FEDERAL TRANSIT ADMINISTRATION (FTA)
TITLE VI PROGRAM

LOUISIANA DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

State of Louisiana
Department of Transportation and Development

2017
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X. A copy of board meeting minutes, resolution or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. For State DOT’s, the appropriate governing entity is the State’s Secretary of Transportation or equivalent. The approval must occur prior to the submission to FTA.

REQUIREMENTS OF STATES

I. Demographic Profile of the State
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III. Analysis of the State’s transportation system investments that identifies and addresses any disparate impacts
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I.

Title VI Notice to the Public, including a list of locations where the notice is posted
Title VI Notice to the Public

Notifying the Public of Rights under Title VI

- The Louisiana Department of Transportation and Development (LADOTD) operates its programs and services without regard to race, color and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes he or she has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with LADOTD.

- For more information on LADOTD's Civil Rights Program and the procedures to file a complaint, please call (225)379-3055; email: Jamie.Ainsworth@la.gov; or visit our administrative office at 1201 Capitol Access Rd.; Baton Rouge, LA 70804. For more information, visit www.dotd.la.gov.

- A complainant may file a complaint directly with the Federal Transit Administration (FTA), Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TRC, 1200 New Jersey Ave., SE, Washington, DC 20590. Phone: (202)366-4018.

- If information is needed in another language, please contact (225)379-3055.

Notificaci6n al Público de los Derechos Garantizados por Titulo VI

- El Departamento de Transporte del estado de Louisiana opera sus programas y servicios, sin distinción de raza, color y origen nacional, según el Título VI de la Ley de Derechos Civiles. Cualquier persona que cree o que ha sido perjudicada por una práctica discriminatoria ilegal bajo el Título VI, puede presentar una queja con el Departamento de Transporte de Louisiana.

- Para obtener más información sobre el programa de derechos civiles del Departamento de Transporte de Louisiana o para obtener más información sobre los procedimientos para presentar una queja, llame al (225)379-3055. Email: Jamie.Ainsworth@la.gov, o visite nuestras oficinas administrativas en 1201 Capitol Access Rd., Baton Rouge, LA 70804. Para obtener más información, visite www.dotd.la.gov.


- Si se necesita información en otro idioma, por favor póngase en contacto con (225)379-3055.

*Title VI Notice to the Public is posted on LADOTD's website, at LADOTD Headquarters, and in subrecipient transit vehicles.*
II.

Title VI/ ADA Complaint Procedures
Title VI/ADA Complaint Procedure

The Louisiana Department of Transportation and Development's Title VI/ADA 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 or disability by the Louisiana Department of Transportation and Development (LADOTD) may file a Title VI/ADA complaint by completing and submitting the agency's Title VI/ADA Complaint Form.

Any individual having filed a complaint or participated in the investigation of a complaint shall not be subjected to any form of intimidation or retaliation. Individuals who have cause to think that they have been subjected to intimidation or retaliation can file a complaint of retaliation following the same procedure for filing a discrimination complaint.

A complaint must be filed with through the Louisiana Department of Transportation and Development's Compliance Programs Office 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's Title VI/ADA Coordinator will review it to determine if our office has jurisdiction. In cases where the complaint is against one of LADOTD's sub recipients of federal highway funds, the Department will assume the jurisdiction and will investigate and adjudicate the case. 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's Title VI/ADA Coordinator has 45 days to investigate the complaint. If more information is needed to resolve the case, the Title VI/ADA Coordinator may contact the complainant.

After the Title VI/ADA Coordinator 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 Title VI 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. The Title VI/ADA Coordinator will analyze the facts of the case and will issue its conclusion to the appellant within 60 days of the receipt of the appeal.
Procedimiento de Queja Título VI / ADA

El formulario de queja del Título VI / ADA del Departamento de Transporte y Desarrollo de Louisiana esta disponible en las siguientes ubicaciones:
- Pagina web de la agencia
- Copia impresa localizada en la oficina central
- Título IV correspondiente a la agencia

Cualquier individuo (a), grupo de individuos (as) o entidad que crea que ha sido objeto de discriminación por motivos de raza, color, nacionalidad o discapacidad por el Departamento de Transporte y Desarrollo de Louisiana (LADOTD) puede presentar una queja del Título VI / ADA al completar y enviar el formulario de queja del Título VI / ADA correspondiente a la agencia. Este documento deberá de ser enviado a la dirección indicada en el formulario de queja.

Cualquier individuo (a) que haya presentado una queja o participe en la investigación de alguna queja no deberá ser sujeto (a) a ninguna forma de intimidación o represalias. Aquel individuo (a) que considere que ha sido sujeto de intimidación o de represalias puede llenar un formulario de queja para represalias siguiendo el mismo procedimiento que para una queja de discriminación.

Esta queja deberá ser presentada a través de la Oficina de Programas de Cumplimiento del Departamento de Transporte y Desarrollo de Louisiana en un periodo de no más de 180 días después de lo siguiente:
1.- La fecha del presunto acto de discriminación; o
2.- La fecha en la que la persona (s) se percataron del presunto acto de discriminación; o
3.- Cuando se ha detectado que el acto de discriminación se ha convertido en una conducta repetitiva. En estos casos se incluirá la fecha del último acontecimiento.

Una vez que se reciba la queja, el / la Coordinador (a) del Título VI / ADA del Departamento de Transporte y Desarrollo de Louisiana lo revisará para determinar si nuestra oficina tiene jurisdicción. En los casos en que la queja sea en contra de uno de los sub-receptores de fondos federales de carreteras del Departamento de Transporte y Desarrollo de Louisiana (LADOTD), el Departamento asumirá la jurisdicción e investigará y juzgará el caso. El demandantete recibirá una carta de notificación en la cual se le hará saber si la queja será investigada por nuestra oficina.

El / La coordinador (a) del Título VI / ADA del Departamento de Transporte y Desarrollo de Louisiana tendrá 45 días para investigar la queja. Si se necesita más información para resolver el caso, el (la) Coordinador (a) del Título VI / ADA podría contactar al demandante.

Después de que el / la Coordinador (a) del Título VI / ADA revise la queja, emitirá una de dos (2) cartas al demandante: una carta de cierre o una carta de hallazgo.
- Una carta de cierre resumiendo las alegaciones del caso en la cual indicara que no hubo una violación del Título VI / ADA y por tal motivo el caso será cerrado.
- Una carta de hallazgo resumiendo las alegaciones y las entrevistas sobre el supuesto incidente en esta misma carta se le explicará al demandante si se llevará a cabo alguna acción disciplinaria, entrenamiento adicional al personal o se tomará alguna otra acción necesaria.

Si el demandante desea apelar la decisión, él (ella) tendrá 180 días después de la fecha marcada en la carta de cierre o de la carta de hallazgo para hacerlo. El / La Coordinador (a) del Título VI / ADA analizará los hechos del caso y emitirá su conclusión al apelante en un periodo de 60 días después de haber recibido la apelación.
III.

Title VI/ ADA Complaint Form
Title VI/ADA Complaint Form

The Louisiana Department of Transportation and Development Title VI/ADA Complaint Procedure is made available in the following locations:

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

Section I:
Name:
Address:
Telephone (Home): Telephone (Work):
Electronic Mail Address:
Accessible Format Requirements?
Large Print
Audio Tape
TDD
Other

Section II:
Are you filing this complaint on your own behalf? Yes* No
*If you answered "yes" to this question, go to Section III.
If not, please supply the name and relationship of the person for whom you are complaining:

Please explain why you have filed for a third party:

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

Yes No

Section III:
I believe the discrimination I experienced was based on (check all that apply):
[ ] Race [ ] Color [ ] National Origin [ ] Disability [ ] Sex [ ] Age [ ] Income Status [ ] English Proficiency (LEP)
Date of Alleged Discrimination (Month, Day, Year): _____________
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form or a separate sheet of paper.

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

Section V
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court? [ ] Yes [ ] No
If yes, check all that apply:
[ ] Federal Agency: _________________
Please provide information about a contact person at the agency/court where the complaint was filed.

<table>
<thead>
<tr>
<th>Name:</th>
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<tbody>
<tr>
<td>Title:</td>
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</tr>
<tr>
<td>Agency:</td>
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<tr>
<td>Address:</td>
<td></td>
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<tr>
<td>Telephone:</td>
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</table>

Section VI

Name of agency complaint is against:

<table>
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<tr>
<th>Contact person:</th>
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<tbody>
<tr>
<td>Title:</td>
<td></td>
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<tr>
<td>Telephone number:</td>
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</table>

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:
LA DOTD, Public Transportation Section
Jamie Ainsworth, Title VI/ADA Contact
P.O. Box 94245
Baton Rouge, LA 70804-9245

Telephone Number: (225)379-3055
Fax Number: (225) 379-3071
Email: Jamie.Ainsworth@la.gov
El formulario de queja Título VI / ADA del Departamento de Transporte y de Desarrollo de Louisiana está disponible en las siguientes ubicaciones:

- En la página web de la agencia
- Copia impresa localizada en la oficina central
- Plan del Título IV correspondiente a la agencia

<table>
<thead>
<tr>
<th>Sección I:</th>
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<tbody>
<tr>
<td>Nombre:</td>
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<tr>
<td>Dirección:</td>
</tr>
<tr>
<td>Teléfono (Casa):</td>
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<tr>
<td>Correo Electrónico:</td>
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</table>

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<thead>
<tr>
<th>¿Necesita alguna asistencia especializada para llenar este formulario?</th>
<th>Documento Impreso</th>
<th>Audio Grabación</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Dispositivo de telecomunicaciones para sordos</td>
<td>Otros</td>
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<tr>
<th>Sección II:</th>
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<tbody>
<tr>
<td>¿Usted está presentando esta queja en su nombre?</td>
</tr>
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</table>

*Si usted responde que “si” a esta pregunta, pase por favor a la Sección III.

Y si no es así, por favor provea el nombre y su relación familiar con la persona que está presentando su queja:

Por favor explique por qué usted está presentando esta denuncia en favor de otra persona:

Por favor confirme que usted ha obtenido el permiso de la persona agredida, para llenar este formulario: Si | No

<table>
<thead>
<tr>
<th>Sección III:</th>
</tr>
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</table>
| Creo que he experimentado discriminación basado en (marque todas las que apliquen):

[ ] Raza [ ] Color [ ] Nacionalidad [ ] Discapacidad

Fecha de supuesta discriminación (Mes, Día, Año): ____________

Explique lo más claro posible, que fue lo que pasó y por qué cree que fue discriminado. Describa a todas las personas que estuvieron involucradas. Incluya el nombre e información de las personas que lo (a) discriminaron si los conoce y de igual manera proporcione la misma información de los testigos involucrados. Si necesita más espacio, use la parte posterior de este formulario para completar su información.

<table>
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<tr>
<th>Section IV</th>
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<td>Si</td>
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### Sección V

¿Usted ha presentado esta queja en alguna otra agencia Federal, Estatal o Local, o en cualquier tribunal federal o estatal?

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<tr>
<td>[] Si</td>
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Si es así, marque todas las que apliquen:

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<tbody>
<tr>
<td>[ ] Agencia Federal:</td>
<td>[ ] Tribunal Federal:</td>
<td>[ ] Agencia Estatal:</td>
</tr>
<tr>
<td>[ ] Tribunal Estatal:</td>
<td>[ ] Agencia Local:</td>
<td></td>
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</tbody>
</table>

Por favor proporcione la información de de la persona a contactar en la agencia o en el tribunal en el que se presentó la queja.

<table>
<thead>
<tr>
<th>Nombre:</th>
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<tbody>
<tr>
<td>Título:</td>
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<td>Agencia:</td>
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<td>Dirección:</td>
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<td>Teléfono:</td>
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### Section VI

Nombre de la agencia de la que se queja:

Nombre de la persona a contactar:

Título:

Número de Teléfono:

Usted puede anexar cualquier material por escrito o cualquier otra información que se considere relevante a su queja.

Se require su Firma y la Fecha

_________________  ____________________
Firma    Fecha

Por favor envíe este formulario a la dirección que se encuentra en la parte inferior o al correo electrónico proporcionado:

LA DOTD, Sección de Transporte Público
Jamie Ainsworth, Contacto del Título VI/ ADA
P.O. Box 94245
Baton Rouge, LA 70804-9245

Número de Teléfono: (225)379-3055
Número de Fax: (225) 379-3071
IV.

List of Transit-Related Title VI Investigations, Complaints and Lawsuits
List of Transit Related Title VI Investigations, Complaints and Lawsuits

<table>
<thead>
<tr>
<th>Subrecipient:</th>
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<tbody>
<tr>
<td>Louisiana Department of Transportation and Development (LADOTD)</td>
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<tr>
<th>Contact Person:</th>
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<tr>
<td>Stephanie Ducote</td>
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<td>Director, Compliance Programs</td>
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<tr>
<th>Contact Person:</th>
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<tbody>
<tr>
<td>Michelle Horne</td>
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<tr>
<td>Director, Public Transportation</td>
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Check One:

[X] There have been no investigations, complaints and/or lawsuits filed against LADOTD during the reporting period.

[ ] There have been investigations, complaints and/or lawsuits filed against LADOTD during the reporting period. See attached list. Include additional information and documentation as needed.
<table>
<thead>
<tr>
<th>Investigations</th>
<th>Date (Month, Day, Year)</th>
<th>Summary (include basis of complaint: race, color, or national origin)</th>
<th>Status</th>
<th>Action(s) Taken</th>
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V.

Public Participation Plan, including information about outreach methods to engage minority and limited English proficient populations (LEP), as well as a summary of outreach efforts made since the last Title VI Program submission.
Public Participation Plan

PUBLIC INVOLVEMENT PROCEDURES FOR STAGE 1
INTERIM AS OF JULY 2011

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 interest 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 in response to 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, request for stakeholder 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, telephone hot-lines, charrettes, and local project offices, are used on a project basis. 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. The state list of federal and state agencies and officials includes those with jurisdiction statewide. The parish lists of federal, state, and local agencies and officials include those with jurisdiction within the applicable parish. Upon request, any group or individual can be included on a list.

SOVs are done as early as possible in the environmental process for projects other than for minor federally-funded and state-funded projects such as overlays, turn lanes, signage, etc. Recipients are asked to provide comments within 30 days.
Views are solicited for federally-funded: Categorical Exclusions upon receipt of preliminary plans or comparable project information (except for some minor projects such as scour repairs, ferry boat repairs, etc.); Environmental Assessments (EA) upon receipt of approved Feasibility Study and initiation of environmental process; 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 inform stakeholders about proposed projects. 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\textsuperscript{nd} 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, with other project-specific stakeholders included
• 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

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

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 may include looping presentation usually 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.

A transcript of the meeting which includes meeting notice, handout(s), moderated presentation/looping presentation, sign-in sheets, verbatim verbal comments, and written statements, is distributed (see attached 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 to 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

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.

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 looping presentation usually 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
A transcript of the hearing which includes hearing notice, handout(s), moderated presentation/looping presentation, sign-in sheets, verbatim verbal comments, and written statements, is distributed (see attached 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 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. Solicitations of Views (SOV) are used to aid in the environmental studies and in the determination of action 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 Environmental Assessment (EA) is warranted and for which a Finding of No Significant Impact (FONSI) or preparation of an Environmental Impact Statement (EIS) is indicated will require at least a solicitation of views, and public hearing or opportunity to request a public hearing offered.

For projects having extensive impacts or substantial public concern, public meetings may be held at various times during the processing of the project.

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 ad in local newspaper. The comment period is a minimum of 21 days from date of first publication. The document is distributed to agencies, officials and interested parties 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, officials, and interested parties 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, 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 substantial changes in scope and/or impacts are determined and a Re-evaluation required 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 requiring a Supplemental EA or Supplemental EIS 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.

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.

Attached is a summary of LADOTD’s outreach efforts, including Public Meetings information, since the last Title VI Program submission (April 2014 through the present).
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VI.

Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance
LIMITED ENGLISH PROFICIENCY GUIDELINES

NOTICE
The Compliance Programs 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 effective January 1, 2007. These 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 LADOTD’s Compliance Programs Office at (225)379-1382.
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   1. Four Factor Analysis
   2. Implementation
   3. Situational needs assessment
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VI. APPENDICES
   Appendix A: www.usdoj.gov/crt/cor/Pubs/eolep.htm
   Appendix B: www.usdoj.gov/crt/cor/lep/dotlep.htm
   Appendix C: LA DOTD Complaint Form
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I. LIMITED ENGLISH PROFICIENCY

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 LA DOTD programs and activities.

As a recipient of federal-aid funding, LA DOTD is committed to nondiscrimination in all its programs and activities whether or not those programs and activities are federally funded. This guidance clarifies LA DOTD’s fulfillment of responsibilities to limited English proficient (LEP) persons, pursuant to Executive Order 13166, entitled “Improving Access to Services for Persons with Limited English Proficiency.” LA DOTD 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 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 sub-recipient of federal-aid funds administered by LA DOTD takes reasonable steps to ensure meaningful access to LA DOTD recipients’ programs and activities. Where possible, every district and division will collect and maintain demographic statistics on persons who participate in their programs and services.

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

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

The Civil Rights Restoration Act of 1987 defined the word “program” to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal financial assistance, rather than just the particular programs or activities that receive the funds.

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

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

LADOTD’s LEP guidance provides procedures that will assist LADOTD in complying with Title VI responsibilities to ensure meaningful access to all programs, activities and/or benefits for LEP persons.
III. Guidance Statement for Interpreter Services

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

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

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

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, provides that no person shall "on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Section 602 authorizes and directs Federal agencies that are empowered to extend Federal financial assistance to any program or activity "to effectuate the provisions of [section 601] * * * by issuing rules, regulations, or orders of general applicability." 42 U.S.C. 2000d-1.

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

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

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


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:

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 2010 reports a population of 4,533,372 for Louisiana. The 2012 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 (3.5%); Other Indo-European (3.7%); Asian and Pacific Islander (1.2%).

2. The frequency with which LEP individuals come in contact with these programs, services, or activities.
   - LADOTD’s transit providers provide approximately 1,725,336 passenger trips per year. Our transit providers 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.

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.

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, Katie Copeland, can be reached at 225-379-1923 or by email at Katherine.copeland@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 LA DOTD on an annual basis in providing meaningful access to LEP persons, develop reports, and modify LEP Guidelines as appropriate.

LEP Monitors – In addition, the Compliance Programs Director, the Title VI Program Manager and Title VI Interdisciplinary Designees will serve as
LEP Monitors for sections and districts. LEP Monitor duties include:
• Work with the LEP Coordinator to identify needs and strategies for meeting those needs so that staff will have access to appropriate language services.
• Ensure the facility's compliance with the LEP Guidelines, including any implementation.
• Provide training to facility staff on implementation of LEP Guidelines.
• Establish and maintain the facility's language assistance resource list, ensuring competency; revise the list as needed.
• Maintain data on requests from LEP persons and provide reports to management and the LEP Coordinator on an annual basis.

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

Training
LADOTD staff members and subrecipients should know their obligations to provide meaningful access to information and services for LEP persons, and all persons in public contact positions should be properly trained. An effective training objective will include training to ensure that:
• LADOTD staff and subrecipients know about LEP policies and procedures.
• LADOTD and subrecipients will include this training as part of the orientation provided for new employees.

Management staff, even if they do not interact regularly with LEP persons, should be fully aware of and understand the plan so they can reinforce its importance and ensure its implementation by staff. As mentioned above, training will be provided by the Title VI Program Manager and Compliance Programs Director.

3. Situational needs assessment
The agency will, on a continuing basis, assess the need for language services on a district and/or statewide basis and make language assistance services available as deemed appropriate. In making this assessment, the agency will examine the prevalence of LEP stakeholders statewide, by district and/or by service area of program:
• The number or Proportion of LEP persons served or encountered in the eligible service population
• The frequency with which LEP individuals come in contact with the program
• The nature and importance of the program, activity, or service to people's lives
• The resources available to 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:

In-person Contact

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 maintain a database tracking LEP contacts. Database formats will be provided by Title VI Program Manager (See Section C for format). District offices shall make the data available to the Title VI Program Manager as requested.

f. 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
   a. 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 web-sites. Vital documents may include materials such as:
      • Emergency transportation information;
      • Notices of public hearings and proposed transportation plans;
      • Community education materials;
      • Notices notifying LEP persons of language assistance at no cost to the LEP person;
      • Written tests in a classroom; and
      • 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.
   b. The Title VI Program Manager will coordinate with a Language service provider to have identified documents translated accordingly.
   c. 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.
7. Questions and Answers

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

Q. Does a recipient have to provide translation services in every language?
A. No. Recipients and federal agencies are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. What is "reasonable" is based on the four factor analysis. Once the recipient researches the demographics and takes resources available and costs into consideration it may be that they only provide language services in the largest number of LEP persons served or encountered by a program or service.

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

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

Q. Does the Executive Order apply to federally conducted activities overseas or to foreign recipients of federal financial assistance?
A. No. The Department of Justice has determined that EO 13166 applies only within the United States and its territories and does not apply extraterritorially. However, agencies that conduct activities overseas must still submit a plan for making their domestic activities accessible to people who are limited English proficient. That plan will indicate that the agency conducts federal activities abroad, but that DOJ has determined that the EO does not apply to those activities.

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

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

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

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

Executive Order on Limited English Proficiency Page 1 of 2
THE WHITE HOUSE
Office of the Press Secretary
(Aboard Air Force One)
For Immediate Release August 11, 2000
EXECUTIVE ORDER
13166
IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY

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

Section 1. Goals.
The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible 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 meaningfully access those services consistent with, and without unduly burdening the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin on violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Sec. 2. Federally Conducted Programs and Activities.
Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

Sec. 3. Federally Assisted Programs and Activities.
Each agency providing Federal financial assistance shall draft Executive Order on Limited English Proficiency title VI guidance specifically tailored to its recipients that is consistent with the LED guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LED guidance will be applied to the agency’s recipients. The agency—specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LED guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEO guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order, each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the Federal Register for public comment.

Sec. 4. Consultations.

In carrying out this order, agencies shall ensure that stakeholders, such as LED persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEE 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 LIE persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

Sec. 5. Judicial Review.

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

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

US DEPARTMENT OF TRANSPORTATION (USDOT) LEP GUIDANCE

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

DEPARTMENT OF TRANSPORTATION
Office of the Secretary
[Docket No. OST-2001-8696]
Policy Guidance Concerning Recipients' Responsibilities to
Limited English Proficient (LEP) Persons
AGENCY: Office of the Secretary (OST), U.S. Department of
Transportation (DOT).
ACTION: Notice of guidance with request for comments.
www.lep.gov/guidance

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

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

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

Fax: (202) 493-2251.
Mail: Docket Management System; U.S. Department of
Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401,
Washington, DC 20590-0001.

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

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. But this policy guidance does not require DOT recipients to translate all courses or materials in every circumstance or to take unreasonable or burdensome steps in providing LEP persons access. We have clarified the guidance to better convey its flexibility, based on the four-factor analysis set forth in DOJ's General LEP Guidance.

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

Several recipients commented that they serve few if any LEP persons and that the cost of interpreting all of their courses and materials...
would be excessive and unnecessary. While none urged that costs be excluded from consideration altogether, at least one comment expressed concern that a recipient could use cost as a basis for avoiding otherwise reasonable and necessary language assistance to LEP persons. In contrast, a few comments suggested that the flexible fact-dependent compliance standard set forth in the guidance, when combined with the desire of most recipients to avoid the risk of noncompliance, could lead some large recipients to incur unnecessary or inappropriate fiscal burdens in the face of already strained program budgets. The Department is mindful that cost considerations could be inappropriately used to avoid providing otherwise reasonable and necessary language assistance. Similarly, cost considerations could be ignored or minimized to justify the provision of a particular level or type of language service even though effective alternatives exist at a minimal cost. The 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 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
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 Proficiency Guidance for Department of Transportation Recipients." The text of this guidance document appears below. Because this guidance must adhere to the Federal-wide compliance standards and framework detailed in the model DOJ Recipient Guidance issued on June 18, 2002, DOT specifically solicits comments on the nature, scope, and appropriateness of the DOT-specific examples set out in this guidance explaining and/or highlighting how those consistent Federal-wide compliance standards are applicable to recipients of Federal financial assistance from DOT. This guidance supplants the existing guidance on the same subject published at 66 FR 6733 (January 22, 2001). This guidance does not constitute a regulation subject to the rulemaking requirements of the Administrative Procedure Act, 5 U.S.C. 553.
Dated: December 7, 2005.

J. Michael Trujillo,
Director, Departmental Office of Civil Rights.


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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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.\%33\}
DOT recognizes that many recipients had language assistance programs in place prior to the issuance of Executive Order 13166. This policy guidance provides a uniform framework for a recipient to integrate, formalize, and assess the continued vitality of these existing and possibly additional reasonable efforts based on the nature of its programs and activities, the current needs of the LEP populations it encounters, and its prior experience in providing language services in the community it serves.

In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally assisted programs and activities may violate the prohibition under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and Title VI regulations against national origin discrimination. The purpose of this policy guidance is to assist recipients in fulfilling their responsibilities to provide meaningful access to LEP persons under existing law. This guidance clarifies existing legal requirements for LEP persons by describing the factors recipients should consider in fulfilling their responsibilities to LEP persons. These are the same criteria DOT will use in evaluating whether recipients are complying with Title VI and Title VI regulations.

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

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

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

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

\5\ The memorandum noted that some commentators have interpreted Sandoval as impliedly striking down the disparate impact regulations promulgated under Title VI that form the basis for the part of Executive Order 13166 that applies to federally assisted programs and activities. See, e.g., Sandoval, 532 U.S. at 286, 286 n.6 ("[W]e assume for purposes of this decision that section 602 confers the authority to promulgate disparate-impact regulations; *

* * We cannot help observing, however, how strange it is to say that disparate-impact regulations are 'inspired by, at the service of, and inseparably intertwined with' Sec. 601 * * * when Sec. 601 permits the very behavior that the regulations forbid"). The memorandum, however, made clear that DOJ disagreed with the commentators' interpretation. Sandoval holds principally that there is no private right of action to enforce Title VI disparate impact regulations. It did not address the validity of those regulations or Executive Order 13166 or otherwise limit the authority and responsibility of Federal agencies to enforce their own Title VI regulations.

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

III. Who Is Covered?
Pursuant to Executive Order 13166, the meaningful access requirement of Title VI, the Title VI regulations, and the four-factor analysis set forth in the DOJ's revised LEP Guidance, 67 FR 117 (June 18, 2002), apply to the programs and activities of Federal agencies, including DOT. Federal financial assistance includes grants, cooperative agreements, training, use of equipment, donations of surplus property, and other assistance. Recipients of DOT assistance include, for example:
State departments of transportation.
State motor vehicle administrations.
Airport operators.
State highway safety programs.
Metropolitan planning organizations.
Regional transportation agencies.
Regional, state, and local transit operators.
Public safety agencies.\6\

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

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

Subrecipients likewise are covered when Federal funds are passed through from one recipient to a subrecipient. Coverage extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. This is true even if only one part of the recipient receives the Federal assistance.
Example: DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System. All of the operations of the entire state department of transportation--not just the particular highway program--are covered by the DOT guidance.
Finally, some recipients operate in jurisdictions in which English has been declared the official language. Nonetheless, these recipients continue to be subject to Federal nondiscrimination requirements, including those applicable to the provision of federally assisted services to persons with limited English proficiency.

IV. Who Is a Limited English Proficient Individual?

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

Examples of populations likely to include LEP persons who are served or encountered by DOT recipients and should be considered when planning language services include, but are not limited to:

- Public transportation passengers.
- Persons who apply for a driver's license at a state department of motor vehicles.
- Persons subject to the control of state or local transportation enforcement authorities, including, for example, commercial motor vehicle drivers.
- Persons served by emergency transportation response programs.
- Persons living in areas affected or potentially affected by transportation projects.
- Business owners who apply to participate in DOT's Disadvantaged Business Enterprise program.

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

Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee; (2) the frequency with which LEP individuals come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the recipient to people's lives; and (4) the resources available to the recipient and costs. As indicated above, the intent of this policy
guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small businesses, small local governments, or small nonprofit organizations. After applying the above four-factor analysis to the various kinds of contacts a recipient has with the public, the recipient may conclude that different language assistance measures are sufficient to ensure meaningful access to the different types of programs or activities in which it engages. For instance, some of a recipient's activities will have a greater impact on or contact with LEP persons than others, and thus may require more in the way of language assistance. The flexibility that recipients have in addressing the needs of the LEP populations they serve does not diminish, and should not be used to minimize, the obligation that those needs be addressed. DOT recipients should apply the following four factors to the various kinds of contacts that they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons.

(1) The Number or Proportion of LEP Persons Served or Encountered in the Eligible Service Population
The greater the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population, the more likely language services are needed. Ordinarily, persons "eligible to be served, or likely to be directly affected, by" a recipient's programs or activities are those who are in fact, served or encountered in the eligible service population. This population will be program-specific, and includes persons who are in the geographic area that is part of the recipient's service area. However, where, for instance, a motor vehicle office serves a large LEP population, the appropriate service area is that served by the office, and not the entire population served by the department. Where no service area has previously been approved, the relevant service area may be that which is approved by state or local authorities or designated by the recipient itself, 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.

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

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

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

(4) The Resources Available to the Recipient and Costs

A recipient's level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, "reasonable steps" may cease to be reasonable where the costs imposed substantially exceed the benefits. Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns. Resource and cost issues, however, can often be reduced by technological advances, reasonable business practices, and the sharing of language assistance materials and services among and between recipients, advocacy groups, affected populations, and Federal. For example, the following practices may reduce resource and cost issues where appropriate:

Training bilingual staff to act as interpreters and translators.
Information sharing through industry groups.
Telephonic and video conferencing interpretation services.
Translating vital documents posted on Web sites.
Pooling resources and standardizing documents to reduce translation needs.
Using qualified translators and interpreters to ensure that documents need not be "fixed" later and that inaccurate interpretations do not cause delay or other costs.
Centralizing interpreter and translator services to achieve economies of scale.\8\

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

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

This four-factor analysis necessarily implicates the "mix" of LEP services required. Recipients have two main ways to provide language services: Oral interpretation either in person or via telephone.
interpretation service (hereinafter "interpretation") and written translation (hereinafter "translation"). Oral interpretation can range from on-site interpreters for critical services provided to a high volume of LEP persons to access through commercially available telephonic interpretation services. Written translation, likewise, can range from translation of an entire document to translation of a short description of the document. In some cases, language services should be made available on an expedited basis while in others the LEP individual may be referred to another office of the recipient for language assistance.

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

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

A. Oral Language Services (Interpretation)
Interpretation is the act of listening to something in one language (source language) and orally translating it into another language (target language). Where interpretation is needed and is reasonable, recipients should consider some or all of the options below for providing competent interpreters in a timely manner.

Competence of Interpreters. When providing oral assistance, recipients should ensure competency of the language service provider, no matter which of the strategies outlined below are used. Competency requires more than self-identification as bilingual. Some bilingual
staff and community volunteers, for instance, may be able to communicate effectively in a different language when communicating information directly in that language, but not be competent to interpret into and out of English. Likewise, they may not be able to do written translations.

Competency to interpret, however, does not necessarily mean formal certification as an interpreter, although certification is helpful. When using interpreters, recipients should ensure that they:

Demonstrate proficiency in and ability to communicate information accurately in both English and in the other language and identify and employ the appropriate mode of interpreting (e.g., consecutive, simultaneous, summarization, or sight translation).

Have knowledge in both languages of any specialized terms or concepts peculiar to the recipient's program or activity and of any particularized vocabulary and phraseology used by the LEP person; and understand and follow confidentiality and impartiality rules to the same extent as the recipient employee for whom they are interpreting and/or to the extent their position requires.

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

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

While quality and accuracy of language services are critical, they are nonetheless part of the appropriate mix of LEP services required. The quality and accuracy of language services as part of disaster relief programs, or in the provision of emergency supplies and services, for example, must be extraordinarily high, while the quality and accuracy of language services in a bicycle safety course need not
meet the same exacting standards. Finally, when interpretation is needed and is reasonable, it should be provided in a timely manner in order to be effective. Generally, to be "timely," the recipient should provide language assistance at a time and place that avoids the effective denial of the service, benefit, or right at issue or the imposition of an undue burden on or delay in important rights, benefits, or services to the LEP person. For example, when the timeliness of services is important, such as when an LEP person needs access to public transportation, a DOT recipient does not provide meaningful LEP access when it has only one bilingual staff member available one day a week to provide the service.

Hiring Bilingual Staff. When particular languages are encountered often, hiring bilingual staff offers one of the best, and often most economical, options. Recipients can, for example, fill public contact positions, such as transit station managers, department of motor vehicle service representatives, security guards, or program directors, with staff that are bilingual and competent to communicate directly with LEP persons in their language. If bilingual staff members are also used to interpret between English speakers and LEP persons, or to orally interpret written documents from English into another language, they should be competent in the skill of interpreting, as discussed above. Effective management strategies, including any appropriate adjustments in assignments and protocols for using bilingual staff, can ensure that bilingual staff members are fully and appropriately utilized. When bilingual staff cannot meet all of the language service obligations of the recipient, the recipient should turn to other options.

Hiring Staff Interpreters. Hiring interpreters may be most helpful where there is a frequent need for interpreting services in one or more languages. Depending on the facts, sometimes it may be necessary and reasonable to provide on-site interpreters to facilitate accurate and meaningful communication with an LEP person.

Contracting for Interpreters. Contract interpreters may be a cost-effective option when there is no regular need for a particular language skill. In addition to commercial and other private providers, many community-based organizations and mutual assistance associations provide interpretation services for particular languages. Contracting with interpreters and providing training regarding the recipient's programs and processes to these organizations can be a cost-effective option for providing language services to LEP persons from those language groups.

Using Telephone Interpreter Lines. Telephone interpreter service lines often offer prompt interpreting assistance in many different languages. They may be particularly appropriate where the mode of communicating with an English proficient person would also be over the phone. Although telephonic interpretation services are useful in many situations, it is important to ensure that, when using such services,
the interpreters are competent to interpret any technical or legal terms specific to a particular program that may be important parts of the conversation. Nuances in language and non-verbal communication can often assist an 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).

Statements about the services available and the right to free language assistance services in appropriate non-English languages, in brochures, booklets, outreach and recruitment information, and other materials routinely disseminated to the public.

Written tests that do not assess English-language competency, but test competency for a particular license, job, or skill for which knowing English is not required.

Applications, or instructions on how to participate in a recipient's program or activity or to receive recipient benefits or services.

Consent forms.

Whether or not a document (or the information it solicits) is "vital" may depend upon the importance of the program, information,
encounter, or service involved, and the consequence to the LEP person if the information in question is not accurate or timely. For instance, applications for bicycle safety courses should not generally be considered vital, whereas access to safe driving handbooks could be considered vital. Where appropriate, recipients are encouraged to create a plan for consistently determining, over time and across their various activities, what documents are "vital" to the meaningful access of the LEP populations they serve.

Classifying a document as vital or non-vital is sometimes difficult, especially in the case of outreach materials like brochures or other information on rights and services. Awareness of rights or services is an important part of "meaningful access," as lack of awareness may effectively deny LEP individuals meaningful access. Thus, where a recipient is engaged in community outreach efforts in furtherance of its programs and activities, it should regularly assess the needs of the populations frequently encountered or affected by the program or activity to determine whether certain critical outreach materials should be translated. Community organizations may be helpful in determining what outreach materials may be most helpful to translate, and some such translations may be made more effective when done in tandem with other outreach methods, including utilizing the ethnic media, schools, and religious and community organizations to spread a message.

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

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

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

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

Safe Harbor. The following actions will be considered strong evidence of compliance with the recipient's written-translation obligations:

(a) The DOT recipient provides written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

(b) If there are fewer than 50 persons in a language group that reaches the 5% trigger in (a), the recipient does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are
reasonable.
Competence of Translators. As with oral interpreters, translators of written documents should be competent. Many of the same considerations apply. However, the skill of translating is very different from the skill of interpreting, and a person who is a competent interpreter may or may not be competent to translate, and vice versa.
Particularly where vital documents are being translated, competence can often be achieved by use of certified translators. Certification or accreditation may not always be possible or necessary. 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 translator could translate it back into English to check that the appropriate meaning has been conveyed. This is called "back translation."

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

Translators should understand the expected reading level of the audience and, where appropriate, have fundamental knowledge about the target language group's vocabulary and phraseology. Sometimes direct translation of materials results in a translation that is written at a much more difficult level than the English-language version or has no relevant equivalent meaning. 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.

\[\text{\textsuperscript{11}}\] For instance, although there may be languages that do not have a direct translation of some legal, technical, or program-related terms, the translator should be able to provide an appropriate translation. The translator should likely also make the recipient aware of this. Recipients can then work with translators to develop a consistent and appropriate set of descriptions of those terms in that language that can be used again, when appropriate.
While quality and accuracy of translation services are critical, they are nonetheless part of the appropriate mix of LEP services required. For instance, documents that are simple and have no important consequences for LEP persons who rely on them may be translated by translators who are less skilled than important documents with legal or other information upon which reliance has important consequences (including, e.g., driver's license written exams and documents regarding important benefits or services, or health, safety, or legal information). The permanent nature of written translations, however, imposes additional responsibility on the recipient to ensure that the quality and accuracy permit meaningful access by LEP persons.

VII. Elements of an Effective Implementation Plan on Language Assistance for LEP Persons

After completing the four-factor analysis and deciding what language assistance services are appropriate, a recipient should develop an implementation plan to address the identified needs of the LEP populations it serves. Although recipients have considerable flexibility in developing such a plan, maintaining a periodically updated written plan on language assistance for LEP persons ("LEP plan") for use by recipient employees serving the public would be an appropriate and cost-effective means of documenting compliance and providing a framework for the provision of timely and reasonable language assistance. Such written plans may also provide additional benefits to a recipient's managers in the areas of training, administration, planning, and budgeting. Thus, recipients may choose to document the language assistance services in their plan, and how staff and LEP persons can access those services. Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan. However, the absence of a written LEP plan does not obviate the 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:

- Posting signs in intake areas and other entry points. This is important so that LEP persons can learn how to access those language services at initial points of contact. This is particularly true in areas with high volumes of LEP persons seeking access to certain transportation safety information, or other services and activities run by DOT recipients.\[12\]

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

- Stating in outreach documents that language services are available from the agency. Announcements could be in, for instance, brochures, booklets, and in outreach and recruitment information. These statements should be translated into the most common languages and could be "tagged" onto the front of common documents.

- Working with community-based organizations and other stakeholders to inform LEP individuals of the recipients' services, including the availability of language assistance services. Using an automated telephone voice mail attendant or menu system. The system could be in the most common languages encountered. It should provide information about available language assistance services and how to get them.

- Including notices in local newspapers in languages other than English.

- Providing notices on non-English-language radio and television stations about the available language assistance services and how to get them.

- Providing presentations and/or notices at schools and religious organizations.

(5) Monitoring and Updating the LEP Plan

Recipients should, where appropriate, have a process for determining, on an ongoing basis, whether new documents, programs, services, and activities need to be made accessible for LEP individuals, and they may want to provide notice of any changes in services to the LEP public and to employees.

In addition, recipients should consider whether changes in
demographics, types of services, or other needs require 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 inform the recipient in writing of this determination, including the basis for the determination. DOT uses voluntary mediation to resolve most complaints. However, if a case is fully investigated and results in a finding of noncompliance, DOT must inform the recipient of the noncompliance through a Letter of Findings that sets out the areas of noncompliance and the steps that must be taken to correct the noncompliance. It must attempt to secure voluntary compliance through informal means. If the matter cannot be resolved informally, DOT must secure compliance through the termination of Federal assistance after the DOT recipient has been given an opportunity for an administrative hearing and/or by referring the matter to DOJ with a recommendation that appropriate proceedings be brought to enforce the laws of the United States. In engaging in voluntary compliance efforts, DOT proposes reasonable timetables for achieving compliance and consults
with and assists recipients in exploring cost-effective ways of coming into compliance. In determining a recipient's compliance with the Title VI regulations, DOT's primary concern is to ensure that the recipient's policies and procedures provide meaningful access for LEP persons to the recipient's programs, activities, and services. While all recipients must work toward building systems that will ensure access for LEP individuals, DOT acknowledges that the implementation of a comprehensive system to serve LEP individuals is a process and that a system will evolve over time as it is implemented and periodically reevaluated. As recipients take reasonable steps to provide meaningful access to federally assisted programs and activities for LEP persons, DOT will look favorably on intermediate steps recipients take that are consistent with this guidance, and that, as part of a broader implementation plan or schedule, move their service delivery system toward providing full access to LEP persons. This does not excuse noncompliance but instead recognizes that full compliance in all areas of a recipient's activities and for all potential language minority groups may reasonably require a series of implementing actions over a period of time. However, in developing any phased implementation schedule, DOT recipients should ensure that the provision of appropriate assistance for significant LEP populations or with respect to activities having a significant impact on the health, safety, legal rights, or livelihood of beneficiaries is addressed first. Recipients are encouraged to document their efforts to provide LEP persons with meaningful access to federally assisted programs and activities.

IX. Promising Practices
The following examples are provided as illustrations of the responses of some recipients to the need to provide services to LEP persons, and are meant to be interesting and useful examples of ways in which LEP recipients can provide language services. Recipients are responsible for ensuring meaningful access to all portions of their program or activity, not just the portions to which DOT assistance is targeted. So long as the language services are accurate, timely, and appropriate in the manner outlined in this guidance, the types of promising practices summarized below can assist recipients in moving toward 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 multilanguage 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). The evening hours permit people from the West Coast (where a significant number of LEP persons reside) to call after work, providing an option for instructions in Spanish, a separate queue, and Spanish-speaking operators.

Signage and Other Outreach. Recipients have provided information about services, benefits, eligibility requirements, and the availability of free language assistance, in appropriate languages by (a) posting signs and placards with this information in public places such as grocery stores, bus shelters, and subway stations; (b) putting notices in print media and on radio and television stations that serve LEP groups or broadcasting in languages other than English; and (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.

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

DOT agencies and recipients have implemented numerous language access services:

DOT's Pipeline and Hazardous Materials Safety Administration (formerly known as the Research and Special Programs Administration), at 49 CFR Sec. Sec. 192.616 and 195.440, requires pipeline officers to establish a program for effective reporting by the public of gas pipeline emergencies to the operator or public officials, also providing that the program must be conducted in English and other common languages.\15\ We recommend that recipients consider the appropriateness of such an approach to meet their individual service provision needs.

\15\ "Each [pipeline] operator shall establish a continuing educational program to enable customers, the public, appropriate government organizations, and persons engaged in excavation related activities to recognize a gas pipeline emergency for the purpose of reporting it to the operator or the appropriate public officials. The program and the media used should be as comprehensive as necessary to reach all areas in which the operator transports gas. The program must be conducted in English and in other languages commonly understood by a significant number and concentration of the non-English speaking population in the operator's area." 49 CFR Sec. 192.616. Section 195.440 of title 49, Code of Federal Regulations, imposes similar requirements in the case of hazardous liquid or carbon dioxide pipeline emergencies.

DOT's National Highway Traffic Safety Administration (NHTSA) has translated the National Standardized Child Passenger Safety Training Program curriculum into Spanish. The course, designed to help communities work with parents and caregivers on the proper installation of child safety seats, has been pilot tested and is scheduled to be available to the public by early 2006 through many national Latino organizations and State Highway Safety Offices. DOT's Federal Motor Carrier Safety Administration (FMCSA)
division offices in California, Arizona, New Mexico, Texas, and Puerto Rico employ personnel conversant in Spanish to communicate the agency's critical safety regulations. The Del Rio, Texas, Police Department implemented the El Protector program in Del Rio and developed public service broadcasts in Spanish about traffic safety issues such as loading and unloading school buses, drinking and driving, and pedestrian safety. Emergency Medical Services (EMS) staff in Los Angeles reported that their system is equipped to receive calls in more than 150 languages, although Spanish is the most frequent language used by 911 callers who do not speak English. District of Columbia DMV information, forms, and support material are available in German, Spanish, French, Russian, Dutch, and Portuguese and can be downloaded from the division's Web site. The DC DMV also provides a "City Services Guide" in Chinese, Korean, Spanish, and Vietnamese. DC's "Click It or Ticket" program material and information on child safety seat loaner programs and fitting station locations are available in Spanish. The New Jersey Department of Motor Vehicles administers driver's license tests in more than 15 languages, including Arabic, French, Greek, Korean, Portuguese, and Turkish.

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

In North Dakota, while the Traffic Safety Office acknowledges a limited minority population requiring assistance with translation, the Driver Licensing Unit offers the option of an oral test in Spanish. The Iowa Department of Transportation (IDOT) provides a Spanish version of the Commercial 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\ DOT especially recommends the idea of working with local community colleges to educate the LEP community in transportation matters.

The Wisconsin DOT created a 3rd grade level study guide, the Motorist Study Manual Easy Reader, which was translated by the Janesville Literacy Council into Spanish. Wisconsin DOT also provides the regular 6th grade level version of the Reader in English, Spanish,
and Hmong; a Motorcycle Study Manual in English and Spanish; and a CDL (Commercial Driver's License) Study Manual in English and Spanish. In addition, Knowledge and Highway Sign Tests are written in 13 languages other than English, recorded on audiocassette tapes in English and Spanish, or orally interpreted by bilingual staffers obtained from a roster of Wisconsin DOT employees who speak, read, or write foreign languages.

The Idaho Office of Traffic and Highway Safety implemented a Spanish-language safety belt media campaign to educate its Hispanic community on the statewide "Click It, Don't Risk It!" program to boost seat belt use. Information appears in Unido, Idaho's largest Spanish-language newspaper, and warns all motorists to buckle up or risk receiving a safety belt citation.

The New Mexico State Highway and Transportation Department, with Federal Highway Administration (FHWA) support, provides Spanish-language translations of its Right-of-Way Acquisition and Relocation brochures and also employs bilingual right-of-way agents to discuss project impacts in Spanish.

The State of Oregon developed a report on multilingual services provided by state agencies. State agencies will use the final document to enhance their existing programs, including expanding communication efforts to serve and protect all Oregonians.

The Texas DOT utilizes bilingual employees in its permit office to provide instruction and assistance to LEP Spanish-speaking truck drivers when providing permits to route overweight trucks through Texas. In its "On the Job Training Supportive Services Program" Texas DOT has used Spanish-language television to inform people who have difficulty reading English of opportunities in the construction industry.

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

The Colorado State Patrol produced safety brochures in Spanish for farmers and ranchers. It has also printed brochures in Spanish pertaining to regulatory requirements for trucking firms.

In preparation of its 20-year planning document, the Transportation Concept Report, the California DOT (Caltrans) held a public meeting titled "Planning the Future of Highway 1" in the
largely Hispanic city of Guadalupe, through which Highway 1 runs. The meeting was broadcast on the local public access channel since many of the Spanish-speaking residents potentially affected by Highway 1 projects rely on the channel to receive public affairs information. Caltrans provided a Spanish-language interpreter during the meeting and also made its Spanish-speaking public affairs officer available to meet with participants individually.

During project planning for interstate improvements along Interstate 710 in California, engineers presented "good" alternatives to the affected communities; however, the proposed highway expansion would have removed low-income homes in communities that are 98% Spanish speaking. To ensure that their concerns were heard, California identified the affected communities and facilitated the establishment of Community Advisory Committees that held bilingual workshops between engineers and the public.

The Minnesota DOT authored a manual detailing its requirements to provide access to all residents of Minnesota under environmental justice standards, which included ideas such as publishing notices in non-English newspapers, printing notices in appropriate languages, and providing interpreters at public meetings. In New Mexico, the Zuni Entrepreneurial Enterprises, Inc. (ZEE) Public Transportation Program designed the Zuni JOBLINKS program to develop, implement, and maintain a transportation system to link Native Americans and other traditionally unserved/underserved persons in the service area to needed vocational training and employment opportunities. Outreach for the program included radio announcements and posting of signs in English and Zuni that described ZEE's services and provided ZEE's phone number.

Washington, DC's Metropolitan Area Transit Authority (WMATA) publishes pocket guides regarding its system in French, Spanish, German, and Japanese, and has a multilanguage 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 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. 

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

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

Sec. 21.5 Discrimination prohibited.

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

(b) Specific discriminatory actions prohibited:

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

(i) Deny a person any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(vi) Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program; or

(vii) Deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.

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

* * * * *

(5) 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.

* * * * *
(7) 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 Filed 12-13-05; 8:45 am]
BILLING CODE 4910-62-P
APPENDIX C

Title VI/ADA Complaint Procedure

The Louisiana Department of Transportation and Development's Title VI/ADA 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 or disability by the Louisiana Department of Transportation and Development (LADOTD) may file a Title VI/ADA complaint by completing and submitting the agency's Title VI/ADA Complaint Form.

Any individual having filed a complaint or participated in the investigation of a complaint shall not be subjected to any form of intimidation or retaliation. Individuals who have cause to think that they have been subjected to intimidation or retaliation can file a complaint of retaliation following the same procedure for filing a discrimination complaint.

A complaint must be filed with the Louisiana Department of Transportation and Development's Compliance Programs Office no later than 180 days after the following:

4. The date of the alleged act of discrimination; or
5. The date when the person(s) became aware of the alleged discrimination; or
6. 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's Title VI/ADA Coordinator will review it to determine if our office has jurisdiction. In cases where the complaint is against one of LADOTD's sub recipients of federal highway funds, the Department will assume the jurisdiction and will investigate and adjudicate the case. 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's Title VI/ADA Coordinator has 45 days to investigate the complaint. If more information is needed to resolve the case, the Title VI/ADA Coordinator may contact the complainant.

After the Title VI/ADA Coordinator 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 Title VI 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. The Title VI/ADA Coordinator will analyze the facts of the case and will issue its conclusion to the appellant within 60 days of the receipt of the appeal.
**Title VI / ADA Complaint Form**

The Louisiana Department of Transportation and Development Title VI / ADA Complaint Procedure is made available in the following locations:

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

<table>
<thead>
<tr>
<th>Section I:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>Telephone (Home):</td>
<td></td>
</tr>
<tr>
<td>Telephone (Work):</td>
<td></td>
</tr>
<tr>
<td>Electronic Mail Address:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Accessible Format Requirements?</th>
<th>Large Print</th>
<th>Audio Tape</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>TDD</td>
<td>Other</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section II:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Are you filing this complaint on your own behalf?</td>
<td>Yes*</td>
</tr>
</tbody>
</table>

*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.

<table>
<thead>
<tr>
<th>Section III:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>I believe the discrimination I experienced was based on (check all that apply):</td>
<td></td>
</tr>
<tr>
<td>[ ] Race</td>
<td>[ ] Color</td>
</tr>
<tr>
<td>Date of Alleged Discrimination (Month, Day, Year):</td>
<td></td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>Section IV</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Have you previously filed a Title VI complaint with this agency?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section V</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?</td>
<td>[ ] Yes</td>
</tr>
</tbody>
</table>

If yes, check all that apply:

- [ ] Federal Agency: ____________________________
- [ ] Federal Court ____________________________ [ ] State Agency ____________________________
- [ ] State Court ____________________________ [ ] Local Agency ____________________________

Please provide information about a contact person at the agency/court where the complaint was filed.

Name: ____________________________
Title: ____________________________
Agency: ____________________________
Address: ____________________________
Telephone: ____________________________

<table>
<thead>
<tr>
<th>Section VI</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of agency complaint is against:</td>
<td></td>
</tr>
<tr>
<td>Contact person:</td>
<td></td>
</tr>
</tbody>
</table>
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:
LA DOTD, Compliance Programs Section
Stephanie Ducote, Title VI/ADA Coordinator
P.O. Box 94245
Baton Rouge, LA 70804-9245

Telephone Number: (225)379-1382
Fax Number: (225) 379-1865
Email: Stephanie.Ducote@la.gov
Memorandum

U.S. Department of Transportation
Federal Highway Administration

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

Date: April 7, 2006

Reply to Attn of:

HCR-10

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

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.dotcr.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.
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
<table>
<thead>
<tr>
<th>Language #2:</th>
<th>Read</th>
<th>Fluent</th>
<th>Passable</th>
<th>Limited</th>
</tr>
</thead>
<tbody>
<tr>
<td>Write</td>
<td>Fluent</td>
<td>Passable</td>
<td>Limited</td>
<td></td>
</tr>
<tr>
<td>Speak</td>
<td>Fluent</td>
<td>Passable</td>
<td>Limited</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Language #3:</th>
<th>Read</th>
<th>Fluent</th>
<th>Passable</th>
<th>Limited</th>
</tr>
</thead>
<tbody>
<tr>
<td>Write</td>
<td>Fluent</td>
<td>Passable</td>
<td>Limited</td>
<td></td>
</tr>
<tr>
<td>Speak</td>
<td>Fluent</td>
<td>Passable</td>
<td>Limited</td>
<td></td>
</tr>
</tbody>
</table>

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 Compliance Programs Division at 225-379-1382.
VII.

A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees.
Transit Planning and Advisory Bodies

Below is a table depicting the membership of non-elected committees and councils broken down by race. LADOTD will make efforts to encourage minority participation on all advisory groups and committees. These efforts are made by distributing information about the participation on the committee at public meetings and throughout the transit community. LADOTD will utilize the minority population demographic maps in order to focus on the areas in which the committee/advisory group participation information is distributed.

<table>
<thead>
<tr>
<th>Body</th>
<th>White</th>
<th>Latino</th>
<th>African-American</th>
<th>Asian</th>
<th>American Indian and Alaska Native</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service Area Population</td>
<td>62%</td>
<td>4.2%</td>
<td>32%</td>
<td>1.5%</td>
<td>.7%</td>
<td>1.5%</td>
</tr>
<tr>
<td>House Transportation Committee Members</td>
<td>10 Male</td>
<td></td>
<td>4 Male</td>
<td></td>
<td></td>
<td>1.6%</td>
</tr>
<tr>
<td>Senate Transportation Committee Members</td>
<td>5 Male</td>
<td></td>
<td>3 Female</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2 Female</td>
<td></td>
<td>1 Female</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
VIII.

Primary recipients shall include a description of how the agency monitors its subrecipients for compliance with Title VI, and a schedule of subrecipient Title VI Program submissions.
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 LADOTD 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. 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, both within LADOTD and its sub recipients of federal highway 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 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 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 FHWA’s concurrence, initiate sanctions per 49 CFR 21.
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?

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?
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?

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?
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?

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?
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.
On-Site Review Checklist

TITLE VI SUPPORTING DOCUMENT CHECKLIST

In order to comply with Title VI, 23 CFR 200.9, review/approval of the following documentation will be required during the on-site review (where applicable):

FHWA Approved Title VI Plan
This should include, but not limited to the following, the Agency’s:

- Policy Statement – Signed by the Agency Director
- Title VI Authorities
- Title VI Assurances – Signed by the Agency Director
- Organization and Staffing Chart
- Program Administration – General
- Agency’s Title VI Responsibilities – According to Population Served
- Title VI Coordinator Responsibilities
- Agency’s Title VI Monitoring Procedures for Grantees
- Agency’s Annual Reporting and Review Requirements for Grantees

Title VI Plan should Address:
- Public Involvement
- Limited English Proficiency (LEP)
- Environmental Justice (EJ)
- ADA/ Section 504 – Self Evaluation and/or Transition Plan (if applicable)
- DBE Requirements

Title VI Complaint Process and Form
Appendices – i.e., List of Grantees, Grantee’s Review Questionnaire, Clauses, etc.

Notices to Public Regarding:
- Title VI Plan – Notification of Rights
- Complaint Process and Complaint Form
- LEP Plan
- Public Involvement Plan
- Environmental Justice Plan
- ADA Section 504 – Self Evaluation (if applicable), and/or Transition Plan

Records on Hand for Review:
- List of Title VI Complaints
- List of Title VI Lawsuits
- Latest Annual Review for Agency performed by DOTD
- Title VI Training Records (given by or received from) the Agency
- Annual Review Records for Agency’s grantees
- Review for Title VI Language - Agreements/Contracts, Real Estate, Deeds, Licenses, Permits, Manuals, Directives, Guidelines, Policies, etc.
- Statistic Records performed for Public Involvement
### Title VI Program - On-Site Review Questionnaire

**Name of Agency:** ____________________________

**Date of Review:** ____________________________

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<th>Part I: Title VI Plan</th>
<th>Example Questions/Comments</th>
<th>Reviewer Notes/ Comments/Recommendations</th>
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<tbody>
<tr>
<td>Request a copy of the Agency's Title VI Plan.</td>
<td>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?</td>
<td>Send Letter of Acceptance of Title VI Plan indicating FHWA acceptance of plan, if applicable.</td>
</tr>
<tr>
<td>If they have one, review plan for content and discuss questions/concerns where applicable.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Policy Statement – signed by Agency Director</td>
<td>Signed? Posted on Website/Material? Available to public?</td>
<td></td>
</tr>
<tr>
<td>Authorities</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Assurances – signed by Agency Director</td>
<td>Review/confirm</td>
<td></td>
</tr>
<tr>
<td>Organization and Staffing Chart</td>
<td>Org. structure/staffing for divisions indicating title of section heads, race, and gender. Listing employees not necessary.</td>
<td></td>
</tr>
<tr>
<td>Title VI Notification of Rights</td>
<td>Is this provided in other material for the public, such as pamphlets, brochures, etc.?</td>
<td></td>
</tr>
<tr>
<td>Title VI Program Administration – Overall/General</td>
<td>Is this in accordance with the Regulatory requirements of the Title VI Program?</td>
<td></td>
</tr>
<tr>
<td>Title VI Coordinator's Responsibilities</td>
<td>Coordinator's name and contact information provided? Coordinator's responsibilities provided in plan? Has the Title VI Coord. received/provided Title VI training?</td>
<td></td>
</tr>
<tr>
<td>Agency's Monitoring Procedures for rec/grantees</td>
<td>Performed Annually? Schedule of On-Site Reviews, if performed? Any type of tracking of reg. requirements?</td>
<td></td>
</tr>
<tr>
<td>Agency's Annual Reporting Requirements</td>
<td>Name and Type of annual reports? Are they sent to the FHWA? Are they sent to DOTD/to whom?</td>
<td></td>
</tr>
<tr>
<td>Part II: Additional Authorities of the Title VI Program</td>
<td>Example Questions/Comments</td>
<td>Reviewer Notes/Comments/Recommendations</td>
</tr>
<tr>
<td>------------------------------------------------------</td>
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<tr>
<td>Does the Agency have a LEP Plan/Policy?</td>
<td>If so, does it address the four factor analysis? If not, how does the agency address LEP?</td>
<td></td>
</tr>
<tr>
<td>Does the Agency have a Public Involvement Plan/Policy?</td>
<td>Does the plan/policy address EJ practices? Any records kept for public involvement? How does the agency monitor public involvement?</td>
<td></td>
</tr>
<tr>
<td>ADA/Section 504 – Does the Agency have a Self Evaluation and/or Transition Plan, if applicable?</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Does the Agency have a DBE/SBE Program?</td>
<td>When applicable, If the agency receives &gt;$250,000 in federal contracting dollars they should</td>
<td></td>
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</table>
Part III: Agency Records Retained for Review, if available

<table>
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<tr>
<th>Example Questions/Comments</th>
<th>Reviewer Notes/Comments/Recommendations</th>
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<tr>
<td>Did the Agency have any Title VI Complaints for the last two years?</td>
<td>If so, who performed the investigation? Who was the complaint against? What was the outcome? Records kept on hand for 3 years?</td>
</tr>
<tr>
<td>Does the Agency have any Title VI Lawsuits?</td>
<td>If so, who performed the investigation? Who was the complaint against? What was the outcome? Records kept on hand for 3 years?</td>
</tr>
<tr>
<td>Date of the Agency's last Annual Review?</td>
<td>Any comments from our Officer pertaining to Annual Review? If so, were they addressed?</td>
</tr>
<tr>
<td>Date of Agency's last On-Site Review?</td>
<td>Any recommendations in the Summary of Findings still pending, if so, what is the status?</td>
</tr>
<tr>
<td>Does Agency have records of Annual or On-site Reviews performed in the last two years?</td>
<td></td>
</tr>
<tr>
<td>Title VI Training given or received by Agency in the last two years?</td>
<td></td>
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<tr>
<td>Does the Agency have Public Involvement/EJ Statistical Records?</td>
<td></td>
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<tr>
<td>Does the Agency provide Title VI Language, where applicable, in the following: Agreements/Contracts Real Estate/Deeds Licenses/Permits Manuals Directives/Guidelines Policies/Etc.</td>
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IX.

A Title VI equity analysis if the recipient has constructed a facility, such as a vehicle storage facility, maintenance facility, operation center, etc.
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.
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 nonattainment 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 cognizant 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 consultation 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
Louisiana Department of Transportation & Development
Public Transportation Section

TITLE VI CONSTRUCTION PROJECT ANALYSIS

Name of Agency: ______________________________________
Contact Person: ---------------------------------------­
Mailing Address: ---------------------------------------­
City/State/Zip Code:-------------------
Phone:---------------------- Fax: __________________ 
E-mail Address: ------------------------------------------

1. Provide a detailed description of the proposed project.

2. Describe the low-income and minority populations within the area affected by the construction project and the method used to identify these populations.

3. Describe the adverse effects of the project effects of the project both during and after construction that would affect the identified minority and low-income populations and minority-owned businesses.

4. Provide a detailed list of all minority-owned businesses and households that will be affected by the construction project.

5. Describe the potential negative environmental impact, such as noise, air, or water pollution.

6. Describe the relocation program and/or other measures adopted by the sub-recipient that will be used to mitigate any identified adverse social, economic, or environmental effect of the proposed.
7. For each of the identified low income or minority communities, discuss the positive effects such as an improvement in transit service, mobility, or accessibility.

8. Describe all mitigation and environmental enhancement actions incorporated into the project to address the adverse effects, including any special features of the relocation program that go beyond the requirements of the Uniform Relocation Act and address adverse community effects such as separation or cohesion issues, and replacement of community resources destroyed by the project.

Reviewer Signature: ___________________ Date: ___________________
X.

A copy of board meeting minutes, resolution or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI Program. For State DOT's, the appropriate governing entity is the State's Secretary of Transportation or equivalent. The approval must occur prior to the submission to FTA.
February 1, 2017

Ms. Rebecca Rand, Region VI Civil Rights Officer
Federal Transit Administration
Office of Civil Rights
819 Taylor Street, Room 14A02
Fort Worth, TX 76102

Re: Louisiana Department of Transportation and Development (LADOTD) (Recipient ID# 1562) Title VI Program

Dear Ms. Rand:
The Department’s Title VI Program Document is complete and being submitted to FTA as required in the Code of Federal Regulations.

Should you have any questions, please do not hesitate to contact either Stephanie Ducote at (225)379-1363 or Michelle Horne at (225)379-3057.

Sincerely,

[Signature]
Eric Kalivoda
Deputy Secretary

Attachment (Title VI Program)
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Addendum J- LADOTD Interdisciplinary Team
Addendum K- Metropolitan Planning Organizations
Addendum L- Louisiana Mayors and Cities
Addendum M- Historically Black Colleges and Universities (HBCU’s)

Appendices – Clauses
Appendix 1 – Agreements/Contracts
Appendix 2 – Real Estate
Appendix 3 – Deeds, Licenses, Leases, Permits, etc.
Title VI Notice to the Public

Notifying the Public of Rights under Title VI

• The Louisiana Department of Transportation and Development (LADOTD) operates its programs and services without regard to race, color and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes he or she has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with LADOTD.

• For more information on LADOTD’s Civil Rights Program and the procedures to file a complaint, please call (225)379-1382; email: Katherine.copeland@la.gov; or visit our administrative office at 1201 Capitol Access Rd.; Baton Rouge, LA 70804. For more information, visit www.dotd.la.gov.

• A complainant may file a complaint directly with the Federal Transit Administration (FTA), Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TRC, 1200 New Jersey Ave., SE, Washington, DC 20590. Phone: (202)366-4018.

• If information is needed in another language, please contact (225)379-1382.

Notificación al Público de los Derechos Garantizados por Titulo VI

• El Departamento de Transporte del estado de Louisiana opera sus programas y servicios, sin distinción de raza, color y origen nacional, según el Titulo VI de la Ley de Derechos Civiles. Cualquier persona que cree o que ha sido perjudicada por una práctica discriminatoria ilegal bajo el Titulo VI, puede presentar una queja con el Departamento de Transporte de Louisiana.

• Para obtener más información sobre el programa de derechos civiles del Departamento de Transporte de Louisiana o para obtener más información sobre los procedimientos para presentar una queja, llame al (225)379-1382. Email: Katherine.copeland@la.gov, o visite nuestras oficinas administrativas en 1201 Capitol Access Rd., Baton Rouge, LA 70804. Para obtener más información, visite www.dotd.la.gov.

• Un demandante puede presentar una queja directamente a la Administración Federal de Tránsito (FTA), Oficina de Derechos Civiles, Atención: Coordinador del Programa de Título VI, East Building, 5th Floor TCR, 1200 New Jersey Ave, SE, Washington, DC 20590. Teléfono: (202) 366-4018

• Si se necesita información en otro idioma, por favor póngase en contacto con (225)379-1382.

*Title VI Notice to the Public is posted on LADOTD’s website, at LADOTD Headquarters, and in subrecipient transit vehicles.
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 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-recipient, the recipient will include Title VI language in all written agreements/contracts and will monitor for compliance.

Shawn D. Wilson, Ph.D.
Secretary, Louisiana Department of Transportation and Development

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 Complaint Form.

For all Title VI matters, please contact

Title VI/ADA Programs Manager
P.O. Box 94245
Baton Rouge, LA 70804-9245
Telephone Number: (225)379-1923
Fax Number: (225)379-1865
Declaración de la Norma Política del Título VI

El Departamento de Transporte y Desarrollo de Louisiana (LADOTD) asegura conforme a lo dispuesto por el Título VI de la Ley de Derechos Civiles de 1964, y la Ley de Restauración de Derechos Civiles de 1987 (PL 100,259) que ninguna persona será excluida o se le negará la participación de los beneficios de este programa por motivos de raza, color o nacionalidad. El programa del Título VI también asegura que no serán sujetos a cualquier otro modo de discriminación bajo ningún otro programa o actividad. LADOTD asegura que hará todo lo posible para garantizar la no discriminación en todos sus programas y actividades, independentemente de que estos sean o no sean programas financiados por el gobierno federal (incluyendo a las Autoridades del Título VI adicionales y citas).

La Ley de Restauración de Derechos Civiles de 1987, amplió el alcance de la cobertura del Título VI mediante la ampliación de la definición de los términos "programas o actividades" para incluir a todos los programas o actividades de beneficiarios de la ayuda federal, a los sub-receptores y contratistas / consultores, independientemente de que los programas y actividades estén federalmente asistidos o no (Ley Pública 100 259 [S.557] 22 de marzo de 1988.)

LADOTD será responsable de iniciar y supervisar las actividades del Título VI, preparar los informes requeridos y otras responsabilidades del Departamento de Transporte y Desarrollo de Louisiana (LADOTD) como es requerido por el Código 23 de Regulación Federal (CRF), incluyendo los Códigos 200 y 49 de Regulación Federal 21.

En el caso de que el Departamento de Transporte y Desarrollo de Louisiana (LADOTD) distribuya los fondos de ayuda federal a un sub-receptor, el beneficiario deberá incluir el lenguaje utilizado en el programa del Título VI en todos sus escritos acuerdos / contratos a los cuales se les dará seguimiento para verificar su cumplimiento.

Shawn D. Wilson, Ph.D.
Secretary, Louisiana Department of Transportation and Development

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
Title VI/ADA Programs Manager
P.O. Box 94245
Baton Rouge, LA 70804-9245
Telephone Number: (225)379-1923
Fax Number: (225)379-1865
LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT – TITLE VI ASSURANCES

The Louisiana Department of Transportation and Development (LADOTD) (herein after referred to as the Recipient) HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent 'directives, 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 the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) (1) of the Regulations, a copy of which is attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal-aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal- Aid- Highway Program and, in adapted form in all proposals for negotiated agreements:

The LADOTD, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary,
Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contact entered into pursuant to this Advertisement, minority business enterprises will be afforded full 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. That the LADOTD shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.

4. That the LADOTD shall insert the clauses of Appendix B of this assurance, 'as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where the LADOTD receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the LADOTD receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.

7. That the LADOTD shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the LADOTD with other parties: (a) for the subsequent transfer of real property acquired or improved under Federal – Aid - Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under Federal – Aid – Highway 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 shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, 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 Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the Federal-aid-Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal-aid-Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Dated 12/17/15

by [Signature]

Authorized Official

Attachments A, B, and C

Department of Transportation Title VI Regulations
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.


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 Compliance Programs Director.
TITLE VI- 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., relocatees, 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.

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PROGRAM AREAS APPOINTING AUTHORITIES DUTIES AND RESPONSIBILITIES

PLANNING

A. Transportation Planning Office

The Transportation Planning Office is responsible for the development of the Long Range Statewide Transportation Plan and the periodical 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 incorporates input from the public, Metropolitan Planning Organizations, Regional Transportation Planning Organizations, 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 meeting 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.
Transportation Planning Process

The statewide 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, in order 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 $100,000 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 33% 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 Engineering Division 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 process 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, non-engineering professional services contracts and non-engineering consulting 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
LSA-R.S. 48:285-294
LSA-R.S. 39:1481-1526
LAC, Title 34, Part V

C. 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.

D. Title VI Responsibilities

- Monitor compliance with DBE program requirements in engineering and related services contracts.

- 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 gang, as well as publication and maintenance of the Louisiana Standard Specifications for Roads and Bridges. 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
FTA/FHWA Form 1273
LSA-R.S. 48, Roads, Bridges and Ferries
Louisiana Standard Specifications for Roads and Bridges
LSA-R.S. 38, Public Contracts, Works and Improvements

C. Contracts and Specifications Process

Contracts and Specifications operates primarily under 23 CFR, LSA-R.S. 48 and Louisiana Standard Specifications for Roads and Bridges to 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 contract 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
LSA-R.S. 48, Roads, Bridges and Ferries
Louisiana Standard Specifications for Roads and Bridges
LSA-R.S. 38, Public Contracts, Works and Improvements
LSA-R.S. 37:2150-2173, Contractor Licensing Law
Louisiana State Licensing Board for Contractors Rules and Regulations

C. Project Control Process

Project Control operates primarily under 23 CFR, LSA-R.S. 48 and *Louisiana Standard Specifications for Roads and Bridges* 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.

D. 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.
LA TRANSPORTATION RESEARCH CENTER/ TRAINING (LTRC)

A. 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.

B. 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 January 1, 2007. 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 January 15, 2012. 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.

C. 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.

E. Title VI Responsibilities

- The LTTRC Workforce Development and the training staff work with the DOTD Executive Staff, District Administrative Staff, DOTD Subject Matter Experts, and Transportation Curriculum Council 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 Minority/Women/Disadvantaged Business Enterprises 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

A. 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 Highway Administration's (FTA/FHWA) approval prior to proceeding with the design, construction and/or maintenance of the transportation facility.

B. 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.
PUBLIC INVOLVEMENT

1. 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.

2. The Environmental Section is responsible for assisting the DOTD Compliance Program Director in efforts to disseminate Title VI information to the general public.

3. 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.

PUBLIC HEARINGS

1. 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.

2. 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.

3. The Environmental Section will work to ensure and record, when applicable, minority participation and involvement in Public Hearings.

4. Minority newspapers and publications, where practical, will be used in advertising public hearings.

5. 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.

6. 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 Specifications
- Bridge Design Manual
- ASTM

C. The Road Design Section entails the geometric and hydraulic 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.
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 M/W/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 OPERATION

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.

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 Multimodal Section 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 “Nonurbanized 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”
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 LADOTD 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, both within LADOTD and its sub recipients of federal highway 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.
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 (See Addendum D). The Title VI Program Manager will also participate in FTA/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.

Subrecipients are required to submit an Annual Compliance Review Questionnaire to the LADOTD Public Transportation Section annually November 1st which includes Title VI Programs, notice to beneficiaries, complaint procedures and complaint form, public participation plan, and language assistance plan where appropriate. Subrecipients shall develop and submit to the LADOTD Public Transportation Section a list of complaints, investigations, or lawsuits.
Subrecipients that have transit-related non-elected planning boards, advisory councils, or committees, the membership of which is selected by the subrecipient, 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 and Complaint Form**


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.
LIMITED ENGLISH PROFICIENCY (LEP) PROGRAM

The Title VI Unit is responsible for developing and implementing a LEP Plan (see Addendum F). 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.
- 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; 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.

LA DOTD will conduct a survey to determine the level of internal resources we have for language services. This survey will seek to find out what languages are spoken by staff in addition to English; whether the individual can read, write and/or speak the language; and the level of fluency. The results of this assessment will be 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.
TITLE VI
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., relocatees, 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 (see Addendum H) 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 as needed to subrecipients, and the Department’s program areas and regions. The training will provide comprehensive information on Title VI provisions, its application to program operations, and identification of Title VI issues and resolution of complaints. A summary of training conducted will be reported in the annual summation report.

ANNUAL REPORTS

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

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

POST-GRANT REVIEWS

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

Demographic Profile of the State
The Louisiana DOTD uses demographic data from the US Census and geographic information systems (GIS) software to identify the locations of minority populations throughout the state. This information, when combined with State and Federal funding distribution data, allows DOTD to identify potential disparate impacts on minority populations as they relate to funding for public transportation. Figure 1 below shows Louisiana’s overall population by parish, and Figure 2 shows the minority population percentage by parish. As shown in Figure 2, compared with the statewide minority population of 37.25%, parishes with the highest percentage of minorities include East Carroll, Madison, and Tensas Parishes in northeastern Louisiana, St. Helena Parish near the Mississippi border, and Orleans Parish, which contains the City of New Orleans. Other parishes with at least 50% minority population include Caddo, Claiborne, East Baton Rouge, and Iberville Parishes. Seven out of the ten parishes with at least 50% minority population are considered rural areas, with overall populations less than 50,000; the other three parishes are home to the three largest cities in the state: New Orleans, Baton Rouge and Shreveport.
II.

Demographic maps that show the impacts of the distribution of State and Federal funds in the aggregate for public transportation projects
Figure 2. Minority Population by Parish
III.

Analysis of the State’s transportation system investments that identifies and addresses any disparate impacts
IV.

A description of the Statewide planning process that identifies the transportation needs of minority populations
Disparate Impact Analysis

In order to identify disparate impacts on minority populations, DOTD tracks the geographic distribution of State and Federal funds, including Federal funds managed by the State as a designated recipient. Figure 3 below shows the distribution of funding for 5311 transportation programs distributed to each parish in 2015. Figure 4 highlights the percentage of each parish’s minority population served by 5311 program funds in 2015.

![Map of Louisiana showing funding distribution and minority population](image.png)

*Figure 3. Funding Distribution and Minority Population*
As shown in Figures 3 and 4, while in many areas of the state, funding is used to serve communities with high proportions of minority residents, in others a gap exists between funding and high minority populations. Minority census tracts in Figure 3 are census tracts where the minority population makes up a greater percentage of the tract’s total population than the statewide average of 37.25%. These gaps are most evident in parishes along the northeastern Mississippi River border, as well as in other rural parishes such as West Feliciana. These disparities are not a result of DOTD policy, but a consequence of local resource challenges and implementation difficulties, as rural parishes often have difficulty finding sponsors for local funding matches.
V.

Description of the procedures the agency uses to ensure nondiscriminatory pass-through of FTA financial assistance
VI.

Description of the procedures the agency uses to provide assistance to potential subrecipients, including efforts to assist applicants that would serve predominantly minority populations.
Subrecipient Program Administration

**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.

Each applicant which receives $100,000 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 33% 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.

**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:**
The process for preparing and submitting an Application (for funding consideration is outlined in the Application Procedures Manual for all FTA Programs.

Generally, this process operates as follows:

1. Prior to the end of the calendar year, DOTD program personnel notify existing providers to submit applications and budgets for the ensuing operating year. In areas of the state where there are no existing providers, eligible applicants which have formally indicated an interest in the program are notified of program opportunities and the potential availability of funding. 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. Such new requests are treated in accordance with the established priority system.
2. Existing and prospective new applicants prepare and submit complete applications in accordance with detailed instructions of the Application Procedures Manual. State program personnel are available to provide assistance and advice to interested program participants.

3. Applications are submitted to DOTD no later than February 1st in order to allow adequate processing time.

4. Pre-award accounting system surveys for any new applicants will be performed to ensure adequate financial and managerial capability. Based upon Federal funding levels and utilizing the most current Federal and State auditing requirements, DOTD obtains an appropriate audit from all existing providers on an annual or biennial basis.

5. New Start Site Visits will be conducted prior to the approval of the application for any new applicants.

6. DOTD Section 5311 program staff begin technical review and evaluation of applications as they are received. Recommendations for any necessary project revisions are completed together with proposed budget allocations for each project.

7. Applicants are required to publish public notices on proposed operating and/or capital project applications. The notices invite any interested public or private transit or paratransit operator within the service area to comment.

8. DOTD submits a listing of projects and of all public and private transportation providers within each project service area to the U.S. Department of Labor.

9. DOTD finalizes its proposed Program of Projects and submits it to FTA by March 31.

10. FTA reviews and approves applications and awards grants by the end of the quarter.

11. During the FTA review and approval process, DOTD initiates and completes necessary contract agreements with applicants identified in the Program of Projects. Agreements become effective upon FTA approval.

12. For capital grant requests, DOTD reviews and updates as needed the vehicle specifications. The Division of Administration initiates the procurement processes and DOTD participates by attending pre-bid conferences.

13. Following issuance of bid awards by the Division of Administration, vehicles are ordered. Delivery of all vehicles is made to DOTD for inspection and to insure conformance with vehicle specifications.

14. Prior to issuance, recipients provide DOTD personnel with proof of insurance and submit payments for applicable title/handling fees. The face of each title is stamped to indicate that vehicles were purchased with Federal funds, and a restriction on the transfer of title without DOTD concurrence is filed with the Louisiana Department of Public Safety and Corrections.
Project applications which are submitted for funding are technically evaluated to determine, among other factors, adequacy of the project's proposed organization, management and operations, services to the elderly, disabled, minorities and Indian tribes and the reasonableness and accuracy of related budget requests. The project evaluation is used to determine necessary changes to the project prior to funding as well as the maximum level of funding which the project will be eligible to receive under the funding allocation process.

The criteria used to evaluate the applications are set forth in the Application Procedures Manual for all FTA programs and include the following:

1. The commitment of local, state or other Federal programs and funds to participate in the provision of public transportation services.
2. The likelihood of continuation of the project.
3. Provisions for the local transportation needs in a realistic and prudent manner.
4. Quality of proposed monitoring and evaluation along with the ability to modify operations as a result of evaluation.
5. Commitment of other local agencies providing or needing transportation services to purchase, share or use in area-wide service.
6. Reasonableness and justification of estimated demand.
7. Extent to which the application recognizes the transportation needs of all nonurbanized residents.
8. Appropriateness of proposed equipment needs, costs and level of service.
9. Extent to which the project will comply with federal regulations concerning Civil Rights.
10. 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.
11. Extent to which currently operating nonurbanized transportation service, manpower and equipment are utilized.
12. Degree of management capability to administer the grant and operate the transportation system.
13. 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,
The DOTD program staff are available throughout the year to provide information to interested parties on procedures for participating in the program; technical advice and planning assistance on structuring individual project applications or budgets; and assistance in interpreting and complying with applicable regulatory provisions which pertain to any aspect of the program. Application assistance workshops are conducted each year at the Louisiana Transit Conference. 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.

The Application Procedures Manual is available to interested applicants via internet download from the DOTD Public Transportation web page (http://www.dotd.louisiana.gov/intermodal/transit/) or hard copy mailed upon request. This document contains in-depth information on the preparation and submission of local applications for operating or capital expenses.