

**Federal Transit Administration  
Title VI/Environmental Justice Program  
2009**



**State of Maine  
Department of Transportation**

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**Submitted by:  
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## **Chapter I: FTA Circular 4702.1A Information** [\(return to top\)](#)

MaineDOT has familiarized itself with the information set forth in the FTA Circular 4702.1A. The MaineDOT 2008 report follows the guidance and instructions included in FTA Circular 4702.1A that are necessary to carry out the U.S. Department of Transportation's ("DOT" or the "Department") Title VI regulations (49 CFR part 21) and they have been integrated into their programs and activities as expressed in the Department's Order on Environmental Justice (Order 5610.2), and Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient ("LEP") Persons (70 FR 74087, December 14, 2005). It adheres to the definitions of terms that appear in the circular.

MaineDOT understands the objectives of this circular, its regulatory and the underlying policy basis for the guidance provided in the chapters. In addition, information in this report reflects all applicants, recipients, sub-recipients, recipients serving 200,000 or greater, MaineDOT as an administering agency, and MPO's. There is extensive further guidance at the FTA website on the Title VI page of the Civil Rights Section, [http://www.fta.dot.gov/civilrights/civil\\_rights\\_5088.html](http://www.fta.dot.gov/civilrights/civil_rights_5088.html) . Here you can find information on filing complaints, complementary paratransit, insuring equity in fare and schedule changes, links to other federal agencies and groups related to this issue, and links to the various regulations affecting this requirement.

## **Chapter II: FTA Circular 4702 1A Overview** [\(return to top\)](#)

Maine Department of Transportation Statewide Environmental Justice Mission Statement: Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin. The MaineDOT is committed to implementing environmental justice principles and procedures that will improve all levels of transportation decision making. The purpose of the MaineDOT Environmental Justice program is to meet requirements of the Federal Transit Administration (FTA) Title VI Program as described in Circular 4702.1A. The goal of the Department is to ensure that environmental justice is integrated into every transportation decision – from the idea for a transportation plan to post-construction, operations and maintenance.

MaineDOT proposes to provide human and financial resources to ensure that: 1) better transportation decisions are made that will meet the needs of all people, 2) transportation facility designs will fit more harmoniously into communities, 3) the public-involvement process is enhanced to strengthen community-based partnerships, and provide minority and low-income populations with more opportunities to learn about and improve the quality and usefulness of transportation in their lives, 4) data collecting, monitoring , and analysis tools that assess the needs of, and the potential impacts on minority and low-income populations are improved, 5) other public and private programs are invited to partner with MaineDOT in order to leverage transportation-agency resources and to achieve a common vision for communities, 6) disproportionately high and adverse impacts on minority and low-income population will be avoided, and 7) unavoidable impacts will be minimized and/or mitigated by identifying concerns early in the planning phase and by providing offsetting initiatives and enhancement measures that will benefit affected communities and neighborhoods.

In addition, MaineDOT as a recipient and all its subrecipients including those serving a population of 200,000 or greater, should Maine attain an urban area of this size, and its MPO's will follow the guidance and procedures set forth in FTA Circular 4702 1A to:

- 1) Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
- 2) Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
- 3) Promote the full and fair participation of all affected populations in transportation decision making;
- 4) Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations;
- 5) Ensure meaningful access to programs and activities by persons with limited English proficiency.
- 6) Adhere to the following Title VI principles:
  - a. DOT Order 5610.2, the Department's Order on Environmental Justice, establishes the procedures used by the Department to comply with Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," dated February 11, 1994. This Order establishes procedures for the Department of Transportation to use in complying with EO 12898.
  - b. The Department's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons ("DOT LEP Guidance"), 70 FR 74087, (December 14, 2005). This 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.
  - c. Section 12 of FTA's Master Agreement, which provides, in pertinent part, that the recipient agrees to comply, and assures the compliance of each third-party contractor at any tier and each subrecipient at any tier of the project, with the provisions of 49 U.S.C. Section 5332, which prohibit discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibits discrimination in employment or business opportunity. Furthermore, the recipient agrees to comply, and assures the compliance of each third-party contractor at any tier and each subrecipient at any tier of the project, with all provisions prohibiting discrimination on the basis of race, color, or national origin of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Sections 2000d et seq., and with 49 CFR part 21, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act." Unless FTA states otherwise in writing, all recipients shall comply with all applicable Federal directives, current or future, not listed herein.

- 7) Adhere to the following reporting requirements included in 49 CFR Section 21.9(b) which requires that recipients record and retain certain information and submit information to FTA as necessary or required. Recipients of FTA funding shall fulfill this requirement by submitting a compliance report to the responsible FTA regional office every three years (or every four years in the case of metropolitan planning organizations (MPO's) that are direct recipients of FTA funds).
- 8) Adhere to the definitions as listed in Chapter II of FTA Circular 4702 IA.

### **Reporting Requirements.**

MaineDOT records, retains and submits information to the FTA as required by 49 CFR Section 21.9(b). MaineDOT fulfills this requirement by submitting a compliance report to the responsible FTA regional office every three years. Maine's metropolitan planning organizations (MPO's) are direct recipients of FTA funds and report every four years. There are presently four MPO's in the State of Maine: Androscoggin Transportation Resource Center (ATRC); Bangor Area Comprehensive Transportation (BACTS), Kittery Area Comprehensive Transportation Study (KACTS); and Portland Area Comprehensive Transportation Study (PACTS). The MPO's consist of municipal and state officials who serve on policy, planning and/or technical committees. The committees meet on a regular basis to establish priorities and allocate specific categories of federal transportation related funds to the area.

MaineDOT's current Title VI programs are detailed in the following Chapters IV, V, VI, and VII and appendices of this report.

In addition, MaineDOT and its subrecipients understand the FTA's process for determining deficiencies and/or non-compliance of its practices, and have reviewed and followed FTA's guidance on how to report on its Title VI programs. MaineDOT will include an Appendix E which will contain an updated program report as required.

### **Chapter III: FTA Circular 4702 1A Requirements for Applicants** [\(return to top\)](#)

*Title VI regulations and procedures for all applicants seeking financial assistance including entities applying for FTA assistance for the first time require that all applicants shall submit their annual Title VI assurance as part of their annual Certification and Assurance submission to FTA. Recipients shall collect Title VI assurances from subrecipients prior to passing through FTA funds. (These Title VI assurances must be submitted as part of a standard list of assurances provided by subrecipients to their direct recipient(s)).*

MaineDOT submits their annual Title VI assurances as part of their annual Certification and Assurance submission to the FTA through TEAM. The current MaineDOT Certification and Assurances were posted to the TEAM website on February 3rd, 2009. MaineDOT requires all subrecipients to submit their Title VI assurances to them prior to passing through FTA funds. MaineDOT will not contract with any sub-recipients until they have submitted their Title VI assurance.

Should MaineDOT establish any subrecipients who are first time FTA applicants, they will provide the previous history report as described in FTA Circular 4702 1A, Chapter III, 2.

Further descriptions of the methods by which MaineDOT distributes funding available under FTA programs can be found in the State Management Plan, link below.

<http://www.state.me.us/mdot/passenger-transportation-planning/passenger-transportation-planning.php>

## **Chapter IV: FTA Circular 4702.1A General Requirements and Guidelines**

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- 1. Requirement to Provide an Annual Title VI Certification and Assurance IV–1** *Applicants shall submit their annual Title VI assurance as part of their annual Certification and Assurance submission to FTA. Recipients shall collect Title VI assurances from subrecipients prior to passing through FTA funds. (These Title VI assurances must be submitted as part of a standard list of assurances provided by subrecipients to their direct recipient(s)).*

MaineDOT submits their annual Title VI assurances as part of their annual Certification and Assurance submission to the FTA through TEAM. The current MaineDOT Certification and Assurances were posted to the TEAM website on February 3rd, 2009. MaineDOT requires all subrecipients to submit their Title VI assurances to them prior to passing through FTA funds

- 2. Requirement to Develop Title VI Complaint Procedures IV–1** *In order to comply with 49 CFR Section 21.9(b), recipients and subrecipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public upon request. In order to reduce the administrative burden associated with this requirement, subrecipients may adopt the Title VI complaint investigation and tracking procedures developed by the recipient.*

MaineDOT has developed procedures for investigating and tracking Title VI complaints filed against them and makes their procedures for filing a complaint available to members of the public upon request MaineDOT reviews their sub-recipients procedures during site visits.

### Procedure for Investigations, Complaints and Lawsuits:

MaineDOT has developed and maintains a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipient and/or subrecipients that allege discrimination on the basis of race, color, or national origin that includes the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient or subrecipient in response to the investigations.

Every effort will be made by MaineDOT to identify and resolve deficiencies in an informal and collaborative manner. Notation of resolutions will be made part of the Title VI review reports and/or complaint investigations files. Should sanctions be required, the Civil Rights Office will document the sanctions, the noted deficiencies and the remedies required.

MaineDOT will actively pursue the prevention of Title VI/EJ deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements.

When deficiencies are found, either through observation, Title VI reviews, or complaints, procedures will be promptly implemented by the Title VI Liaisons and/or the Civil Rights Office according to the investigative plan or through technical assistance to correct the deficiencies and to put the corrective action(s) in writing. For more information, go to <http://www.maine.gov/mdot/disadvantaged-business-enterprises/dbe-home.php#otherpub>

The FTA rider complaint form in Appendix A will be distributed to all transit recipients during a site visit. The recipients will be expected to inform riders of the complaint process and to assist with providing and filling out forms. Transit providers will make these available from any operator at any time as well as distribute the forms annually by “papering the seats” and/or mail to riders/residents in the transit area annually. Where needed, these shall be translated into languages other than English.

### **3. Requirement to Keep a Record of Title VI Investigations Complaints, and Lawsuits IV–1**

*In order to comply with 49 CFR Section 21.9(b), recipients and subrecipients shall prepare and maintain a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipient and/or subrecipient that allege discrimination on the basis of race, color, or national origin. This list shall include the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient or subrecipient in response to the investigation, lawsuit, or complaint.*

Maine DOT maintains a list that includes the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient or subrecipient in response to the investigation, lawsuit, or complaint. MDOT also maintains the list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipient and/or subrecipients that allege discrimination on the basis of race, color, or national origin.

### **4. Requirement to Provide Meaningful Access to LEP Persons IV-4** *Title VI and its implementing regulations require that FTA recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP).*

The MaineDOT is taking “reasonable steps” to remove barriers for LEP individuals and it has developed a Language Implementation Plan pursuant to the recommendations in Section VII of the DOT LEP Guidance.

[http://www.fta.dot.gov/documents/LEP\\_Handbook.doc](http://www.fta.dot.gov/documents/LEP_Handbook.doc)

Language barriers prohibit people who are LEP from obtaining services and information relating to transportation services and programs. Because people who are LEP are not able to read instructions or correspondence written in English and may not understand verbal information, they often are not aware of regulatory requirements and legal implications of the services they seek. Therefore, MaineDOT has taken steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP) are available to personnel, transportation providers, professionals, and other sub-recipients of federal funds. The

information is designed to inform each group about their diverse clientele from a linguistic, cultural and social perspective. MaineDOT's goal is to have these individuals become culturally competent so they can encourage vulnerable LEP minority populations to access and receive appropriate transportation services with more knowledge and confidence.

In order to provide meaningful access to programs and facilities, the Department must identify and understand how to reach the LEP population areas in Maine. MaineDOT uses U.S. Census county tables to identify Maine's LEP data. The data is used by the project managers, planners, municipalities, and consultants to aid in identifying LEP areas near projects or transit systems. Once identified, the parties organizing public involvement and information make every reasonable effort to ensure the LEP populations have timely and inclusive access to the information and processes through any of the methods that have worked in Maine in the past or any of the methods suggested in the US DOT Federal Highway Administration Guide entitled "How to Engage Low-Literacy and Limited English Proficiency Populations in Transportation Decision-making" The document can be found electronically at the following web address: <http://www.fhwa.dot.gov/hep/lowlim/index.html>

MaineDOT's LEP outreach plan is determined on a case by case basis at the program level. Any LEP individual directly impacted or benefiting from MaineDOT programs should be offered translation proactively as a rule. MaineDOT is in the process of finalizing a contract with 'language line' so any transit providers who have need of a translation service for transit users will have one easily available to them. The service is similar to the AT&T Language Line service and will be available on all busses and dispatch offices. <http://www.language.com/>

LEP individuals riding on Transit in minority service areas have access to bus schedules published in languages other than English, including, but not limited to Spanish, French, and Somali, depending upon the needs of the transit area.

Public notices and other public information or resources are printed in languages other than English where a concentration of LEP individuals requires the need for translation. Generally, this is when more than 2% of a census area speaks the primarily same language other than English. Maine currently has no such areas. However, transit routes in Portland and Biddeford do have some information printed in other languages.

All programs and services make use of the U.S. Census "I Speak" Language identification flash card to identify a language that a LEP individual can understand, and then refer the request to the Bureau of Developmental Services for a translator at public gatherings or negotiations as needed. The United States Census 2000 Language Identification Flashcard is made available by contacting the Civil Rights Office or any Title VI liaison. The Flashcards can be found on the web via the following link: [http://www.aafp.org/PreBuilt/census2000\\_ispeakcards.pdf](http://www.aafp.org/PreBuilt/census2000_ispeakcards.pdf) . A list of language interpreters is available by contacting the Title VI/EJ Specialist or through the State of Maine Bureau of Developmental Services website:

<http://www.state.me.us/dhhs/bds/mhservices/MulticulturalResource/InterpreterServices.html>

Other reasonable steps will depend on:

- a. The number and proportion of LEP persons potentially served by the recipient's programs or activities and the variety of languages spoken in the recipient's service area.
- b. The frequency with which LEP individuals are affected by the program or activity.
- c. The importance of the effect of the recipient's program on LEP individuals.
- d. The resources available to the recipient and the urgency of the situation.
- e. The level of services provided to fully English proficient people.
- f. Whether LEP persons are being excluded from services or provided a lower level of services.
- g. Whether the recipient has adequate justification for restrictions, if any, on special language services or on speaking languages other than English.

For MaineDOT subrecipients who are serving very few LEP persons or that have very limited resources, MaineDOT will provide technical assistance to help address deficiencies, to improve the program, and to bring the subrecipient or program into compliance. To determine MaineDOT subrecipients serving very few LEP persons the DOT uses 2000 Census data for each county.

Examples of technical assistance provided include: referring subrecipients or programs to the LEP booklet; suggesting additional forums for public contact; sharing ideas from other successful programs; sharing a FHWA Title VI PowerPoint; and explaining Title VI data resources.

MaineDOT LEP brochure is posted on the MaineDOT website under Civil Rights, other publications at

<http://www.state.me.us/mdot/disadvantaged-business-enterprises/dbe-home.php#otherpub>

**5. Requirement to Notify Beneficiaries of Protection Under Title VI: IV-2** *In order to comply with 49 CFR Section 21.9(d), recipients and subrecipients shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. Recipients and subrecipients that provide transit service shall disseminate this information to the public through measures that can include but shall not be limited to a posting on the agency's Web site.*

MaineDOT has developed a statement for the provision of information to the public regarding their Title VI obligations and to apprise members of the public of the protections against discrimination afforded to them by Title VI. The statement is:



JOHN ELIAS BALDACCI  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION  
16 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0016

DAVID A.  
COMMISSIONER

## NONDISCRIMINATION POLICY STATEMENT

### MAINE DEPARTMENT OF TRANSPORTATION EEO POLICY STATEMENT

The Maine Department of Transportation is committed to ensuring that the fundamental principles of equal opportunity are upheld in all decisions involving our employees and contractors/consultants, and to ensuring that the public-at-large is afforded access to our programs and services.

To that end, no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Maine Department of Transportation program or activity on the grounds of race, color, national origin, income, sex, age, disability, or limited English proficiency. In accordance with Maine State Law, no person shall be subjected to discrimination on the grounds of sexual orientation. Maine Department of Transportation assures all its programs and activities will be free from discrimination, whether those programs and activities are federally funded or not.

Maine Department of Transportation conducts its Title VI/Environmental Justice Program in a team approach involving personnel from all program areas, with guidance from the Department's Title VI Specialist. I have designated the Department's Equal Employment Opportunity Officer within the Civil Rights Office to serve as the Title VI/EJ Specialist, to ensure the Maine Department of Transportation's compliance with Title VI/Environmental Justice implementing regulations.

Inquiries concerning the Maine Department of Transportation's policies, investigations, complaints, compliance with applicable laws, regulations, and concerns regarding compliance with Title VI/Environmental Justice may be directed to:

**Gigi Ottmann-Deeves, EEO Officer**  
**Civil Rights Office**  
**Maine Department of Transportation**  
**#16 State House Station**  
**Augusta, Maine 04333-0016**  
**Telephone (207) 624-3519**  
**TTY (207) 287-3392**  
**[gigi.ottmann-deeves@maine.gov](mailto:gigi.ottmann-deeves@maine.gov)**

This Policy statement must be circulated throughout the Maine Department of Transportation and be included by reference in all contracts, agreements, programs and services administered by the Maine Department of Transportation.

5-14-08

DATE

DAVID A. COLE, COMMISSIONER



PRINTED ON RECYCLED PAPER

MaineDOT and its subrecipients disseminate this information to the public through a variety of measures including through posters, comment cards, or flyers placed at stations and in transit vehicles. Each subrecipient who has a web site is being required to post its Title VI statement on its web site. Notices detailing Title VI obligations and complaint procedures can be translated into languages other than English, as needed and consistent with the DOT LEP Guidance.

If any individual believes that s/he or any other program beneficiaries have been the object of an unequal treatment or discrimination as to the receipt of benefits and/or services, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age, or handicap, s/he may exercise their right to file a complaint with MaineDOT. Complaints may be filed with the Title VI/EJ Specialist, or with a Title VI Liaison. Every effort will be made to resolve complaints informally at the lowest level.

**Civil Rights Office**  
**Maine Department of Transportation**  
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TTY: 888-516-9364

In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted by a Title VI/EJ Specialist or Liaison in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

The complainant shall make him- or herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

The complaint procedures apply to the beneficiaries of MaineDOT programs, activities, and services, including but not limited to the public, contractors, subcontractors, consultants and other sub-recipients of federal and state funds.

Any person who believes that s/he has been excluded from participation in, denied benefits or services of any program or activity administered by MaineDOT or its subrecipients, consultants, and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age, or disability may bring forth a complaint of discrimination under Title VI/EJ and Related Statutes.

Designated MaineDOT special emphasis area employees will require the subrecipients they serve to forward any complaint of discrimination made to them about their own actions or actions of sub-grantees or contractors to their Title VI/EJ liaison.

- 6. Requirement to Provide Additional Information upon Request IV–3** *At the discretion of FTA, information other than that required by this circular may be requested, in writing, from a recipient or subrecipient to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.*

The Title VI/Environmental Justice and Related Statutes complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the MaineDOT's programs, activities and services as required by statute.

The purpose of the discrimination complaint procedures is to describe the process used by the Civil Rights Office for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

At the discretion of the FTA, information other than that required by the requirements of Title VI, complaints of discrimination may be requested in writing from a recipient or subrecipient to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.

**7. Requirement to Prepare and Submit a Title VI Program IV-3** *FTA requires recipients to report certain general information to determine compliance with Title VI. The collection and reporting of this program constitute the recipients' Title VI Program. To ensure compliance with 49 CFR Section 21.9(b), FTA requires that all recipients document their compliance with this chapter by submitting a Title VI Program to FTA's regional civil rights officer once every three years.*

This submittal is documentation of MaineDOT's compliance with 49CFR Section 21.9(b). MaineDOT will submit a report that their Title VI programs continue to be in compliance with Title VI 4702-1A to the FTA's Civil Rights officer once every three years. Supporting documentation is in Appendix E of this submission. The Appendix includes:

- (1) A summary of MaineDOT's public outreach and involvement activities undertaken since 2007.
- (2) A copy of the agency's plan for providing language assistance for persons with limited English proficiency that is based on the DOT LEP Guidance.
- (3) A copy of the agency procedures for tracking and investigating Title VI complaints.
- (4) A list of any Title VI investigations, complaints, or lawsuits filed with the agency since the time of the last submission.
- (5) A copy of the agency's notice to the public that it complies with Title VI and instructions to the public on how to file a discrimination complaint.

If items 2, 3 and 5 have not changed since the last submission, their inclusion will be replaced with a statement saying they have not changed.

**8. Guidance on Conducting an Environmental Justice Analysis of Construction Projects IV-4** *In order to integrate, into environmental analyses, considerations expressed in the DOT Order on Environmental Justice, recipients and subrecipients should integrate an environmental justice analysis into their National Environmental Policy Act (NEPA) documentation of construction projects. (Recipients are not required to conduct environmental justice analyses of projects where NEPA documentation is not required.).*

MaineDOT and its subrecipients conduct an Environmental analysis using their National Environmental Policy Act NEPA process for documentation of construction projects.

MaineDOT's prequalification process for contractors includes monitoring compliance for nondiscrimination. The process can be found on the Department of Transportation website at: <http://www.state.me.us/mdot/contractor-consultant-information/prequalapplicationOcy2002.doc> . In addition, firms must fill out this supplemental questionnaire annually for Maine Department of Transportation prequalification board review.

For those projects using an EA or EIS, the documents will include the following components: (see FTA Circular 4702.1A, Chapter IV-4, 8. a-f)

- Descriptions of low-income and minority population;
- Discussion of adverse effects and positive effects;
- Descriptions of mitigation and environmental actions;
- Any remaining effects and why mitigation is not proposed;
- Comparison of mitigation to mitigation in non-minority and non-low-income projects.

**9. Guidance on Promoting Inclusive Public Participation IV–5** *In order to integrate, into community outreach activities, considerations expressed in the DOT Order on Environmental Justice, and the DOT LEP Guidance, recipients and subrecipients should seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities. An agency's public participation strategy shall offer early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions.*

To better integrate viewpoints of minority, low-income and LEP populations, MaineDOT's program will:

1. Identify strategies for engaging minority and low-income populations in transportation decision making in the public process
2. Reduce barriers to participation from such populations
3. Evaluate the effectiveness of the public involvement process
4. Evaluate public involvement in the planning process
5. Improve performance and participation, especially with regard to low-income and minority populations
6. Increase participation and representation of low-income and minority populations as part of this evaluation and continued consideration of their concerns
7. Engage low-income and minority populations in the certification review public outreach efforts
8. Utilize media (such as print, television, radio, etc.) targeted to low-income or minority populations in all public outreach
9. Document issues and concerns to determine how they reflect on the performance of the planning process in relation to Title VI requirements
10. Ensure mechanisms are in place to allow issues and concerns raised by low-income and minority populations are appropriately considered in the decision making process
11. Track evidence that these concerns have been appropriately considered

Ensure that Municipal planning organization (MPO) or State DOT funds determine other measures targeted to overcome linguistic, institutional, cultural, economic, historical or other barriers that may prevent minority and low-income people and populations from effectively

participating in a decision-making process such as:

Coordinating with individuals, institutions, or organizations and implementing community-based public involvement strategies to reach out to members in the affected minority and/or low-income communities;

Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments;

Using locations, facilities, and meeting times that are convenient and accessible to low-income and minority communities;

12. Using different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities, so that communications are tailored to the particular community or population. are available to local organizations that represent low-income and minority populations to enable their participation in planning processes

In an effort to reach out to the public to be more involved in the identification of social, economic and environmental impacts of proposed transportation decisions, MaineDOT will work with subrecipients to place public notices at stations and in vehicles and help

Further descriptions of the methods by which MaineDOT distributes funding available under FTA programs can be found in the State Management Plan, link below.

<http://www.state.me.us/mdot/passenger-transportation-planning/passenger-transportation-planning.php>

## **Chapter V: FTA Circular 4702 1A Program-Specific Requirements and Guidelines for Recipients Serving Large Urbanized Areas**

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*This chapter provides program-specific guidance for recipients that provide service to geographic areas with a population of 200,000 people or greater under 49 U.S.C. 5307. These recipients should also follow the general requirements in Chapter IV Of this circular.*

As of March, 2009, the State of Maine has no geographic urbanized area with a population of 200,000 or greater using 49 U.S.C. 5307 funds. Should the next Census determine that the State of Maine has gained an urbanized geographic area with a population of 200,000 or greater it will require any subrecipients of such to comply with all program requirements set forth in Chapter IV and V of Title VI.

## **Chapter VI: FTA Circular 4702 1A Program-Specific Requirements and Guidelines for State Departments of Transportation or Other Administrating Agencies** [\(return to top\)](#)

*This chapter provides program-specific requirements that State DOTs and other State administrating agencies, administrating Elderly Individuals and Individuals with Disabilities, Rural and Small Urban Area, Job Access and Reverse Commute(JARC), and New Freedom*

*funding programs as well as and designated recipients in large urbanized areas for JARC and New Freedom shall follow to ensure that their programs, policies, and activities comply with the Department of Transportation (DOT) Title VI regulations. This chapter also offers guidance on integrating, into programs, policies, and activities, considerations expressed in the DOT Order on Environmental Justice.*

Requirement 1. Statewide Transportation Planning Activities

MaineDOT has in place a variety of analytic tools that will assist in integrating into its statewide planning activities all considerations expressed in the DOT Order on Environmental Justice, for certifying their compliance with Title VI. Examples of this analysis include:

A demographic profile of the State that includes identification of the locations of socioeconomic groups, including low-income and minority populations as covered by the Executive Order on Environmental Justice and Title VI.

A statewide transportation planning process that identifies the needs of low-income and minority populations.

An analytical process that identifies the benefits and burdens of the State's transportation system investments for different socioeconomic groups, identifying imbalances, and responses to the analyses produced.

Requirement 2. Program Administration

MaineDOT maintains documentation of their process for the pass-through of Federal Transit Administration (FTA) funds under the Transportation for Elderly Individuals and Individuals with Disabilities, Rural and Small Urban Area Formula Funding, JARC, and New Freedom grant programs without regard to race, color, or national origin and that minority populations are not being denied the benefits of or excluded from participation in these programs. The following information is contained in the State Management Plan (SMP):

A description of its competitive selection process of projects submitted to FTA as part of its grant applications. The description includes the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority and low-income populations, including Maine's Native American tribes.

A description of the criteria used for selecting transit providers to participate in any FTA grant program.

A record of all requests for Elderly Individuals and Individuals with Disabilities, Rural and Small Urban Area Formula Funding, JARC, and New Freedom funding. The record identifies applicants that use grant program funds to provide assistance to predominantly minority and low-income populations. The record also indicates whether the applicants were accepted or rejected for funding.

A description of the procedures to assist potential subrecipients in applying for Elderly Individuals and Individuals with Disabilities, Rural and Small Urban Area Formula Funding, JARC, and New Freedom funding, including its efforts to assist applicants that serve predominantly minority and low-income populations.

### Requirement 3. Monitoring Subrecipients

MaineDOT monitors their subrecipients every three years and documents the process and results to ensure that subrecipients are complying with the DOT Title VI Regulations. The following requirements are reviewed:

Title VI Certification and Assurances. Each subrecipient must submit their annual Title VI assurances to the MaineDOT as part of their annual Certification and Assurance submission.

Title VI Compliant Procedures. MaineDOT investigates and tracks Title VI complaints filed against subrecipients and makes sure their procedures for filing a complaint is available to members of the public upon request. Currently no subrecipient has any complaints against them.

#### Procedure for Investigations, Complaints and Lawsuits:

MaineDOT has developed and maintains a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipient and/or subrecipients that allege discrimination on the basis of race, color, or national origin that includes the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient or subrecipient in response to the investigations.

Requirement 4. MaineDOT will provide assistance as described to their sub-recipients upon request or at anytime that deficiencies are noted such as at a site visit.

Requirement 5. MaineDOT will submit a Title VI Program every 3 years (Appendix E.) in compliance with FTA Circular 4702.1A (or current circular). The Program will include:

1. A copy of the procedures used for certifying that the statewide planning process complies with Title VI.
2. A description of the procedures the agency uses to pass-through FTA financial assistance in a non-discriminatory manner.
3. A description of the procedures the agency uses to provide assistance to potential subrecipients applying for funding in a non-discriminatory manner.
4. A description of how the agency monitors its subrecipients for compliance with Title VI and a summary of the results of this monitoring.

If items 1, 2, and 4 have not changed since the last submission, their inclusion will be replaced with a statement saying they have not changed.

## **Chapter VII Circular 4702 1A Program-Specific Requirements for Metropolitan Planning Organizations (MPO)** [\(return to top\)](#)

*This chapter describes the procedures that metropolitan planning organizations (MPOs) should follow in order to comply with the Department of Transportation's (DOT) Title VI regulations.*

Consistent with the reporting procedures in Chapter II part 4, MaineDOT does not have any Metropolitan Transportation Planning Organizations (MPO) that are currently

reporting directly to the FTA. All Maine MPO's are sub-recipients of the MaineDOT. Therefore all MPO's will be monitored every four years and included as part of MaineDOT's Title VI program report. MaineDOT will provide access to all the information contained in this Title VI Plan. Questions are asked regarding demographics and the development of such as well as distributing "I Speak" cards for additional assistance.

## **Chapter VIII Circular 4702 1A Compliance Reviews** [\(return to top\)](#)

*This chapter describes the review process that the Federal Transit Administration (FTA) will follow when determining if a recipient's or subrecipient is deficient or noncompliant after the award of Federal financial assistance and what information and actions are expected from recipients and subrecipients that are subject to these reviews.*

In order to maintain compliance with all requirements, the Civil Rights Office reviews the nondiscrimination policies of each contractor and subrecipient as part of the prequalification processes for selection. This process happens with each contract, with some firms being qualified for up to three years and with each subrecipient during site visits. The policies are reviewed again at recertification periods and during any compliant investigation or EEO Compliance Review.

The following questions are used to assess the Title VI programs in special emphasis areas of MaineDOT:

1. Has the program submitted Title VI Assurances from any subrecipients (i.e. MPO's, municipalities, transit providers) to the Civil Rights Office?
2. Are contractors and consultants are bound by contract provisions.
3. Are all the nondiscrimination statutes included?
4. Does the Program have a Title VI Liaison assigned?
5. Has the Liaison monitored Title VI activities and prepared required reports?
6. Has the Liaison conducted training and disseminated public information regarding Title VI and related acts?
7. Has the Liaison been trained in conducting compliance reviews and complaint investigations?
8. Is the Liaison collecting and analyzing statistical data regarding participants in and beneficiaries of all state programs?
9. Are Title VI and related requirements included in all contracts and program directives?
10. Has the Liaison conducted Title VI reviews of sub-recipient (contractors, consultants, universities, MPO's, etc.)?

The Programs may develop action plans with specific activities, responsible individuals, and due dates in response to these answers in order to fully implement Title VI in their programs. The Civil Rights Office will conduct the program reviews, and provide support and training to the liaisons as requested to ensure program success.

### **Title VI/EJ Reviews on Sub-Recipients:**

Title VI/EJ compliance reviews of subrecipients are conducted as part of site visits by the Title VI/EJ Specialist and/or the relevant departmental program representatives. Priority for conducting reviews will be given to the Municipal Planning Organizations (MPO's), Regional Planning Committees, and sub recipients of Federal Transit Administration funds. The reviews

will entail examination of the recipients' adherence to all Title VI/EJ requirements. The status of each review will be reported in the annual update and report to Federal Transit Administration.

A report will be submitted to FTA at least every three years, by August 31st, in accordance with FTA Circular 4702.1, Title VI Program Guidelines for Federal Transit Administration Recipients. The report may be submitted more often should conditions warrant.

The objectives of FTA's Title VI requirements, as set forth in FTA Circular 4702.1, "Title VI Program Guidelines for Federal Transit Administration Recipients", are:

- To ensure that FTA-assisted benefits and related services are made available and are equitably distributed without regard to race, color, or national origin;
- To ensure that the level and quality of FTA-assisted transit services are sufficient to provide equal access and mobility for any person without regard to race, color, or national origin;
- To ensure that opportunities to participate in the transit planning and decision-making process are provided to persons without regard to race, color, or national origin;
- To ensure that decisions on the location of transit services and facilities are made without regard to race, color, or national origin; and
- To ensure that corrective and remedial action is taken by all applicants and recipients of FTA assistance to prevent discriminatory treatment of any beneficiary based on race, color, or national origin.

Every effort will be made to identify and resolve deficiencies in an informal and collaborative manner. Notation of resolutions will be made part of the Title VI review reports and/or complaint investigations files. Should sanctions be required, the Civil Rights Office will document in the sanctions notification the noted deficiencies and the remedies required.

See the MaineDOT State Management Plan for description of sub-recipient site visits.

<http://www.state.me.us/mdot/passenger-transportation-planning/smp.php>

## **Chapter IX Circular 4702 1A Complaints** [\(return to top\)](#)

*This chapter describes how the Federal Transit Administration (FTA) will respond to complaints of discrimination under Title VI that are filed with FTA against a recipient or subrecipient of FTA funds. FTA will promptly investigate all complaints filed under Title VI in accordance with Department of Transportation (DOT) regulations at 49 CFR Section 21.11(b) and 21.11(c). FTA may delay its investigation if the complainant and the party complained against agree to postpone the investigation pending settlement negotiations.*

MaineDOT has developed procedures for investigating and tracking Title VI complaints filed against the DOT and made these procedures for filing a complaint available to members of the public upon request. MaineDOT has suggested that the subrecipients adopt a similar Title VI complaint investigation and tracking procedure.

Reports will be submitted to FTA in accordance with FTA Circular 4702.1A, Title VI Program Guidelines for Federal Transit Administration Recipients. The report may be submitted more often should conditions warrant.

MaineDOT has developed and maintains a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipient and/or subrecipient that allege discrimination on the basis of race, color, or national origin that includes the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient or subrecipient in response to the investigations.

Every effort will be made by MaineDOT to identify and resolve deficiencies in an informal and collaborative manner. Notation of resolutions will be made part of the Title VI review reports and/or complaint investigations files. Should sanctions be required, the Civil Rights Office will document in the sanctions notification the noted deficiencies and the remedies required.

MaineDOT will actively pursue the prevention of Title VI/EJ deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements.

When deficiencies are found, either through observation, Title VI reviews, or complaints, procedures will be promptly implemented by the Title VI Liaisons and/or the Civil Rights Office according to the investigative plan as described in the following sections or through technical assistance to correct the deficiencies and to put the corrective action(s) in writing.

### **Chapter X Circular 4702 1A Effecting Compliance** [\(return to top\)](#)

*This chapter outlines procedures when the Federal Transit Administration (FTA) determines that a grantee is in non-compliance with Title VI after FTA follows the procedures in 49 CFR 21.11. The Department of Transportation (DOT) Title VI regulations at 49 CFR Section 21.13(a) states the following:*

MaineDOT will fully comply with any requirements under Title VI as it applies to their FTA program.

See separate files for Appendices

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