- XXII. House Bill 1 Compliance
- XXIII. Compliance with Laws

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STATE OF LOUISIANA
LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
T
ENTITY/STATE AGREEMENT
STATE PROJECT NO. H.****
FEDERAL AID PROJECT NO. H*****
PROJECT NAME *****
ROUTE *****
*****PARISH

Example WHEREAS' –

***WHEREAS**, under the provisions of Title 23, United States Code, "Highways", as amended, funds have been appropriated out of the Highway Trust Fund to finance improvement projects under the direct administration of DOTD; and*

***WHEREAS**, the Entity has requested an appropriation of funds to finance a portion of the project as described herein; and*

***WHEREAS**, DOTD is agreeable to the implementation of the Project and desires to cooperate with the Entity as hereinafter provided:*

***WHEREAS**, Entity is required to attend the mandatory Qualification Core Training and reference the Local Public Agency Manual*

***NOW, THEREFORE**, in consideration of the premises and mutual dependent covenants herein contained, the parties hereto agree as follows:*

ARTICLE I: PROJECT DESCRIPTION

(This article describes the type of improvement/project, location, type and description of work, and the assigned project number.)

Some of the items that may be included in a project scope are location, project limits (begin, end, length), construction type, parish, route number, pavement types, curb & gutter, roadway widths, drainage features (subsurface, open ditch), bridges, traffic control devices, enhancements, sidewalks, lighting, etc. All costs associated with the project shall be identified with the assigned project number.

Scope changes from the original detailed project description **are strongly discouraged**. Any scope changes **MUST** be approved by DOTD (and the MPO if in an urban area). All significant changes to the approved project scope or budget are

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strongly discouraged after the original agreement has been signed. The change must have justification and written approval from the DOTD Program Manager. Scope changes require an adjustment to the project's Entity-State Agreement.

Scope change examples include: changing the project limits, changing the work intended, or changing the product. Scope changes have the potential to affect the eligibility of the project for funding in the program and/or require the environmental document to be reevaluated. Changes in scope after environmental clearance must be submitted to DOTD Environmental Section for review. The Responsible Charge must be involved in any/all scope changes.

DOTD Project Numbering System

All communication with DOTD on the project must use the designated project number. The assigned number remains with the project through all project phases. In the DOTD numbering system the first two numbers refer to type of project. A construction project uses "H.00" for tracking the project throughout the multiple phases. The next four numbers are job counts that are sequentially assigned when requests are made. The decimal number indicates the project phase.

H.xxxxxx.1 Feasibility
H.xxxxxx.2 Environmental
H.xxxxxx.3 Right of Way
H.xxxxxx.4 Utility Relocation
H.xxxxxx.5 Design (Engineering)
H.xxxxxx.6 Construction

ARTICLE II: FUNDING

(This article describes the funding arrangements and funding limits for the project work to be done. It defines who pays for what phase. Federal-aid funds are cost reimbursable funds provided to the Local Public Agencies by the FHWA through DOTD. This section defines the percentages required to match the Federal funds for each stage of the approved project (i.e. environmental decision, pre-construction engineering, construction, and/or construction inspection and administration (CE&I) cost)). (All sources of Federal-aid match are subject to federal requirements.)

Services eligible for reimbursement will be identified in the Funding Table. Only phases listed in the table as participative will be reimbursed. A reimbursable stage CANNOT begin prior to the execution of the Entity-State Agreement.

No Notice to Proceed shall be issued and no compensable costs may be incurred prior to a formal notification from DOTD that federal authorization has been received. Any

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costs incurred prior to such authorization will not be compensable and nullifies the phase for reimbursement.

The agreement uses the Responsibility Table and the Funding Table to identify and consolidate all commitments in the Agreement into a central location. Each section of the Agreement listed in the Responsibility Table begins with "If it is specified in the Funding Table, the environmental process is eligible as a project cost. The Responsibility Table defines whether DOTD or the Entity shall be obligated to complete the work specified in this Article."

**Responsibility Table¹
Roadway Control Section XXX-XX**

Responsibility Table ¹ Roadway Control Section XXX-XX			
	Entity	DOTD	Comments
Roadway Owner	Yes or No	Yes or No	
Environmental Process	Yes or No	Yes or No	
Pre-Construction Engineering	Yes or No	Yes or No	
Right-of-Way			
Services	Yes or No	Yes or No	
Acquisition and Relocation	Yes or No	Yes or No	
Permits	Yes or No	Yes or No	
Utility (Clearance/Permits)	Yes or No	Yes or No	
Construction	Yes or No	Yes or No	
Construction Engineering Administration and Inspection	Yes or No	Yes or No	
Construction Engineering Testing	Yes or No	Yes or No	
Non-roadway enhancement	Yes or No	Yes or No	

¹This table defines who will perform the work involved with each item listed in their respective articles, either directly with in-house staff or through a consultant or contractor. This table does not address funding.

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Funding Table²

Roadway Control Section XXX-XX

Method of Payment Phase	Disbursement or Reimbursement		
	Percentage Paid By Entity ³	Percentage Paid By DOTD ⁴	Percentage Paid By FHWA ⁴
Environmental			
Preconstruction Engineering			
Right-of-Way			
Services			
Acquisition and Relocation			
Compensable Utility Relocation ⁵			
Construction Engineering and Inspection			
Construction			
Non-roadway enhancements			

¹This table defines who will perform the work involved with each item listed in their respective articles, either directly with in-house staff or through a consultant or contractor. This table does not address funding.

²Percentages are to be applied to the actual cost of the Project. A Funding Commitment Letter (FCL) outlining the project funding levels and limits has been sent with this Agreement and is to be approved and signed by the Entity. During the life of the Project, any approved funding changes will be made to the Funding Commitment Letter by the DOTD Project Manager and sent to the LPA Responsible Charge for processing. Where funding is limited to fixed amounts, the Funding Commitment Letter will identify the fixed amount of available funds.

³If DOTD holds contract on a Non-state route, any required matching funds and the DOTD administration fee must be paid to DOTD by the entity prior to any preconstruction contract action or construction letting. If DOTD holds the contract on a State route, any required matching funds must be paid to DOTD by the entity prior to any preconstruction contract action or construction letting.

⁴When DOTD consents to use its own staff to provide the required services, the staff will track their time and charge it to the cost of the Project at the indicated percentages.

⁵Includes railroads

Federal funds are eligible to pay for the environmental decision, pre-construction engineering, construction, and/or construction inspection and administration (CE&I) cost, but the allowable reimbursable phases are **program specific**.

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LPA's can elect to pay 100% of any phase. Some programs limit the phases eligible for federal participation funding

The programs that allow Federal funds for all phases:

- Urban Systems Program
- Local Roads Safety Program (\$500,000 max total project)
- Safe Routes To Public Places (\$300,000 max total project)

The program that DOES NOT allow funding for all phases:

- Transportation Alternatives Program – This program only funds the construction phase. It does not fund engineering or CE&I

LPA's can apply for reimbursement based on work eligible for the program. If approved, the LPA may be reimbursed with federal/state funds for the eligible work. Any stage funding decision must be documented in the Entity-State Agreement and the LPA given **written** approval from DOTD to begin the stage to be eligible for reimbursement.

Cautions for the LPA using Federal funds:

- Project cost increases may be 100% Entity's responsibility
- Project work outside of scope may not be eligible for Federal funds
- Expenditures must be supported with documentation

Federal Funding Commitments - The specific funding amount can be identified in the Entity-State Agreement in two ways. The specific amount is either identified in the TIP/STIP or the DOTD Program Manager will identify the specific funding amount in the Project Funding Document.

Federal Funding Commitment for MPO projects

For the Urban System Program the percentages will be identified with a note included that "the percentages are to be applied to the amounts shown in the most current approved TIP including subsequent modifications and amendments".

Federal Funding Commitment Letter for Non-MPO projects

For the other programs, the "*Funding Commitment Letter*" will be sent from the DOTD Project Manager identifying the actual funding amounts. The DOTD Project Manager will send the *Funding Commitment Letter* with Agreement. The agreement can be revised with a revised commitment letter accordingly. The amounts may be limited by

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the program. Any changes must be coordinated by the LPA with the DOTD Program Manager.

If DOTD is the Roadway Owner and the Entity is responsible for providing matching funds for construction, the estimated matching funds are required to be sent to DOTD prior to advertisement for construction.

The Responsible Charge must be aware of the funding commitments for the project that are specified in the agreement and ensure no reimbursable expenditures are made until the Agreement is executed (Entity holds contract). Any changes to the funding commitment letter will be sent to the Responsible Charge for processing. They must communicate any changes to the signatory authority and DOTD. They must ensure proper documentation is being kept. They must be involved in all financial transactions.

- **Deadlines to Proceed to Construction** – This is program specific. The maximum allowable time for construction to begin is before the end of 10th fiscal year from the time the project began. If the project has not begun by the end of the 10th fiscal year, any Federal funds expended on the project must be repaid.
- **Not Having Approval to Use Funds** - Prior to beginning reimbursable work, the LPA must obtain written approval from DOTD to begin work (Notice to Proceed - NTP). Not having this could jeopardize reimbursement.
- **Funding Cost Increases** - There are Federal-aid programs where additional funds are not available beyond the approved project amount; examples the Transportation Alternative Program (TAP). **The Entity will be responsible for any cost in excess of the maximum Federal funds for the project**
- **Additional Work Not in Contract** - Any work not specified in the contract authorized by the LPA without approval by the DOTD Program Manager may not be reimbursed. Reimbursable work **MUST** be approved by DOTD.
- **Funding Documentation** – The LPA is responsible to supply all cost records. If required records are not supplied DOTD will withdraw funding for the project and request the reimbursement of Federal funds expended on the project. A copy of the LPA's annual audit report of financials should be submitted to the DOTD Program Manager (PM). The DOTD PM will forward it to DOTD Audit Section for review and tracking as per the OMB Super Circular requirements.

OMB "Super Circular" 2 CFR

The federal Office of Management and Budget (OMB) implemented this "Super Circular" to streamline the government-wide guidance on Administrative Requirement, Cost

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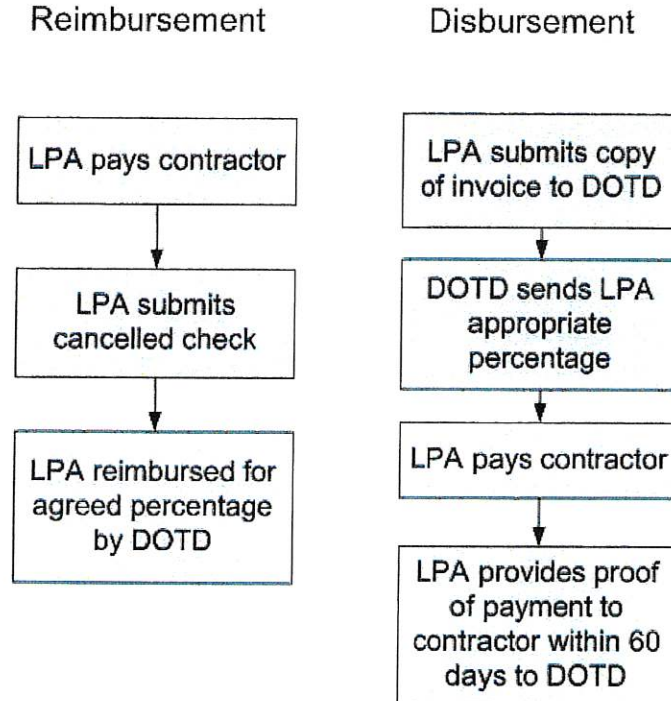
Principles and Audit Requirements for Federal awards. It consolidates 8 existing circulars. It was adopted December 26th, 2014.

Some of the key changes that affect FHWA are:

- All new LPA projects will require the ICQ form to be completed by the LPA prior to acceptance into a program.
http://wwwsp.dotd.la.gov/Inside_LaDOTD/Divisions/Administration/LPA/Forms/Internal%20Control%20Questionnaire.pdf
- A project end date is required for all projects
- <http://www.ecfr.gov/cgi-bin/text-idx?SID=877cbcfdb938179c907c4a31fc8c2e47&node=pt2.1.200&rgn=div5>

Disbursement – The DOTD Secretary has approved a process to allow the LPA to submit their invoices to DOTD for reimbursement before having a copy of a cancelled check.

The following diagram compares the disbursement process with the reimbursement process.



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Upon receipt of the Entity's invoice, DOTD will pay the Entity the correct federal ratio of the approved project costs (i.e. pre-construction engineering services, right-of-way acquisitions, utility adjustments and/or the costs of construction) in the funding article. The LPA shall render invoices no more than monthly for disbursement, but no less than once every six months from the date of authorization. The invoices shall be submitted with an executed DOTD Cost Disbursement Certification (located on the DOTD Consultant Contracts website:

http://wwwsp.dotd.la.gov/Inside_LaDOTD/Divisions/Engineering/CCS/Pages/Manuals_Forms_Agreements.aspx) by the proper designated official of the LPA. Upon receipt of each disbursement request, the Entity is required to tender payment for the invoiced cost to the vendor. Within sixty (60) days from receipt of payment from DOTD, Entity will provide proof to DOTD of said payment to the contractor. All such charges shall be subject to verification, adjustment and/or settlement by the DOTD's Audit Officer.

Consultant invoices must have the proof of payment of the previous invoice attached starting with invoice number 2 and applying to all subsequent invoices unless they are consistently sent every month.

For Disbursement:

- **Engineering** - Engineering invoices should be filed with DOTD on a monthly basis. They should be transmitted to DOTD Project Manager. The submittal should include the invoice summary sheets, back-up documents, cost records, and the cost disbursement certification. They must have the proof of payment of the previous invoice attached starting with invoice number 2 and applying to all subsequent invoices.
- **Construction**: The LPA sends the executed DOTD Cost Disbursement Certification to the DOTD Project Manager or the DOTD Project Coordinator. The DOTD Headquarters Estimate Section will prepare the paperwork for payment to LPA. The LPA will transmit the back-up documents to the DOTD Project Coordinator. The LPA must pay the contractor within the limits of the contract.
- **Proof of Payment** – Proof of payment is either a copy of the cancelled check showing the back and front or a copy of the electronic transfer. The LPA is required to provide proof of payment of the invoice within 60 days of receiving the funds from DOTD for construction invoices.

For detailed information see LPA Manual, Engineering.

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Time Limits – All final billings for all phases of work is required within one year after the notification of final acceptance of the project. Failure to submit these billings within the specified 1 year will result in the project being closed on previously billed amounts and any unbilled costs will become the responsibility of the LPA.

Non-compliance with Federal/State laws and/or regulations – The LPA shall reimburse DOTD any and all cited amounts for non-compliance within 30 days of notification. All future payment requests from the LPA will be held until the cited amount is exceeded at which time only the amount over the cited amounts will be released for payment. No new projects will be approved until cited amount is reimbursed.

Non-participating items - DOTD will not participate in the cost of items not constructed in accordance with the approved plans and specifications. The LPA will be obligated to assume full financial responsibility of those items. If DOTD cites the LPA for noncompliance with Federal/State laws and/or regulations, the LPA will reimburse the DOTD any and all amounts that are cited. The cited amounts reimbursed by the LPA will be returned to the LPA upon clearance of the citation(s). If the LPA fails to reimburse the DOTD any and all cited amounts within a thirty (30) day period after notification, all future payment requests from the LPA are held until the cited amount is exceeded at which time only the amount over and above the cited amount(s) will be released for payment. No new Local Public Agency project will be approved until such time as the cited amount is reimbursed to the DOTD.

Final Billing - All final billings for all phases of work must be submitted within one year after the completion of final acceptance of the project. The project will be closed in the specified year. Any unbilled cost is the responsibility of the LPA.

Responsible Charge Duties

- Understand the choice of the payment method outlined in the agreement
 - Old agreements may have the disbursement amendment added to the agreement
 - Reimbursement - Provide the copy of cancelled check or electronic transfer with invoice
 - Disbursement – Ensure the Disbursement Form is submitted with invoice and proof of payment is received within 60 days for construction or with the subsequent invoice for engineering.
- Ensure correct and sufficient documentation is being collected
 - All documentation of pay quantities shall conform to DOTD policies and procedures.
 - Engineering invoices are sent to the Project Manager.
 - Construction invoices are generated by SiteManager and are directly sent to DOTD.

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- Ensure contractors are paid in accordance with Federal and State Law time limits. (The contract is between the LPA and the contractor).

*****ARTICLE III***: PROJECT RESPONSIBLE CHARGE**

(This article defines expectations of having a full time entity employee in “responsible charge” of the project and the duties required of this person. The language placed in this article is from the FHWA responsible charge guidance. This requirement applies even when consultants are providing design and/or construction engineering services.)

The LPA Responsible Charge should know the status of the project and where the money is being spent. The LPA must complete and return the *Responsible Charge Form* to DOTD. If the Responsible Charge changes, the LPA must complete a new form and send it to DOTD.

For detailed information on Responsible Charge engineering responsibilities see LPA Manual, Engineering.

*****ARTICLE IV***: PERIOD OF PERFORMANCE**

(This article explains the period project costs can be incurred. Costs incurred after the end date are not eligible for reimbursement.)

The DOTD PM will send the LPA a Period of Performance written notification for each authorized stage/phase noting the begin/end dates and any changes.

*****ARTICLE V ***: CONSULTANT SELECTION**

(This article defines the requirements and process to procure a consultant if Federal funds are used to perform work for a phase of a project. DOTD will select the consultant. The LPA will enter into a contract prepared by DOTD under the direct supervision of the LPA’s Responsible Charge. This article, also, warns that no work can take place until notification by DOTD of the fully executed contract.)

An LPA can decide to pay for the engineering work completely with their funds, or ask for federal/state funds to reimburse the cost of this work. This decision must be documented in the funding table in the agreement. If there are no Federal funds in the

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design, the only requirement is that the selected consultant cannot be on DOTD's disqualification list, has been debarred or has not attended appropriate LPA modules.

NOTE: If services will be performed by a consultant, they will be under the direct supervision of the LPA's "Responsible Charge" who will have charge and control of the project at all times. (No reimbursable work shall take place until notification by DOTD of the fully executed contract between the Consultant and the LPA and that work can begin.)

For detailed information see LPA Manual, Engineering

*****ARTICLE VI***: ENVIRONMENTAL NEPA PROCESS**

(This article describes the National Environmental Protection Act (NEPA) requirements that must be processed & documented. It mandates adherence to state and federal laws. NEPA requirements apply to all projects. It is important for the environmental process to be properly followed so projects can progress to the next stage.)

During the NEPA process if a project has more environmental impacts than expected the project may need to be re-scoped for feasibility. The environmental document must be approved prior to acquiring the right-of-way. The Responsible Charge must be involved in any/all environmental problems that may affect the project.

The project must be developed in accordance to the National Environmental Policy Act (NEPA) as amended and its associated regulations and FHWA applicable laws, regulations, rules and guidelines, in particular 23 CFR Parts 771,772, and 774. DOTD required processes and policies are found in the latest version of the DOTD "Stage 0: Manual of Standard Practice" and the "Environmental Manual of Standard Practice".

All of the documents prepared by the entity or the entity's consultant must be submitted to DOTD for approval.

For detailed information see LPA Manual, Engineering.

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*****ARTICLE VII***: PRE-CONSTRUCTION ENGINEERING**

(This article states that all pre-construction engineering design services includes the requirements necessary for the preparation of complete plans, specifications and estimates for the proposed improvements developed per DOTD and federal requirements, the latest editions of the Louisiana Standard Specifications for Roads and Bridges, 23 CFR Part 630, "Preconstruction Procedures")

The design must comply with 23 CFR Part 625, "Design Standards for Highways, and DOTD guidelines. The plan format and specifications must conform to DOTD's standards for bidding. The plans must include all applicable accessibility codes.

Schedule – A schedule should be worked out with the designer. If there are no reimbursable funds in design, the design may begin at any time. If there are Federal funds, the LPA must wait for notification from DOTD to issue a notice to proceed.

Disqualification List – Work will not be accepted if designed by a consultant on the DOTD disqualification list or has been debarred.

Contract Cost attributable to error or omissions – The LPA is responsible for these costs.

Work Prior to NTP - No reimbursable work can begin until DOTD notifies the LPA in writing to issue a Notice to Proceed (NTP)

Not meeting Project Schedule - LPA programs are allowed a specified amount of funding allocated to be spent each fiscal year. It is important to develop an accurate project schedule. Projects missing their schedule will have to be worked into the program manager's future funding schedule, which may cause the project to be delayed.

Design Standards - All designs and engineering documents shall be prepared in accordance with the latest editions, supplements and revisions of the required DOTD manuals, when applicable. Deviations from Design Standards require design exceptions signed by the DOTD Chief Engineer. The LPA is responsible for any design exception using the DOTD's *Design Exception/Design Waiver Form*. The LPA Responsible Charge will complete, sign, and forward the document to the DOTD program manager.

Documentation Submittal - Plans will not be considered delivered until all permits and agreements (right-of-way, utilities, environmental and railroad) are completed. A completed package requires: final signed, sealed, dated plans signed by both the entity and the designer of record signatures, final technical specifications with the cover sheet signed and stamped by the responsible parties, final plans, specifications & cost estimate (PS&E), copies of the issued permits, the completed utility certification form, and the *LPA Verification Letter* requirements.

The *LPA Verification Letter* includes the following acknowledgements.

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- The LPA is aware this is a cost-reimbursable program
- The LPA is aware it must provide any additional funds required to build the project if it concurs with bid award
- The LPA is aware they must provide construction administration and inspection & testing conforming to DOTD policies and procedures
- The LPA is responsible for maintenance and liability

Project Maintenance Operation and Inspection Plan (MOI Plan) – This plan covers the managing, financing, inspecting and repairs to the project in accordance with applicable codes and design guides for each component of the project. It must be provided to DOTD prior to the project bidding.

- For landscaping projects the MOI plan shall cover all components of maintenance (mulching, pruning, weeding, mowing, etc.).
- For lighting systems projects the MOI plan shall meet the requirements that are outlined in the latest edition of the DOTD publication, “A GUIDE TO CONSTRUCTING, OPERATING AND MAINTAINING HIGHWAY LIGHTING SYSTEMS”. The LPA must provide DOTD with documentation of the utility service account in the LPA's name when projects are built on state rights-of-way.

For detailed information see LPA Manual, Engineering.

***** ARTICLE VIII **: RIGHT-OF-WAY ACQUISITION AND RELOCATION**

(This article describes how the LPA shall acquire all real property and property rights required for the project in accordance with all applicable State and Federal laws and regulations. This applies even if the project has not begun the state/federal process. If an entity begins a project without planning to use federal funds, then adds federal funds, previous land acquisitions or donations may jeopardize the project's federal eligibility.

NOTE: *The Federal Relocation Assistance and Real Property Acquisition Policies (The Uniform Act) has different requirements than state law, so the LPA **must** contact the DOTD Real Estate Section FIRST to make sure they know the federal requirements!*

This article, also, describes the required LPA Assurance Letter, certification and review/audit of R/W files, and assurances that the project will be constructed within the existing right-of-way or within the right-of-way acquired by the LPA for the project, as shown on the construction plans. It specifies that design surveys, right-of-way surveys and the preparation of right-of-way maps shall be performed in accordance with the DOTD requirements.

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An LPA can decide to pay for right-of-way all on their own, or ask for federal/state funds to reimburse the cost. Even if the LPA pays for the right-of-way, the Federal rules must be followed to ensure that construction of the project can be paid for with Federal funds.)

The right-of-way acquisition must comply with all applicable state and Federal laws; Title 49 CFR, Part 24 as amended, Title 23 CFR, Part 710 as amended, DOTD's Right-of-Way Manual, DOTD's LPA Right-of-Way Manual, DOTD's Guide to Title Abstracting and any official written instructions from the DOTD Real Estate Section.

DOTD will acquire the required property if it is a state route. If it is not a state route, the entity will acquire the required property.

For detailed information see LPA Manual, Engineering.

***** ARTICLE IX***: TRANSFER AND ACCEPTANCE OF RIGHT-OF-WAY**

(This article describes how right-of-way parcels which will not remain in the State Highway System after completion and acceptance of the Project, will be transferred by DOTD, in full ownership, to the LPA, upon Final Acceptance of the Project by the Chief Engineer of DOTD. It, also, obligates the LPA to maintain and operate these improvements, all at its sole cost and expense, and in perpetuity. The LPA agrees to hold harmless and indemnify and defend DOTD against any claims of third persons for loss or damage to persons or property resulting from the LPA's failure to maintain or to properly sign or provide and maintain signals or other traffic control devices on the property acquired from DOTD pursuant to this Agreement.)

An example of a project where DOTD acquires the right-of-way on a non-state route is a state/local intersection that requires right-of-way. DOTD Real Estate Section would acquire right-of-way for the whole project, which may include the non-state route.

For detailed information see LPA Manual, Engineering.

***** ARTICLE X***: PERMITS**

(This article states who is responsible for obtaining all necessary permits and approvals in accordance with the Responsibility Table.)

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The Responsibility Table will identify who is responsible for obtaining all necessary and/or required permits and approvals necessary for the project, whether from private or public individuals and whether pursuant to local, State or Federal rules, regulations or laws.

For detailed information see LPA Manual, Engineering.

*****ARTICLE XI***: UTILITY RELOCATION/RAILROAD COORDINATION**

(This article identifies who must work with utility companies and railroads on local routes to ensure that utility relocation is done in accordance with state and federal requirements.)

The DOTD Utility Section will acquire the utility relocation permits for state routes.

The LPA is responsible for obtaining all of the agreements on local roads and railroad crossings and for the design of any new system, if required. The LPA is required to comply with the utility relocation process as specified in the Local Public Agency Manual Appendix.

If utility relocation is identified for disbursement/reimbursement, formal notification from DOTD of federal authorization is required prior to the issuance of a Notice to Proceed date. Any costs which the LPA expects to be reimbursed prior to such authorization will not be compensable prior to the Notice to Proceed date.

The LPA is responsible for any and all costs associated with utility relocations, adjustments and construction time delays on non-state routes after the project is awarded.

For locally owned project the following applies.

Delayed Bidding Date – The LPA is responsible for transmitting plans to the utility companies during all phases of the project. The LPA should coordinate work and procedures with the DOTD District Utility Representative (DUS). Some programs require utility relocations to be the responsibility of the LPA with the affected utilities relocated prior to bidding. Some programs require a letter of assurance that all utilities will be relocated prior to bidding. It is the responsibility of the Responsible Charge to determine the DOTD requirements for their project. Utility conflicts must be discussed at the plan-in-hand. A utility agreement with supporting documentation must be sent to the DOTD District Utility Specialist,

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DOTD Area Engineer and the DOTD Program Manager prior to construction verification and/or scheduling of the utility relocation.

Delay Claims During Construction - Many problems in construction are a result of utility issues. The LPA is responsible for coordinating any required utility relocation prior to construction. If utility relocation is not properly coordinated prior to delivery, it can cause delay claims during construction which are the responsibility of the LPA and typically not reimbursed by the FHWA

Expectation of Design Cost Reimbursement – The design costs for a new system is not eligible for federal funds

Betterments – This is any improvement beyond replacement in-kind and is ineligible for reimbursement. Utility relocation must be required for a project and not used as an opportunity to replace/upgrade a utility.

For detailed information see LPA Manual, Engineering.

*****ARTICLE XII***: BIDS/CONSTRUCTION**

(This article describes how DOTD will use the plans, specifications and estimate to prepare the project construction proposals to comply with DOTD's current practices and advertise for and receive bids for the work in accordance with DOTD's normal requirements. It describes the process of how the bids will be reviewed and contract signed by the Entity and awarded to the lowest bidder, per state and federal requirements.

The Entity is responsible for all contract costs above the amounts shown in the Agreement! The Entity will be responsible for construction contract recordation with the Clerk of Court in their Parish.)

NOTE: DOTD advertises and receives bids all projects with the exception of the Recreational Trails projects which are administered through the Department of Culture, Recreation and Tourism.

Construction Oversight – The LPA and their PE schedule a meeting with the DOTD Project Coordinator prior to the pre-construction conference to determine: when a DOTD-certified inspector is needed, the paperwork required for partial estimates, final estimates and change orders (plan changes), verification of the sampling and testing requirements for the job, and the establishment of access to Site Manager/receive training if not active.

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*****ARTICLE XIII***: CONSTRUCTION ENGINEERING AND INSPECTION**

(This article describes how the LPA or its consultant will provide construction administration and inspection during the project construction per state and federal regulations, including the requirement to keep project documentation in SITE Manager, (DOTD's electronic record keeping system for construction projects). It states that the work will be performed under the direct supervision of a full time employee of the LPA who will have charge and control of the project at all times (responsible charge). It describes the DOTD District office's role as coordinator for the project. It describes requirements for equipment and/or construction procedures, construction inspections & personnel qualifications, documentation of pay quantities, materials sampling and testing procedures and personnel qualifications. If it is a state route, the DOTD District office will either provide inspection with in-house staff, or manage the contract if a consultant is performing the construction inspection.)

All construction procedures must be in accordance with DOTD guidelines and policies established by the latest edition of the Construction Contract Administration Manual, the Engineering Directives and Standard Manual (EDSM), and any applicable memoranda.

The LPA or its consultant will provide construction administration and inspection per state and federal regulations on non-state routes during the project construction. The LPA must plan for construction oversight prior to bidding whether using in-house personnel or hiring a consultant. If the LPA plans to use federal funds to hire a consultant, a significant lead time is required because DOTD must select the consultant.

The construction engineering and inspection task must include certified inspectors and project documentation kept in SiteManager (DOTD's electronic record keeping system for construction projects).

On state routes, DOTD's District Construction Section will provide the construction inspection or may require that funds be designated to hire a consultant.

Inspectors - All construction inspections personnel utilized by the LPA and/or the LPA's consultant must meet the same qualifications required of DOTD construction personnel. When certification is required in the specification of an item, the inspectors shall be DOTD-certified and experienced in the type of construction they are required to oversee. Construction inspection personnel are responsible for inspecting for compliance with accessibility codes and regulations. Inspectors should be on-site whenever construction activities that require an inspector are performed. DOTD-certified inspectors will be required for

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a project if a DOTD-certified inspector is required for similar work on DOTD owned construction projects.

For example, pouring structural concrete would require a DOTD-certified inspector. Pouring sidewalks does not require a DOTD-certified inspector. To lay and backfill pipe does not require a DOTD certified-inspector; however, to run a density test does require a DOTD-certified inspector. To lay hot mix does require a DOTD-certified inspector. When in doubt as to whether a DOTD-certified inspector is required, please consult with specification and the DOTD District Project Coordinator.

DOTD District Project Coordinator - DOTD will assign a representative from its district office to serve as a project coordinator for DOTD during project construction. The project coordinator makes intermittent trips to the construction site to ensure that the construction contractor is following established construction procedures and that applicable Federal and State requirements are being enforced. The project coordinator advises the LPA's Responsible Charge of any discrepancies noted and, if necessary, will direct that appropriate remedial action be taken.

Documentation – Construction documentation will be performed by the LPA's project engineer and staff in DOTD's SiteManager program. It must be made in accordance with the latest edition of the Construction Contract Administration Manual. Poor documentation may result in forfeiture of federal funds

Sampling & Testing - All sampling and testing must be done in accordance with the DOTD Materials Sampling Manual. The LPA project engineer is responsible for obtaining all the necessary samples and performing tests in the field unless stated in contract specifications. The project will be built in accordance with the latest version of the Louisiana Standard Specifications for Roads and Bridges. Contractor Quality Assurance must follow the appropriate quality assurance manuals for all materials to be tested and insure that proper sampling and testing methods are used. Sampling shall be done in accordance with DOTD's Sampling Manual or as directed by the Department through SiteManager Materials.

Testing Lab - If a private laboratory is used for material testing, the LPA is responsible for all cost associated with the material testing. The selected laboratory must be accredited by an accreditation laboratory approved by the DOTD. (Approved accreditation entities are listed on the DOTD Materials Lab website.) All the private laboratory personnel utilized by the LPA and/or the LPA's consultant must meet the same qualifications required of DOTD laboratory personnel. When certification in a specific area is required, these personnel must meet the certification requirements of DOTD.

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Shop Drawings - Shop drawings and submittals are to be reviewed and approved by the LPA's design engineer

Change Orders / Plan Changes – A change order should be initiated any time it is necessary to deviate from the contract, specifications or plans or an overrun or underrun for an item is 5% or greater. The LPA project engineers are responsible for writing change orders. The DOTD Project Coordinator can provide guidance. The procedure is documented in the CCA Manual. **NO** extra work may begin until the change order has been approved. Change orders require justification and are required for any extra cost, extra work and/or changes in contract time. The paperwork for change order must be completed in SiteManager with all applicable signatures. The paperwork addresses the overall scope of the project, nature of changes, how they affect items in project and quantities of items.

Justification - Provide a justification for any extra cost, extra work and/or any changes in contract time (with all applicable signatures in SiteManager). Change order documents are signed by the LPA and the project engineer. They are sent to the DOTD Project Coordinator for processing.

Responsible Charge – The LPA will provide a full time employee to provide direct supervision and have charge of the project at all times whether it is contracted out or performed by the LPA.

Discrepancies/Remedial Action – (Work not performed in accordance with plans and specifications). If the DOTD Project Coordinator advises the PE of discrepancies and recommends remedial action, but it is not being addressed, funds will be withheld until the corrective measures are taken by the LPA.

Construction According to Plans – FHWA will not participate in the cost of the items that are not constructed in accordance with the approved plans and specifications. If there is a discrepancy, the LPA will be obligated for the cost.

Approvals - When stipulations in the latest edition of the Louisiana Standard Specifications for Roads and Bridges require approval by the engineer or DOTD for equipment and/or construction procedures, such approval must be obtained through the DOTD Construction Section. All DOTD policies and procedures for obtaining such approval shall be followed.

Responsible Charge should ensure the following:

- Construction oversight is planned prior to bidding
- Oversight has proper inspectors
- Documentation is being kept
- Sampling & testing is being performed

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- They are involved in discrepancies/remedial actions
- They are involved in all change orders

*****ARTICLE XIV***: SUBCONTRACTING**

(This article describes the requirements for any subcontracting performed for a project with state or federal funds either by consulting engineers engaged by the LPA or the construction contractor. Subcontracting by consulting engineers or construction contractor must have prior written approval from the LPA and DOTD.)

In the event that the consultant or the contractor elects to sublet any of the services required under the contract, it must take affirmative steps to utilize Disadvantaged Business Enterprises (DBE) as sources of supplies, equipment, construction, and services. The steps that have to be followed are

- (a) Included qualified DBE on solicitation lists.
- (b) Assure that DBE are solicited whenever they are potential sources.
- (c) When economically feasible, divide total requirements into smaller tasks or quantities so as to permit maximum DBE participation.
- (d) Where the requirements permits, establish delivery schedules which will encourage participation by DBE.
- (e) Use the services and assistance of the Office of Disadvantaged Business Enterprise of the Department of Commerce and the Community Services Administration as required.
- (F) The Contractor is encouraged to procure goods and services from labor surplus areas.

*****ARTICLE XV*** DBE REQUIREMENTS**

(This article describes the federal policy and requirements that small business firms owned and controlled by socially and economically disadvantaged persons and other persons defined as eligible in Title 49 Code of Federal Regulations, Part 26 (49 CFR 26) shall have maximum opportunity to participate in the performance of contracts

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financed in whole or in part with Federal funds. Also that the LPA or its contractor agrees to ensure that Disadvantaged Businesses (DBE) as defined in 49 CFR 26 have maximum opportunity to participate in performance of contracts and subcontracts financed in whole or in part with Federal funds.)

It is the policy of USDOT that small business firms owned and controlled by socially & economically disadvantaged persons or small race neutral business firms SHALL have an equal opportunity to participate in the performance of federally financed contracts or subcontracts. DOTD does not allow discrimination on the basis of race, color, national origin, or gender in the award of any United States Department of Transportation (US DOT) financially assisted contracts or in the administration of its DBE program or the requirements of 49 CFR Part 26, and takes all necessary and reasonable steps under 49CFR Part 26 to ensure there is nondiscrimination in the award and administration of US DOT assisted contracts.

The DBE program is a Federal requirement and implementation of this program is a legal obligation. Failure to carry out the terms of this program shall be treated as a violation of the Entity-State agreement. If there is failure to carry out the requirements after notification by DOTD, DOTD may withhold funds, may terminate the agreement, or may execute other remedies DOTD deems appropriate.

It is the responsibility of the LPA or its consultant to ensure that the "Required Contract Provisions for DBE/SBE Participation in Federal Aid Construction Contracts" are adhered to for the duration of the project.

The DOTD includes as part of the solicitation of bids a current list containing the names of firms that have been certified as eligible to participate as DBE/SBE on US DOT assisted contracts. This list indicates the project numbers and bidding date for which this list is effective. Only DBE/SBE's listed on these lists can be used to meet the established DBE/SBE goal for these projects.

It is the LPA or its contractor's responsibility to monitor that only the certified DBE/SBE's committed to this project are performing the work items they were approved. The LPA or its contractor must verify actual payments to DBE/SBE's for the previous month's reporting period on a Form CP-1A, Contractors Monthly DBE/SBE Participation. This form is completed by the Prime Contractor and provided to the LPA or its contractor to verify and then submitted to DOTD's Project Coordinator for approval, once approval is obtained, DOTD's Project Coordinator must send the CP-1A to DOTD's Compliance Program Section.

The above requirements shall be physically included in all contract and/or subcontracts entered into by the LPA or its contractor.

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Goals - A DBE/SBE project goal is a percentage of the total contract amount that must be subcontracted by a prime contractor to certified DBE/SBE's. Goals are set on DBE projects that are estimated to be \$500,000 and over. Goals are set on SBE projects that are estimated to be between \$125,000 and \$500,000.

Establishing the amount reasonable to be met by contractors - All projects that fit the above criteria are reviewed by DOTD to ensure contractors take steps to encourage DBEs to compete for construction contracts, procurement contracts, grants, services, financial aid or other benefits. The DOTD DBE Goals Committee reviews each project to determine if work allows for DBE participation. They consider if the dollar amount of contract is large enough to allow efficient subcontracting, the type of work on the project that can be subcontracted, and the availability of DBE firms in the project area able to do the required work.

Contract Requirements – DBE language found in the DBE Requirements section of the agreement must be physically located in all subcontracts entered into by the Entity or its Contractor. Failure to carry out the requirements will constitute a breach of the agreement and may result in termination of the agreement by DOTD or other remedies as DOTD deems appropriate.

The LPA Responsible Charge should know if the project has a DBE/SBE goal, and if it does the percentage of work to be by a DBE subcontractor because additional contract reporting is required for a DBE/SBE contractor. The location of the goal information in the construction proposal is under the Section entitled "Special Provisions" in a paragraph entitled "DBE/SBE Participation in Federal Aid Construction Contracts". This will show the percent for the DBE/SBE goal.

Training - Training for local agencies can be arranged by DOTD Compliance Programs Department's Equal Opportunity Office (EOO)

Monitoring – The LPA P.E. is responsible to monitor the DBE's performance to ensure the Commercially Useful Function (CUF) is performed. If the monitoring is not adequately performed, the LPA is held responsible and will have money withheld.

A DBE/SBE subcontractor must be reported, even if project does not have a DBE goal Construction Form CP-1A tracks payment to the DBE/SBE is completed even if DOTD did not set a project goal

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***** ARTICLE XVI **: DIRECT AND INDIRECT COSTS**

This article notes that Incidental Project costs (i.e. administrative, overhead, if any) incurred by the Entity is eligible for reimbursement as per "Super Circular" 2CFR Part 200.

Indirect costs (2 CFR 200.412 thru 200.417) - Under the new rules, Federal agencies and pass-through entities must accept a negotiated indirect cost rate if one exists, or negotiate a rate in accordance with Federal guidelines. There are exceptions when a statute or regulation requires it, or if the non-Federal entity receives \$35 million or less in direct Federal funding.

- Non-Federal entities that have never had a negotiated indirect cost rate may use a de minimis rate of 10 percent of modified total direct costs.*
- Entities with an approved negotiated indirect cost rate can now apply for a one-time extension of up to four years without further negotiation.*

To receive indirect costs reimbursement, the entity must provide proof (copies payrolls) of labor expenditures on the project. The indirect cost will be calculated from this information.

***** ARTICLE XVIII **: COST RECORDS FOR ALL PHASES OF THIS PROJECT**

(This article describes the requirements for the LPA and all others employed by it to maintain all required books, documents, papers, accounting records and other evidence pertaining to costs incurred relative to the project. These documents are to be kept and available at its offices at all reasonable times during the contract period and for five years from the date of final payment for the project, for inspection by DOTD, the Legislative Auditor, or any authorized representative of the Federal Government.)

***** ARTICLE XVIII **: CANCELLATION**

This article describes the conditions under which the Agreement may be terminated

The Agreement is a legal document and is binding upon the parties until the work has been completed, accepted, and all required payments have been made. The Agreement can be terminated under any or all of the following conditions:

1. By mutual agreement and consent of the parties.
2. By the LPA should it desire to cancel the project prior to the receipt of bids. The LPA will repay any federal/state costs that have been incurred for the development

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of the project.

3. By DOTD due to the withdrawal or reduction of State or Federal funding for the project.

4. By DOTD due to failure by the LPA to progress the project forward or follow the specific program guidelines. The Program Manager will provide LPA with a written notice specifying the failure. If within sixty (60) days after receipt of such notice, the LPA has not either corrected the failure, or begun in good faith to correct the failure if it cannot be corrected in 60 days but is proceeding diligently to complete it, DOTD will terminate the Agreement on the date specified in the notice. Any Federal/State costs that have been incurred for the development of the project will be repaid by the LPA to DOTD. Additionally, the LPA will not be eligible for other LPA projects for a minimum of 12 months or until any repayment is rendered.

*****ARTICLE XIX*** COMPLIANCE WITH CIVIL RIGHTS**

This article describes how the LPA will agree to abide by the requirements applicable laws: Titles VI and VII of the Civil Rights Act of 1964, as amended; the Equal Employment Opportunity Act of 1972, as amended; Federal Executive Order 11246, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Vietnam Era Veteran's Readjustment Assistance Act of 1974, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; the Americans with Disabilities Act of 1990, as amended; and Title II of the Genetic Information Nondiscrimination Act of 2008

NOTE: The Entity agrees not to discriminate in its employment practices, and shall render services under this Contract without regard to race, color, age, religion, sex, national origin, veteran status, political affiliation, or disabilities.

If the LPA does not comply with the applicable statutory obligations, the Agreement can be terminated.

ADA - Self-Evaluation Plans

Local Public Agencies (LPAs) are required to perform "self-evaluations" of their current facilities, relative to the accessibility requirements of the ADA. All public entities are obligated to have some planning method to make facilities ADA accessible. LPA's are required to correct any deficiencies identified through self-evaluation.

An ADA Transition Plan details how accessibility issues or deficiencies within the Public Right of Way will be corrected, scheduled, budgeted for and monitored for progress and

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compliance. An ADA Transition Plan is a living document that must be updated regularly as projects are completed or changes occur within the Public Right of Way.

LPA's (cities, parishes, etc.,) are required to perform "self-evaluations" of their current facilities, relative to the accessibility requirements of the ADA. LPA's are required to correct any deficiencies identified through the self-evaluation and are obligated to have some planning method to make facilities ADA accessible.

Do All Public Agencies Require an ADA Transition Plan?

- LPA's with more than 50 employees (both full and part-time) are required to have a Public Right of Way (PROW) Transition Plan detailing how the deficiencies will be corrected
- A PROW accessibility transition plan is recommended for ALL LPA's regardless of number of employees

Considerations for inclusion in Transition Plans

- ADA Title II Regulations
- Formal Written Complaint Procedure
- Request for Accommodation Procedure
- Contact Numbers of the LPAs ADA Coordinator, State and Federal offices, etc.

*****ARTICLE XX***: INDEMNIFICATION**

(This article describes how the LPA agrees to indemnify (to compensate for loss or damage; to provide security for financial reimbursement to an individual in case of a specified loss incurred by the person), save harmless and defend DOTD against any and all claims, losses, liabilities, demands, suits, causes of action, damages, and judgments of sums of money growing out of, resulting from, or by reason of any act or omission of the LPA, its agents, servants, independent contractors, or employees while engaged in, about, or in connection with the discharge or performance of the terms of this Agreement.)

This also applies to sidewalks, shared use paths, landscaping and lighting on state routes.

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*****ARTICLE XXI***: FINAL INSPECTION AND MAINTENANCE**

(This article describes how the LPA, upon completion and Final Acceptance of the project, will adopt a resolution granting a Final Acceptance to the contractor. The resolution will be recorded with the Clerk of Court in the appropriate Parish. The LPA will assume the maintenance of the improvement at its expense and in a manner satisfactory to DOTD and the federal government. Title to the project right-of-way shall be vested in the LPA but shall be subject to DOTD and FHWA requirements and regulations concerning abandonment, disposal, encroachments and/or uses for non-highway purposes.)

Before making the final inspection, the Entity's Responsible Charge shall notify DOTD's District Project Coordinator shall be notified so that he/she may have representatives present for such inspection

The Parish/Council will adopt a resolution when the project is completed and Final Acceptance is agreed granting a Final Acceptance to the contractor. This resolution must be recorded in the Clerk of Court in project's parish. The receipt of filing from the courthouse must be sent to the DOTD Project Coordinator. The LPA will furnish an acceptance letter with a copy of the resolution to DOTD.

DOTD does not accept maintenance or liability for sidewalks, landscaping, separate bike paths, or lighting on state routes. Upon completion and Final Acceptance of a project on a state route, a copy of the acceptance will be furnished by DOTD to the LPA. The LPA will then assume the maintenance of the specified improvement(s) listed above at its expense and in a manner satisfactory to DOTD and/or the FHWA. The Final Acceptance is recorded by DOTD. Before making the final inspection, the LPA will be notified so that they may have representatives present for such inspection.

*****ARTICLE XXII*** HOUSE BILL 1 COMPLIANCE**

(This article states that the LPA shall fully comply with the provisions of House Bill 1, if applicable, by submitting to DOTD, for approval, the comprehensive budget for the project showing all anticipated uses of the funds appropriated, an estimate of the duration of the Project, and a plan showing specific goals and objectives for the use of the appropriated funds, including measures of performance.

No funds are transferred to the LPA prior to receipt and approval by DOTD of the submissions required by House Bill 1.)

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This article was added at the request of the Legislative Auditor. This article applies if the project has been included in House Bill 1 (given additional funding by State of LA). Additional documentation will be required. Line item appropriations have specific requirements for the Office of Contractual Review (OCR).

Project Administration and Requirements

Roles

LPA's Design Engineer – A licensed engineer in the State of Louisiana contracted by the LPA (employee or consultant) to provide signed, stamped, and dated construction plans in accordance with DOTD polices which will be let (bid) by DOTD

Responsible Charge – A full time local government employee that is responsible for administering and accountable for the project. The Responsible Charge should be involved with the scope, schedule and budget of the project and ensure adequate documentation is being kept.

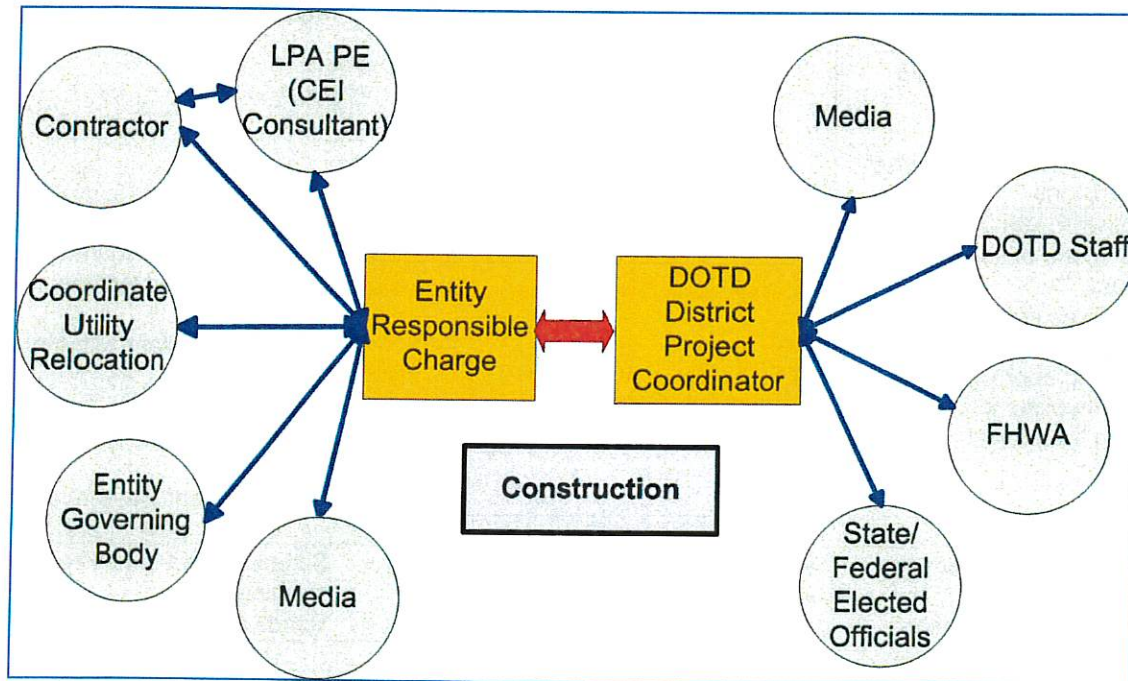
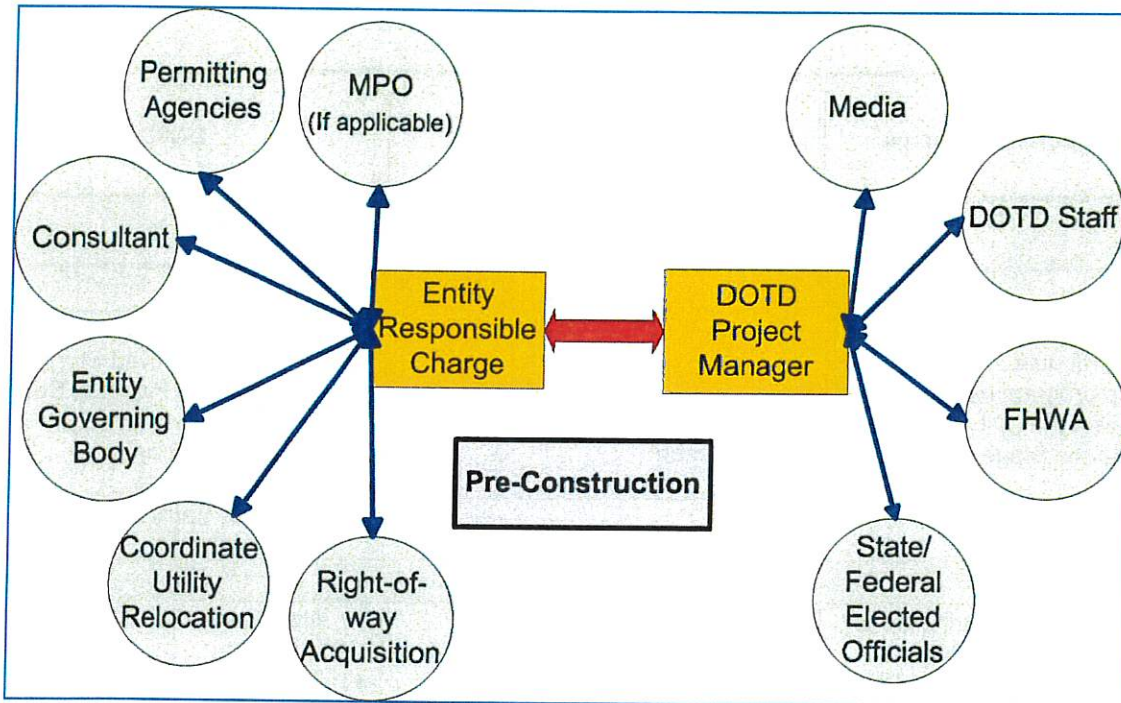
DOTD Project Manager – An engineer from the DOTD that provides oversight for the design project and is a resource to the LPA Responsible Charge and their design engineer.

DOTD Project Coordinator – An engineer from the DOTD office that provides DOTD oversight for the construction project and is a resource to the LPA Responsible Charge and their project engineer

LPA's Project Engineer (LPA PE) – A licensed engineer in the State of Louisiana contracted by the Entity (employee or consultant) to provide contract administration for construction engineering and inspection in accordance with DOTD polices

Working with DOTD All submittals must be sent by the LPA Responsible Charge to DOTD PM, even if you know the TM

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Entity Responsible Charge	LPA Design Engineer or Consultant	DOTD
Preconstruction		
Project Initiation		
<ul style="list-style-type: none"> • Attends LPA Qualification Core Training Module • Develop program application or • Works with MPO, if applicable, to create the Stage 0 report 	<ul style="list-style-type: none"> • Attends LPA Qualification Core Training Module • Assists in the development of the application or Stage 0 document 	<ul style="list-style-type: none"> • Reviews application or • Receives approved Stage 0 from DOTD's Planning Section • Sends to Environmental Section for Document Determination
<ul style="list-style-type: none"> • Processes Entity State Agreement timely 		<ul style="list-style-type: none"> • Prepares Entity State Agreement
Engineering		
<ul style="list-style-type: none"> • Provides updates during life of project to the by sending updated reporting form to the DOTD PM, DOTD District Administrator and MPO, if applicable • Ensures project stays within terms of contract – scope/schedule/budget, requests any required contract time extensions 	<ul style="list-style-type: none"> • Completes and submits updated reporting form to the LPA Responsible Charge • Provides a schedule & budget • Updates during life of project in agreement with the MPO 	<ul style="list-style-type: none"> • Updates the DOTD project system • DOTD processes invoice requests and time extensions requests timely
Federal Money in Design		
<ul style="list-style-type: none"> • Submits scope of services & man-hours • Contract Executed in timely manner, Issues NTP • Reviews and approves and transmits invoices to the DOTD PM during the project 		<ul style="list-style-type: none"> • Reviews scope & man-hours • Prepares and advertises contract • Selects consultant with input from entity • Prepares contract • Sends notification for entity to issue NTP • Processes and pays invoices
Pre-design		
<ul style="list-style-type: none"> • Submits completed pre-design form to the DOTD PM • Attends Pre-design meeting 	<ul style="list-style-type: none"> • Completes pre-design form • Attends Pre-design meeting 	<ul style="list-style-type: none"> • Schedules & Chairs Pre-design meeting • Sends out minutes
Preliminary Plans Submittals		
<ul style="list-style-type: none"> • Transmits submittals to DOTD that were agreed upon at pre-design meeting • Transmits plans within LPA as appropriate 	<ul style="list-style-type: none"> • Transmits submittals to LPA that were agreed upon at pre-design meeting • Transmits plans to utility companies 	<ul style="list-style-type: none"> • Distributes plans to DOTD (& FHWA) personnel as needed. • Submits and plan comments to the LPA Responsible Charge

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<ul style="list-style-type: none"> Submits completed Status Update Form to DOTD PM 	<ul style="list-style-type: none"> Provides written responses for every comment sent by the DOTD PM 	
Field Review / Plan-in-hand (P/H) Inspection		
<ul style="list-style-type: none"> Submits PIH prints to DOTD PM Distributes meeting plans internally Attends PIH field inspection 	<ul style="list-style-type: none"> Submits PIH prints to LPA Responsible Charge Submits plans to utilities Schedules meeting location if requested Attends PIH field inspection Summarizes comments and provides to DOTD PM for the LRSP & SRTS per agreement 	<ul style="list-style-type: none"> Schedules & Chairs PIH Sends out comments/notes Distributes plans to DOTD (& FHWA personnel as needed) Distributes notes from field inspection and reviews
Final plans		
<ul style="list-style-type: none"> Transmits submittals that were agreed upon at pre-design meeting to DOTD PM Ensures written responses are provided to all comments Transmits stamped, signed & dated plans, opinion of probable costs, calculations report and final drainage calculations to DOTD Submit any Non-Standard (NS) items that request form to DOTD PM Submit any design exception request form to DOTD PM Coordinates any TIP changes with MPO if estimate is different from TIP Submits completed Status Update Form to DOTD PM 	<ul style="list-style-type: none"> Transmits submittals that were agreed upon at pre-design meeting to LPA Responsible Charge Transmits plans to utility companies & other entities as appropriate Transmits stamped, signed & dated plans, opinion of probable costs, calculations report and final drainage calculations to Entity Responsible Charge Completes and submits Non-Standard (NS) items forms for any NS items that need to be created to LPA Responsible Charge Completes design exception request form if needed and submits to LPA Responsible Charge 	<ul style="list-style-type: none"> Distributes plans to DOTD (& FHWA personnel) as needed Reviews cost estimate Prepares submittal for bidding in DOTD's system
Bidding		
<ul style="list-style-type: none"> Formally responds to DOTD request for concurrence Reviews estimate for anomalies Awards & signs contract timely 	<ul style="list-style-type: none"> Reviews estimate for anomalies 	<ul style="list-style-type: none"> Advertises and receives bids Reviews bids with LPA & MPO (if applicable) Requests formal concurrence from entity Awards bid Prepares contract for execution by LPA and Contractor
Environmental – non state routes		
	<ul style="list-style-type: none"> Prepares environmental document Obtains required permits 	<ul style="list-style-type: none"> Processes & obtains FHWA approval of the environmental document

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	<ul style="list-style-type: none"> • Coordinates utility clearances 	<ul style="list-style-type: none"> • Ensures utility clearance is obtained
Permits		
<ul style="list-style-type: none"> • Sends a copy of all permits to PM 	<ul style="list-style-type: none"> • Obtains all permits 	<ul style="list-style-type: none"> • Receives copies of permits and processes accordingly • Ensures permits are acquired prior to requesting federal authorization
Utilities		
<ul style="list-style-type: none"> • Ensures utility relocations clearance and certifications are coordinated 	<ul style="list-style-type: none"> • Keeps utility companies involved throughout the project • Coordinates and receives all utility clearance / certification letters • Sends completed utilities forms to the District Utility Specialist (DUS) and include all correspondence from Utility companies in submittals 	<ul style="list-style-type: none"> • Ensures utilities are cleared prior to requesting federal authorization
Right-of-way		
<ul style="list-style-type: none"> • Submits preliminary R/W plans to DOTD PM for JPR meeting • Attends JPR meeting • Submits final R/W plans to DOTD PM 	<ul style="list-style-type: none"> • Prepares preliminary R/W maps (60%) for the Joint Plan Review (JPR) meeting • Attends JPR meeting • Makes corrections from JPR & prepares final R/W maps • Acquires R/W within all state & federal guidelines subject to DOTD's audit upon receipt of notice to proceed from DOTD 	<ul style="list-style-type: none"> • Sends out maps for review • Schedules, chairs JPR meeting • Sends out JPR meeting comments • Requests authorization for purchase of R/W from FHWA • Notifies entity in writing when authorized. • Audits R/W & clear project for authorization • Ensures right-of-way is acquired prior to requesting federal authorization for construction
Railroad Permit		
<ul style="list-style-type: none"> • Submits permit to DOTD PM 	<ul style="list-style-type: none"> • Coordinates & obtains RR permit 	<ul style="list-style-type: none"> • DOTD ensures all proper paperwork is obtained prior to requesting federal authorization

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Entity Responsible Charge	LPA Design Engineer or Consultant	DOTD
Construction		
Project Set-Up		
Sends copy of proof of contract recordation Attends Project Set-Up meeting	Records contract in Clerk of Court's office Schedules Project Set-Up meeting	Attends Project Set-Up meeting
Pre-construction meeting		
Attends preconstruction meeting	Schedules predesign meeting Leads preconstruction meeting	Attends preconstruction meeting
Construction		
<ul style="list-style-type: none"> • Attends all meetings when a decision is needed regarding scope, schedule or budget • Review & approve change orders • Ensures Work Zone safety is being addressed • Make periodic site inspections 	<ul style="list-style-type: none"> • Ensures project is constructed in accordance with plans & specifications • Prepares, reviews and recommends approval of change orders • Ensures Work Zone Safety • Obtains all necessary samples and performs tests in the field 	<ul style="list-style-type: none"> • Attends any meetings requested by the LPA Responsible Charge or LPA PE • Verifies project is being constructed in accordance with plans & specifications • Reviews and approves change orders • Verifies Work Zone Safety requirements are being implemented • Advises LPA P.E. or LPA inspector of any noted construction deficiencies & unacceptable methods of written records/field documentation • Provides technical assistance and answers questions • Make periodic inspections of the work • Document the inspection
Construction Payment		
<ul style="list-style-type: none"> • By law pays the contractor correctly and on time for work performed on a monthly basis • Reviews invoice and prepares / submits Cost Disbursement Certification monthly to DOTD Project Coordinator 	<ul style="list-style-type: none"> • All items to be paid should be measured and documented in both field books/spreadsheets and SiteManager • Creates partial estimate each month in SiteManager 	<ul style="list-style-type: none"> • Verify conformity with first partial estimate. If involves DBE/SBE work ensure conformity with DBE/SBE Contract Provisions • Review payrolls with LPA PE for conformity with the first estimate

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Construction Documentation		
<ul style="list-style-type: none"> • Ensures LPA PE is keeping the required documentation 	<ul style="list-style-type: none"> • Documentation must follow that shown in the Construction Contract Administration Manual • Measure work on a daily basis • Project diaries, daily work reports kept daily in SiteManager • All DBE/SBE forms are completed in accordance with requirements • Completed 2059 Form 	<ul style="list-style-type: none"> • Make periodic inspections of the work • Document the inspection
Construction Closeout		
<ul style="list-style-type: none"> • Attend final inspection • Ensures final estimate package is sent to DOTD • Transmit copy of recordation to DOTD Project Coordinator 	<ul style="list-style-type: none"> • Notify DOTD Project Coordinator of project completion • Schedule final inspection • Prepare the final estimate package with all backup documentation • Hand carry final estimate package to DOTD HQ within 30 days of final acceptance • Record final acceptance in the Clerk of Court's office 	<ul style="list-style-type: none"> • Attend final inspection • Provide guidance to the LPA PE to prepare the final estimate package • Review the final estimate package with backup documentation

Addendum J

LADOTD INTERDISCIPLINARY TEAM PROGRAM AREA LIAISONS

- **Planning (Public Involvement/Meetings; Statewide Planning)**
Contact: Ms. Constance Betts, Transportation Planning Administrator
Phone: 225 379-1297

- **Project Development (Design-Bridge and Road; Location and Survey, Pavement and Geotechnical Design)**
Contact: Mr. David Smith, Project Development Division Chief
Phone: 225 379-1348

- **Contract Services (Consultant, Project Control, Contracts & Specifications)**
Contact: Mr. Mark A. Chenevert, Section Head-Engineer 8
Phone: 225 379-1591

- **LA Transportation Research Center (Training)**
Contact: Mr. Tyson Rupnow, Associate Director of Research
Phone: 225 767-9124

- **Environmental (Environmental Documentation and Planning; Public Involvement)**
Contact: Ms. Noel Ardoin, Environmental Engineer Administrator
Phone: 225 242-4501

- **Real Estate (Right-of-Way; Expropriations)**
Contact: Mr. Charles McBride, Right-of-Way Administrator
Phone: 225 242-4537

- **Construction**
Contact: Mr. Brian Owens, Chief Construction and Materials Engineer
Phone: 225 379-1503

- **Public Transportation**
Contact: S. Michelle Horne, Public Transportation Director
Phone: 225 379-3057

Addendum K

METROPOLITAN PLANNING ORGANIZATONS

Acadiana MPO, Acadiana Planning Commission

<https://www.planacadiana.org/>

Alexandria-Pineville MPO, Rapides Area Planning Commission

<https://www.rapc.info/>

Baton Rouge MPO, Capital Region Planning Commission

<https://www.crpcla.org/>

Mandeville-Covington MPO, Regional Planning Commission

<https://www.norpc.org/>

Houma-Thibodaux MPO, South Central Planning and Development Commission

<https://scpdc.org/>

Lake Charles MPO, Southwest Louisiana Regional Planning Commission

<https://mpo.planswla.com/index.shtml>

Monroe MPP, North Delta Regional Planning and Development District

<https://northdelta.org/>

New Orleans MPO, Regional Planning Commission

<https://www.norpc.org/>

Shreveport MPO, Northwest Louisiana Council of Governments

<https://www.nlcoq.org/index.html>

Slidell MPO, Regional Planning Commission

<https://www.norpc.org/>

South Tangipahoa MPO, Regional Planning Commission

<https://www.norpc.org/>

Addendum L
Louisiana Mayor and Cities

Bossier

Mayor Thomas H. Chandler
P.O. Box 5337
Bossier City, LA 71171-5337
P: (318) 741-8501

Shreveport

Mayor Tom Arceneaux
505 Travis Street-Suite 200
Shreveport, LA 71101
P.O. Box 32209
Shreveport, LA 71130
P: (318) 673-5050

Lake Charles

Mayor Marshall Simien, Jr.
326 Pujo Street
Lake Charles, LA 70601
P: (337) 491-1201

Monroe

Mayor Friday Ellis
400 Lea Joyner Memorial Expy
Monroe, LA 71201
P: (318) 329-2200

West Monroe

Mayor Staci Albritton Mitchell
2305 N. 7th Street
West Monroe, LA 71291
P: (318) 396-2600

New Orleans

Mayor LaToya Cantrell
1300 Street-2nd Floor East
New Orleans, LA 70112
P: (504) 658-4900

Alexandria

Mayor Jacques M. Roy
P.O. Box 71
Alexandria, LA 71309-0071
P: (318) 449-5000

Lafayette

Mayor-President Monique Blanco-Boulet
705 West University Avenue
Lafayette, LA 70502
P: (337) 291-8300

Hammond

Mayor Pete Panepinto
310 E. Charles Street
Hammond, LA 70401
P.O. Box 2788
Hammond, LA 70404
P: (985) 277-5601

East Baton Rouge

Mayor-President Sid Edwards
222 Saint Louis Street-3rd Floor
Baton Rouge, LA 70802
P: (225) 389-3100

Addendum M

HISTORICALLY BLACK COLLEGES & UNIVERSITIES (HBCUs)

- **Dillard University**
2601 Gentilly Boulevard
New Orleans, La 70122
(504) 283-8822

- **Grambling State University**
403 Main Street
Grambling, LA 71245
(318) 274-3811

- **Southern University and A&M College – Baton Rouge**
801 Harding Blvd
Baton Rouge, LA 70807
(225) 771-4500

- **Southern University- New Orleans**
6400 Press Drive
New Orleans, LA 70126
(504) 286-5000

- **Southern University- Shreveport**
3050 Martin Luther King Drive
Shreveport, LA 71107
(318) 670-6000

- **Xavier University of Louisiana**
4833 Dixon Street
New Orleans, LA 70125
(504) 486-7411

Addendum N

EQUITY ANALYSIS

Determination of Site of Location of Facilities:

LADOTD follows the NEPA process to determine if any adverse impacts might result from federally funded transportation projects. *LADOTD* will follow the appropriate Title VI Analysis on projects. Addendum N
(See Attachments)

Date _____
Grant Applicant _____

**INFORMATION REQUIRED FOR PROBABLE
CATEGORICAL EXCLUSION
(SECTION 771.117(d))**

- ____ **A. DETAILED PROJECT DESCRIPTION:**
- ____ **B. LOCATION (INCLUDING ADDRESS):** Attach a site map or diagram, which identifies the land use and resources on the site and the adjacent or nearby land uses and resources. This is used to determine the probability of impact on sensitive receptors (such as schools, hospitals, residences) and on protected resources.
- ____ **C. METROPOLITAN PLANNING AND AIR QUALITY CONFORMITY:** Is the proposed project "included" in the current adopted MPO plan, either explicitly or in a grouping of projects or activities? What is the conformity status of that plan? Is the proposed project, or are appropriate phases of the project included in the TIP? What is the conformity status of the TIP?
- ____ **D. ZONING:** Description of zoning, if applicable, and consistency with proposed use.
- ____ **E. TRAFFIC IMPACTS:** Describe potential traffic impacts (including whether the existing roadways have adequate capacity to handle increased bus and other vehicular traffic).
- ____ **F. CO HOT SPOTS:** If there are serious traffic impacts at any affected intersection, and if the area is unsatisfactory for CO, demonstrate that CO hot spots will not result.
- ____ **G. HISTORIC RESOURCES:** Describe any cultural, historic, or archeological resources that is located in the immediate vicinity of the proposed project and the impact of the project on the resource.
- ____ **H. NOISE:** Compare the distance between the center of the proposed project and the nearest noise receptor to the screening distance for this type of project in FTA's guidelines. If the screening distance is not achieved, attach a "General Noise Assessment" with conclusions.
- ____ **I. VIBRATION:** If the proposed project involves new or relocated steel tracks, compare the distance between the center of the proposed project and the nearest vibration receptor to the screening distance for this type of project in FTA's guidelines. If the screening distance is not achieved, attach a "General Vibration Assessment" with conclusions.
- ____ **J. ACQUISITIONS & RELOCATIONS REQUIRED:** Describe land acquisitions and displacements of residences and businesses.
- ____ **K. HAZARDOUS MATERIALS:** If real property is to be acquired, has a Phase I site assessment for contaminated soil and groundwater been performed? If a Phase II site assessment is recommended, has it been performed? What steps will be taken to ensure that the community in which the project is located is protected from contamination during construction and operation of the project? State the results of consultation with the cognate state agency regarding the proposed remediation?

- ____ **L. COMMUNITY DISRUPTION AND ENVIRONMENTAL JUSTICE:** Provide a socio-economic profile of the affected community. Describe the impacts of the proposed project on the community. Identify any community resources that would be affected and the nature of the effect.
- ____ **M. USE OF PUBLIC PARKLAND AND RECREATION AREAS:** Indicate parks and recreational areas on the site map. If the activities and purposes of these resources will be affected by the proposed project, state how.
- ____ **N. IMPACTS ON WETLANDS:** Show potential wetlands on the site map. Describe the project's impact on on-site and adjacent wetlands.
- ____ **O. FLOODPLAIN IMPACTS:** Is the proposed project located within the 100-year floodplain? If so, address possible flooding of the proposed project site and flooding induced by proposed project due to the taking of floodplain capacity.
- ____ **P. IMPACTS ON WATER QUALITY, NAVIGABLE WATERWAYS, & COASTAL ZONES:** If any of these are implicated, provide detailed analysis.
- ____ **Q. IMPACTS ON ECOLOGICALLY-SENSITIVE AREAS AND ENDANGERED SPECIES:** Describe any natural areas (woodlands, prairies, wetlands, rivers, lakes, streams, designated wildlife or waterfowl refuges, and geological formations) on or near the proposed project area. If present, state the results of consultation with the state department of natural resources on the impacts to these natural areas and on threatened and endangered flora and fauna that may be affected.
- ____ **R. IMPACTS ON SAFETY AND SECURITY:** Describe the measures that would need to be taken to provide for the safe and secure operation of the project after its construction.
- ____ **S. IMPACTS CAUSED BY CONSTRUCTION:** Describe the construction plan and identify impacts due to construction noise, utility disruptions, debris and spoil deposit, air and water quality, safety and security, and disruptions of traffic and access to property.

The action described above meets the criteria for a NEPA categorical exclusion (CE) in accordance with 23 CFR Part 771.117 _____.

Applicant's Environmental Reviewer Date

FTA Grant Representative Date

APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), 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, national origin, sex, age, disability, income-level, or LEP 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 as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 C.F.R. 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 Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
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 FMCSA 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 FMCSA, 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 FMCSA 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.

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 LADOTD or FHWA 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 LADOTD to enter into any litigation to protect the interests of LADOTD. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

APPENDIX B

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 Department of Transportation as authorized by law and upon the condition that the Louisiana Department of Transportation and Development will accept title to the lands and maintain the project constructed thereon in accordance with the Louisiana Legislature, Title 23, United States Code. The regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 282; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, title and interest of the 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 Louisiana Department of Transportation and Development 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 Louisiana Department of Transportation and Development its successors and assigns.

The Louisiana Department of Transportation and Development, 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, national origin, sex, age, disability, income-level, or LEP 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 Louisiana Department of Transportation and Development 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, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the 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 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 effectuate the purpose of Title VI.

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

APPENDIX C

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Louisiana Department of Transportation and Development 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 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, national origin, sex, age, disability, income-level, or LEP 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 Non-discrimination covenants, Louisiana Department of Transportation and Development 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 Non-discrimination covenants, the Louisiana Department of Transportation and Development 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 Louisiana Department of Transportation and Development and its assigns.*
- (*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)

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

APPENDIX D

The following clauses will be included in deeds, licenses, permits, or similar instruments/ agreements entered into by Louisiana Department of Transportation and Development 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, national origin, sex, age, disability, income-level, or LEP 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, national origin, sex, age, disability, income-level, or LEP 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 (licensee, lessee, permit, etc.), in the event of breach of any of the above Non-discrimination covenants, Louisiana Department of Transportation and Development 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, Louisiana Department of Transportation and Development will there upon revert to and vest in and become the absolute property of Louisiana Department of Transportation and Development and its assigns.*

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

APPENDIX E

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

- Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d et seq.), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1 et seq. and 49 C.F.R. part 303;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4801) (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, as amended (29 U.S.C. § 794 et seq.) (prohibits discrimination on the basis of disability); and 49 C.F.R. 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 (Pub. L. 97-248 (1982)), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (102 Stat. 25) ("...which restore[s] the broad scope of coverage and to clarify the application of Title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title VI of the Civil Rights Act of 1964.");
- 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 Justice regulations at 28 C.F.R. parts 35 and 39, and 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 12598, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-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 13168, 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.).