



# LOUISIANA DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

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## Title VI Plan 2024

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

1201 Capitol Access Road  
Baton Rouge, LA 70802  
P: (225) 379-1923  
F: (225) 379-1865

*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, sub-recipient's, and contractors. To request an accommodation, please contact the Title VI/ADA Program Manager at (225)379-1923.*

Website Link:

[http://wwwsp.dotd.la.gov/Inside\\_LaDOTD/Divisions/Administration/Compliance/Pages/title\\_vi.aspx](http://wwwsp.dotd.la.gov/Inside_LaDOTD/Divisions/Administration/Compliance/Pages/title_vi.aspx)

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**Office of the Secretary**

PO Box 94245 | Baton Rouge, LA 70804-9245

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John Bel Edwards, Governor

Shawn D. Wilson, Ph.D., Secretary

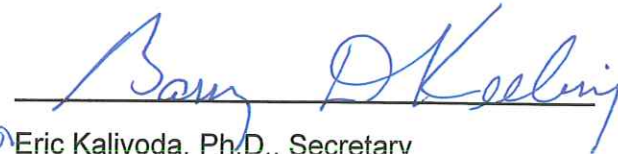
**Title VI Policy Statement**

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.

  
for Eric Kalivoda, Ph.D., Secretary

9-28-23  
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

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# 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), be restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.



## **Specific Assurances**

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

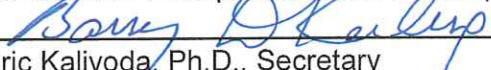
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the 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 sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA access to records, accounts, documents, information, facilities and staff. The Recipient also recognizes that you 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, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal- Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Department of Transportation and Development

by   
Eric Kalivoda, Ph.D., Secretary

Date: 9-28-23



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

John Bel Edwards, Governor  
Shawn D. Wilson, Ph.D., Secretary


## 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.

  
Eric Kalivoda, Ph.D., Secretary  
9-28-23  
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  
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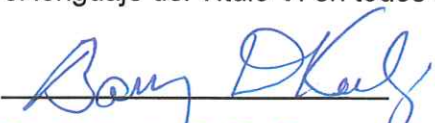
## Declaración de política del Título VI

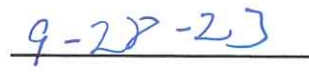
El Departamento de Transporte y Desarrollo de Louisiana (LADOTD) asegura que ninguna persona deberá hacerlo por motivos de raza, color u origen nacional según lo dispuesto en el Título VI de la Ley de Derechos Civiles de 1964 y la Ley de Restauración de Derechos Civiles de 1987 (PL 100.259) quedar excluido 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.

  
Eric Kalivoda, Ph.D., Secretario

  
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, sub-recipients, 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.

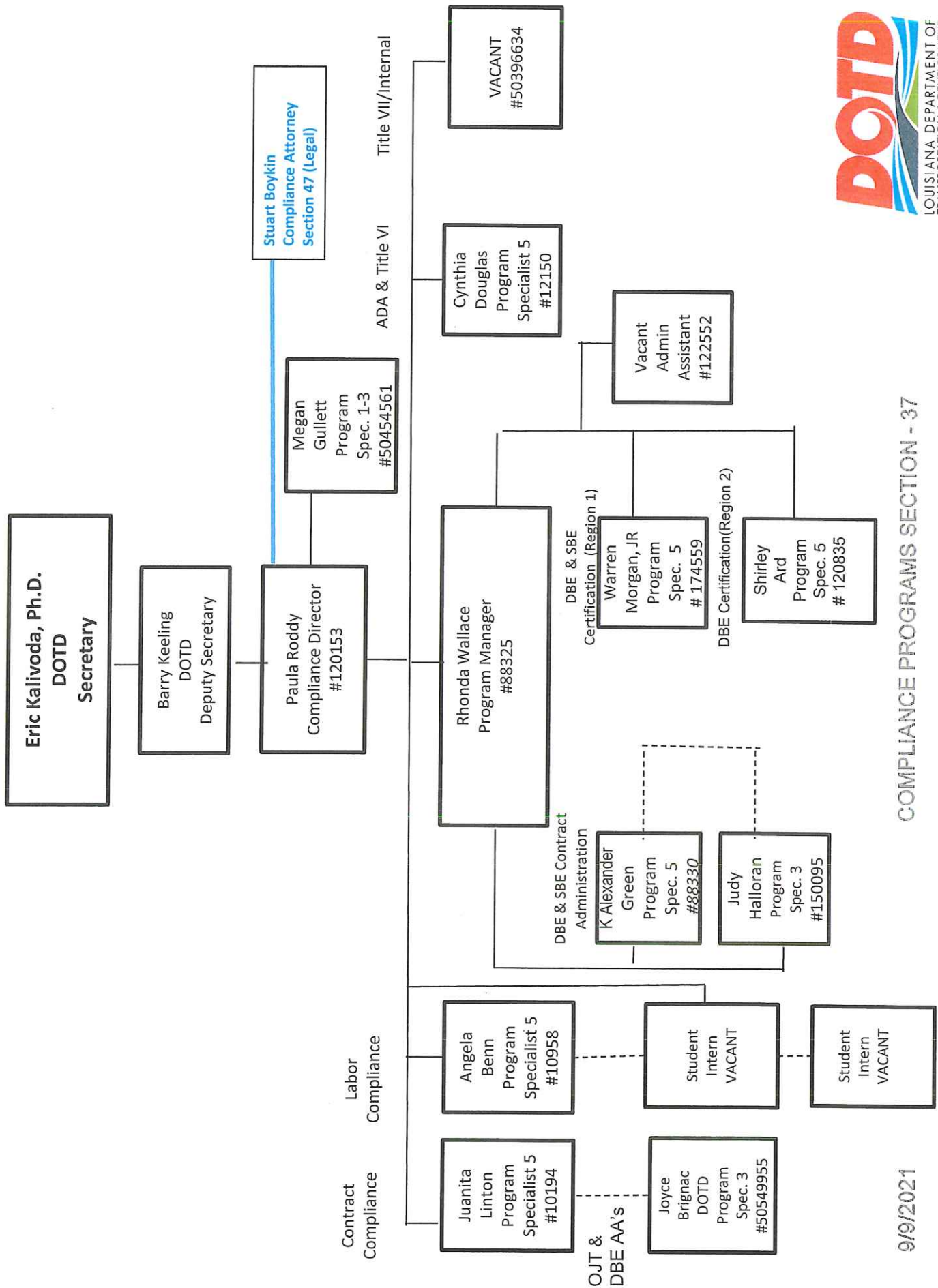
The Federal Aid Highway Act of 1973 (23 U.S.C. 324) prohibits discrimination based on gender. The Age Discrimination Act of 1975 (42 U.S.C. 6101) prohibits discrimination based on age. *Additional Title VI Authorities and Citations Include:*

***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 State 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.



## 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, LEP, disabilities, and income levels) of participants in, and beneficiaries of state highway programs, i.e., relocates 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 sub-recipients 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 sub-recipients 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 sub-recipients 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 as required by the Federal Highway Administration. This office also develops the Highway Priority Program as required by the Louisiana Legislature.

#### **B. Operational Guidelines:**

23 CFR 450

State Statutes

Guidelines developed by the LADOTD

#### **C. Planning Process**

A comprehensive planning process is used which incorporated 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 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 sub-recipients.

### **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), Section 5311 funds (non-urban transportation) require that the state management plan include:



A description of the process by which the state develops the annual program of project 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 sub-recipients 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 sub-recipients serving significant minority populations.
- A description of the state's ongoing process to monitor sub-recipient'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 service area population and the percentage of minority users of the agency's transportation system.

Each applicant which receives \$100 or more of Section 5311 funds per year and whose minority population expressed as a percentage of total population equals or exceeds the state's average minority population of 38.68% must provide the total population of the service area, the percentage which are minority, a map of the service area which shows routes and distribution of minority groups (if demand-response service, the estimation of beneficiaries served by minority group category) and 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 sub-recipients.

## 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) is a cooperative research, technology transfer, and training center administered jointly by the Louisiana Department of Transportation and Development (DOTD) and Louisiana State University (LSU). The primary goal of LTRC is to improve the transportation system in both Louisiana and the nation by conducting research, disseminating information, and assisting state and local transportation agencies. DOTD's LTRC's Technology Transfer and Training Office oversees the majority of training in the department and is responsible for the development of research projects which include not only engineering. The training office plans, develops, and coordinates training activities for staff leadership and supervisory development as well as technical skills development.

#### **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, 2021. 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. LTRC Research Manual 2003 Edition.

#### **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 this policy 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 Workforce Development Administrator and the training staff work 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 sub-recipients.



# **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, as well as Executive Order 12898 on Environmental Justice. 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 regards 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 data regarding the racial, ethnic, and income level of the project area to identify the presence of Limited English Proficiency communities, minority, and/or low-income populations.
2. When a Limited English Proficiency community or a minority or low income population is identified within the project area, the Environmental Section monitors compliance with Executive Order 13166 (Limited English Proficiency) and Executive Order 12898 (Environmental Justice) with input and assistance from the Project Team, the DOTD Compliance Program Director, and the FTA/FHWA.
3. Assist the Title VI Program Unit in technical assistance, reviews, complaints, dissemination of Title VI information, and training of sub-recipients.



### **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 hearing 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 Real Estate Section, Road Design Section, Bridge Design, Pavement and Geotechnical Design, Project Management 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 entails the geometric design of highways and structural design of pavements to provide our transportation network. The Bridge Design Section entails the structural, mechanical and electrical design of fixed and movable bridges and other structures spanning highways and natural obstructions (i.e., rivers, canals, etc.). The Location and Survey Section follows numerous protocols developed 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 sub-recipients.



# PROGRAM AREAS APPOINTING AUTHORITIES DUTIES AND RESPONSIBILITIES

## Real Estate

- A. The Real Estate Section's primary purpose is to acquire and clear the necessary properties to construct and maintain the State Transportation System.

B. Operational Guidelines

Real Estate Standard Operating Policies and Procedures  
Real Estate Manual  
23 CFR 130  
49 CFR 24  
Title 38  
Title 48  
Title 70

C. **Right of Way Process**

Right of Way acquisition follows the Real Estate Manual and all applicable laws and regulations, including Title VI/Environmental Justice. The Right of Way Process entails appraisal and appraisal review of property, negotiation of terms and conditions for acquisition and assistance in the relocation of displaced individuals, businesses, farm operations and nonprofit organizations as well as property management.

D. **Title VI Responsibilities**

The DOTD Title VI Liaison will review policies, rules, and standard operating procedures to ensure compliance with Title VI/Environmental Justice 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 real estate including negotiation, relocation, and property management.
- Ensure participation by MIW/DBE appraisers by updates to fee appraiser directories identifying minority and female appraisers.
- Apprise affected property owners, tenants, and others involved of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process.
- Conduct annual implementation reviews of Title VI provisions within the entire real estate 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 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, permits 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 Department's Title VI Annual Summation Report including award to minority and female appraisers, number of relocations, etc.
- Assist the Title VI Program Unit in technical assistance, reviews, complaints, dissemination of Title VI information, and training of sub-recipients.

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

- The Real Estate Section enters into an agreement with independent real estate consultants on a contract basis or utilizes staff depending upon availability. Each consultant or staff person is required to have on file in the Real Estate Section a list of his/her qualifications, education and experience. Title VI provisions, including UASFLA and USPAP guidelines and procedures, in all fee appraiser and fee review appraiser contracts are required.
- The DOTD Compliance Programs Office will receive copies of all new Real Estate consultant contracts to ensure equal participation by minority/women disadvantaged business enterprises (DBE's); and that employment of Real Estate 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 responsibility for selecting and employing Real Estate consultants is that the appropriate Real Estate Manager makes his/her recommendation on the consultants to be used to the Real Estate Selection Committee, subject to the final approval of the Real Estate Administrator. The consultants are required to comply with regulations relative to non-discrimination in all transportation programs.
- All consultant services and services by staff will be done without distinction as to race, color, national origin, gender, age or disability. The consultants are aware that no discriminatory statement is to be made in appraisal 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.
- Monitor compliance with Executive Order 13166, Limited English Proficiency, 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 insures that all property owners in Louisiana are treated and dealt with fairly regardless of race, color, national origin, gender, age or disability.

- Employment of real estate 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 Real Estate Section provides pertinent information during various stages of a highway project. The Environmental Section is furnished certain data from the Real Estate Section and/or environmental consultant for environmental impact statements (EIS). Similarly, a "Relocation Assistance Plan" is provided by the Real Estate Section and/or 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 design 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 which to relocate, and displacees also 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**

1. 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 Real Estate Section.
2. 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/District Operations

### **A. Construction Section**

The Construction Section is located in the Office of Engineering. It is made up of two groups  
1) System and Fabrication, and 2) Audit and Estimate.

#### *Systems and Fabrication*

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.

#### *Audit and Estimate*

Reviews project records for payment and compliance with LADOTD Standards and Contracts. Checks and compiles project records from the field for DBE Contract Plans and Standard specification requirements.

#### *Construction Section: Construction Audit*

Reviews project records for payment and compliance with LADOTD Standards and Contracts. Checks and compiles project records from the field for DBE Contract Plans and Standard specification requirements.

### **B. Operational Guidelines**

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

### **C. Title VI Responsibilities**

- Review DBE/WBE program requirements for compliance.
- Ensure that all Standard Specifications and Contracts are uniformly administered.
- Review contracts to ensure Title VI documentation is in accordance with the requirements of the specifications.
- Assist the Title VI Program Unit in technical assistance, reviews, complaints, dissemination of Title VI information, and training of sub-recipients.

# **PROGRAM AREAS APPOINTING AUTHORITIES DUTIES AND RESPONSIBILITIES**

## **Public Transportation**

### **A. Public Transportation Section**

The Public Transportation Section is located within the Office of 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)
- Job Access/Reverse Commute - Section 5316 (49 USC 5316)
- 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)
- New Freedom Program – Section 5317 (49 USC 5317)
- 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 4702.1 "Title VI and Title VI – Dependent Guidelines for FTA Recipients
- FTA Circular 4704.1 "Equal Employment Opportunity Program Guidelines for Grant Recipients
- FTA Circular 4715.1A "Human Resource Programs (Section 20) Application and Project Management Guidelines
- FTA Circular 9030.1C "Urbanized Area Formula Program: Grant Application Instructions"
- FTA Circular 9040.1F "Non-urbanized Area Formula Program Guidance and Grant Application Instructions
- FTA Circular 9045.1 "New Freedom Program Guidance and Application Instructions"
- FTA Circular 9050.1 "The Job Access and Reverse Commute (JARC) Program Guidance and Application Instructions"
- FTA Circular 9070.1F "Elderly Individuals and Individuals with Disabilities Program Guidance and Application Instructions"
- 49 CFR Part 42, 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

**Operational Guidelines - Appropriate sections of:**

- 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
  - 49 CFR Part 21
- Operational Guidelines for the Elderly and Persons with Disabilities Program – LA DOTD Elderly Individuals and Individuals with Disabilities Program Procedures Manual
  - Operational Guidelines for the Job Access/Reverse Commute Program – LA DOTD Job Access/Reverse Commute Program Procedures Manual
  - Operational Guidelines for the Section 5311 Rural Public Transportation Program – LA DOTD Rural Transportation Program Procedures Manual
  - Operational Guidelines for the Section 5317 New Freedom Program – LA DOTD New Freedom 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 pertaining to: 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 professional 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 are in compliance with Title VI.
- Ensure that the quality and quantity of service provided by funded agencies is in compliance 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 sub-recipients.

## **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 sub-recipients 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 LA-DOTD employees, utilization of Disadvantaged Business Enterprises (DBE) contractors, public involvement, and property acquisition.

LADOTD program areas and sub-recipients will be sent an Annual 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 on the Department's program areas and sub-recipients on a three-year rotational 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 sub-recipients 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 on its sub-recipients, 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 sub-recipient in correcting deficiencies found during the review. LADOTD will also provide the technical assistance and guidance needed to aid the sub-recipient to comply voluntarily.

Sub-recipients 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 sub-recipient 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 sub-recipient be found in noncompliance.

A follow-up review will be conducted within 180 days of the initial review to ensure that the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the sub-recipient 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 on DOTD's program areas and sub-recipients, on a three-year rotational basis beginning July 1 of each year. The Title VI Program Manager will also participate in FHWA reviews of the Department's sub-recipients, 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 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 DOTD.

Sub-recipients are required to submit an Annual Compliance Review Questionnaire to the LA-DOTD Public Transportation Section annually November 1<sup>st</sup> which includes Title VI Programs, notice to beneficiaries, complaint procedures and complaint form, public participation plan, and language assistance plan where appropriate. Sub-recipients shall develop and submit to the LA-DOTD Public Transportation Section a list of complaints, investigations, or lawsuits. Sub-recipients that have transit-related non-elected planning boards, advisory councils, or committees, the membership of which is selected by the sub-recipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.



New applicants are required to submit, with their applications, the Title VI Programs, notice to beneficiaries, complaint procedures and complaint form, public participation plan, and language assistance plan where appropriate. Applicants shall develop and submit to the LADOTD Public Transportation Section a list of complaints, investigations, or lawsuits. Applicants that have transit-related non-elected planning boards, advisory councils, or committees, the membership of which is selected by the applicant, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.

### **Equity Analysis**

#### **Determination of Site or 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)

## **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, Executive Order 12898 Environmental Justice, and Executive Order 13166 Limited English Proficiency relating to any program or activity administered by LADOTD as to sub-recipients , 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.

## 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 of 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

<b>Section I:</b>			
Name:			
Address:			
Telephone (Home):		Telephone (Work):	
Electronic Mail Address:			
Accessible Requirements?	Format	Large Print	Audio Tape
		TDD	Other
<b>Section II:</b>			
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
<b>Section III:</b>			
I believe the discrimination I experienced was based on (check all that apply):			
[ ] Race [ ] Color [ ] National Origin [ ] Disability [ ] Sex [ ] Age [ ] Income Status [ ] 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.			
_____			
_____			
<b>Section IV</b>			
Have you previously filed a complaint with this agency?		Yes	No
<b>Section V</b>			

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: _____	
<b>Section VI</b>	
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](mailto:cynthia.douglas@la.gov)

## LIMITED ENGLISH PROFICIENCY (LEP) PROGRAM

The Title VI Unit is responsible for developing and implementing a LEP Plan. The LEP Plan is disseminated to the Department's program areas and sub-recipients and used in monitoring programs and activities to ensure meaningful access for LEP persons. (refer to: LA DOTD'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 LA DOTD 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.



Approximately 10 years ago LA DOTD conducted a survey to determine the level of internal resources we have for language services. This survey will be conducted again to find out what languages are spoken by staff in addition to English; whether the individual can read, write and/or speak the language; and the level of fluency. The results of this assessment will be made available to all LA DOTD sections and district offices.

### Training

LA DOTD staff members and sub-recipients 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:

- LA DOTD staff and sub-recipients know about LEP policies and procedures.
- LA DOTD and sub-recipients 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.

# **ENVIRONMENTAL JUSTICE 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, e.g., relocates, impacted citizens, and affected communities, will be gathered and maintained by the Title VI Liaison in the affected program areas, and the data will be incorporated in 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, sub-recipients, as well as the general public. Public dissemination will include the LADOTD Website, posting of public statements, inclusion of Title VI language in contracts, and 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).

## **LA DOTD 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, Executive Order 12898 on Environmental Justice, 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, sub-recipients, 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 bi-annually to sub-recipients, 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 sub-recipients that have already received LADOTD federal funds.



Date: \_\_\_\_\_

## 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, MPO's, Cities/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 is 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 is 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?

Date: \_\_\_\_\_

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. Is 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 DBE's?
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 agencies 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 agencies 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

- 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 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 Request 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 contract/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. Is the agency's Public Involvement practices being inclusive 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. Is 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 relocatee?



Date: \_\_\_\_\_

## **VI. Construction and Maintenance Activities**

1. Is Title VI compliance being monitored in consultants/contractors?
2. Does the agency perform Title VI reviews on 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?

Date: \_\_\_\_\_

## **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 agencies 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 agencies 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?



Date: \_\_\_\_\_

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

**B. Advertisement and Procurement of Contracts**

1. How are Request 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 contract/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 plan for content and discuss questions/concerns where applicable.	Date of Title VI Plan? Has plan been reviewed by the FHWA? Was a copy of plan given to sub/grantees/DOTD? Is plan posted on Agency's website?	Send Letter of Acceptance of Title VI Plan indicating FHWA acceptance of plan, if applicable.
Policy Statement – signed by 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 Coord. 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/Section 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/subrecp, grantees? Placed where public documents are available?	
Additional information that may be included in the plan where applicable	list of rec/grantees. Review questionnaire, for rec/grantees. Annual or on-site review schedule for rec/Grantees. Sample contract language used in clauses, deeds, contracts, etc.	

<b>Part II:</b> Additional Authorities of	<b>Example Questions/Comments</b>	<b>Reviewer</b> Notes/Comments/Recommendations
--	-----------------------------------	---



<b>the Title VI Program</b>		
Does the Agency have a LEP Plan/Policy?	If so, does it address the four factor analysis? If not, how does the agency address LEP?	
Does the Agency have a Public Involvement Plan/Policy?	Does the plan/policy address EJ practices? Any records kept for public involvement? How does the agency monitor public involvement?	
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 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?	

<b>Part III:</b> <b>Agency Records Retained for Review, if available</b>	<b>Example Questions/Comments</b>	<b>Reviewer Notes/Comments/Recommendations</b>
Did the Agency have any Title VI Complaints for the last two years?	If so, who performed the investigation? Who was the complaint against? What was the outcome? Records kept on hand for 3 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 hand for 3 years?	
Date of the Agency's last Annual Review?	Any comments from our Officer pertaining to Annual Review? If so, were they addressed?	

Date of 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?		
Title VI Training given or received by Agency 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.		

## 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 of 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

<b>Section I:</b>			
Name:			
Address:			
Telephone (Home):		Telephone (Work):	
Electronic Mail Address:			
Accessible Requirements?	Format	Large Print	Audio Tape
		TDD	Other
<b>Section II:</b>			
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
<b>Section III:</b>			
I believe the discrimination I experienced was based on (check all that apply):			
[ ] Race [ ] Color [ ] National Origin [ ] Disability [ ] Sex [ ] Age [ ] Income Status [ ] 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.			
<b>Section IV:</b>			
Have you previously filed a complaint with this agency?		Yes	No
<b>Section V</b>			

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: _____	
<b>Section VI</b>	
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](mailto:cynthia.douglas@la.gov)



LOUISIANA DEPARTMENT OF  
TRANSPORTATION & DEVELOPMENT

# LIMITED ENGLISH PROFICIENCY GUIDELINES

## 2024



## **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.

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## LIMITED ENGLISH PROFICIENCY

### **I. Statement of Commitment**

The State of Louisiana, Department of Transportation and Development, LA-DOTD) 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 LEP "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 are 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 the 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 the 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 the receive the funds.

English is the predominate 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 peak, 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 programs, benefits and /or activities of agencies receiving Federal financial assistance.

Presidential Executive Order (EO) 13166 Entitled LEP "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.

LADOTDs 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 it 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 had identified, developed and uses the following:

- a) Lists of Department staff who can fluently speak other languages 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](mailto:cynthia.douglas@la.gov) 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 agency management and the LEP Coordinator on an annual basis.

### **Training**

LA DOTD 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:

- LA DOTD staff and subrecipients know about LEP policies and procedures.
- LA DOTD 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 LA DOTD 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 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, their 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 their service area including community colleges, state and private universities, and community-based organizations. Civil Rights Managers may, with the approval of the Civil Rights Division Administrator, enter into agreements for the provision of such services with community resources.
- 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 LA DOTD for federal projects are covered under Title VI and Executive Order 13166. LA DOTD 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 LA DOTD 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 Title VI Program Manager and Compliance Programs Office will follow the investigation protocol in the Title VI Manual.

## **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 LEP 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.

#### **Section 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.

### **Section. 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 LEP guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP 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 LEP guidance. Agencies that already have developed Title VI guidance that the Department of Justice determines is consistent with the LEP 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.

### **Section. 4. Consultations**

In carrying out this order, agencies shall ensure that stakeholders, such as LEP 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 LEP 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 LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

### **Section. 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 procedurally enforceable at law or equity by party against the United States, its agencies, its officers or employees, or any person.

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



## Executive Order 13166

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, 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 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.

## 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](http://www.lep.gov/guidance)

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**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](mailto: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](mailto: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.

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\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.

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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 Department 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 regulations, 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 Proficien-



cy 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."

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\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/DTTable?\\_bm=y&-geo\\_id=D&-s\\_name=D&-lang=en&-redoLog=false&-mt\\_name=DSS\\_2001\\_EST\\_G2000\\_P035](http://factfinder.census.gov/servlet/DTTable?_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\

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\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.

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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.

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\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.

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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 con-



ducted programs and activities can be effectively shared or otherwise made available to recipients, particularly small businesses, small local governments, and small nonprofit organizations. An interagency 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\

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\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.

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[[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\

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\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.

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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.

171 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.

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**(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.

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

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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; <sup>19\</sup> 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.

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<sup>19\</sup> 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.

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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 rea-



sonable, 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 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 some-



times 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 LEP "back translation."

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\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.

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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.

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\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.

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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 underlying 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.

### **(4) 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\

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\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.

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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 annual 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 in-



form 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 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 multilingual/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\

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\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.

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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 place cards 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;
- f) 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.

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

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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.

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\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.

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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\

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

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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\

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

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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\

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\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.

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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;
- v. Deny a person an opportunity to participate in the program through the provision of services or otherwise afford him an opportunity to do so which is different from that afforded by others under the program, or
- vi. 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 dis-



crimination 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.

[FR Doc. 05-23972 LEP 12-13-05; 8:45 am] BILLING CODE 4910-62-P

## 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 of 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

<b>Section I:</b>					
Name:					
Address:					
Telephone (Home):			Telephone (Work):		
Electronic Mail Address:					
Accessible Requirements?	Format	Large Print		Audio Tape	
		TDD		Other	
<b>Section II:</b>					
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	
<b>Section III:</b>					
I believe the discrimination I experienced was based on (check all that apply):					
[ ] Race [ ] Color [ ] National Origin [ ] Disability [ ] Sex [ ] Age [ ] Income Status [ ] 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.					
<b>Section IV</b>					
Have you previously filed a complaint with this agency?			Yes	No	
<b>Section V</b>					

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: _____	
<b>Section VI</b>	
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](mailto:cynthia.douglas@la.gov)



# Appendix D

United States  
**Census**  
**2010**

U.S. DEPARTMENT OF COMMERCE  
Economics and Statistics Administration  
U.S. CENSUS BUREAU

## 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 ቆጠራ ቢሮ ነኝ ። አሁን እንግሊዝኛ ቋንቋ የሚናገር እና ሊረዳን የሚችል ሰው አለ? ከሌለ እባክትን የስልክ ቁጥርን ይጻፉልንና በአማርኛ የሚናገርት ይናገሩልን።

04. ቁሽርቁሽሰ/  
Amharic

مرحبًا، أنا من مكتب الإحصاء الأمريكي. هل يوجد هنا الآن شخص يتحدث الإنجليزية ويمكنه مساعدتنا؟ إذا كان لا يوجد، فلارجاء آتابة رقم هاتفكم وسيتصل 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 օմննել: Եթե ոչ, մերեք Ձեր հեռախոսի համարը և Ձեզ հետ կկապվեն Չայերենով:

06. Չայերեն/  
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

“နိသယူ၁်မသာ အန နှ် ဃနညကျ ကြမနကောၣ်ၣ်ညာနသညန. နမန ညသတ တုသၣ်ၣ်နန နညါၣ်ၣ် ညေံ  
ခညေ. နှ် ကျိ ညသအယ နှ်နနတမအန ပသကမ စသညန ညကာဘနမ ညေံ ညာနသညန တဂ  
ခသညအခေအ ပသက ငည နညါၣ်ၣ်.

09. မြန်မာ/  
Burmese

សូម្បី ខ្ញុំមកពីការិយាល័យជំរឿនរបស់សហរដ្ឋអាមេរិក ១១ ។ ជនសុស ពុរពុប ។ តើមាននរណាទៅ ទីនេះដែលចេះនិយាយភាសាអង់គ្លេសហើយអាចជួយយើងបាន  
ទេ ? ប្រសិនបើមិនមានទេ សូមសរសេរ លេខទូរស័ព្ទរបស់អ្នកមក ហើយនរណាម្នាក់នឹងទាក់ទងអ្នកជាភាសាខ្មែរ ។

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。我是为美國人口普查局工作的。請問您這里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

Dobry 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 تلفون ترا بدهیشتا به لسان هندی با شما در تماس شویم.

15. دری/  
Dari

Kudual, ʏen ʏe raan de maktam de kuən de koc de Amerika. Nonj raan ʏe jam ẽ thonj de Linglith lëu  
bë wok kony ẽ kē looiku? Na liu, ke yĩ gǝör telepundu ku anonj raan bë yĩin col ẽ thuongjăn.

16. Thuongjăn/  
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 ממשרד 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 यू.एस. जनगणना ब्यूरो से हूँ। क्या अभी यहां 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 hais 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 nináhááágo Bíla'ashdla'ii náóltah bił haz'á bá naashnish. Háidaa'ish kóq Bilagáanaa biq zaad yee yáfti'ígíí hólq? 'Ádingo 'éí nibéésh bee hane'é nihá 'ádííííí dóó t'áá háida t'áá Diné Bizaad yee yáfti'ígíí nich'í'í náhodoonih.

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 गर्नेछन् ।

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 vorbeşte engleză şi ne poate ajuta? Dacă nu, vă rog scrieţi-vă numărul de telefon şi 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

สวัสดีครับ/ค่ะ ผม/ดิฉันเป็นเจ้าหน้าที่จากสำนักงานสัมมะโนประชากรสหรัฐ มีใครพอจะพูดภาษาอังกฤษเพื่อช่วยแปลได้บ้างหรือเปล่า ครับ/ค่ะ ถ้าไม่มีช่วยแจ้งเบอร์โทรศัพท์เพื่อที่เราจะสามารถติดต่อกลับมาใหม่ได้เป็นภาษาไทย

45. ไทย/  
Thai

ሃሎው፡ ከብ ቤተ ጽሕፈት ምዝገባ ሕዝቢ ኢሜሪካ እየ አገ፡ ሕጂ እንግሊዝኛ ዝዘራ-ረብን ክሕግዝን ዝእከልን ሰብ ኣብዚ ኣሎዶ? እንተዘይኮነ፡ ብክብረትኩም ቁጽሪ ቴሌፎንኩም ጽሓፉ፡፡ ሓደሰብ ብትግርኛ ክሃረብኩም እየ፡፡

46. ትግርኛ/  
Tigrinya

Merhaba, A.B.D. İstatistik Bürosu'ndanım. Orada İngilizce konuşan ve bize yardım edebilecek birisi var mı? Yoksa, lütfen telefon numaranızı yazın, sizinle Türkçe dilinde temasa geçilecek.

47. TÜRKÇE/  
Turkish

Привіт, Ми з США. Сенсес Бюро. Тут є хтось, хто володіє англійською мовою і може допомогти нам? Якщо ні, будь ласка, запишіть ваш телефонний номер і з вами зв'яжуться на українській мові.

48. українська  
мова/  
Ukrainian

ہیلو، میں امریکی مردم شماری بیورو سے ہوں۔ کیا یہاں کوئی ایسا شخص ہے جو انگریزی بولتا ہو اور ہماری مدد کر سکتا ہو؟ اگر نہیں، تو براہ کرم اپنا فون نمبر لکھوائیں اور کوئی شخص آپ سے اردو زبان میں رابطہ کرے گا۔

49. اردو/  
Urdu

Xin chào, tôi là nhân viên của Cục Thống Kê Dân Số Hoa Kỳ. Ở đây hiện có ai biết nói tiếng Anh và có thể giúp chúng tôi không? Nếu không, xin vui lòng ghi lại số điện thoại của quý vị. Chúng tôi sẽ liên lạc lại với quý vị bằng tiếng Việt.

50. Tiếng Việt/  
Vietnamese

האלאו, איך בין פון די יונייטעד סטעיטס צענזוס ביורא. איז פאראן דא איינער וואס רעדט ענגליש און קען אונז העלפן? אויב נישט, ביטע שרייבט אראפ אייער טעלעפאן נומער און איינער וועט זיך פארשטענדיגן מיט אייך אויף אידיש.

51. אידיש/  
Yiddish



## 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.dotcor.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.

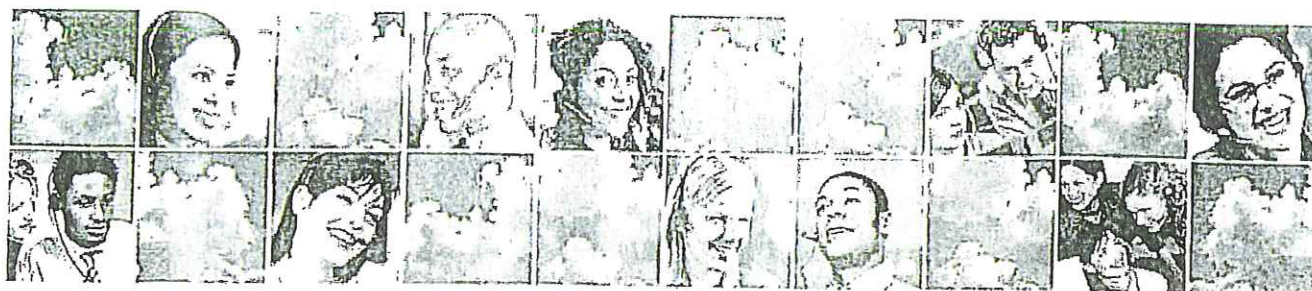
Thank you for your assistance in this important matter.

**Attachment:**

LEP Guidelines, Federal Register (70FR 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:	دَقِيقَةٌ مِنْ فَضْلِكَ	dakika meen fahdlock (masculine) dakika meen fahdlick (feminine)
Chinese:	請稍候	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 પળ થોભશો	meherbani kariné ek pul thobso
Haitian Creole:	Tanpri lann yon ti 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	sîn 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
------	--------	----------	---------

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 2<sup>nd</sup> 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 meetings<sup>1</sup> along with guidelines for limited English proficiency.<sup>2</sup> DOTD has a Title VI Plan<sup>3</sup> and an ADA Plan<sup>4</sup> 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 projects<sup>5</sup>.

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.

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<sup>1</sup> 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](http://ladotnet/administration/compliance/documents/diversity/guidance_for_encouraging_diverse_dotd_representation_at_public_meetings.pdf))

<sup>2</sup> 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))

<sup>3</sup> Title VI Plan,  
([http://wwwsp.dotd.la.gov/Inside\\_LaDOTD/Divisions/Administration/Compliance/Title%20VI/2020%20Title%20VI%20Program/\\_2020\\_Title\\_VI\\_Plan.pdf](http://wwwsp.dotd.la.gov/Inside_LaDOTD/Divisions/Administration/Compliance/Title%20VI/2020%20Title%20VI%20Program/_2020_Title_VI_Plan.pdf))

<sup>4</sup> Americans with Disabilities Act Plan,  
([http://wwwsp.dotd.la.gov/Inside\\_LaDOTD/Divisions/Administration/Compliance/ADA%20Program/ADA%20Transition%20Plan%20Final%2010-2018.pdf](http://wwwsp.dotd.la.gov/Inside_LaDOTD/Divisions/Administration/Compliance/ADA%20Program/ADA%20Transition%20Plan%20Final%2010-2018.pdf))

<sup>5</sup> 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 MyDOTD<sup>6</sup> 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

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<sup>6</sup> 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.



**Addendum G**  
**Public Involvement Events**  
9-1-21 to 9-1-23

TEAM Projec	Environmental Project Description	Event Date	Event Type	Description	Location	Number of Attendees
1	CALCASIEU RIVER BRIDGE (HBI) EIS	12/13/2022 PH	PUBLIC HEARING	PUBLIC HEARING	Pyrocellular Recreational Center, Lake Charles	94
2	CALCASIEU RIVER BRIDGE (HBI) EIS	8/31/2023 PM	P3 PUBLIC MEETING	P3 PUBLIC MEETING	Lake Charles Civic Center	179
2	LA-10: LA 415 TO ESSEN AT I-10 AND I-12	3/7/2023 PM	ENVIRONMENTAL REEVALUATION	ENVIRONMENTAL REEVALUATION	Marriot Hotel, Baton Rouge	220
73	LA 22: ROUNDABOUT DUNTON/RIDGEDELL ROA	6/1/2023 PM	LA 22 ROUNDABOUT	LA 22 ROUNDABOUT	LA 22: Dunston/Ridgecell Roads	24
148	RESERVE TO I-10 CONNECTOR	7/13/2023 PM	UP PUBLIC MEETING	UP PUBLIC MEETING	River Parishes Community College, Media Center	29
424	SABINE RIVER BRIDGE AT BURR FERRY	7/25/2023 PM	PUBLIC HEARING ON TX SIDE	PUBLIC HEARING ON TX SIDE	Leesville High School, 502 Berry Drive, Leesville, LA 71446	21
424	SABINE RIVER BRIDGE AT BURR FERRY	7/27/2023 PM	PUBLIC HEARING ON TX SIDE	PUBLIC HEARING ON TX SIDE	Burkeville ISD, 231CR 2099, Burkeville, Texas 75932	43
730	LA 1415 CONNECTOR	11/2/2022 SM	VPI - FIDES CONSULTING/GRON FUELS	VPI - FIDES CONSULTING/GRON FUELS	VPI - virtual	*
730	LA 1415 CONNECTOR	11/2/2022 SM	VPI - PERFORMANCE CONTRACTORS STAKEHOLDER	VPI - PERFORMANCE CONTRACTORS STAKEHOLDER	VPI - virtual with Franklin Associates and Providence	*
730	LA 1415 CONNECTOR	11/2/2022 SM	VPI - SUN PLUS INC. STAKEHOLDER	VPI - SUN PLUS INC. STAKEHOLDER	VPI - virtual	*
730	LA 1415 CONNECTOR	11/2/2022 SM	VPI - TURNER INDUSTRIES GROUP	VPI - TURNER INDUSTRIES GROUP	VPI - virtual with Franklin Associates and Providence	*
730	LA 1415 CONNECTOR	3/29/2022 SM	VPI - GRON FUELS STAKEHOLDER	VPI - GRON FUELS STAKEHOLDER	VPI - virtual with Franklin Associates and Providence	*
730	LA 1415 CONNECTOR	3/30/2022 SM	VPI - SUN PLUS STAKEHOLDER	VPI - SUN PLUS STAKEHOLDER	Addis Community Center	83
730	LA 1415 CONNECTOR	11/16/2022 PM	RE-EVALUATION PUBLIC MEETING: 44 PUBLIC	RE-EVALUATION PUBLIC MEETING: 44 PUBLIC	South Walker Elementary School	44
937	LA 447 CORRIDOR STUDY	10/11/2022 PH	PUBLIC HEARING FOR EA	PUBLIC HEARING FOR EA	Zoom	32
975	LAFAYETTE I-49 CONNECTOR (SEIS)	9/8/2021 WS	LCAG WORKSHOP 4 PART 1	LCAG WORKSHOP 4 PART 1	Zoom	33
975	LAFAYETTE I-49 CONNECTOR (SEIS)	9/16/2021 WS	LCAG WORKSHOP 4 PART 2	LCAG WORKSHOP 4 PART 2	Zoom	35
975	LAFAYETTE I-49 CONNECTOR (SEIS)	10/7/2021 WS	LCAG WORKSHOP 5 PART 1	LCAG WORKSHOP 5 PART 1	Zoom	40
975	LAFAYETTE I-49 CONNECTOR (SEIS)	10/14/2021 WS	LCAG WORKSHOP 5 PART 2	LCAG WORKSHOP 5 PART 2	Zoom	5
975	LAFAYETTE I-49 CONNECTOR (SEIS)	11/1/2021 SM	FREETOWN PORT RICODOWN TOWN NEIGHBORHOOD	FREETOWN PORT RICODOWN TOWN NEIGHBORHOOD	Science Museum	12
975	LAFAYETTE I-49 CONNECTOR (SEIS)	11/1/2021 SM	WILLOW ST NEIGHBORHOOD MEETING	WILLOW ST NEIGHBORHOOD MEETING	Science Museum	0
975	LAFAYETTE I-49 CONNECTOR (SEIS)	11/2/2021 SM	STERLING GROVE/LAPLACE NEIGHBORHOODS MTG	STERLING GROVE/LAPLACE NEIGHBORHOODS MTG	Science Museum	15
975	LAFAYETTE I-49 CONNECTOR (SEIS)	11/3/2021 SM	KALUSTE SALOOM NEIGHBORHOOD MEETING	KALUSTE SALOOM NEIGHBORHOOD MEETING	Science Museum	18
975	LAFAYETTE I-49 CONNECTOR (SEIS)	11/3/2021 SM	MCCOMB-VEAZEY NEIGHBORHOOD MEETING	MCCOMB-VEAZEY NEIGHBORHOOD MEETING	Science Museum	112
975	LAFAYETTE I-49 CONNECTOR (SEIS)	11/3/2021 SM	ALL DESIGNATED NEIGHBORHOODS MTG	ALL DESIGNATED NEIGHBORHOODS MTG	Science Museum, Lafayette & Online in Virtual Reality Room (444 new hits)	341
975	LAFAYETTE I-49 CONNECTOR (SEIS)	11/4/2021 PM	PUBLIC MTG FOCUS CSS	PUBLIC MTG FOCUS CSS	Science Museum	258
1102	NEW MISS. RIVER BRIDGE BW LA 1 AND LA 30	4/28/2022 PM	EAST BATON ROUGE PM	EAST BATON ROUGE PM	Bluetone Library	136
1102	NEW MISS. RIVER BRIDGE BW LA 1 AND LA 30	4/28/2022 PM	IBERVILLE EAST BANK PM	IBERVILLE EAST BANK PM	St. Gabriel Community Center	43
1102	NEW MISS. RIVER BRIDGE BW LA 1 AND LA 30	4/28/2022 PM	WEST BATON ROUGE PM	WEST BATON ROUGE PM	Addis Community Center	67
1102	NEW MISS. RIVER BRIDGE BW LA 1 AND LA 30	4/28/2022 PM	ASCENSION WEST BANK PM	ASCENSION WEST BANK PM	Donaldsonville High School Gym	353
1102	NEW MISS. RIVER BRIDGE BW LA 1 AND LA 30	5/2/2022 PM	ASCENSION EAST BANK PM	ASCENSION EAST BANK PM	Lamar Dixon Expo Center Banquet Hall	29
1102	NEW MISS. RIVER BRIDGE BW LA 1 AND LA 30	5/3/2022 PM	IBERVILLE WEST BANK	IBERVILLE WEST BANK	Carl F. Grant Civic Center	12
2517	JOE SEVARI/RODDY ROUNDABOUTS STUDY	2/16/2023 PM	PUBLIC MEETING	PUBLIC MEETING	Oak Grove Community Park, 37433 Hwy, Prairieville, LA 70769	21
3525	US 80: INTERSECTION @ BELLEVUE RD	3/31/2022 PM	STAGE 0 PUBLIC MEETING	STAGE 0 PUBLIC MEETING	Central Assembly of God, 700 US-80, Houghton, LA 71037	66
3554	LA 3125 @ LA 3274 ROUNDABOUT	11/17/2022 PM	HYBRID PUBLIC MEETING	HYBRID PUBLIC MEETING	St. James Public School Board Public Relations Building	40
3574	LA 118: REALIGN AT MAGNOLIA PLANTATION	10/27/2022 PM	OPEN HOUSE PUBLIC MEETING	OPEN HOUSE PUBLIC MEETING	St. Augustine Church Hall, Natchez, LA	26
3602	LA 6: ROUNDABOUT @ LA 504	5/30/2023 PM	PUBLIC MEETING	PUBLIC MEETING	Natchitoches Event Center	33
3728	LA 27: 0.12 MI S RICHARDSON RD-LA 12	11/3/2022 PM	US 190 J TURNS NEAR LIVONIA	US 190 J TURNS NEAR LIVONIA	DeQuincy Chamber of Commerce Center	13
3851	US 190: 0.5 MI W OF LA 978 - LA 976	8/25/2022 PM	PUBLIC MEETING	PUBLIC MEETING	3611 Lions Club Drive, Livonia, Pointe Coupee Parish, Louisiana	10
3868	US 61: INT. IMPROVEMENTS AT ALCO AVE	5/1/2023 PM	PUBLIC MEETING	PUBLIC MEETING	GOODWOOD LIBRARY, 7711 GOODWOOD BLVD	13
3800	I-20: US 165 - E. OF GARRETT RD	8/1/2023 PM	ADJACENT LANDOWNERS MEETING	ADJACENT LANDOWNERS MEETING	Public Safety Center, 1810 Martin Luther King Junior Drive, Monroe, LA 71202	10
4080	LA 28: R-CUT AT ST CLAIR RD	8/17/2023 PM			Alexandria West Side Library	13

\*Total Attendance Unavailable

# Presidential Documents

Title 3—

Executive Order 12898 of February 11, 1994

The President

## Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

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

### Section 1-1. *Implementation.*

**1-101. *Agency Responsibilities.*** To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

**1-102. *Creation of an Interagency Working Group on Environmental Justice.***  
(a) Within 3 months of the date of this order, the Administrator of the Environmental Protection Agency ("Administrator") or the Administrator's designee shall convene an interagency Federal Working Group on Environmental Justice ("Working Group"). The Working Group shall comprise the heads of the following executive agencies and offices, or their designees: (a) Department of Defense; (b) Department of Health and Human Services; (c) Department of Housing and Urban Development; (d) Department of Labor; (e) Department of Agriculture; (f) Department of Transportation; (g) Department of Justice; (h) Department of the Interior; (i) Department of Commerce; (j) Department of Energy; (k) Environmental Protection Agency; (l) Office of Management and Budget; (m) Office of Science and Technology Policy; (n) Office of the Deputy Assistant to the President for Environmental Policy; (o) Office of the Assistant to the President for Domestic Policy; (p) National Economic Council; (q) Council of Economic Advisers; and (r) such other Government officials as the President may designate. The Working Group shall report to the President through the Deputy Assistant to the President for Environmental Policy and the Assistant to the President for Domestic Policy.

(b) The Working Group shall: (1) provide guidance to Federal agencies on criteria for identifying disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(2) coordinate with, provide guidance to, and serve as a clearinghouse for, each Federal agency as it develops an environmental justice strategy as required by section 1-103 of this order, in order to ensure that the administration, interpretation and enforcement of programs, activities and policies are undertaken in a consistent manner;

(3) assist in coordinating research by, and stimulating cooperation among, the Environmental Protection Agency, the Department of Health and Human Services, the Department of Housing and Urban Development, and other agencies conducting research or other activities in accordance with section 3-3 of this order;

(4) assist in coordinating data collection, required by this order;

(5) examine existing data and studies on environmental justice;



(6) hold public meetings as required in section 5-502(d) of this order; and

(7) develop interagency model projects on environmental justice that evidence cooperation among Federal agencies.

**1-103. *Development of Agency Strategies.*** (a) Except as provided in section 6-605 of this order, each Federal agency shall develop an agency-wide environmental justice strategy, as set forth in subsections (b)-(e) of this section that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. The environmental justice strategy shall list programs, policies, planning and public participation processes, enforcement, and/or rulemakings related to human health or the environment that should be revised to, at a minimum: (1) promote enforcement of all health and environmental statutes in areas with minority populations and low-income populations; (2) ensure greater public participation; (3) improve research and data collection relating to the health of and environment of minority populations and low-income populations; and (4) identify differential patterns of consumption of natural resources among minority populations and low-income populations. In addition, the environmental justice strategy shall include, where appropriate, a timetable for undertaking identified revisions and consideration of economic and social implications of the revisions.

(b) Within 4 months of the date of this order, each Federal agency shall identify an internal administrative process for developing its environmental justice strategy, and shall inform the Working Group of the process.

(c) Within 6 months of the date of this order, each Federal agency shall provide the Working Group with an outline of its proposed environmental justice strategy.

(d) Within 10 months of the date of this order, each Federal agency shall provide the Working Group with its proposed environmental justice strategy.

(e) Within 12 months of the date of this order, each Federal agency shall finalize its environmental justice strategy and provide a copy and written description of its strategy to the Working Group. During the 12 month period from the date of this order, each Federal agency, as part of its environmental justice strategy, shall identify several specific projects that can be promptly undertaken to address particular concerns identified during the development of the proposed environmental justice strategy, and a schedule for implementing those projects.

(f) Within 24 months of the date of this order, each Federal agency shall report to the Working Group on its progress in implementing its agency-wide environmental justice strategy.

(g) Federal agencies shall provide additional periodic reports to the Working Group as requested by the Working Group.

**1-104. *Reports to the President.*** Within 14 months of the date of this order, the Working Group shall submit to the President, through the Office of the Deputy Assistant to the President for Environmental Policy and the Office of the Assistant to the President for Domestic Policy, a report that describes the implementation of this order, and includes the final environmental justice strategies described in section 1-103(e) of this order.

**Sec. 2-2. *Federal Agency Responsibilities for Federal Programs.*** Each Federal agency shall conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that such programs, policies, and activities do not have the effect of excluding persons (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such programs, policies, and activities, because of their race, color, or national origin.



**Sec. 3-3. Research, Data Collection, and Analysis.**

**3-301. Human Health and Environmental Research and Analysis.** (a) Environmental human health research, whenever practicable and appropriate, shall include diverse segments of the population in epidemiological and clinical studies, including segments at high risk from environmental hazards, such as minority populations, low-income populations and workers who may be exposed to substantial environmental hazards.

(b) Environmental human health analyses, whenever practicable and appropriate, shall identify multiple and cumulative exposures.

(c) Federal agencies shall provide minority populations and low-income populations the opportunity to comment on the development and design of research strategies undertaken pursuant to this order.

**3-302. Human Health and Environmental Data Collection and Analysis.** To the extent permitted by existing law, including the Privacy Act, as amended (5 U.S.C. section 552a): (a) each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information assessing and comparing environmental and human health risks borne by populations identified by race, national origin, or income. To the extent practical and appropriate, Federal agencies shall use this information to determine whether their programs, policies, and activities have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations;

(b) In connection with the development and implementation of agency strategies in section 1-103 of this order, each Federal agency, whenever practicable and appropriate, shall collect, maintain and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding facilities or sites expected to have a substantial environmental, human health, or economic effect on the surrounding populations, when such facilities or sites become the subject of a substantial Federal environmental administrative or judicial action. Such information shall be made available to the public, unless prohibited by law; and

(c) Each Federal agency, whenever practicable and appropriate, shall collect, maintain, and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding Federal facilities that are: (1) subject to the reporting requirements under the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. section 11001-11050 as mandated in Executive Order No. 12856; and (2) expected to have a substantial environmental, human health, or economic effect on surrounding populations. Such information shall be made available to the public, unless prohibited by law.

(d) In carrying out the responsibilities in this section, each Federal agency, whenever practicable and appropriate, shall share information and eliminate unnecessary duplication of efforts through the use of existing data systems and cooperative agreements among Federal agencies and with State, local, and tribal governments.

**Sec. 4-4. Subsistence Consumption of Fish and Wildlife.**

**4-401. Consumption Patterns.** In order to assist in identifying the need for ensuring protection of populations with differential patterns of subsistence consumption of fish and wildlife, Federal agencies, whenever practicable and appropriate, shall collect, maintain, and analyze information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence. Federal agencies shall communicate to the public the risks of those consumption patterns.

**4-402. Guidance.** Federal agencies, whenever practicable and appropriate, shall work in a coordinated manner to publish guidance reflecting the latest scientific information available concerning methods for evaluating the human health risks associated with the consumption of pollutant-bearing fish or



wildlife. Agencies shall consider such guidance in developing their policies and rules.

**Sec. 5-5. Public Participation and Access to Information.** (a) The public may submit recommendations to Federal agencies relating to the incorporation of environmental justice principles into Federal agency programs or policies. Each Federal agency shall convey such recommendations to the Working Group.

(b) Each Federal agency may, whenever practicable and appropriate, translate crucial public documents, notices, and hearings relating to human health or the environment for limited English speaking populations.

(c) Each Federal agency shall work to ensure that public documents, notices, and hearings relating to human health or the environment are concise, understandable, and readily accessible to the public.

(d) The Working Group shall hold public meetings, as appropriate, for the purpose of fact-finding, receiving public comments, and conducting inquiries concerning environmental justice. The Working Group shall prepare for public review a summary of the comments and recommendations discussed at the public meetings.

**Sec. 6-6. General Provisions.**

**6-601. Responsibility for Agency Implementation.** The head of each Federal agency shall be responsible for ensuring compliance with this order. Each Federal agency shall conduct internal reviews and take such other steps as may be necessary to monitor compliance with this order.

**6-602. Executive Order No. 12250.** This Executive order is intended to supplement but not supersede Executive Order No. 12250, which requires consistent and effective implementation of various laws prohibiting discriminatory practices in programs receiving Federal financial assistance. Nothing herein shall limit the effect or mandate of Executive Order No. 12250.

**6-603. Executive Order No. 12875.** This Executive order is not intended to limit the effect or mandate of Executive Order No. 12875.

**6-604. Scope.** For purposes of this order, Federal agency means any agency on the Working Group, and such other agencies as may be designated by the President, that conducts any Federal program or activity that substantially affects human health or the environment. Independent agencies are requested to comply with the provisions of this order.

**6-605. Petitions for Exemptions.** The head of a Federal agency may petition the President for an exemption from the requirements of this order on the grounds that all or some of the petitioning agency's programs or activities should not be subject to the requirements of this order.

**6-606. Native American Programs.** Each Federal agency responsibility set forth under this order shall apply equally to Native American programs. In addition, the Department of the Interior, in coordination with the Working Group, and, after consultation with tribal leaders, shall coordinate steps to be taken pursuant to this order that address Federally-recognized Indian Tribes.

**6-607. Costs.** Unless otherwise provided by law, Federal agencies shall assume the financial costs of complying with this order.

**6-608. General.** Federal agencies shall implement this order consistent with, and to the extent permitted by, existing law.

**6-609. Judicial Review.** This order is intended only to improve the internal management of the executive branch and is not intended to, nor does it create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any person. This order shall not be construed to create any right to judicial review involving the compliance or noncompliance

of the United States, its agencies, its officers, or any other person with this order.

*William Clinton*

THE WHITE HOUSE,  
*February 11, 1994.*

[FR Citation 59 FR 7629]



## **Addendum I**

### **FTA Program Administration Procedures:**

The below procedures are included in the State Management Plans for the FTA Programs.

**1. A description of the procedures the State uses to pass through FTA financial assistance to subrecipients in a non-discriminatory manner.**

In order for FTA and DOTD to assess compliance requirements, applicants must provide the following information in their Grant Application.

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

Additionally, each applicant must provide the total population of the service area, the percentage which is minority, a map of the service area which shows routes and distribution of minority groups (if demand-response service, the estimation of beneficiaries served by minority group category) and special efforts taken to serve minority communities and address minority transit needs.

### **Environmental Justice**

DOTD Public Transportation Section's policy is that recipients comply with the policies of Executive Order No. 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"; 42 U.S.C. § 4321 note.

### **Louisiana's Project Application Process:**

DOTD conducts a call for projects to distribute transportation funds each year. The following is a list of the steps performed to: notify both current and potential subrecipients of the call for projects, provide training on the application process, review and select applications for funding, provide notification to FTA, contract with subrecipients, purchase vehicles for subrecipients, collect data for FTA reports, and submit annual reports to FTA.

- News release and letters of announcement mailed to existing recipients and other interested parties. Minority organizations are encouraged to apply and DOTD assistance is available upon request. ( Summer)
- Applications are available online through the Statewide Transit Tracking and Reporting System (STTARS) (July)
- Application procedures workshop held as needed or requested from interested applicant organizations (August/September).
- FTA notified of funds availability (Winter)
- Application submission closed (November 1)
- New applicants site visits made (December/January)
- Evaluation and ranking of applicants conducted by Review Committee (February/March)
- Consolidated State Application prepared and submitted for FTA approval (April 1)
- Approval/disapproval notification mailed to applicants (mid-April)
- Contracts for subrecipients prepared (April-May)
- Requests for local match/contract execution/board resolutions made (July/August)
- FTA review and approval process completed and notification of results received by DOTD (60 - 90 days)
- All operating contracts executed by DOTD (June 30)
- All local match and capital contracts received by PTS (July)
- Notification sent to MPOs or area agencies being funded (June)
- Equipment specifications issued, checked and forwarded to the Division of Administration (July-September)



- Equipment bid advertised (45 days)
- Equipment bid awarded to vendor and purchase orders prepared (mid-December)
- PTS Program Manager notified by Division of Administration of vendor selection and purchase order preparation; purchase orders approved by PTS (mid-December)
- Time allowed for vehicle to be manufactured (180 days)
- Vehicles delivered to DOTD and inspected (May- June)
- Vehicles issued to recipients; Department of Public Safety and Corrections forms signed by recipient, appropriate taxes and fees collected, insurance binder received verifying insurance coverage on vehicle (June - August)
- Training on management and reporting requirements for programs, including training on STTARS, held by PTS for subrecipients (June - August)
- Monthly reports made to PTS by subrecipients (ongoing)
- Annual Report made to FTA by PTS of data collected on FTA programs

Project applications, submitted for funding are evaluated to determine, among other factors, adequacy of the project's proposed organization; management and operations; technical capacity and ability to provide services to seniors, persons with disabilities, minorities, and Native American Tribes; and the reasonableness and accuracy of related budget requests. Projects are evaluated in this manner to determine if changes to a project are necessary prior to funding, and the maximum amount of funding the project will be eligible to receive under the funding allocation process.

The criteria used to evaluate project applications include the following factors:

- The commitment of local, state, or other Federal programs and funds to participate in the provision of public transportation services;
- The likelihood of continuation of the project;
- Provisions for the local transportation needs in a realistic and prudent manner;
- Quality of proposed monitoring and evaluation along with the ability to modify operations as a result of evaluation;
- Commitment of other local agencies providing or needing transportation services to purchase, share or use in area-wide service;
- Reasonableness and justification of estimated demand;

- Extent to which the application recognizes the transportation needs of all nonurbanized residents;
- Appropriateness of proposed equipment needs, costs and level of service;
- Extent to which the project will comply with federal regulations concerning Civil Rights and Section 13(C);
- Compatibility of system with possible existing supplemental operations e.g., taxicabs, where the vehicles, drivers, radios, and organization are already available and can provide feeder service;
- Extent to which currently operating nonurbanized transportation service, manpower and equipment are utilized;
- Degree of management capability to administer the grant and operate the transportation system; and
- Suitability of current and proposed promotional techniques to reach potential riders.

**2. A description of the procedures the State uses to provide assistance to potential subrecipients applying for funding, including its efforts to assist applicant that would serve predominately minority populations,**

Throughout the year, PTS staff is available to assist potential subrecipients with application preparations. Potential subrecipients can receive assistance with budgeting, planning, interpreting and complying with regulations and provisions for each transportation program. PTS also conducts an application training via Coordination meetings, Director's Meetings and individual agency technical support. All minority transit organizations that meet the eligibility criteria listed in the application manual are encouraged to apply and DOTD assistance is available upon request.

Application in-depth instructions and guidelines for application preparation and submission can be found in the *DOTD Public Transit Administrative Handbook* and online within the DOTD LATEAM Application. The handbook is available by mail upon request. Interested applicants can also download instructions from STTARS.



## **Addendum J**

### **LADOTD INTERDISCIPLINARY TEAM PROGRAM AREA LIAISONS**

- **Planning (Public Involvement/Meetings)**  
Contact: Ms. Constance Betts, Transportation Planning Administrator  
Phone: 225 379-1297
- **Project Development (Design-Bridge and Road; Enhancement Program, Off-System Program)**  
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 HBCU's)**  
Contact: Mr. Tyson Rupnow, Associate Director of Research  
Phone: 225 767-9124
- **Environmental (Public Involvement/Meetings)**  
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. Mike Vosburg, Chief Construction Division Engineer  
Phone: 225 379-1503
- **Public Transportation**  
Contact: S. Michelle Horne, Public Transportation Director  
Phone: 225 379-3057

## **Addendum K**

### **METROPOLITAN PLANNING ORGANIZATIONS**

- **Baton Rouge MPO, Capital Region Planning Commission**  
<https://crpcla.org/>
- **Lake Charles MPO, Imperial Calcasieu Regional P & DC**  
<https://imcal.la/mpo/>
- **Acadiana MPO, Acadiana Planning Commission**  
<http://mpo.planacadiana.org>
- **Monroe MPO, North Delta Regional P & DC**  
<https://www.northdelta.org>
- **Alexandria MPO, Rapides Area Planning Commission**  
<http://www.rapc.info>
- **New Orleans MPO, Regional Planning Commission**  
<http://www.norpc.org>
- **Houma MPO, South Central P & DC**  
<http://www.htmppo.org>
- **Slidell MPO, Regional Planning Commission**  
<http://www.norpc.org>
- **Covington/Mandeville MPO, Regional Planning Commission**  
<http://www.norpc.org>
- **South Tangipahoa MPO, Regional Planning Commission**  
<http://www.norpc.org>
- **Shreveport MPO, Northwest Louisiana Council of Governments**  
<http://www.nlcog.org>



## **Addendum L**

### **LOUISIANA MAYOR AND CITIES**

#### **Bossier**

Mayor Thomas H. Chandler  
P.O. Box 5337  
Bossier City. LA 71111  
P: (318)741-8501

#### **Shreveport**

Mayor Adrian Perkins  
P.O. Box 31109  
Shreveport, LA 71130  
P: (318) 673-6050

#### **Lake Charles**

Mayor Nicholas "Nic" Hunter  
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) 329-2310

#### **West Monroe**

Mayor Staci Albritton Mitchell  
2305 N. 7th Street West Monroe, LA 71291  
P: (318)396-2600

#### **New Orleans**

Mayor Latoya Cantrell  
1300 Perdido Street  
New Orleans, LA 70112  
P: (504)658-4900

#### **Alexandria**

Mayor "Jeff" Hail  
3832 Rue Left Bank  
Alexandria, LA 71303  
P: (318)442-4088

#### **Lafayette**

Mayor Josh Guilory  
P.O. Box 4017-C  
Lafayette, LA 70502  
P: (337) 291-8300

#### **Hammond**

Mayor Peter Michael Panepinto  
310 E. Charles Street  
Hammond, LA 70401  
P: (985) 277-5601

#### **East Baton Rouge**

Mayor Sharon Weston Broome  
222 Saint Louis Street  
Baton Rouge, LA 70802  
P: (225) 389-3100

## Addendum M

### HISTORICALLY BLACK COLLEGES & UNIVERSITIES (HBCU'S)

- Dillard University  
2601 Gentilly Boulevard  
New Orleans, La 70122
- Grambling State University  
403 Main Street  
Grambling, LA 71245
- Southern University A & M – Baton Rouge  
3<sup>rd</sup> Floor  
J.S. Clark Adm. Building  
Baton Rouge, LA 70813
- Southern University- New Orleans  
6400 Press Drive  
New Orleans, LA 70126
- Southern University- Shreveport  
3050 Martin Luther King Drive  
Shreveport, LA 71107
- Xavier University of Louisiana  
4833 Dixon Street  
New Orleans, LA 70125



## 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 uses 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 unsuitable for CO, demonstrate that CO hot spots will not result.
- \_\_\_\_ **G. HISTORIC RESOURCES:** Describe any cultural, historic, or archaeological resource 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 its 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 consultations with the state department of natural resources on the impacts to these natural areas and on threatened and endangered fauna and flora 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 disruption, debris and spoil disposal, 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, quitclaim and convey unto the Louisiana Department of Transportation and Development all the right, 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 (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 (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. 262, 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. 28) ("...which restore(d) 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 36 and 38, 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 12898, 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.*).