



# Maine Department of Transportation

## FHWA TITLE VI PROGRAM FFY 2026 IMPLEMENTATION PLAN

**Submitted by: Sherry Y. Tompkins, Director, Civil Rights Office**  
**December 1, 2025**

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## INTRODUCTION

The Maine Department of Transportation (MaineDOT) is dedicated to ensuring equal opportunity in all employment and service-related decisions involving employees, contractors, consultants, and subrecipients. MaineDOT also strives to provide all members of the public with equitable access to its programs, services, and activities. In accordance with federal law, no person shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any MaineDOT program or activity on the basis of race, color, or national origin.

As a recipient of federal funding from U.S. Department of Transportation agencies, including the Federal Highway Administration (FHWA), MaineDOT complies with Title VI of the Civil Rights Act of 1964 and all related nondiscrimination statutes and regulations.

This Title VI Implementation Plan outlines how MaineDOT integrates nondiscrimination into the delivery of federally assisted programs and services. It details the structure of MaineDOT's Title VI program, along with the policies, procedures, and practices used to meet compliance requirements.

This Plan is a dynamic document, reviewed and updated regularly to reflect changes in the program. Public input is welcome and encouraged. To share feedback or ask questions, please contact:

Sherry Y. Tompkins

Director, Civil Rights Office

Phone: (207) 624-3066

TTY Users: Maine Relay 711

Email: [sherry.tompkins@maine.gov](mailto:sherry.tompkins@maine.gov)

Mail: Civil Rights Office, MaineDOT Headquarters

16 State House Station, Augusta, ME 04333-0016

## NOTICE

If the information contained in this Title VI Implementation Plan is needed in another language, please contact the Maine Department of Transportation Title VI Specialist at 207-624-3056 or 207-624-3020, TTY users dial Maine Relay 711, or via email [mary.bryant@maine.gov](mailto:mary.bryant@maine.gov).

Si la información contenida en este Plan de no discriminación del Título VI se necesita en otro idioma, comuníquese con el especialista del Título VI del Departamento de Transporte de Maine al 207-624-3056 o 207-624-3020, Los usuarios de TTY marcan Maine Relay 711 o por correo electrónico [mary.bryant@maine.gov](mailto:mary.bryant@maine.gov).

Si vous avez besoin des informations contenues dans ce Plan de non-discrimination en conformité aux dispositions de la réglementation « Titre VI » dans une langue différente, veuillez contacter le spécialiste du Titre VI du département des transports du Maine au numéro 207-624-3056 ou 207-624-3020 Les utilisateurs ATS composent le Maine Relay 711 ou par email [mary.bryant@maine.gov](mailto:mary.bryant@maine.gov).

如有人需要此“第六章不歧视计划”(Title VI Implementation Plan) 的另一种语言的版本，请拨打电  
话207-624-3056或207-624-3020 联系缅因州交通部的第六章专员 TTY 用户拨打缅因州中继 711或  
通过电子邮件 [mary.bryant@maine.gov](mailto:mary.bryant@maine.gov)

Haddii macloomaadka ku jira Qodobkan VI ee Qorshaha Kala-takoor La'aanta loogu baahan yahay luqad kale, fadlan kala xidhiidh Khabuurka Qodobka VI ee Waaxda Gaadiidka Maine telefoonka 207-624-3056 ama 207-624-3020 Iisticmaalayaasha TTY waxay garaacaan Maine Relay 711 ama iimaylka [mary.bryant@maine.gov](mailto:mary.bryant@maine.gov).

لعدم التمييز مطلوبة بلغة أخرى، فيرجى الاتصال بأخصائي Title VI إذا كانت المعلومات الواردة في خطة الباب السادس  
بوزارة النقل بولاية مaine على الهاتف رقم 207-624-3056 أو 207-624-3020 أو عن طريق البريد الإلكتروني [mary.bryant@maine.gov](mailto:mary.bryant@maine.gov)

أو عبر البريد الإلكتروني [mary.bryant@maine.gov](mailto:mary.bryant@maine.gov) 207Maine Relay 711 لمستخدمي أجهزة الهاتف النصية، اتصل برقم

[mary.bryant@maine.gov](mailto:mary.bryant@maine.gov) .

## **TITLE VI STANDARD ASSURANCES**

The MaineDOT upholds compliance with Title VI of the Civil Rights Act of 1964 through formal policies and consistent operational practices, demonstrating the Department's unwavering commitment to nondiscrimination. MaineDOT fully complies with all federally mandated Title VI assurances, which obligate the Department to prevent discrimination based on race, color, and national origin. MaineDOT actively implements these responsibilities by monitoring compliance across its internal programs and external contractors, providing staff training and technical assistance, conducting equity analyses in planning and project development, and promptly addressing any complaints or potential instances of discrimination. Copies of the Title VI Standard Assurances are accessible on the MaineDOT website and are also provided in Appendix I of this document, ensuring transparency and accessibility for all stakeholders.

## **NONDISCRIMINATION POLICY STATEMENT**

MaineDOT is committed to ensuring that no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any of its programs, services, or activities on the basis of race, color, national origin, sex, age, disability, income status, or any other legally protected characteristic, in accordance with Title VI of the Civil Rights Act of 1964 and related federal and state nondiscrimination authorities. MaineDOT integrates these nondiscrimination principles into all aspects of its operations, including planning, project development, contracting, and public engagement. The Department actively identifies and removes barriers to equitable access, provides ongoing training to staff and partners, and maintains monitoring and compliance procedures to ensure adherence to civil rights requirements, promoting fair and inclusive transportation services for all Maine residents. A copy of the MaineDOT Nondiscrimination Policy Statement is provided in Appendix II of this document.

## **APPLICATION**

The provisions of this Title VI Implementation Plan apply to all recipients of FHWA funding administered through MaineDOT. A “recipient” refers to any public or private entity or individual that receives federal financial assistance, either directly or indirectly, for any program. Please note that MaineDOT maintains a separate Title VI Program for programs funded by other U.S. Department of Transportation (USDOT) agencies.

All plans and programs can be found at: <https://www.maine.gov/dot/doing-business/civil-rights/title-vi-information>

Or by writing to:

Maine Department of Transportation  
Civil Rights Office  
SHS 16  
Augusta, Maine 04333-0016

Or by calling: (207) 624-3066  
TTY users dial Maine Relay 711

## **EXECUTIVE APPROVAL**

This Title VI Implementation Plan has been reviewed and approved by the Acting Commissioner of MaineDOT. The Civil Rights Office developed the draft Plan in coordination with the Acting Commissioner, ensuring alignment with all key components and applicable compliance requirements. Upon receiving the Acting Commissioner's approval, the Plan is submitted to the FHWA for review. Any revisions requested by FHWA will be incorporated, and the revised Plan will be resubmitted to the Acting Commissioner for final approval.

## **ORGANIZATION AND STAFFING**

The Maine Department of Transportation (MaineDOT) Title VI Program is administered under the leadership of the Title VI Program Director. The Civil Rights Director, who serves as the Title VI Program Director, maintains direct access to the Acting Commissioner of MaineDOT, ensuring a clear line of communication and authority. An overview of the Department's organizational structure is provided in the Organizational Chart in [Appendix III](#).

Acting on behalf of the Acting Commissioner, the Civil Rights Director holds overall responsibility for the management and oversight of MaineDOT's Title VI Program. The day-to-day administration of the program is carried out by the Civil Rights Office under the supervision of the Chief Legal Counsel. The Civil Rights Director leads the coordination and implementation of Title VI requirements, including all related statutes, policies, plans, and federal assurances.

To support program implementation, specific responsibilities are delegated to Equal Employment Opportunity (EEO) Specialists and designated Title VI Liaisons within individual program areas. These Liaisons collaborate closely with the Civil Rights Office to ensure effective compliance and integration of Title VI principles across all MaineDOT divisions. For assistance, questions, or to file a complaint regarding Title VI, please refer to the contacts listed below.

## MaineDOT Title VI Contacts:

**Acting Commissioner:**

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**Chief Legal Counsel:**

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**Civil Rights Office Director:**

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**EEO Specialist:**

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**EEO Specialist:**

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**EEO Officer:**

Amy McCann (DBE Program Officer)  
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**Internal Liaisons:**

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Theresa Savoy, Director, ADA Program  
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**\**TTY users dial Maine Relay 711***

## **Title VI Program Coordinator Duties**

- Coordinate the development and execution of MaineDOT's Title VI Program in collaboration with internal program areas to ensure consistent and effective implementation.
- Provide technical expertise and guidance to program area managers and staff regarding Title VI compliance requirements and best practices.
- Conduct compliance assessments and reviews of internal program areas and subrecipients to ensure adherence to Title VI regulations and obligations.
- Identify, address, and resolve Title VI compliance issues, including the development and delivery of targeted training for internal staff and subrecipients.
- Prepare and submit MaineDOT's annual Title VI Implementation Plan to the FHWA by December 1, in accordance with federal requirements.
- Prepare and submit MaineDOT's annual Title VI Goals and Accomplishments Report to the FHWA by December 1, detailing program achievements and ongoing compliance efforts.
- Investigate and resolve Title VI complaints in accordance with established federal and departmental policies and procedures.
- Collaborate with program areas to collect, analyze, and maintain demographic and statistical data relevant to Title VI compliance and program administration.
- Disseminate Title VI-related information to the public and coordinate translation and language access services to ensure meaningful access for individuals with limited English proficiency (LEP).
- Review departmental manuals, contracts, and policy documents to ensure that Title VI provisions are effectively integrated and consistently applied across all MaineDOT operations.

## **Title VI Specialist Duties**

- Support the implementation of Title VI policies and ensure alignment with federal and departmental requirements.
- Collaborate closely with MaineDOT Title VI Program staff to execute the Department's Title VI Implementation Plan through effective programs, procedures, and ongoing compliance monitoring.

- Advise the Civil Rights Office Coordinator on Title VI-related concerns, including potential or filed discrimination complaints.
- Maintain communication with internal staff on project developments where Title VI compliance issues may be anticipated.
- Review departmental directives to assess potential Title VI implications and recommend necessary adjustments.
- Coordinate the development and submission of the annual Title VI Goals and Accomplishments Report.
- Coordinate the preparation and submission of the annual Title VI Implementation Plan.
- Facilitate activities that support the efficient and effective implementation of MaineDOT's Title VI Program.
- Develop standardized procedures to prevent discrimination and to address and resolve Title VI-related complaints in a timely and compliant manner.
- Provide technical assistance, policy guidance, and training on Title VI compliance to MaineDOT personnel, local public agencies, consultants, contractors, metropolitan and regional planning organizations, and other recipients of federal-aid highway funds.
- Design and implement procedures for collecting demographic data, including race, color, and national origin, on participants and beneficiaries of the state highway program.
- Develop and disseminate public-facing Title VI materials, ensuring translation into appropriate languages to serve Limited English Proficient populations as needed.
- Implement streamlined procedures for the timely processing, investigation, and resolution of Title VI complaints.
- Support public engagement efforts, particularly in underserved and traditionally underrepresented communities.
- Review contracting and procurement procedures to ensure fairness, transparency, and compliance with Title VI requirements.
- Collaborate with federal and state agencies to communicate Title VI program requirements and

ensure alignment with regulatory standards.

## **Internal Title VI Liaison Duties**

The Title VI Liaisons assist and support the Title VI Specialist in the implementation of MaineDOT's Title VI Program. The Liaisons monitor and ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities, including LEP, within MaineDOT's Bureaus and Offices. The Liaisons' responsibilities in their respective bureaus and offices include:

- Prepare a summary of the Bureau/Office Title VI accomplishments for each quarter.
- Disseminate Title VI information to the public and, where appropriate, ensure that the information is translated into languages other than English, in consultation with the Title VI Specialist.
- Assist in obtaining public input, particularly in minority and traditionally underserved areas.
- Participate in the identification of Title VI impacts and mitigation measures of proposed projects.
- Review environmental documents to identify and address social, economic, and environmental effects and impacts.
- Review contract documents to ensure compliance with Title VI.
- Assist with the implementation of Title VI policies for their respective Bureaus/Offices.
- Advise the Civil Rights Coordinator or Title VI Specialist of Title VI-related problems or discrimination complaints.
- Maintain statistical data by race, color, and national origin, as needed for program areas.
- Assist the Title VI Specialist to ensure that Title VI requirements are included in Bureau and Office directives and that procedures used have built-in safeguards to prevent discrimination.

## **INTERNAL PROGRAM REVIEW PROCEDURES**

## **Outreach and Public Involvement**

Outreach and public involvement constitute the foundation of Title VI compliance across all MaineDOT programs. MaineDOT's Public Involvement Program is designed to ensure early, continuous, and meaningful engagement with the public, with particular emphasis on reaching underserved and marginalized communities. The program promotes equitable access to the transportation decision-making process and seeks to prevent the imposition of disparate or adverse impacts based on race, color, or

national origin in the selection and implementation of projects.

In support of these objectives, MaineDOT employs a defined methodology that establishes a fair and structured framework for prioritizing programs and projects. This methodology comprises two principal components: the Highway Corridor Priority (HCP) and the Customer Service Level (CSL). The HCP evaluates the relative significance of highway corridors within the statewide transportation network, while the CSL assesses the condition and performance of those corridors. Together, these components guide transparent, data-informed investment decisions that align with MaineDOT's commitment to nondiscrimination and its obligations under Title VI.

Most road construction activities that produce impacts involve road closures or detours affecting vehicular, bicycle, and pedestrian traffic. Before implementing measures, MaineDOT evaluates potential effects on emergency services, schools, hospitals, assisted living facilities, and commuter routes, and makes every effort to maintain accessibility for all users when these elements may be affected.

Public involvement is an integral component of this process. MaineDOT engages with local officials, community stakeholders, and the general public to share information regarding planned closures or detours and to solicit input on potential impacts and mitigation strategies. This collaborative approach ensures that community needs and concerns are considered in decision-making and that communication remains clear and timely throughout project implementation. As part of this effort, the Tribal Liaison maintains ongoing communication with Tribal government representatives through email, phone calls, and in-person meetings to ensure that Tribal interests and concerns are fully considered in planning and project development.

During disaster declarations, MaineDOT prioritizes the reopening of highways using the same criteria while continuing to provide public updates on response and recovery activities. When access cannot be maintained, MaineDOT identifies the most feasible alternative detours with the least overall impact and ensures that affected communities are promptly informed.

## **Quarterly Reporting**

Each program area Title VI Liaison submits Quarterly Reports detailing activities related to the Title VI Implementation Plan. These reports include data collected during the reporting period and outline the measures undertaken by the program area to ensure compliance with Title VI requirements. Specifically, the reports provide the following information:

- A demographic profile of the service area, including the methods used for data collection.
- The dissemination strategies employed to share Title VI information with the public.

- An analysis of the impact of programs and services on populations differentiated by race, color, and national origin, including identification of any disparate or adverse effects, and the actions taken to minimize and mitigate such impacts.
- The number of requests received for Limited English Proficiency (LEP) services and the number of requests fulfilled.
- A summary of any discrimination-related complaints received during the reporting period.

Each bureau within MaineDOT submits quarterly reports to the Civil Rights Office, which reviews them to assess and verify compliance with Title VI requirements.

After this information is submitted by the Title VI Liaisons, MaineDOT conducts a quarterly review process to assess Title VI activities and ensure compliance with nondiscrimination requirements. As part of this process, the Title VI Specialist evaluates relevant data to identify potential disparities and verify nondiscriminatory treatment. This analysis may include, but is not limited to, the following:

- Conducting a sample review of contracts to ensure the inclusion of required nondiscrimination provisions and to verify equitable practices in the selection of contracting and consulting firms.
- Reviewing a sample of public involvement materials, such as meeting notices, and related communications, to confirm the use of appropriate nondiscrimination language and the provision of translated materials, where necessary, to support limited English proficient populations.
- Analyzing Title VI quarterly reports to identify and assess potential patterns or trends indicative of discrimination.
- Verifying that public meetings, hearings, and other engagement events are conducted in accessible locations and scheduled at times that encourage inclusive participation, particularly from impacted communities.
- Collecting and documenting public questions, concerns, comments, and complaints; ensuring timely and appropriate responses; and referring any potential Title VI violations or discrimination concerns to the appropriate authority for further investigation.

## Program Areas

MaineDOT's mission is to provide a safe transportation system that ensures the mobility of people and goods, enhances economic prosperity, and preserves the quality of our environment and communities, given available resources. MaineDOT administers a comprehensive transportation program, with each

component playing a critical role in fulfilling this mission in alignment with the Department's core values of integrity, expertise, and dedicated service.

To evaluate program effectiveness and ensure continuous progress toward mission objectives, MaineDOT systematically monitors and collects data pertinent to transportation-related issues. The following section outlines the various program areas, the activities undertaken within each, and the data analyzed to uphold nondiscrimination principles.

## **Title VI Liaisons & Internal Monitoring Program**

In addition to the Title VI Coordinator and Title VI Specialist, each of MaineDOT's program areas has designated a Title VI Liaison for internal monitoring purposes. The program areas are:

- A. Bureau of Planning
- B. Bureau of Project Development
- C. Property Office
- D. Multimodal Program
- E. Contract Procurement Office
- F. Bureau of Maintenance and Operations
- G. Environmental Office
- H. Safety Office
- I. Traffic Engineering
- J. ADA Program

The Liaisons are responsible for overseeing the implementation of Title VI within their respective program areas, disseminating Title VI information and resources, and ensuring compliance among subrecipients. They also monitor Title VI program activities and report progress and outcomes to the Civil Rights Office. Furthermore, each program area is required to conduct a self-assessment to identify personnel who have direct interactions with the public.

## **Title VI Responsibilities**

### **Bureau of Planning**

MaineDOT understands that transportation touches everyone's lives in a very personal way daily. Transportation is critical to our state's economic vitality and our quality of life, which is why MaineDOT

engages in a forward-thinking planning process that encourages community and stakeholder participation in transportation investment decisions.

The Bureau of Planning conducts planning, feasibility, and scoping studies for all transportation modes statewide and assists with passenger planning and administration. The Bureau also assists with the development of the Annual Work Plan, the Statewide Transportation Improvement Program (STIP), and the Public Involvement Plan (PIP) for MaineDOT. The Regional Planning Commissions (RPCs) and the Metropolitan Planning Organizations (MPOs) provide information in developing these planning documents.

Information on the MaineDOT Planning Bureau can be found at: <https://www.maine.gov/dot/programs-services/planning>

The Bureau's Title VI Liaisons will:

- Serve as resource personnel for the Bureau of Planning and provide information to Planning Staff regarding Title VI.
- Help develop and document procedures that ensure participation of a cross-section of people representative of the population(s) affected by Department projects, including identifying and proactively reaching out to various social and economic groups, and ensuring the groups are represented in the planning process.
- Ensure relevant project information is adequately distributed to stakeholders and the public, following the Department's public involvement procedures and LEP plan for plans, studies, and projects originating in the Bureau of Planning.
- Provide statistical data on race, color, and national origin of populations in all areas impacted by the Department's programs or services.
- Ensure equal opportunity for participation on RPCs.
- Ensure Title VI language is included in every Bureau of Planning subrecipient contract.
- Address any complaints received with the Title VI Coordinator.
- Provide the Civil Rights Office with quarterly reports regarding projects and activities, indicating benefits, services, and any adverse impacts with respect to affected groups, and Title VI accomplishments and any issues for the quarter, and any expected changes for the next quarter.

## **Bureau of Project Development**

Project Development oversees the completion of multiple phases of construction projects, including advertising for and awarding bids (Contracts) and conducting public hearings with the Bureau of Planning.

The Bureau's Title VI Liaison will:

- Monitor all Project Development activities to ensure nondiscrimination within program areas.
- Perform Title VI reviews of subrecipients to ensure Title VI adherence.
- Ensure Title VI language is included in every Bureau of Project Development program area contract and subcontract.
- Serve as a resource person for the Bureau of Project Development.
- Help develop and document procedures that ensure participation of a cross-section of people representative of the population(s) affected by Department projects, including identifying and proactively reaching out to various social and economic groups, and ensuring the groups are represented in the planning process.
- Provide information to program area staff regarding Title VI.
- Address any complaints received with the Title VI Coordinator.
- Provide the Civil Rights Office with quarterly reports regarding projects and activities, indicating benefits, services, and any adverse impacts with respect to affected groups, and Title VI accomplishments and any issues for the quarter, and any expected changes for the next quarter.

## **Property Office**

MaineDOT's Property Office provides support for Programs in the areas of traditional Right of Way (ROW) functions, including appraisal and appraisal review, negotiations, and relocation. Additionally, the Office provides technical support for mapping, utility coordination, title, and condemnation functions. The Office is also responsible for delivering field surveys to support transportation projects, acquiring real property interests to accommodate highway, bridge, and multi-modal facilities, and relocating persons and businesses according to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA).

The Property Office ensures the equitable treatment of businesses and people displaced by highway projects, regardless of race, color, or national origin, by operating under the Federal Code of Regulations ([49 CFR Part 24](#)) to address the requirements established by the URA.

Information on MaineDOT's Property Office can be found at:

<https://www.maine.gov/dot/doing-business/permitting-policy/survey-and-right-of-way-information>

The Office's Title VI Liaison will:

- Monitor all activities of the Property Office to ensure nondiscrimination.
- Serve as a resource person for the Property Office.
- Document procedures to ensure all population(s) affected are being treated in a nondiscriminatory manner.

- Ensure ROW activities do not have a disproportionate or adverse effect on traditionally underserved populations.
- Establish controls to ensure the objectiveness and quality of appraisals, property management, relocation assistance, and payments to impacted persons and property owners.
- Ensure the use of interpreters and translators as necessary to ensure that those with LEP needs receive meaningful access to the Department's services.
- Ensure all projects have a ROW plan that is monitored for compliance with the URA, as well as for Title VI compliance.
- Provide information to program area staff regarding Title VI.
- Address any complaints received with the Civil Rights Office.
- Provide the Civil Rights Office with quarterly reports regarding projects and activities indicating benefits, services, and any adverse impacts on groups, and Title VI accomplishments and any issues for the quarter, and any expected changes for the next quarter.

## **Multimodal Program**

MaineDOT's Multimodal program develops and manages the construction of non-highway and non-bridge projects (e.g., rail, bike/pedestrian trails). These programs are administered by municipalities or other local public agencies.

Information on the MaineDOT Multimodal Local Project Administration Program can be found at:  
<https://www.maine.gov/dot/programs-services/local-roads-and-projects/guidance-for-locally-administered-projects>

The Multimodal Program's Title VI Liaison will:

- Ensure that Local Public Agencies (“LPAs”) provide the Department with signed Title VI Assurances (Form 1050.2a), including all Appendices, annually.
- Ensure that LPAs include in their subcontracts the appropriate Title VI documentation, i.e., Title VI Assurances, including all Appendices and Form FHWA-1273.
- Ensure that all public meetings and notices for LPA projects comply with Title VI.
- Address any complaints received with the Title VI Coordinator.
- Assist the Civil Rights Office with Title VI compliance reviews of those subrecipients chosen by the Civil Rights Office and the Liaison annually.
- Provide the Civil Rights Office with quarterly reports regarding projects and activities, indicating benefits, services, and any adverse impacts with respect to affected groups, and Title VI accomplishments and any issues for the quarter, and any expected changes for the next quarter.

## **Contract Procurement Office**

The Contract Procurement Office (“CPO”) is responsible for the development, implementation, and oversight of procurement and contract administration policies, procedures, and standards for MaineDOT. CPO ensures the application of sound and efficient contracting practices across various areas, including consultant agreements, state-administered municipal projects, and professional services contracts.

Information on the MaineDOT Contract Procurement Office can be found at:

<https://www.maine.gov/dot/doing-business/consultant-procurement>

The Office’s Title VI Liaison will:

- Ensure that procurement policies and procedures align with Title VI and related federal and state nondiscrimination requirements.
- Monitor contracts to verify the inclusion and enforcement of required nondiscrimination clauses and assurances.
- Assist in the development and implementation of appropriate nondiscrimination language in all solicitations and contracts.
- Facilitate the collection of demographic and statistical data on consultants and subconsultants, to the extent required by federal and state guidelines.
- Provide training, guidance, and technical support to procurement staff on Title VI obligations and compliance requirements.
- Serve as a point of contact for inquiries related to nondiscrimination requirements in procurement activities.
- Address any complaints received with the Title VI Coordinator.
- Provide the Civil Rights Office with quarterly reports regarding projects and activities, indicating benefits, services, and any adverse impacts with respect to affected groups, and Title VI accomplishments and any issues for the quarter, and any changes for the next quarter.

## **Bureau of Maintenance and Operations**

The Bureau of Maintenance and Operations (M&O) oversees the maintenance, repair, and safe operation of all of Maine’s state highways and bridges and has an essential function and responsibility within the Department to assist in meeting its overall mission, goals, and values.

The Bureau’s goal is to provide the resources necessary to ensure the quality of maintenance and repair projects by improving decisions made in the field, making information available for training, and maintaining statewide consistency.

The Bureau of Maintenance and Operations has the primary responsibility for assuring that highway

maintenance and repair practices adhere to Title VI requirements.

The Bureau's Title VI Liaison will:

- Monitor all M&O activities to ensure nondiscrimination within program areas.
- Ensure that all mitigation measures during maintenance and repair work are effectively implemented to reduce health and environmental hazards to the public, e.g., work zone safety, measures to reduce noise and air impacts, and erosion control measures.
- Carefully review project activities to avoid disproportionately high or adverse impacts on underserved communities during the maintenance and repair phases.
- Provide information to program area staff regarding Title VI when necessary.
- Address any complaints received with the Title VI Coordinator.
- Provide the Civil Rights Office with quarterly reports regarding projects and activities, indicating benefits, services, and any adverse impacts with respect to affected groups, and Title VI accomplishments and any issues for the quarter, and any expected changes for the next quarter.

## **Environmental Office**

The Environmental Office plays a lead role in proactively integrating transportation, environmental, and innovation objectives with the Department's plans, operations, and maintenance activities.

The Environmental Office integrates environmental considerations into all MaineDOT activities to achieve environmental compliance. The Office manages environmental programs, works to streamline the environmental process, and monitors changing laws and regulations.

The Environmental Office houses a diverse group of environmental specialists who research, analyze, and monitor the effects transportation projects have on the environment.

A contract with standard terms and conditions is submitted with all Requests for Proposals, which includes the required Title VI language. Additionally, contracts with consultants are compiled using standard templates that have standard contract language regarding Title VI as part of the General Terms and Conditions. All consultant contracts include the standard contract clauses and include a provision that says that any subcontracts must include these same provisions.

The Environmental Office's procedures are focused on preparing environmental documentation for projects and the processes for approving that documentation, including those under the National Environmental Policy Act (NEPA) and related laws. These procedures discuss how Title VI should be incorporated into the environmental process and environmental documentation.

All public notices are placed on the MaineDOT website, as are project documents referenced in the notice. MaineDOT's social media sites are used to disseminate meeting notices. All notices placed in newspapers are placed in the regular body of the paper and not the Legal Notices Section. If they are published in an identified area, ethnic newspapers and radio stations are included in the notice effort. Community facilities

such as churches, community centers, and commercial businesses are approached to post notices of the meeting.

When warranted, mailings to property owners are multilingual. Language interpreters are available at MaineDOT public meetings. Community advisory councils or boards are made aware of the meeting, and if requested, project representatives make a separate presentation to those bodies. Copies of documents are available upon request and may be translated as needed.

For individuals who may lack transportation, MaineDOT policy provides for meetings to be held close to a project area to facilitate involvement, and via virtual means.

As part of a given environmental study, identifying the demographic composition and any affected populations in the project's study area is a specific task. Based on the results of this research, outreach methods are established to most effectively involve potentially affected neighborhoods or potential project users.

Information on the MaineDOT Environmental Office can be found at:

<https://www.maine.gov/dot/programs-services/environmental-efforts>

The Office's Title VI Liaison will:

- Serve as a resource person for the Environmental Office.
- Ensure community involvement and participation are considered in the design of projects for all affected populations.
- Sample environmental documents to ensure Community Impact Assessments appropriately identify underserved communities and discuss avoidance, minimization, and mitigation of disproportionately high or adverse impact.
- Provide statistical data on race, color, and national origin of populations in all areas impacted by the Department's programs or services, including LEP.
- Monitor all Environmental Office activities to ensure nondiscrimination on projects.
- Provide information to program area staff regarding Title VI.
- Address any complaints received with the Civil Rights Office.
- Provide the Civil Rights Office with quarterly reports regarding projects and activities, indicating the benefits, services, and any adverse impacts with respect to affected groups, and Title VI accomplishments and any issues for the quarter, and any expected changes for the next quarter.

## **Safety Office**

MaineDOT's Office of Safety and Mobility performs data-driven safety analysis to identify safety issues on Maine's highway network, develops solutions to these issues, and creates a portfolio of projects for the Department's Highway Safety Improvement Program. The Mobility section analyzes traffic patterns and volumes, and forecasts changes in these through travel demand modeling. It also performs traffic studies to identify areas of high congestion and proposes alternatives to mitigate these issues.

Information on the MaineDOT Safety and Mobility Office can be found at: <https://www.maine.gov/dot/programs-services/safety-and-mobility>

The Office's Title VI Liaison will:

- Serve as a resource person for the Safety and Mobility Office.
- Provide statistical data on race, color, and national origin of populations in all areas impacted by the Department's programs or services.
- Monitor all Safety and Mobility Office activities to ensure nondiscrimination.
- Provide information to program area staff regarding Title VI.
- Address any complaints received with the Civil Rights Office.
- Provide the Civil Rights Office with quarterly reports regarding projects and activities, indicating the benefits, services, and any adverse impacts with respect to affected groups, and Title VI accomplishments and any issues for the quarter, and any expected changes for the next quarter.

## **Traffic Engineering**

Traffic Engineering is responsible for collecting traffic data, maintaining MaineDOT's electrical devices, and providing traffic-directed input on construction projects and other Department efforts. The unit also includes right-of-way control and operating the 24/7 Transportation Management Center.

The Office's Title VI Liaison will:

- Monitor all traffic activities to ensure nondiscrimination in program areas.
- Provide information to program area staff regarding Title VI as necessary.
- Address any complaints received with the Title VI Coordinator.
- Provide the Civil Rights Office with quarterly reports regarding projects and activities, indicating benefits, services, and any adverse impacts with respect to affected groups, and Title VI accomplishments and any issues for the quarter, and any expected changes for the next quarter.

## **Americans with Disabilities Act (ADA) Program**

The ADA program is responsible for meeting the objectives of Title II of the Americans with Disabilities Act of 1990. The ADA Coordinator is designated as the Title VI Liaison for the ADA Program.

The ADA Program is responsible for the development of the MaineDOT ADA Transition Plan and manages and updates all inventories of public facilities under MaineDOT jurisdiction for ADA compliance. The ADA Coordinator also trains and provides technical assistance to MaineDOT employees, consultants, contractors, and subrecipients of MaineDOT funding on the requirements of ADA.

The ADA Program Coordinator sits on many agency-wide committees at MaineDOT, including the Safety and Mobility Working Group, the MaineDOT Construction Group, and the TAMEing committee, which reviews work zone plans for projects. The Program provides a perspective on pedestrian facilities and accessibility requirements and concerns.

Information on the MaineDOT ADA Program can be found at: <https://www.maine.gov/dot/doing-business/civil-rights/ada>

The Program's Title VI Liaison will:

- Serve as a resource person for the Civil Rights Office.
- Monitor all activities within the purview of the ADA program to ensure nondiscrimination.
- Provide information to program area staff regarding Title VI.
- Address any Title VI complaints received with the Title VI Coordinator.
- Provide the Civil Rights Office with quarterly reports regarding activities, indicating benefits, services, and any adverse impacts with respect to affected groups, and Title VI accomplishments and any issues for the quarter, and any expected changes for the next quarter.

## **Procedure**

All internal Title VI Liaisons will receive written notification at least 15 days before the due date for submission of their respective Title VI Quarterly Reports. This notification will include a compliance review questionnaire, which each Title VI Liaison is required to complete and return by the fifteenth day of the month following the end of the quarter. Copies of the questionnaire are provided in **Appendix IV** of this plan.

Title VI staff within the Civil Rights Office will evaluate the completed questionnaires as part of the desk review process. Programs found to be noncompliant will be reported to the Chief Counsel and provided five business days to correct any identified deficiencies. If the issue cannot be resolved

voluntarily through informal means, appropriate actions will be taken to achieve compliance, which may include elevating the matter to the Commissioner.

## **Methodology**

The assessment process is intended to provide MaineDOT Title VI staff with a comprehensive understanding of each program area's business practices, while also identifying opportunities for improvement and recommending appropriate corrective actions. This is achieved through the following methods:

### **Desk Audits**

Through the review of documents provided by MaineDOT's program areas, Title VI staff assess the extent to which Title VI considerations are integrated into the activities of those programs. This review focuses primarily on the inclusion of standard Title VI assurance language. Additionally, the process serves as an opportunity for Title VI staff to identify potential areas for enhanced data collection and/or training initiatives.

### **Technical Assistance**

MaineDOT's Title VI staff provides technical assistance to support Title VI compliance across all Departmental program areas. This assistance may include identifying language access needs within impacted communities, advising on the reasonable accommodation interactive process, developing enhanced methods for data collection and analysis, and offering guidance on emerging Title VI-related issues.

Technical assistance is often initiated in response to direct requests from program area staff. These engagements offer Title VI staff valuable insight into the current state of compliance across the Department and help identify opportunities for improvement.

### **Attendance at Public Outreach Events**

MaineDOT's Title VI staff participate in public outreach events, including public hearings, meetings, and informational sessions, to observe program area staff in their direct engagement with the public. These observations allow Title VI staff to assess the effectiveness of public-facing processes, such as language access services and reasonable accommodation procedures, and to identify any training or support needs. Participation in these events also provides valuable insight into community-level concerns that may relate to Title VI compliance.

Significant changes have occurred since the implementation of MaineDOT's Virtual Public Involvement process ([VPI](#)), particularly with the adoption of virtual on-demand meetings. Each project now includes a dedicated comment form, enabling members of the public to submit feedback or questions directly to the Project Manager and team for follow-up. In addition, each project page includes an optional demographic survey, which helps MaineDOT evaluate the reach of its outreach efforts. Project-specific links facilitate data mapping and analysis to better understand who is being served.

The Public Involvement Management Application (PIMA) serves as the internal system that supports the setup of events, participant registration, comment tracking and response, and data collection. MaineDOT's [Public Involvement Plan](#) provides further detail on the Department's public engagement strategy and the corresponding analysis used to ensure meaningful participation across all communities.

## **Outcome**

The internal assessment process culminates in the development of a comprehensive Title VI Work Plan. This plan is designed to identify potential compliance deficiencies, highlight areas for improvement, and establish specific timeframes for the completion of deliverables and the implementation of corrective actions within MaineDOT's programs.

## **Compliance and Enforcement**

MaineDOT follows a comprehensive approach to Title VI compliance and enforcement. This includes the designation of a Title VI Coordinator, the regular review of program activities for compliance, and the implementation of language assistance services for individuals with Limited English Proficiency (LEP). The Department also investigates complaints promptly, provides ongoing staff training, and monitors contracts with subrecipients and other third-party entities to ensure adherence to Title VI requirements. When violations are identified, appropriate corrective action is taken. If voluntary compliance cannot be achieved, the issue may be referred to the Commissioner for further action.

In instances where compliance deficiencies are identified, MaineDOT may implement targeted training programs, offer technical assistance to Title VI Liaisons, revise relevant policies or procedures to provide additional information or clarification, and monitor programs for potential discriminatory impacts. These measures reinforce MaineDOT's commitment to ensuring access to all programs and services for all persons.

# **SUBRECIPIENT REVIEW AND COMPLIANCE PROCEDURES**

MaineDOT is responsible for monitoring its subrecipients to ensure compliance with Title VI and related nondiscrimination statutes. Any subrecipient receiving federal financial assistance through MaineDOT for the administration of programs and activities is subject to monitoring. To fulfill this responsibility, MaineDOT employs a structured, multi-step approach to oversee all subrecipients under the Title VI program.

Subrecipients of federal aid in Maine include metropolitan planning organizations (MPOs), councils of governments, local governments, transit grantees, and airport authorities. MaineDOT provides oversight across the State's 16 counties, approximately 23 cities, 431 towns, 29 plantations, 92 unorganized territories, and four Native American tribal lands. These entities may serve as Local Public Agency (LPA) subrecipients. Currently, forty-five LPA projects are active.

## **Subrecipient Review Selection Procedures**

Each year, MaineDOT selects subrecipients for review based on their assessed risk of noncompliance with Title VI and the potential impact of such noncompliance. Selection criteria include:

1. Receipt of formal or informal complaints involving the subrecipient.
2. Identification of known Title VI issues or concerns by MaineDOT staff.
3. Submission of problematic or incomplete responses to the Title VI compliance questionnaire or associated documentation.
4. Receipt of a significant amount of funding from MaineDOT relative to other subrecipients.
5. New subrecipients receiving substantial funding who require Title VI training.

Typically, MaineDOT conducts five to seven onsite reviews annually. The scope of review activities varies depending on the type of subrecipient.

## **Subrecipient Review Procedures**

MaineDOT allocates a portion of FHWA funding annually to subrecipients through direct funding, grants, or competitive awards to support transportation planning and construction projects.

MaineDOT maintains an up-to-date list of subrecipients, which includes MPOs, municipalities, Regional Planning Commissions (RPCs), and LPAs (other than municipalities). To ensure Title VI compliance, MaineDOT conducts reviews using a formalized process supported by a Title VI review checklist and sample questions provided in [Appendix V](#).

## Title VI Implementation Plans

Subrecipients must develop a Title VI Implementation Plan that details procedures for implementation, reporting, and complaint resolution. MaineDOT provides a standardized template, available on the MaineDOT website and in [Appendix VI](#).

The plan must include:

- Title VI complaint processing procedures.
- Nondiscrimination provisions consistent with [49 CFR Part 21, Appendix C, Section \(a\)\(2\)](#).
- Procedures for dissemination of Title VI information per [28 CFR 42.405](#).
- Internal controls aligned with [2 CFR 200.303](#).
- Data collection and reporting protocols as outlined in [28 CFR 42.406](#).
- Compliance with applicable USDOT guidance.

## Annual Title VI Program Review

MaineDOT develops a rotating schedule for reviewing subrecipients annually. Reviews may be desk audits or onsite evaluations, depending on need.

MaineDOT prioritizes subrecipient reviews based on:

- Amount and type of federal funding received.
- Number and nature of Title VI-related complaints filed.
- Compliance history, especially for subrecipients previously found deficient.
- Time elapsed since the last Title VI review.
- Phase I Subrecipient: Agency without an Approved Title VI Program/Plan
  - Agencies entering Phase I do not yet have an approved Title VI Program. These subrecipients are granted up to one year to develop and submit a comprehensive Title VI Program.

- During this period, the MaineDOT Title VI Specialist provides guidance, technical assistance, and support to help the agency draft, refine, and begin implementation of the required components. Once MaineDOT reviews and approves both the Title VI Program and its implementation plan, the agency progresses to Phase II.
- Phase II Subrecipient: Agency with an approved Title VI Program/Plan

In Phase II, MaineDOT conducts annual reviews to assess the effectiveness and ongoing implementation of the subrecipient's approved Title VI Program.

Subrecipients must submit documentation that demonstrates:

- Active implementation of the Title VI Program
- Ongoing compliance with Title VI requirements
- Internal monitoring and evaluation processes, as outlined in the agency's approved Title VI Program Plan

These reviews ensure continued adherence to Title VI obligations and help identify areas where additional support or corrective action may be needed.

## Title VI Oversight and Support

The Title VI Coordinator and Title VI Specialist oversee subrecipient compliance. Their responsibilities include:

1. Technical Assistance and Training: Providing guidance and training to MPOs, LPAs, and designated Title VI Liaisons.
2. Public Involvement Evaluation: Reviewing outreach and engagement strategies for accessibility and effectiveness.
3. Compliance Monitoring: Ensuring subrecipients use demographic data to identify populations disproportionately impacted by transportation projects.
4. Performance Assessment: Reviewing annual Title VI accomplishments and supporting continuous improvement.

To support subrecipients in the development and implementation of compliant Title VI Programs, MaineDOT provides a range of resources on its official [website](#). These resources include:

- Sample documents
- Policy templates
- Step-by-step guidance materials

These tools are designed to assist subrecipients in preventing discrimination and maintaining compliance

with Title VI requirements. All materials are readily accessible online to facilitate ease of use and encourage best practices.

MaineDOT's Planning Bureau also supports subrecipients in transportation planning and federal compliance, including:

- Reviewing Transportation Improvement Programs and long-range plans.
- Offering technical assistance and policy guidance.
- Monitoring Title VI Program compliance.

In coordination with the Civil Rights Office, the Planning Bureau ensures subrecipient strategies and objectives comply with Title VI throughout the planning process.

## **Title VI Compliance Review Process**

MaineDOT conducts compliance reviews in five stages:

1. Notification of Compliance Review:
  - Formal notice issued to subrecipients with documentation requests.
  - Initial 30-day submission period, with a possible 30-day extension.
  - Nonresponse may result in preliminary deficiency status.
2. Desk Review:
  - Review of submitted documentation, with follow-up calls as needed.
  - Determination of whether onsite review is required based on deficiencies, systemic issues, complaints, or missing core program components.
3. Preliminary Findings:
  - Issuance of a Preliminary Findings Report identifying deficiencies and providing a 90-day timeline for compliance.
  - Compliance Plan may be required, detailing corrective actions, responsible parties, and target completion dates.
4. Noncompliance Procedures:
  - Failure to comply triggers a Notice of Noncompliance.
  - MaineDOT may notify FHWA and take legally permissible enforcement actions, including withholding funds or suspending contracts.
5. Determination of Compliance Status:

- Subrecipients may be certified as compliant, recognized as deficient but under an approved corrective action plan, or formally issued a Notice of Noncompliance.

## Remedial Actions

Subrecipients found noncompliant must address deficiencies per the remedial action plan. The Title VI Coordinator provides guidance to ensure effective implementation. Upon satisfactory completion, MaineDOT issues a Closeout Letter to document review closure.

If corrective action is not taken, MaineDOT may escalate the case to FHWA for formal noncompliance designation and potential sanctions.

# DATA COLLECTION AND ANALYSIS

## Overview

In accordance with federal regulations, MaineDOT is required to collect certain statistical data on participants in, and beneficiaries of, its programs under [23 CFR § 200.9\(b\)\(4\)](#). To fulfill this requirement, MaineDOT's Civil Rights staff work in coordination with program area personnel, such as Environmental, Planning, and Right of Way staff, to collect, analyze, and apply relevant demographic data to ensure nondiscrimination and access across all programs.

## Data Collection Responsibilities

Each of MaineDOT's internal federal program areas is supported by designated Title VI Liaisons across the Department's Bureaus and Offices. These Liaisons are responsible for collecting data related to race, color, and national origin as it pertains to their respective public-facing activities. Additional information may also be collected, such as the primary language spoken other than English, to support MaineDOT's obligations under Title VI.

To better understand the demographic makeup of communities throughout the State, MaineDOT has developed a comprehensive demographic profile of Maine. This includes:

- Identification and geographic distribution of minority and non-native-born populations.
- Thematic maps showing percent minority, non-minority, and foreign-born populations using data from the U.S. Census Bureau and American Community Survey (ACS).
- County-level data to support program-specific planning and outreach.

MaineDOT's most recent statewide demographic assessment was completed in 2023. Updates to this profile are conducted as new data becomes available.

## **Demographic Profile: Minority and Non-Native-Born Populations by County**

Based on the U.S. Census Bureau's 2023 American Community Survey (5-Year Estimates), Maine's minority population remains relatively small but is steadily increasing and geographically dispersed across the State.

- 14 out of 16 counties have minority populations exceeding 5%.
- The remaining two counties have also experienced increases in minority populations.
- The statewide minority population is estimated to be between 7.99% to 8.2%.

### **Definitions:**

- *White* – One race, White alone, not Hispanic or Latino.
- *Minority* – Hispanic or Latino, Black or African American, Asian, Native Hawaiian or Other Pacific Islander, American Indian or Alaska Native, Other Race, or Multiracial.

Approximately 66% of the State's minority population resides in four counties:

- Androscoggin County: 11,571 minority residents; ~62% live in urban centers of Auburn and Lewiston.
- Cumberland County: 34,026 minority residents; ~66% reside in the Portland metro area (Portland and Scarborough).
- Penobscot County: 11,142 minority residents; ~78% live in the Bangor metro area (Bangor, Brewer, Old Town, Orono, Veazie, and Hampden).
- York County: 15,858 minority residents; ~36% live in Biddeford, Saco, and Old Orchard Beach.

### **Counties with the Highest Percentage of Minority Residents**

- Cumberland County: 11.31%
- Washington County: 11.26%
- Androscoggin County: 10.48%

### **Notable Populations**

- Washington County has a significant Native American population, primarily from the Passamaquoddy Tribe, with smaller Penobscot and Maliseet tribal communities, and a Latin American population in the southern part of the county (and northern Hancock County).
- Androscoggin County's minority population includes a large community of African immigrants, particularly in Lewiston and Auburn.
- Minority populations are generally concentrated in the metropolitan areas of Cumberland and Androscoggin Counties.

### **Ongoing Data Collection and Reporting**

Data collection and analysis activities specific to each MaineDOT program area are documented annually in the Department's Title VI Goals and Accomplishments Report submitted to the FHWA. This report outlines how demographic data is used to inform decision-making, enhance outreach, and ensure compliance with Title VI requirements.

The following is a brief description of data collection efforts conducted by MaineDOT:

**Property Office:**

During the interview and intake process, MaineDOT Right-of-Way (ROW) staff ensure that demographic information is collected voluntarily, with clear communication to affected individuals regarding the purpose of data collection. Additionally, ROW staff distribute Anonymous Demographic Surveys (see [Appendix VII](#)), which include questions on demographic information, to all relocatees and individuals impacted by ROW activities.

**Environmental Planning:**

The Environmental Office plays a pivotal role in integrating transportation, environmental, and innovation objectives into the Department's plans, operations, and maintenance activities. This Office encompasses several functions, including compliance, permit coordination, historic and cultural reviews under Sections 106, 4(f), and 6(f), environmental construction support, hazardous materials coordination, hydrology and stormwater management, and natural resources assessment (including compliance with the Endangered Species Act, Essential Fish Habitat, and Marine Mammal Protection Act). Demographic data is collected throughout the environmental review process. Voluntary demographic data is also collected during public meetings conducted by Environmental Office staff.

**Statewide Planning:**

As part of the statewide planning process, MaineDOT staff analyze demographic data at the U.S. Census tract level to assess racial and ethnic composition and conduct analyses at the project level concerning access for all persons, including underserved communities, to affordable, reliable, and safe transportation. For project-specific reviews, data at the block group and tract levels are utilized, while county-level data informs broader statewide program analyses. Demographic data is also collected at all public meetings hosted by MaineDOT.

**Language Assistance:**

The Title VI quarterly report form completed by multiple MaineDOT Bureaus and Offices, including Planning, Project Development, Property, Multimodal Programs, Contract Procurement, Maintenance and

Operations, Environmental, Safety, Traffic Engineering, and ADA programs, gathers data on the frequency of translation and interpretation services provided to the public. This information is incorporated into the Title VI Goals and Accomplishments report to ensure meaningful access to programs for individuals with Limited English Proficiency (LEP). Additionally, the collected language data supports the identification of LEP communities and informs the planning and delivery of translation and interpreter services.

### **Public Involvement:**

MaineDOT utilizes the Public Involvement Management Application (PIMA), a platform initially developed by IowaDOT to enhance public engagement. Adapted to support virtual engagement during the COVID-19 pandemic, PIMA streamlines the collection and management of public input, facilitates ongoing dialogue between staff and the public, promotes transparency and accountability, and enables data-driven adjustments to outreach strategies. Integration with ArcGIS StoryMaps allows users to provide feedback while interacting with content, ensuring accessibility for individuals with disabilities and Limited English Proficiency (LEP) populations.

Through PIMA, commenters can specify topics, request responses via multiple communication methods, indicate levels of support, and identify locations relevant to their feedback. Staff receive notifications of submissions, respond within the platform, and maintain a transparent record accessible to authorized MaineDOT personnel. Upon project completion, comments and responses are archived in accordance with MaineDOT's retention policy.

PIMA also includes dashboards to monitor project metrics such as favorability, response times, and stakeholder demographics, supporting sustained engagement throughout project lifecycles.

### **Data Analysis**

Following data collection, each MaineDOT Title VI Liaison is responsible for analyzing the information and, where appropriate, recommending corrective actions to the Civil Rights Office Program Coordinator. The Civil Rights Office reviews these recommendations, considering applicable regulations, Executive Orders, and guidance from USDOT and FHWA, and issues a final written response detailing any implemented corrective measures.

Potential patterns of discrimination may arise from processes or procedures applied in a discriminatory manner and may become apparent during data analysis. Accordingly, Title VI compliance analysis may include, but is not limited to:

- Distribution of benefits (funding, facilities, projects) across demographic groups and communities

- Allocation of funds by transportation mode
- Impacts of investments on race, color, and national origin
- Projected population growth relative to planned facilities
- Effects of existing or proposed facility locations
- Language needs assessments
- Transportation needs of all individuals within planning boundaries
- Opportunity to participate in decision-making processes
- Strategies to mitigate adverse impacts
- Investment priorities and funding sources
- Methods for disseminating information

When assessing compliance, program area Liaisons consider factors such as:

- Provision of services and related data to identify any denial of services based on race, color, or national origin
- Demographic composition of the eligible population
- Location and accessibility of existing or planned facilities
- Racial and ethnic representation in planning or advisory bodies integral to the program
- Safeguards against discriminatory impacts in facility location decisions

## **TITLE VI TRAINING**

### **Internal Training**

MaineDOT's internal Title VI training is structured into three levels, each varying in intensity and content. The Title VI Specialist conducts annual training for all Title VI Liaisons.

1. **Coordinator and Division Level** – Conducted annually, this training combines instruction with a review of highlights from the previous reporting year. The training is high-level, focusing on major challenges and special emphasis areas, and is designed to address issues specific to coordinators and division-level staff, including Bureau and Office leadership within MaineDOT.
2. **Internal Federal Program Area Expert Staff** – Also conducted annually, this training targets staff who serve as experts within specific MaineDOT program areas. It emphasizes major challenges and special emphasis areas within each program and highlights issues requiring coordination across program areas. Training is delivered by the Title VI Liaison for each respective program and is tailored to meet program-specific requirements.
3. **Title VI Liaison Level** – Conducted annually, this training provides the Title VI Liaisons with opportunities to discuss issues, review past or upcoming federal evaluations, examine specific

scenarios, and share experiences. It also offers individualized instruction on applying Title VI requirements to specific program areas. Training at this level supports a “trickle-down” approach, ensuring knowledge and guidance are disseminated to staff by the Liaisons.

The Title VI Specialist schedules additional Title VI training as needed to address regulatory changes. Staff may also request supplemental training directly from the Title VI Specialist.

The Title VI Coordinator meets with MaineDOT management at least annually to review issues identified through annual evaluations, federal requirement updates, or program changes. Additionally, the Title VI Coordinator and Specialist meet individually with Title VI Liaisons as needed to discuss progress, address concerns, and consider suggestions.

**New Title VI Liaisons** – Newly designated Title VI Liaisons receive initial training from the Title VI Specialist, which includes personal instruction followed by independent study.

## **External Training**

MaineDOT provides training opportunities to all subrecipients. Whenever MaineDOT, FHWA, or any USDOT agency offers training sessions, including FHWA webinars and locally organized sessions, these opportunities are extended to subrecipients.

Additionally, MaineDOT maintains an open invitation for subrecipients to participate in Title VI training or to receive briefings on updates and requirements. The Civil Rights Office is available to attend association meetings or other forums to provide formal or informal guidance on Title VI compliance.

The Civil Rights Office conducts Title VI training twice annually for Local Public Agencies (LPAs) and their consultants. Each session typically includes 50 to 60 LPA officials and consultants. Attendance is required at least once every three years for LPAs to attain and maintain certification with MaineDOT.

Furthermore, the Civil Rights Office provides annual training for MaineDOT construction residents, program managers, project development staff, and contractors on documentation requirements related to Title VI compliance. These sessions are mandatory and generally include approximately 200 participants.

## **COMPLAINT PROCEDURES**

**Who may file?** Any person who believes they or a specific class of people were subjected to discrimination on the basis of race, color, or national origin in the programs and activities of a federal aid recipient may file a Title VI complaint.

**Where can one file?** Complaints may be filed with MaineDOT, the Maine FHWA Division Office,

the FHWA Office of Civil Rights, USDOT Departmental Office of Civil Rights, or the United States Department of Justice.

**When must one file?** According to USDOT regulations ([49 CFR §21.11\(b\)](#)), a complaint must be filed not later than 180 days after the alleged discrimination.

**What should a complaint look like?** Complaints should be in writing and may be filed by mail, fax, in person, or email. In the alternative, the complainant may call the Civil Rights Office to report the allegations by telephone, and the Civil Rights Office will transcribe the allegations of the complaint as provided over the telephone. The Civil Rights Office will then send the written complaint as provided by telephone to the complainant for review and any necessary corrections. A written complaint should contain at least the following information:

1. A written description of what happened; and
2. A way to contact the complainant, which must include telephone number, e-mail address, and physical address; and
3. The basis of the complaint (i.e., race, color, national origin); and
4. The identification of a specific person(s) and the respondent (i.e., agency/organization/contractor) alleged to have discriminated; and
5. Sufficient information to understand the facts that led the complainant(s) to believe that discrimination occurred in a program or activity that received Federal financial assistance; and
6. The date(s) of the alleged discriminatory act(s). The complainant should indicate if the alleged discrimination is ongoing.

**How are complaints routed?** FHWA Division Offices do not investigate Title VI complaints. Likewise, recipients such as State DOTs and Subrecipients of federal financial assistance do not investigate complaints filed against themselves. FHWA is responsible for all decisions regarding whether a complaint should be accepted, dismissed, or referred to another agency.

Accordingly, complaints should be directed as follows:

1. All complaints will be sent to the FHWA Headquarters Office of Civil Rights (HCR). HCR is responsible for all decisions regarding whether to accept, dismiss, or transfer Title VI complaints filed against State DOTs or subrecipients of federal financial assistance.

2. Complaints should be forwarded from the initial receiving agency through the federal-aid highway oversight hierarchy until the complaint reaches HCR. For example, if a complaint is received by a subrecipient city, the city should forward the complaint to the State DOT, which will forward the complaint to the State's FHWA Division Office, which will then forward the complaint to HCR.
3. State DOTs and subrecipients must log all complaints received.
4. HCR decides on whether to accept, dismiss, or transfer the complaint. HCR will notify the complainant, the FHWA Division Office, State DOT, and the subrecipient (where applicable).

Complaints may be sent to:

Civil Rights Office  
Maine Department of Transportation  
16 State House Station  
Augusta, ME 04333-0016  
Attention: Sherry Y. Tompkins  
Tel. 207-624-3066  
Fax: 207-624-3021  
TTY Users dial Maine Relay 711  
E-mail: [sherry.tompkins@maine.gov](mailto:sherry.tompkins@maine.gov)

Federal Highway Administration Headquarters –  
Office of Civil Rights  
1200 New Jersey Ave., SE HCR-40, Room 81-101  
Washington, DC 20590  
Tel. 202-366-0693  
Fax: 202-366-1599  
Email: [FHWA@dot.gov](mailto:FHWA@dot.gov)

Additionally, complaints may be filed at the U.S. Department of Justice at:

Federal Coordination and Compliance Section – NWB  
Civil Rights Division  
950 Pennsylvania Ave. NW  
Washington, DC 2053

**What are the potential outcomes for processing a complaint?** There are four potential outcomes for processing complaints:

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

All Letters of Finding issued by FHWA are final.

**What are the timeframes for investigations?** For FHWA, there is no regulatory timeframe for completing investigations; however, FHWA strives to complete all tasks within 180 days from the date of acceptance. For complaints that have been delegated to MaineDOT by FHWA, [23 CFR §200.9\(b\)\(3\)](#) provides that State DOTs must complete investigations within 60 days of receipt of the delegated complaint from FHWA.

Investigation files are confidential and will be maintained by MaineDOT. The contents of such files will only be disclosed to appropriate MaineDOT personnel and federal authorities under federal and state laws. MaineDOT will retain files under [Maine records retention schedules](#) and [FHWA guidelines](#).

See [Appendix VIII](#) for MaineDOT's Discrimination Complaint Form. It may also be found at: <https://www.maine.gov/dot/doing-business/civil-rights/title-VI-information>

# DISSEMINATION OF TITLE VI INFORMATION

## Public Participation

Pursuant to [23 CFR § 200.9\(a\)\(12\)](#), MaineDOT develops Title VI information for dissemination to the general public and, where appropriate, in languages other than English. Language services are provided free of charge.

Effective public involvement and participation processes are required across several MaineDOT program areas, including:

- Planning ([23 CFR § 450.210\(a\)](#) and [23 CFR § 450.316\(1\)](#))
- Property ([URA](#))
- Design ([23 CFR § 450.210](#))

These processes are integrated into MaineDOT's *Public Involvement in Transportation Decision Making*, available online at

<https://www.maine.gov/dot/sites/maine.gov.dot/files/docs/publications/docs/2022/pipdraft-02012021.pdf>. Key highlights from the plan include:

## Public Involvement and Traditionally Underserved Populations

As outlined in MaineDOT's [Public Involvement Plan](#), MaineDOT is committed to fostering meaningful public participation in all of its projects. The Department is committed to fostering participation by all individuals, without regard to race, color, or national origin, and to ensuring opportunities for all to engage in and benefit from public involvement activities. Special efforts are made to engage stakeholders from all demographic groups. These efforts may include general measures, such as posting public notices in libraries, transit stations, or on vehicles, as well as targeted strategies designed to address linguistic, cultural, institutional, economic, or other barriers that could limit participation.

Historically, minority and low-income communities, as well as individuals with limited literacy or English proficiency, have been underserved by traditional outreach methods. Engaging these populations helps ensure that all stakeholders have an opportunity to inform decision-making, and strengthens compliance with nondiscrimination requirements.

Tailored outreach efforts provide the following benefits:

1. Offer fresh perspectives to project planners and developers.

2. Provide insight into community-specific issues and concerns.
3. Identify potential conflicts early in the planning process.
4. Gather feedback on effective methods to involve underserved communities.
5. Increase the likelihood that selected solutions meet the needs of all affected communities.

To maximize the effectiveness of public participation efforts with underserved populations, MaineDOT staff are committed to:

1. Planning meetings and hearings well in advance and publicizing them through diverse media channels, flyers, and the MaineDOT website.
2. Ensuring that meeting notices indicate the use of accessible format materials.
3. Identifying non-English languages and cultural characteristics that may inhibit participation and providing appropriate accommodations to remove barriers.
4. Accepting verbal and written comments in languages other than English.
5. Holding meetings and conducting outreach in affected neighborhoods, utilizing community centers as meeting venues for formal and informal engagement.
6. Scheduling meetings at varied times and locations to accommodate participants' schedules, transportation needs, and child-care responsibilities.
7. Selecting accessible and welcoming venues for all participants, including individuals with disabilities, and providing room setups, alternate handout formats (e.g., large print), and audio equipment upon request.
8. Offering alternative methods for two-way communication with individuals unable to attend meetings.
9. Utilizing visual and illustrative techniques—such as charts, graphs, photos, maps, and online tools—to convey project information clearly.
10. Consulting internal and external experts with experience engaging underserved populations to identify best practices and effective outreach techniques.

## **Public Notice**

Title [49 CFR § 21.9\(d\)](#) requires recipients and subrecipients to provide the public with information regarding their obligations under USDOT's Title VI regulations and to inform individuals of the protections against discrimination afforded by Title VI. At a minimum, MaineDOT disseminates this information by:

- Posting a Title VI notice on the agency's website, and
- Displaying a Title VI notice in public areas of agency offices, including the reception area

Subrecipients are also required to maintain a record of locations where their Title VI notices have been posted or displayed.

All MaineDOT public notices and meeting announcements include the following statement:

*"In accordance with the Civil Rights Act of 1964, MaineDOT operates its programs and services without regard to race, color, or national origin. Any person who believes they have been subjected to unlawful discrimination under Title VI may file a complaint with the Maine Department of Transportation."*

For information on the MaineDOT's civil rights program and the procedures to file a complaint, visit our website at: <https://www.maine.gov/dot/doing-business/civil-rights/title-VI-information>

Or call 207-624-3066 (TTY users dial Maine Relay 711); email: [sherry.tompkins@maine.gov](mailto:sherry.tompkins@maine.gov)

Language translation services available upon request.

Services de traduction langue disponibles sur demande.

Servicios de traducción disponibles bajo petición.

要求提供的 语言翻译服务。

Lugha ya tafsiri huduma inapatikana juu ya ombi.

Ladenan panarjamahan Basa aya kana paménta.

خدمات الترجمة اللغة متاحة عند الطلب

In addition, MaineDOT's Civil Rights brochure, "[Know Your Rights](#)", along with the [Complaint Procedures](#), is provided at all public meetings conducted by MaineDOT. These materials are available in English, French, Spanish, and Chinese, and can be made available in other languages upon request to accommodate individuals with Limited English Proficiency (LEP). The brochure and complaint procedures are also continuously accessible on the MaineDOT Civil Rights webpage.

## **Notification to Beneficiaries – Website**

MaineDOT's website is designed to ensure Title VI information is readily accessible to the public. The website informs the public of their rights under Title VI and provides information on how to file a complaint. [Title VI information](#) available on MaineDOT's website includes:

1. 2023 Demographic Profile of Maine
2. Filing a Discrimination Complaint
3. Discrimination Complaint Form
4. Foreign Language Interpretation Information

5. Language Identification Card
6. Minority and Outreach Contact Information
7. Know Your Rights
8. Nondiscrimination Poster
9. Four-Factor Analysis
10. Minority Populations by County
11. FHWA Title VI Implementation Plan FFY 2024
12. FHWA Subrecipient Guide
13. MaineDOT Title VI FHWA Assurances
14. Non-Discrimination Title VI Poster
15. Blank Standard Assurances
16. Form FHWA-1273
17. Title VI Public Participation Template for Subrecipients
18. FAA Title VI Assurances

## **REVIEW OF MAINEDOT DIRECTIVES**

The Coordinator of the Civil Rights Office reviews all draft Administrative Policy Memoranda (APMs) and directives to ensure compliance with federal civil rights laws and regulations. Each memorandum or directive is carefully analyzed to identify any potential for discriminatory practices based on race, color, or national origin. This review considers factors such as affected population demographics, access to services, language barriers, and potential disparate impacts. In evaluating Title VI implications, the analysis focuses on whether the directive relates to policies, procedures, or service delivery mechanisms that could result in unequal treatment based on race, color, or national origin. If a memorandum is determined to have Title VI implications, it is discussed with the Chief Counsel and Commissioner and revised as necessary.

# LIMITED ENGLISH PROFICIENCY

## Purpose

The purpose of the MaineDOT Limited English Proficiency (LEP) Plan is to apply a four-factor analysis using the most current demographic data and survey findings to evaluate whether existing measures adequately address language-related barriers to services. Where gaps are identified, the Plan will offer recommendations to improve access for individuals with limited English proficiency.

MaineDOT is committed to ensuring that individuals for whom English is not the primary language have meaningful access to its programs, services, and activities. Language barriers can prevent these individuals from accessing essential services and benefits, understanding their legal rights and responsibilities, and fully engaging with information provided through federally funded programs.

For purposes of this Plan, an individual with limited English proficiency is defined as someone who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English.

## Plan Summary

The provision of language assistance services should be proportional to the number or percentage of eligible LEP individuals, the frequency with which they interact with a program or service, and the significance of the program, activity, or service to the public. MaineDOT's objective is to ensure that LEP individuals have meaningful access to essential services and information.

To assess its obligations under Title VI, MaineDOT conducted a four-factor analysis in accordance with guidance from USDOT. This analysis is a critical tool for determining the appropriate scope and combination of LEP services that are both necessary and reasonable to implement.

Language assistance is generally provided through two primary methods: oral interpretation and written translation.

The four factors considered in the analysis include:

1. **Number or proportion of LEP individuals** – The quantity of LEP individuals eligible to be served or likely to be encountered by a MaineDOT program, activity, or service.
2. **Frequency of contact** – The regularity with which LEP individuals interact with the program, activity, or service.

3. **Nature and importance of the program** – The significance of the program, activity, or service in relation to the lives and well-being of the public.
4. **Resources and costs** – The resources available to MaineDOT and the costs associated with providing effective language assistance.

## **Factor 1: Number and Proportion of LEP Persons Served or Encountered in the Eligible Service Population**

As part of this analysis, MaineDOT evaluated past efforts to serve LEP populations and assessed the scope and adequacy of current language services. This assessment incorporated demographic data from the U.S. Census Bureau, the American Community Survey (ACS), community partners, and municipal governments to identify language assistance needs and emerging trends.

Federal law provides a “safe harbor” provision to assist agencies in determining whether they are meeting their obligations to provide written translations under Title VI. The safe harbor offers guidance to agencies seeking greater certainty regarding compliance. Specifically, when written translations are provided in accordance with these guidelines, an agency’s actions are considered strong evidence of compliance with Title VI requirements.

It is important to note that failure to meet the safe harbor criteria does not automatically indicate noncompliance. The provision serves as a voluntary guideline, allowing agencies to supplement the fact-specific four-factor analysis with additional assurance of compliance. For example, if translating a document in full would be so burdensome as to impede the legitimate objectives of a program, full translation may not be required.

Alternative methods of providing meaningful access, such as competent oral interpretation of vital documents, may be appropriate in certain circumstances. Under the safe harbor provision, strong evidence of compliance includes providing written translations of vital documents for each LEP language group that comprises either 5% or 1,000 individuals (whichever is less) of the population eligible to be served or likely to be encountered. Additional documents may be provided orally as needed.

It is important to emphasize that the safe harbor provision applies exclusively to written translations and does not relieve agencies of the obligation to provide meaningful access through competent oral interpretation services where necessary and reasonable.

Maine has a relatively small proportion of residents who are not proficient in English. According to ACS 2017–2021 five-year estimates (Table 1), approximately 18,141 individuals over the age of five, representing roughly 1.4% of the State’s population in that age group report speaking English less than “very well.” The ACS data also identifies six language groups in Maine that exceed the safe harbor threshold of 1,000 individuals who speak English less than very well:

- French, Haitian, or Cajun
- Spanish
- Chinese (including Mandarin and Cantonese)
- Other Asian and Pacific Island languages
- Other Indo-European languages
- Other and unspecified languages

LEP individuals most commonly interact with MaineDOT through telephone communications and participation in public meetings related to transportation planning and services.

<b>TABLE 1 American Community Survey B16001. Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over, Maine: 2021</b>				
<b>Geographic Area Name</b>	<b>Maine</b>			
	<b>Number of Speakers</b>	<b>Speak English Very Well</b>	<b>Speak English Less than Very Well</b>	<b>Percentage of the total population 5 and over</b>
Total Population 5 and Over	1,293,114			
Speak only English	1,216,827			
French, Haitian, or Cajun	33,695	27,260	6,435	0.4976
Spanish	11,920	9,208	2,712	0.2097
Chinese (incl. Mandarin, Cantonese)	3,102	1,731	1,371	0.1060
Arabic	1,438	902	536	0.0415
Vietnamese	832	303	529	0.0409
German or other West Germanic languages	4,185	3,695	490	0.0379
Tagalog (incl. Filipino)	1,026	771	255	0.0197
Russian, Polish, or other Slavic languages	2,801	2,297	504	0.0390
Korean	643	451	192	0.0148
Other Asian and Pacific Island languages	3,026	1,876	1,150	0.0889
Other Indo-European languages	6,209	4,647	1,562	0.1208
Other and unspecified languages	7,410	5,005	2,405	0.1860
<b>Total:</b>	<b>1,293,114</b>	<b>58,146</b>	<b>18,141</b>	<b>1.4%</b>

## A Note on U.S. Census Language Coding and Tabulation

The U.S. Census Bureau classifies responses to the International Organization for Standardization (ISO) ISO 639-3 standard question, “*What is this language?*”, into standardized language categories using a detailed coding system. In 2016, the Census Bureau updated its language code list to align with ISO, expanding the number of recognized language codes from 382 to 1,333. While linguists estimate that more than 7,000 languages are spoken worldwide, the Census Bureau continuously updates its code list as respondents report additional languages.

Whenever possible, write-in responses are coded according to the ISO 639-3 standard. In instances where a response cannot be matched to a specific language, codes represent broader language families (e.g., Berber languages, Karen languages) or geographic groupings (e.g., Europe Not Elsewhere Classified [N.E.C.], Nigeria N.E.C.). For macrolanguages such as Chinese, Arabic, or Persian, responses are coded to the specific language when determinable; otherwise, they are grouped under the macrolanguage umbrella.

Due to the small number of speakers of many languages, not all 1,333 codes appear in public data tabulations. To protect respondent confidentiality and ensure data usability, the Census Bureau consolidates languages into broader categories for release. These classifications originated from the 1970 Census and were initially informed by the *Classification and Index of the World's Languages* (Voegelin & Voegelin, 1977). The most recent revisions, implemented in 2016, follow the linguistic hierarchies outlined in *Ethnologue: Languages of the World*, 19th Edition (Simons & Fennig, 2016).

Whether a language appears individually in tabulations or is grouped within a broader category depends primarily on the number of individuals reporting that language at home. Languages with small populations are aggregated to meet minimum reporting thresholds while maintaining utility for researchers, policymakers, and language access planning. At its most basic level, non-English languages are grouped into four categories: Spanish, Other Indo-European Languages, Asian and Pacific Island Languages, and All Other Languages. A more detailed classification identifies 42 individual non-English languages and language groups.

The U.S. Census Bureau's Primary Language List identifies specific languages that may be included within the “Other” language categories or clusters for the State of Maine. This list helps clarify which languages are potentially represented within broader groups and is available online through the Census Bureau.

To support individuals with Limited English Proficiency (LEP) who speak languages categorized within the “Other” groups, MaineDOT provides translations of vital documents into specific languages upon request. Additionally, MaineDOT partners with Acutrans, a licensed and certified language services provider, to identify the ten most spoken non-English languages in Maine. This enables the Department

to ensure the availability of certified interpreters at public meetings, effectively meeting the linguistic needs of LEP individuals. These top languages include:

- ✓ French
- ✓ Spanish
- ✓ Chinese
- ✓ German
- ✓ Amharic, Somali, or other Afro-Asiatic Languages
- ✓ Swahili or other Languages of Central, Eastern & Southern Africa
- ✓ Portuguese
- ✓ Arabic
- ✓ Tagalog
- ✓ Other Native Languages of North America

Source: <https://acutrans.com/top-10-languages-of-maine/>

## French

According to American Community Survey (ACS) estimates, Maine is home to approximately 6,435 Limited English Proficient (LEP) individuals who speak French. The largest concentrations are in Cumberland County (1,363), Aroostook County (1,326), York County (1,171), and Androscoggin County (1,015).

Although French-speaking LEP individuals are distributed throughout the State, the population is generally dispersed rather than concentrated in specific communities. Notable clusters, however, are present in the Portland and Lewiston/Augusta areas, as well as in the St. John Valley region of Aroostook County.

## Spanish or Spanish Creole

According to American Community Survey (ACS) estimates, Maine is home to approximately 2,712 Limited English Proficient (LEP) individuals who speak Spanish or Spanish Creole. The largest concentrations are in Cumberland County (791), Penobscot County (315), York County (316), and Kennebec County (250).

While Spanish-speaking LEP individuals are generally dispersed throughout the State, the relatively high concentration in Cumberland County indicates a significant presence in the City of Portland. Additionally, a notable Spanish-speaking community is present in Washington County.

### **Chinese**

According to American Community Survey (ACS) estimates, Maine is home to approximately 1,371 Limited English Proficient (LEP) individuals who speak Chinese. The largest concentrations are in Cumberland County (427), York County (196), Kennebec County (139), and Penobscot County (135). ACS data indicate that Chinese-speaking LEP individuals are generally dispersed throughout the State, with significant portions of Maine having little to no Chinese-speaking population.

MaineDOT continuously monitors updated demographic data to ensure that appropriate measures are implemented whenever thresholds for non-English language populations are exceeded, thereby addressing potential language access barriers or discriminatory impacts. In response to growing LEP populations, MaineDOT is committed to providing effective translation services, particularly in public outreach and the dissemination of vital documents, with a focus on the six primary language groups identified in the State.

MaineDOT's 2023 Four-Factor Analysis, along with detailed information on translation and diversity services by county, is available on the Department's [website](#).

Identification of LEP populations in Maine is primarily based on census data and is supplemented through ongoing engagement with community stakeholders, including family members of LEP individuals, community organizations, healthcare and professional service providers, schools, religious institutions, neighborhood centers, and State agencies such as the Departments of Transportation, Education, and Health and Human Services.

### **Factor 2: The frequency with which LEP individuals engage with MaineDOT programs, activities, and services**

Given the size and scope of MaineDOT, accurately assessing the frequency and nature of interactions with Limited English Proficient (LEP) individuals presents inherent challenges. To enhance understanding and documentation of how LEP individuals engage with MaineDOT services and programs, the Department has implemented the following annual process to support the ongoing development and refinement of its Language Assistance Plan:

- **Designation of Responsibility:** MaineDOT has assigned a dedicated staff member to oversee the collection, management, and analysis of data related to the Language Assistance Plan.

- **Identification of Public Interaction Points:** The designated staff member will systematically identify all public-facing touchpoints, including public meetings, customer service interactions, online resources, and written communications.
- **Proactive LEP Feedback:** MaineDOT will actively solicit input from LEP individuals through written surveys, feedback forms at public meetings, and online platforms to gather insights on their experiences with language access.
- **Assessment of Language Assistance Effectiveness:** Information regarding language barriers encountered and the adequacy of language assistance provided will be systematically documented.
- **Annual Data Review and Analysis:** The Department will conduct an annual review of collected data to identify emerging trends, patterns, and areas requiring improvement.
- **Identification of High-Interaction Touchpoints:** Through this analysis, MaineDOT will pinpoint public interaction points with the highest LEP engagement and determine the languages most frequently needed.
- **Strategic Adjustments:** Based on these insights, MaineDOT will enhance its language assistance strategies, prioritizing the provision of translated materials and interpretation services at high-need touchpoints.
- **Continuous Improvement:** Language assistance efforts will be continuously refined in response to LEP feedback and demographic shifts within the State.
- **Community Collaboration:** MaineDOT will partner with local organizations serving LEP populations to gain targeted insights, facilitate needs assessments, and assist in disseminating translated materials.
- **Staff Training and Awareness:** The Department will provide comprehensive training to staff to ensure effective responses to LEP interactions and to promote awareness of available language assistance resources.

### **Factor 3: The nature and importance of these programs, activities, and services provided by MaineDOT to the LEP population**

MaineDOT's programs, services, and activities affect every community member in the State. It is therefore essential that the Department effectively communicates safety information and public service announcements to all residents, including individuals with Limited English Proficiency (LEP). As one of Maine's largest employers and a major procurer of services, MaineDOT also plays a significant role in the State's economic and civic life. Public input is a critical component of the Department's planning process, making nondiscriminatory access to MaineDOT's services vital to meeting the needs of LEP individuals and fulfilling its public service mission.

MaineDOT operates in full compliance with federal nondiscrimination laws, including Title VI, the Civil Rights Restoration Act of 1987, and related statutes and regulations.

In addition, MaineDOT is committed to ensuring meaningful access to its programs, services, and activities for LEP individuals in accordance with USDOT guidance. Public involvement is a key component of MaineDOT's planning and decision-making processes. To ensure broad participation, the Department employs a range of outreach strategies, including public meeting announcements, targeted email distributions, online and paper-based surveys, and web-based engagement tools. During the development of major planning documents, MaineDOT also issues notices of applicability and ensures alignment with the Statewide Transportation Improvement Plan (STIP).

MaineDOT collaborates with local organizations throughout the State to identify regional and community-specific transportation needs and to address those needs effectively. These partnerships expand the Department's outreach by leveraging the networks and relationships of local organizations to reach a broader audience.

While formal, targeted outreach has not yet been conducted to determine which programs are of highest priority to LEP populations, it is reasonable to conclude that areas such as project development, and planning, are of significant interest. The largest LEP populations in Maine are concentrated in Cumberland County and York County, highlighting the importance of focused engagement and accessible communication in these regions.

#### **Factor 4: The resources available to the Recipient and costs**

MaineDOT employs a comprehensive array of resources and strategies to ensure meaningful access to its programs, services, and information for Limited English Proficient (LEP) individuals throughout the State. Access for non-English speakers is primarily facilitated through contracted professional translation and interpretation services, which are provided free of charge to all LEP users. The cost of these services varies based on usage and demand.

In addition, MaineDOT benefits from a multilingual workforce. Internal staff members proficient in languages commonly spoken within Maine communities may be called upon to provide interpretation, at no additional cost to the Department.

To further enhance accessibility, MaineDOT incorporates Google's automated translation feature on its website, enabling users to access information in more than 50 languages. The Department also regularly contracts with professional translation and printing services to produce multilingual brochures and informational materials, with particular emphasis on Spanish, French, and Chinese. These efforts ensure that individuals can access vital information in a language they understand.

#### **Language Assistance Plan (LAP) for LEP Population**

It is the policy of MaineDOT to take all reasonable steps to ensure meaningful access to its programs, activities, and services for individuals with Limited English Proficiency. This policy is designed to ensure

that MaineDOT staff can communicate effectively with LEP individuals and that these individuals can access critical information and participate fully in MaineDOT programs.

MaineDOT is firmly committed to complying with all applicable federal requirements, including Title VI, by providing free, meaningful access to its services for LEP individuals.

## **Background**

Federal law prohibits discrimination on the basis of national origin. Under Title VI and related regulations, national origin discrimination encompasses any practice that intentionally or effectively results in differential treatment of individuals based on their country of origin, ethnicity, ancestry, or the linguistic, cultural, or physical characteristics associated with a particular national group.

Accordingly, national origin discrimination may include, but is not limited to failing to provide meaningful access to programs, services and activities to individuals with Limited English Proficiency (LEP).

Public agencies receiving federal financial assistance for their programs and activities, including MaineDOT, are required to take reasonable steps to ensure nondiscriminatory access and prevent national origin discrimination, which includes providing appropriate language assistance services for LEP individuals.

## **LEP Monitoring and Updating the LAP**

To ensure compliance with federal language access requirements, MaineDOT has designated its Title VI Coordinator to also serve as the Limited English Proficiency (LEP) Coordinator. The LEP Coordinator is responsible for the oversight, implementation, and ongoing enhancement of the Department's Language Assistance Plan (LAP). Implementation and monitoring efforts are supported by MaineDOT's Title VI Liaisons assigned within each program area. The LAP undergoes a formal annual review to assess whether updates are necessary based on demographic changes, usage data, and stakeholder feedback.

## **Responsibilities of the LEP Coordinator**

The LEP Coordinator is responsible for the following activities:

- **Coordination of Language Services:** Identify language service needs and develop response strategies, ensuring that MaineDOT personnel have access to appropriate interpretation and translation resources when interacting with LEP individuals.

- **Compliance Oversight:** Ensure agency-wide adherence to MaineDOT's Language Assistance Plan (LAP).
- **Staff Training:** Assess and address employee training needs, providing ongoing instruction on LAP implementation, including the proper use of external language services. This includes annual training sessions and orientation for new employees.
- **Resource Management:** Develop and maintain a centralized Language Assistance Resource List to support staff in accessing available interpretation and translation services.
- **Public Awareness:** Promote the availability of language assistance services through multiple channels, including:
  - Posting informational signage in public-facing areas.
  - Distributing "I Speak" language identification cards.
  - Providing information and tools on the MaineDOT website.
- **Annual Program Review:** Conduct a comprehensive review of the LAP, including:
  - Analysis of the most recent U.S. Census and American Community Survey (ACS) data.
  - Evaluation of current and emerging LEP populations served.
  - Assessment of the frequency of encounters with LEP individuals.
  - Review of the nature and importance of services accessed by LEP populations.
  - Examination of available resources, including technological tools and budgetary considerations.
  - Evaluation of the effectiveness of current strategies in meeting LEP needs.
  - Assessment of staff understanding and implementation of the LAP.
  - Verification of the continued availability and adequacy of identified language assistance resources.

### **Oral Interpretation Services – Contracted and In-House Services**

MaineDOT is committed to providing high-quality oral interpretation services to all individuals with Limited English Proficiency (LEP), ensuring meaningful access to its programs, services, and activities. Interpretation assistance will be provided as needed, either through qualified bilingual employees or contracted language service providers, such as Rapport International or the Ascentria Care Alliance Language Bank.

While LEP individuals may voluntarily choose to use a family member or friend as an interpreter, this decision must be made freely and with a clear understanding of potential limitations—particularly when a minor child is proposed as the interpreter. In such cases, MaineDOT will take additional precautions to ensure that:

1. The LEP individual's decision to use a family member or friend, including a minor, is made voluntarily and without coercion.

2. The LEP individual is informed of potential risks and limitations associated with using a minor child as an interpreter, including concerns regarding accuracy, confidentiality, and appropriateness.
3. The LEP individual is aware that MaineDOT will provide a qualified, competent interpreter at no cost, and that this option always remains available.

MaineDOT will not take adverse action against an individual who chooses to use a child under the age of 18 as an interpreter. However, for situations involving complex, sensitive, or critical information, the Department strongly encourages the use of professional interpreters to ensure effective communication and compliance with civil rights obligations.

### **External Services**

When interpretation services are required, MaineDOT will make every effort to utilize its qualified bilingual staff to provide timely and effective assistance. In situations where qualified bilingual employees are unavailable or unable to meet the language needs due to the complexity, urgency, or nature of the request, MaineDOT will ensure access to interpretation services through its network of professional language service providers.

To that end, MaineDOT partners with a range of certified interpretation vendors, including:

- Language Partners
- House of Languages, Inc.
- Maine Language Connect, LLC
- CTS/Language Link
- Interpreters Unlimited
- SLUSA
- Propio LS, LLC

These providers deliver interpretation services across multiple languages to ensure that all individuals with LEP receive nondiscriminatory and meaningful access to MaineDOT's programs, services, and activities in compliance with federal civil rights requirements.

### **Written Interpretation Services: Vital Forms and Documents**

In accordance with USDOT's four-factor analysis, MaineDOT systematically identifies the languages most frequently encountered among LEP populations statewide. Based on this analysis, vital documents and commonly used forms are translated into the languages most widely spoken by LEP individuals to ensure meaningful access to MaineDOT's programs, services, and information.

For written communications not classified as vital documents, MaineDOT includes multilingual taglines advising recipients to contact the Department if they are unable to read the document in English. This approach enhances effective communication with LEP individuals and supports ongoing language access planning in compliance with Title VI.

To date, MaineDOT has translated and made the following documents available on its public website to address identified language needs:

- **Spanish Translation** – Nondiscrimination Notice to the Public
- **French Translation** – Nondiscrimination Notice to the Public
- **Chinese Translation** – Nondiscrimination Notice to the Public
- **Spanish Translation** – Discrimination Complaint Form
- **French Translation** – Discrimination Complaint Form
- **Chinese Translation** – Discrimination Complaint Form

These translations are reviewed and updated as necessary to reflect demographic changes and to ensure that all individuals have access to essential civil rights information and complaint procedures.

## **Personnel/Human Resource Planning**

MaineDOT's Language Assistance Plan incorporates strategic management of personnel and human resources, including:

- **Employee Development:** Providing training and professional development opportunities to enhance the language capabilities of existing MaineDOT staff.
- **Orientation and Awareness:** Ensuring that all new employees are informed of MaineDOT's obligation to provide free language assistance services in compliance with federal requirements.

## **Training**

MaineDOT is committed to providing comprehensive training to ensure employees are proficient in accessing and utilizing language assistance services. Initial and ongoing training will be provided to all staff who interact with LEP individuals. The training program will include:

- **Overview of the Language Assistance Plan (LAP):** Familiarization with MaineDOT's policies and procedures for serving LEP individuals.
- **Telephone Interactions:** Procedures for effectively communicating with LEP individuals via telephone.
- **Written Communications:** Guidelines for handling correspondence and documentation received from LEP individuals.

- **In-Person Assistance:** Best practices for assisting LEP individuals during face-to-face interactions.
- **Language Identification Tools:** Proper use of “I Speak” language identification cards.
- **Qualified Personnel:** Identification of MaineDOT staff authorized to provide interpretation services.
- **Resource Access:** Information on the availability and location of translated documents and other language resources.

## Monitoring

The LEP Coordinator will oversee compliance with language assistance requirements by:

- **Establishing Expectations:** Defining clear responsibilities for MaineDOT employees regarding the provision of language assistance services.
- **Monitoring Effectiveness:** Implementing a systematic process to assess the performance and impact of the Language Assistance Plan (LAP) and its implementation.
- **Evaluating Feedback:** Soliciting and reviewing input on the quality, availability, and utilization of language service resources by MaineDOT personnel.
- **Reviewing and Adjusting Resources:** Conducting annual or as-needed evaluations of programs and language resources, making necessary updates to ensure meaningful access to language services.

## Language Assistance Measures and Internal Controls

The following procedures will be implemented to ensure the provision of effective language assistance:

- **Telephone Communications:** When an LEP individual contacts MaineDOT by phone, staff will first determine the caller’s language needs, consulting any accompanying English-speaking individual if necessary. A designated interpreter from the approved internal list will be engaged to assist. If no qualified internal interpreter is available, external language service providers, as listed above, will be utilized. All LEP telephone interactions will be documented, including the number of contacts, nature of the inquiry, and the originating phone number.
- **Written Communications:** MaineDOT employees will coordinate with designated personnel from the approved list responsible for document translation to ensure timely and accurate written language assistance.
- **In-Person and Front Desk Interactions:** Upon identifying the language needs of LEP individuals—using “I Speak” language identification cards—staff will contact the assigned internal interpreter. If no internal resource is available, external providers, as listed above, will be utilized. All in-person interactions will be logged, including the number of LEP contacts, the nature

of the inquiry, and the point of contact. Signage informing LEP individuals of their right to free interpreter services will be prominently displayed in all public-facing areas.

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## LIST OF APPENDICES

- APPENDIX I:*** Standard USDOT Title VI Assurances
- APPENDIX II:*** MaineDOT Nondiscrimination Policy Statement
- APPENDIX III:*** MaineDOT Organizational Chart
- APPENDIX IV:*** Internal Liaisons Compliance Review Questionnaires
- APPENDIX V:*** Subrecipient Checklist & Subrecipient Title VI Compliance Assessment Tool
- APPENDIX VI:*** Subrecipient Title VI Implementation Plan Template
- APPENDIX VII:*** Right-of-Way Anonymous Demographic Survey
- APPENDIX VIII:*** Discrimination Complaint Form

## **APPENDIX I - STANDARD USDOT TITLE VI ASSURANCES**

The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The **Maine Department of Transportation** (herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through Federal Highway Administration (herein referred to as "FHWA" is subject to and will comply with the following:

**Statutory/Regulatory Authorities**

Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);

49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964*);

28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

**General Assurances**

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

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

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

## **Specific Assurances**

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

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.2(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all **FHWA Programs** and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The **Maine Department of Transportation**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States affecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds,

leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

- a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
- b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - A. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, **Maine Department of Transportation** also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **F1IWA**'s access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the **FHWA**. You must keep records, reports, and submit the material for review upon request to **FHWA** or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

**Maine Department of Transportation** gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the **FHWA Programs**. This ASSURANCE is binding on the State of Maine, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the **FHWA Programs**. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

**Maine Department of Transportation**  
**Dale F. Doughty, Acting Commissioner**  
**(Name of Recipient)**

By: /ss/ Dale F. Doughty  
**(Signature of Authorized Official)**

Dated: 08/27/2025

## APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, **Federal Highway Administration (FHWA)**, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the **FHWA** to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the **FHWA** as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non- discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the **FHWA** may determine to be appropriate, including, but not limited to:

- a. withholding payments to the contractor under the contract until the contractor complies; and/or
- b. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

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

#### (HABENDUM CLAUSE)

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

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

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

## APPENDIX C

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

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

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

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

## APPENDIX D

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

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

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

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

## APPENDIX E

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

### **Pertinent Non-Discrimination Authorities:**

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

Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to

- ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. I68I et seq).

## **APPENDIX II – MAINEDOT NONDISCRIMINATION POLICY STATEMENT**

**MAINE DEPARTMENT OF TRANSPORTATION**  
**NONDISCRIMINATION POLICY STATEMENT**

**TITLE VI (FHWA)**

The Maine Department of Transportation is committed to upholding the fundamental principles of equal opportunity 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.

In accordance with Title VI of the Civil Rights Act of 1964, 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, or national origin. The Maine Department of Transportation assures all its programs and activities will be free from discrimination, whether those programs or activities are federally assisted or not.

The Maine Department of Transportation conducts its Title VI Program in a team approach, involving personnel from all program areas, with guidance from the Civil Rights Office, which serves as the Title VI Specialist, to ensure the Department's compliance with Title VI implementing regulations.

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

Sherry Y. Tompkins, Director, Civil Rights Office  
Maine Department of Transportation  
16 State House Station Augusta,  
ME 04333-0016  
Telephone (207) 624-3066  
TTY 888-516-9364  
[Sherry.tompkins@maine.gov](mailto:Sherry.tompkins@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 Department of Transportation.

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/s/ Dale F. Doughty  
Dale F. Doughty, Acting Commissioner  
Maine Department of Transportation

Dated: 11/17/2025

## **APPENDIX III – MAINEDOT ORGANIZATIONAL CHART**

# Maine Department of Transportation (MaineDOT)

## Organizational Chart

**Dale Doughty**  
*Acting Commissioner*

— Anne Paré  
*Chief Legal Counsel*

— Sherry Tompkins  
*Civil Rights Office Director*  
(Reports directly to both the Acting Commissioner and the Chief Legal Counsel)

— Mary Bryant – *EEO Specialist*  
— Jennifer Laliberte – *EEO Specialist*  
— Amy McCann – *EEO Officer*

## **APPENDIX IV – INTERNAL LIAISONS COMPLIANCE REVIEW QUESTIONNAIRES**

**Maine Department of Transportation**  
**TITLE VI QUARTERLY REPORT**  
**ADA**

Bureau/Office \_\_\_\_\_

Title VI Liaison: \_\_\_\_\_

Contact Info:

e-mail: \_\_\_\_\_

Phone: \_\_\_\_\_

Reporting Period:

- Quarter 1 – October, November, December (**due January 15<sup>th</sup>**)
- Quarter 2 – January, February, March (**due April 15<sup>th</sup>**)
- Quarter 3 – April, May, June (**due July 15<sup>th</sup>**)
- Quarter 4 – July, August, September (**due October 15<sup>th</sup>**)

1. Were any Title VI issues (positive or unfavorable) identified this quarter?

- Yes
- No

Explain:

2. Describe Title VI/Non-discrimination Program Monitoring activities you have conducted this quarter.

**Public Involvement**

3. Does any written information (i.e. letters and notices) include appropriate Title VI language?

- Yes
- No

Provide documentation and comments:

## **Americans with Disabilities Act Accessibility Guidelines (ADAAG/ADA) Compliance**

4. Describe how traffic engineers identify the need for audible and vibro-tactile devices in planned pedestrian crossings? Is statistical data of disabled persons in the impacted area obtained and reviewed?

Yes  
 No

Describe:

5. Is a current inventory of installed signals and accessibility features maintained so that a compliance status is readily available?

Yes  
 No

6. Are crosswalk pavement markings and pedestrian signals only installed at crossings that meet ADAAG technical specifications? (e.g. curb ramps with tactile surfaces)

Yes  
 No

7. Do permitted crossings meet ADAAG technical specifications? (e.g. curb ramps with tactile surfaces)

Yes  
 No

## **Documentation**

8. What documentation is maintained reflecting Title VI-related correspondence (e-mail, notes, memorandums), training, and other activities?

List:

## **Consultant Contracts**

9. What actions have been taken to identify sub-contracting/consulting opportunities and solicit interest, bids, and quotes from DBEs?

Describe:

10. Are all contracting opportunities communicated to the Civil Rights Office?

- Yes
- No

# of ADA non-compliant Public Right-of-Way (PROW) Facilities identified in MaineDOT ADA Transition Plan	
# of ADA non-compliant Public Right-of-Way (PROW) Facilities corrected in MaineDOT ADA Transition Plan	
# of LAP project plans reviewed for ADA compliance	
# of State design plans reviewed for ADA compliance	
# of LAP project inspections conducted for ADA compliance	
# of complaints filed with the ADA Coordinator	
# of complete investigations	
# of open informal (verbal) complaints	
# of open formal (written) complaints	
# LEP request received	
# LEP services provided	
# of translation services provided	
# of interpreter services provided	
Cost of translation and interpreter services provided this quarter	\$

**Maine Department of Transportation**  
**TITLE VI QUARTERLY REPORT**  
**Contracting**

Bureau/Office \_\_\_\_\_

Title VI Liaison: \_\_\_\_\_

Contact Info:

e-mail: \_\_\_\_\_

Phone: \_\_\_\_\_

Reporting Period:

- Quarter 1 – October, November, December (**due January 15<sup>th</sup>**)
- Quarter 2 – January, February, March (**due April 15<sup>th</sup>**)
- Quarter 3 – April, May, June (**due July 15<sup>th</sup>**)
- Quarter 4 – July, August, September (**due October 15<sup>th</sup>**)

1. Were any Title VI issues (positive or unfavorable) identified this quarter?

- Yes
- No

Explain:

2. Describe Title VI/Non-discrimination Program Monitoring activities you have conducted this quarter.

3. Provide any special outreach or affirmative action conducted this quarter.

4. Is technical information (bids, RFQs, RFPs, RFIs, Prequalifications, etc.) available in formats and at places and times conducive to review by minority and low-income persons?

- Yes
- No

What procedures are in place to provide information to persons with limited English proficiency, sight-impaired persons, and for persons without formal education?

Provide documentation and comment:

5. Does public information (letters, notices, etc.) contain Title VI language?

*“The Maine Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively assure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, Limited English Proficiency or national origin in consideration for an award.”*

- Yes
- No

Provide documentation and comment:

6. What documentation is maintained reflecting Title VI related correspondence (e-mail, notes, memorandums), training, and other activities?

Describe:

7. Is DBE participation monitored and reported to the Department's DBE Officer for ALL contracts?

- Yes
- No

Describe:

8. What actions have been taken to identify sub-contracting/contractor/consultant opportunities and solicit interest, bids, and quotes from DBEs?

Provide documentation and comment:

9. Are all contracting opportunities communicated to the DBE Officer?

- Yes
- No

10. What actions have been taken to ensure non-discrimination in the contractor/consultant selection process?

Provide documentation and comment:

11. Are all contracts reviewed for appropriate Title VI language and Form FHWA-1273?

- Yes
- No

12. What procedures are in place to ensure nondiscrimination with regard to on-call contracts and prequalification procedures?

Describe:

# of Title VI complaints received	
# of informal (verbal) complaints	
# of formal (written) complaints	
# of unresolved complaints sent to Civil Rights Office	
# of Contractors trained	
# of Consultants trained	
# of Residents trained	
# State Employees trained	
# Federal Employees trained	
Are all contracts reviewed for appropriate Title VI language and Form FHWA-1273?	
# of reviewed contracts lacking contract requirements (1273, 26.13(b), Appendix A thru E)	
# of translation services provided	
# of interpreter services provided	
Cost of translation and interpreter services provided this quarter	\$

**Maine Department of Transportation**  
**TITLE VI QUARTERLY REPORT**  
**Environment**

Bureau/Office \_\_\_\_\_

Title VI Liaison: \_\_\_\_\_

Contact Info:

e-mail: \_\_\_\_\_

Phone: \_\_\_\_\_

Reporting Period:

- Quarter 1 – October, November, December (**due January 15<sup>th</sup>**)
- Quarter 2 – January, February, March (**due April 15<sup>th</sup>**)
- Quarter 3 – April, May, June (**due July 15<sup>th</sup>**)
- Quarter 4 – July, August, September (**due October 15<sup>th</sup>**)

1. Were any Title VI issues (positive or unfavorable) identified this quarter?

- Yes
- No

Explain:

2. Describe Title VI/Non-discrimination Program Monitoring activities you have conducted this quarter.

**Public Information**

3. Is information regarding project impacts and mitigation measures provided at public meetings/hearings?

- Yes
- No

4. Does any written information provided include appropriate Title VI language?

- Yes
- No

### **Identification of Social, Economic, and Environmental (SEE) Impacts**

5. To what extent is statistical data regarding minority and low-income populations used to identify the potential for disproportionate impacts?

Describe:

6. What procedures are in place to identify impacts such as: access to services/facilities; disruption of community cohesion; disruption of people, businesses, and farms; changes in tax base and property values; traffic; noise; necessity for relocation; diminished quality of water, air, or natural environment?

Describe:

### **Documentation**

7. What documentation is maintained reflecting Title VI related correspondence (e-mail, notes, memorandums), training, and other activities?

Describe:

8. How is NEPA documentation maintained for Class I and Class III environmental assessments and analysis?

Describe:

9. How are records maintained that reflect the identification of and implementation of mitigation measures?

Describe:

### **Consultant Contracts**

10. What actions have been taken to identify sub-contracting/consulting opportunities and solicit interest, bids, and quotes from DBEs?

Describe:

11. Are all contracting opportunities communicated to the Civil Rights Office?

Yes

No

# Webinar public meetings	
# of traditional public meetings	
# of public meeting or information notices reviewed for compliant Title VI/Nondiscrimination statement	
# of meetings held in low income or minority areas	
# of PIPs developed during reporting period	
# LEP request received and services provided during traditional meetings/hearings	
# of EA and EIS and/or Corridor Studies reviewed	
# of EA, EIS and/or Corridor Studies where underserved communities were identified	
# of EA, EIS and/or Corridor Study plan amendments impacting underserved communities	
# of Revaluations reviewed for potential EJ/Title VI issues	
# of Title VI complaints received	
# of informal (verbal) complaints	
# of formal (written) complaints	
# of unresolved complaints sent to Civil Rights Office	
# State Employees trained	
# Federal Employees trained	
# of translation services provided	
# of interpreter services provided	
Cost of translation and interpreter services provided this quarter	\$

**Maine Department of Transportation**  
**TITLE VI QUARTERLY REPORT**  
**Maintenance and Operations**

Bureau/Office \_\_\_\_\_

Title VI Liaison: \_\_\_\_\_

Contact Info:

e-mail: \_\_\_\_\_

Phone: \_\_\_\_\_

Reporting Period:

- Quarter 1 – October, November, December (**due January 15<sup>th</sup>**)
- Quarter 2 – January, February, March (**due April 15<sup>th</sup>**)
- Quarter 3 – April, May, June (**due July 15<sup>th</sup>**)
- Quarter 4 – July, August, September (**due October 15<sup>th</sup>**)

1. Were any Title VI issues (positive or unfavorable) identified this quarter?

- Yes
- No

Explain:

2. Describe Title VI/Non-discrimination Program Monitoring activities you have conducted this quarter.

**Addressing Disproportionate Impact**

3. Describe the procedures in place to ensure that maintenance operations and activities are conducted in a fair and uniform manner.

Describe:

4. Is the level of service and delivery the same for all segments of the population served?

Describe:

5. How are mitigation measures implemented to reduce maintenance or repair impacts?

Describe:

### **Americans with Disabilities Act Accessibility Guidelines (ADAAG/ADA) and Compliance**

6. What procedures are in place to identify impacts to the Americans with Disabilities Act (ADA) of 1990 when performing maintenance and repair activities?

Describe:

### **Documentation**

7. What documentation is maintained reflecting Title VI-related correspondence (e-mail, notes, memorandums), training, and other activities?

Describe:

### **Consultant Contracts**

8. What actions have been taken to identify subcontracting/consulting opportunities and solicit interest, bids, and quotes from DBEs?

Describe:

9. Are all contracting opportunities communicated to the Civil Rights Office?

Yes  
 No

# of Title VI complaints received	
# of informal (verbal) complaints	
# of formal (written) complaints	
# of unresolved complaints sent to Civil Rights Office	
# of maintenance work orders issued this quarter	
# of maintenance work orders issued in primarily low income and minority areas	
# of translation services provided	
# of interpreter services provided	
Cost of translation and interpreter services provided this quarter	\$

**Maine Department of Transportation**  
**TITLE VI QUARTERLY REPORT**  
**Multimodal Program**

Bureau/Office \_\_\_\_\_

Title VI Liaison: \_\_\_\_\_

Contact Info:

e-mail: \_\_\_\_\_

Phone: \_\_\_\_\_

Reporting Period:

- Quarter 1 – October, November, December (**due January 15<sup>th</sup>**)
- Quarter 2 – January, February, March (**due April 15<sup>th</sup>**)
- Quarter 3 – April, May, June (**due July 15<sup>th</sup>**)
- Quarter 4 – July, August, September (**due October 15<sup>th</sup>**)

1. Were any Title VI issues (positive or unfavorable) identified this quarter?

- Yes
- No

Explain:

2. Describe Title VI/Non-discrimination Program Monitoring activities you have conducted this quarter.
3. Provide any special outreach or affirmative action conducted this quarter.

**Communication of Federal Contract Requirements**

4. What process is undertaken to ensure that the Civil Rights Office is informed of municipally managed bid/contract schedules (to ensure contract review and project monitoring)?

Describe (provide samples of correspondence if appropriate)

5. Has the Title VI Coordinator (Civil Rights Office) reviewed the current language used in all municipal agreements?

Yes  
 No

Describe (provide specific examples):

13. How are Federal contract EEO requirements communicated to municipalities/sub-recipients and monitored for compliance?

Describe (provide samples of correspondence if appropriate):

14. What efforts have been undertaken to train municipal managers of State and Federal compliance requirements?

Please list number of people trained/attended:

Municipal Attendees:

Federal Employees:

State Employees:

Public:

Describe (attach training/meeting agendas):

### **Americans with Disabilities Act Accessibility Guidelines (ADAAG/ADA) Compliance**

15. What procedures are in place to identify and incorporate design criteria mandated by the Architectural Barriers Act of 1968 to ensure pedestrian and other facilities meet minimum ADAAG accessibility standards?

Describe:

### **Documentation**

16. What documentation is maintained reflecting Title VI related correspondence (e-mail, notes, memorandums), training, and other activities?

Describe:

17. Is there record of internal audits that municipalities have conducted in the past 12 months?

Yes  
 No

List reviews conducted and date:

18. Has a Goals and Accomplishments Report been submitted to the Title VI Coordinator (Civil Rights Office) within the past 12 months?

Yes

No

List municipalities who have submitted and date:

19. Are pre-Federal-assistance reviews conducted before municipal agreements are approved?

Yes

No

List reviews conducted this year:

## **Contracts**

20. What procedures are in place to encourage and monitor DBE participation in municipal agreements?

Describe:

21. Is there a process in place whereby the DBE Liaison Office monitors the municipal bid/selection process so that contracting opportunities are publicized to DBEs in a timely manner?

Yes

No

Describe:

# of Certifications	
# of Recertifications	
# of Sub-Recipient Title VI Compliance Assessments sent	
# of Sub-Recipient Title VI Compliance Assessments returned	
# of Title VI complaints, serious compliance issues, etc. involving a local agency	
Name(s) of Local Agencies, if any, with Title VI complaints, serious compliance issues, etc.	
# of LAP Project(s)	
# of Civil Rights Office reviews of LAP Project(s) for compliance	
# of reviewed contracts lacking contract requirements (1273, 26.13(b), Appendix A thru E)	
# of translation services provided	
# of interpreter services provided	
Cost of translation and interpreter services provided this quarter	\$

**Maine Department of Transportation**  
**TITLE VI QUARTERLY REPORT**  
**Planning**

Bureau/Office \_\_\_\_\_

Title VI Liaison: \_\_\_\_\_

Contact Info:

e-mail: \_\_\_\_\_

Phone: \_\_\_\_\_

Reporting Period:

- Quarter 1 – October, November, December (**due January 15<sup>th</sup>**)
- Quarter 2 – January, February, March (**due April 15<sup>th</sup>**)
- Quarter 3 – April, May, June (**due July 15<sup>th</sup>**)
- Quarter 4 – July, August, September (**due October 15<sup>th</sup>**)

1. Were any Title VI issues (positive or unfavorable) identified this quarter?

- Yes
- No

Explain:

2. Describe Title VI/Non-discrimination Program Monitoring activities you have conducted this quarter.
3. Provide any special outreach or affirmative action conducted this quarter.

**Public Involvement/Participation**

4. What actions have been taken to identify and include LEP, minority and low-income persons and communities in the notification process for public meetings and public review of agency documents? (examples include demographics studies, use of LEP or minority utilized media, etc.)

Provide documentation and comments:

5. What measures have been taken to contact minority groups or leaders to identify information needs and planning/programming issues of concern?

Provide documentation and comments:

6. Is technical information available in formats and at places and times conducive to review by LEP, minority, and low-income persons?

Yes  
 No

7. What procedures are in place to provide information to sight-impaired persons, non-English speakers, and for persons without formal education?

Provide documentation and comments:

8. Are Citizens Advisory Committees (CACs) representative of populations with the region?

Yes  
 No

If not, what outreach efforts have been used to solicit participation from underrepresented groups?

Provide documentation and comments:

9. Do meeting formats encourage participation of LEP, minority and low-income people/communities, and are accommodations made for disabled persons?

Yes  
 No

What methods are used to secure public involvement? (examples include door-to-door canvassing, fact sheets, community/public workshops, information office, exhibits, etc.)

Provide documentation and comments:

### **Consideration of Input from Minority Groups/Persons**

10. Is consideration of input actively demonstrated via newsletters, leaflets, or other mediums that will potentially reach the target group/audience? (Does the recipient inform the public of the importance of their input and how it is used?)

- Yes
- No

Provide documentation and comments:

11. Does public information (letters, notices, etc.) contain Title VI language?

*“The Maine Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively assure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”*

Refer to page 26 of the Title VI Implementation Plan FFY 2022 found at  
<https://www.maine.gov/mdot/civilrights/title-vi/>

- Yes
- No

Provide documentation and comments:

### **Data Collection/Analysis**

12. Does the data collected reflect community boundaries, racial and ethnic makeup, income levels, property taxes/appraisal information, community services, schools, hospitals, and shopping areas?

- Yes
- No

What sources were used and how?

Provide documentation and comments:

### **Social, Economic, and Environmental (SEE) Impacts**

13. What method is used to ensure that Social, Economic, and Environmental (SEE) impacts are identified at the earliest possible stages?

Provide documentation and comments:

14. Is demographic data reviewed to determine the probability of disproportionate effects on EJ populations?

- Yes
- No

Describe:

### **Documentation**

15. What documentation is maintained reflecting Title VI-related correspondence (e-mail, notes, memorandums), training, and other activities?

Describe:

16. Is there a record of external reviews conducted of MPOs and RPCs?

- Yes
- No

List reviews conducted and date:

17. Do MPOs and RPCs keep records of information about Citizen Advisory Committee selection criteria and demographic make-up (race, gender, and position within the organization)?

- Yes
- No

Provide documentation and comment:

18. Do the MPOs and RPCs have established procedures to document the level of participation of Title VI protected group members at Citizen Advisory Committee meetings/hearings when offered in predominantly LEP, minority or low-income communities?

- Yes
- No

Provide documentation and comment:

# Webinar public meetings	
# of traditional public meetings	
# of public meeting or information notices reviewed for compliant Title VI/Nondiscrimination statement	
# of meetings held in low income, LEP or minority areas	
# of PIPs developed during reporting period	
# LEP request received and services provided during traditional meetings/hearings	
# of EA and EIS and/or Corridor Studies reviewed	
# of EA, EIS and/or Corridor Studies where underserved communities were identified	
# of EA, EIS and/or Corridor Study plan amendments impacting underserved communities	
# of Revaluations reviewed for potential EJ/Title VI issues	
# of Title VI complaints received	
# of informal (verbal) complaints	
# of formal (written) complaints	
# of unresolved complaints sent to Civil Rights Office	
# MPOs trained	
# RPCs trained	
# State Employees trained	
# Federal Employees trained	
# of translation services provided	
# of interpreter services provided	
Cost of translation and interpreter services provided this quarter	\$

**Maine Department of Transportation**  
**TITLE VI QUARTERLY REPORT**  
**Contract Procurement**

Bureau/Office \_\_\_\_\_

Title VI Liaison: \_\_\_\_\_

Contact Info:

e-mail: \_\_\_\_\_

Phone: \_\_\_\_\_

Reporting Period:

- Quarter 1 – October, November, December (**due January 15<sup>th</sup>**)
- Quarter 2 – January, February, March (**due April 15<sup>th</sup>**)
- Quarter 3 – April, May, June (**due July 15<sup>th</sup>**)
- Quarter 4 – July, August, September (**due October 15<sup>th</sup>**)

1. Were any Title VI issues (positive or unfavorable) identified this quarter?

- Yes
- No

Explain:

2. Describe Title VI/Non-discrimination Program Monitoring activities you have conducted this quarter.

**Public Involvement**

3. Are provisions made to accommodate LEP and disabled persons?

- Yes
- No

Comments:

4. Does written information (i.e. letters and notices) include appropriate Title VI language?

Yes  
 No

Provide documentation and comments:

## **Documentation**

5. What documentation is maintained reflecting Title VI-related correspondence (e-mail, notes, memorandums), training, and other activities?

List:

6. What measures are in place to ensure that all public-facing employees are trained and cognizant of potential Title VI impacts?

Describe:

7. Are all contracting opportunities communicated to the Civil Rights Office?

Yes  
 No

# of Title VI complaints received	
# of informal (verbal) complaints	
# of formal (written) complaints	
# of unresolved complaints sent to Civil Rights Office	
# Webinar public meetings	
# of traditional public meetings	
# of meetings held in low income or minority areas	
# of public meeting or information notices reviewed for compliant Title VI/Nondiscrimination statement	
# LEP request received for services provided during traditional meetings/hearings	
# LEP services provided during traditional meetings/hearings	
# of translation services provided	
# of interpreter services provided	
Cost of translation and interpreter services provided this quarter	\$

**Maine Department of Transportation**  
**TITLE VI QUARTERLY REPORT**  
**Project Development (Highway and Bridge Programs)**

Bureau/Office \_\_\_\_\_

Title VI Liaison: \_\_\_\_\_

Contact Info:

e-mail: \_\_\_\_\_

Phone: \_\_\_\_\_

Reporting Period:

- Quarter 1 – October, November, December (**due January 15<sup>th</sup>**)
- Quarter 2 – January, February, March (**due April 15<sup>th</sup>**)
- Quarter 3 – April, May, June (**due July 15<sup>th</sup>**)
- Quarter 4 – July, August, September (**due October 15<sup>th</sup>**)

1. Were any Title VI issues (positive or unfavorable) identified this quarter?

- Yes
- No

Explain:

2. Describe Title VI/Non-discrimination Program Monitoring activities you have conducted this quarter.

**Public Involvement**

3. Does public involvement meet the needs of minority and low-income communities (In terms of time, location, setting)?

- Yes
- No

Comments:

4. Are provisions made to accommodate LEP and disabled persons?

- Yes
- No

Comments:

5. What efforts are made to identify and encourage participation of LEP, minority and low-income persons/communities?

Describe:

6. Does any written information (i.e. letters and notices) include appropriate Title VI language?

- Yes
- No

Provide documentation and comments:

7. What public involvement techniques do project teams utilize to identify Title VI issues of discriminatory potential as early as possible?

Provide documentation and comments:

8. What type of informal contact is used to encourage participation of minorities, persons with limited English proficiency, low-income, and persons with limited education?

Describe (provide specific examples):

9. Are informal open-forum public meetings/hearings used that allow one-on-one comments to a recorder?

- Yes
- No

**Identification of Social, Economic, and Environmental (SEE) Impacts and Americans with Disabilities Act Accessibility Guidelines (ADAAG/ADA) Compliance**

Adverse effects may include: limited access to services/facilities; disruption of community cohesion; disruption of people, businesses, and farms; changes in tax base and property values; traffic; noise; necessity for relocation; diminished quality of water, air, or natural environment.

10. Are disproportionate effects on minority, LEP and low-income communities identified?

- Yes
- No

Describe:

11. What is the process to ensure that measures are taken to avoid or mitigate impacts?

Describe:

12. In regards to Questions 1 and 2, is this, to a greater extent, a discovery process based on input from those that participate?

- Yes
- No

13. What measures are in place to ensure that all persons working on the project are trained and cognizant of potential Title VI impacts during construction?

Describe:

14. What procedures are in place to identify and incorporate design criteria mandated by the Architectural Barriers Act of 1968 to ensure pedestrian and other facilities meet minimum accessibility standards?

Describe:

## **Documentation**

15. Has the level of participation of minorities, LEP persons and low-income persons at public meetings been documented?

- Yes
- No

Provide documentation and comments:

16. What documentation is maintained reflecting Title VI related correspondence (e-mail, notes, memorandums), training, and other activities?

List:

### **Consultant Contracts**

17. What actions have been taken to identify sub-contracting/consulting opportunities and solicit interest, bids, and quotes from DBEs?

Describe:

18. Are all contracting opportunities communicated to the Civil Rights Office?

- Yes
- No

# of Title VI complaints received	
# of informal (verbal) complaints	
# of formal (written) complaints	
# of unresolved complaints sent to Civil Rights Office	
# Webinar public meetings	
# of traditional public meetings	
# of meetings held in low income of minority areas	
# of public meeting or information notices reviewed for compliant Title VI/Nondiscrimination statement	
# LEP request received for services provided during traditional meetings/hearings	
# LEP services provided during traditional meetings/hearings	
# of translation services provided	
# of interpreter services provided	
Cost of translation and interpreter services provided this quarter	\$

**Maine Department of Transportation**  
**TITLE VI QUARTERLY REPORT**  
**Property Office**

Bureau/Office \_\_\_\_\_

Title VI Liaison: \_\_\_\_\_

Contact Info:

e-mail: \_\_\_\_\_

Phone: \_\_\_\_\_

Reporting Period:

- Quarter 1 – October, November, December (**due January 15<sup>th</sup>**)
- Quarter 2 – January, February, March (**due April 15<sup>th</sup>**)
- Quarter 3 – April, May, June (**due July 15<sup>th</sup>**)
- Quarter 4 – July, August, September (**due October 15<sup>th</sup>**)

1. Were any Title VI issues (positive or unfavorable) identified this quarter?

- Yes
- No

Explain:

2. Describe Title VI/Non-discrimination Program Monitoring activities you have conducted this quarter.

**Public Involvement**

3. What outreach efforts have been conducted to advise property owners, tenants and others of their rights and options regarding negotiation, relocation, etc.?

Describe:

4. Do letters and notices include appropriate Title VI language

*"The Maine Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively assure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."*

Refer to pages 26 to 33 (Appendices A and E) of the Title VI Implementation Plan FFY 2022

- Yes
- No

5. What special efforts (outreach) have been made to contact and encourage participation of minorities, persons with limited English proficiency, and low-income persons' communities at public hearings?

Describe (provide specific examples)

## **Preventing Discrimination**

6. What procedures are in place to ensure that property values and communications associated with appraisal and negotiation operations do not have a disparate impact on minority persons, persons with limited English proficiency, or low-income populations?

Describe:

## **Documentation**

7. What documentation is maintained reflecting Title VI-related correspondence (e-mail, notes, memorandums), training, and other activities?

Describe:

8. Has the level of participation of minorities, persons with limited English proficiency, and low-income persons at hearings been documented?

- Yes
- No

Provide documentation and comments:

9. Is statistical data maintained concerning the race, color, national origin, age, income, and disability status of relocates, or otherwise impacted residents?

- Yes
- No

Provide documentation:

### **Consultant Contracts, Deeds, Permits**

10. What procedures are in place to identify and encourage participation of DBE appraisers?

Describe:

11. What actions have been taken to identify available/prospective DBEs to perform sub-contract work such as personal services contracts, real estate negotiation, relocation, and property management?

Describe:

12. Do all deeds, permits and leases include appropriate Title VI clauses [Refer to pages 26 to 33 (Appendices A and E) of the Title VI Implementation Plan FFY 2022 found at <https://www.maine.gov/mdot/civilrights/title-vi/>]

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- Yes
- No

Did the Department have ROW activities this quarter (appraisal, acquisition and/or relocation only)?	Yes	No
Breakdown of Appraisers (# by race/gender/ethnicity)	Male	Female
African American		
Hispanic/Latino		
American Indian/Alaskan Native		
Asian		
Native Hawaiian/Other Pacific Islander		
2 or More Ethnicities		
White		
# of Relocation comment cards provided		
# of Relocation comment cards returned		
# of Relocation cards returned from primarily low income or minority area zip codes		
# of public meeting or information notices reviewed for compliant Title VI/Nondiscrimination statement		
# of complaints received		
# of informal (verbal) complaints		
# of formal (written) complaints		
# of unresolved complaints sent to Departments Title VI Coordinator		
# of public meetings this quarter		
# of translation services provided		
# of interpreter services provided		
Cost of translation and interpreter services provided this quarter	\$	

**Maine Department of Transportation**  
**TITLE VI QUARTERLY REPORT**  
**Safety**

Bureau/Office \_\_\_\_\_

Title VI Liaison: \_\_\_\_\_

Contact Info:

e-mail: \_\_\_\_\_

Phone: \_\_\_\_\_

Reporting Period:

- Quarter 1 – October, November, December (**due January 15<sup>th</sup>**)
- Quarter 2 – January, February, March (**due April 15<sup>th</sup>**)
- Quarter 3 – April, May, June (**due July 15<sup>th</sup>**)
- Quarter 4 – July, August, September (**due October 15<sup>th</sup>**)

1. Were any Title VI issues (positive or unfavorable) identified this quarter?

- Yes
- No

Explain:

2. Describe Title VI/Non-discrimination Program Monitoring activities you have conducted this quarter.

**Public Involvement**

3. Does public involvement meet the needs of minority, limited English proficiency and low-income communities (In terms of time, location, setting)?

- Yes
- No

Comments:

4. Are provisions made to accommodate disabled persons?

- Yes
- No

Comments:

5. Does any written information (i.e. letters and notices) include appropriate Title VI language?

- Yes
- No

Provide documentation and comments:

## **Documentation**

6. What documentation is maintained reflecting Title VI related correspondence (e-mail, notes, memorandums), training, and other activities?

List:

## **Consultant Contracts**

7. What actions have been taken to identify sub-contracting/consulting opportunities and solicit interest, bids, and quotes from DBEs?

Describe:

8. Are all contracting opportunities communicated to the Civil Rights Office?

- Yes
- No

# of Title VI complaints received	
# of informal (verbal) complaints	
# of formal (written) complaints	
# of unresolved complaints sent to Civil Rights Office	
# Webinar public meetings	
# of traditional public meetings	
# of meetings held in low income of minority areas	
# of public meeting or information notices reviewed for compliant Title VI/Nondiscrimination statement	
# LEP request received	
# LEP services provided	
# of translation services provided	
# of interpreter services provided	
Cost of translation and interpreter services provided this quarter	\$

**Maine Department of Transportation**  
**TITLE VI QUARTERLY REPORT**  
**Traffic**

Bureau/Office \_\_\_\_\_

Title VI Liaison: \_\_\_\_\_

Contact Info:

e-mail: \_\_\_\_\_

Phone: \_\_\_\_\_

Reporting Period:

- Quarter 1 – October, November, December (**due January 15<sup>th</sup>**)
- Quarter 2 – January, February, March (**due April 15<sup>th</sup>**)
- Quarter 3 – April, May, June (**due July 15<sup>th</sup>**)
- Quarter 4 – July, August, September (**due October 15<sup>th</sup>**)

1. Were any Title VI issues (positive or unfavorable) identified this quarter?

- Yes
- No

Explain:

2. Describe Title VI/Non-discrimination Program Monitoring activities you have conducted this quarter.

**Americans with Disabilities Act Accessibility Guidelines (ADAAG/ADA) and Manual on Uniform Traffic Control Devices (MUTCD) Compliance**

3. Describe how traffic engineers identify the need for audible and vibro-tactile devices in planned pedestrian crossings? Is statistical data of disabled persons in the impacted area obtained and reviewed?

- Yes
- No

Describe:

4. How are State-owned systems managed to ensure compliance with the most current MUTCD technical specifications?

Describe:

5. Is a current inventory of installed signals and accessibility features maintained so that a compliance status is readily available?

- Yes
- No

6. Are crosswalk pavement markings and pedestrian signals only installed at crossings that meet ADAAG technical specifications? (e.g. curb ramps with tactile surfaces)

- Yes
- No

7. Do permitted crossings meet ADAAG technical specifications? (e.g. curb ramps with tactile surfaces)

- Yes
- No

## **Documentation**

8. What documentation is maintained reflecting Title VI related correspondence (e-mail, notes, memorandums), training, and other activities?

Describe:

## **Consultant Contracts**

9. What actions have been taken to identify sub-contracting/consulting opportunities and solicit interest, bids, and quotes from DBEs?

Describe:

10. Are all contracting opportunities communicated to the Civil Rights Office?

- Yes
- No

# of Title VI complaints received	
# of informal (verbal) complaints	
# of formal (written) complaints	
# of unresolved complaints sent to Civil Rights Office	
# of Contractors trained	
# of Consultants trained	
# of Residents trained	
# State Employees trained	
# Federal Employees trained	
# of maintenance work orders issued this quarter	
# of maintenance work orders issued in primarily low income and minority areas	
# of translation services provided	
# of interpreter services provided	
Cost of translation and interpreter services provided this quarter	\$

**APPENDIX V – SUBRECIPIENT CHECKLIST & SUBRECIPIENT  
TITLE VI COMPLIANCE ASSESSMENT TOOL**

## **Subrecipient Checklist Desk Audit Review**

Subrecipient Reviewed:

Date(s) of Desk Audit Review:

Reviewer(s):

*Information was reviewed from reviewing the Assessment Tool, website information, and any attachments provided.*

YES    NO

- Title VI/Nondiscrimination Policy Statement
- Title VI/Nondiscrimination Assurances provided to MaineDOT
- Process for ensuring subcontracts contain the Civil Rights Special Provisions and language from the Title VI Assurances (FHWA – Form 1273)
- Name, position, contact information of Title VI/Nondiscrimination Coordinator
- Title VI Implementation Plan
- Procedures for processing external discrimination complaints
- Any accommodations for Limited English Proficient Persons
- Addressing Environmental Justice in minority populations and low-income populations
- Ensuring nondiscrimination in the public participation process
- Collecting and analyzing data to ensure nondiscrimination in programs and activities
- Process for ensuring that solicitations for bid/requests for proposals contain the Title VI/Nondiscrimination Assurance paragraph of Disadvantaged Business Enterprises (DBE)
- Assurance for nondiscrimination in the award of contracts
- Monitor DBE Commercial Useful Function (CUF) on construction projects
- Developing a Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report
- Would like Title VI or other Civil Rights technical assistance

Additional Notes:

Signed by:

Signed on:

# **SUB-RECIPIENT TITLE VI COMPLIANCE ASSESSMENT TOOL**

23 Code of Federal Regulations (CFR) Part 200.9 (b)(7) requires that the Maine Department of Transportation (MaineDOT) conduct periodic reviews of cities, planning agencies, and other recipients of federal-aid highway funds, including local public agencies, to ensure that they are complying with Title VI of the Civil Rights Act of 1964. Title VI states that “no person in the United States shall be excluded from participation, denied the benefits of, or be subjected to discrimination in any Federally funded program, policy or activity on the basis of race, color or national origin.”

MaineDOT has developed this assessment as a means of determining sub-recipient compliance, helping sub-recipients understand their Title VI responsibilities, and assisting MaineDOT in planning future training and technical assistance.

This assessment is part of MaineDOT’s Title VI review process and has been designed to take only a few minutes of your time. Please fax (207-624-3021) or mail (16 State House Station, Augusta, ME 04333-0016) the completed questionnaire with attachments to: Sherry Tompkins, Director of Civil Rights, no later than: \_\_\_\_\_

Questions or concerns may be emailed to: [sherry.tompkins@maine.gov](mailto:sherry.tompkins@maine.gov) or [mary.bryant@maine.gov](mailto:mary.bryant@maine.gov) you may reach Sherry by phone at 207-624-3066 and Mary at 207-624-3056. TTY users dial Maine Relay 711

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## **Baseline Questionnaire**

---

1. Name of your Agency: \_\_\_\_\_
2. Physical Address of Agency: \_\_\_\_\_
3. Website Address of Agency: \_\_\_\_\_
4. Number of full-time and part-time employees: F/T \_\_\_\_\_ P/T \_\_\_\_\_
5. Has your agency provided written Title VI Assurances to MaineDOT? If not, please attach a copy. \_\_\_\_\_
6. Does your agency physically include the Civil Rights Special Provisions (FHWA-Form 1273) in all contracts and ensure that they are included in all subcontracts, including third-tier contracts? \_\_\_\_\_

7. Who is the Title VI contact person for your agency? \_\_\_\_\_  
\_\_\_\_\_

8. Does this person accept complaints from the public? \_\_\_\_\_ If not, who does?  
\_\_\_\_\_.

Please include title, email, and telephone number for each person listed.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. In the past three years, has your agency been named in a discrimination complaint or lawsuit?  
\_\_\_\_\_. If so, when and what was the nature of the complaint or  
lawsuit, and the outcome? \_\_\_\_\_  
\_\_\_\_\_

10. Does your agency have a written discrimination complaint process? If so, please attach a copy.  
\_\_\_\_\_

11. Has your agency made the public aware of the right to file a complaint? \_\_\_\_\_ If so, by what  
mechanism \_\_\_\_\_. Please attach a copy.

12. Does your agency provide free translation services for persons with Limited English Proficiency  
(LEP)? \_\_\_\_\_. Please explain \_\_\_\_\_

13. In the past twelve (12) months, what has your agency done to receive and consider input from all  
citizen groups, especially minority, low-income, disabled, and transit-dependent? Please describe,  
if applicable. \_\_\_\_\_  
\_\_\_\_\_

14. Does your agency have a method to collect racial and ethnic data on citizens impacted by your  
projects? \_\_\_\_\_. If so, please describe.  
\_\_\_\_\_

15. Does your agency include the required Disadvantaged Business Enterprise (DBE) assurance language at 49 CFR 26.13(a) and (b) verbatim in all financial agreements, contracts and sub-contracts? (Please see DBE Assurance language below.)

\*\*\*\*\*§26.

### **13 What assurances must recipients and contractors make?**

(a) Each financial assistance agreement you sign with DOT operating administration (or a primary recipient) must include the following assurance:

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation, and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S. C. 3801 et seq.).

(b) Each contract you sign with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

\*\*\*\*\*  
\*\*\*\*\*

16. Does your agency monitor DBEs on construction projects to ensure they are performing a commercially useful function (CUF)? \_\_\_\_\_. If so, where is this documented?

\_\_\_\_\_. If a DBE is not performing a CUF, what actions have you taken? \_\_\_\_\_. \_\_\_\_\_

Who do you notify? \_\_\_\_\_

17. Do you have any questions regarding this assessment or Title VI? \_\_\_\_\_ Please include them here along with your email address and/or phone number and a MaineDOT representative will respond. \_\_\_\_\_

---

18. Would your agency like Title VI training or other Civil Rights technical assistance from MaineDOT? \_\_\_\_\_. If yes, please explain. \_\_\_\_\_ Does your agency have teleconferencing ability? \_\_\_\_\_.

19. Please provide the name, title, and contact information of the person who completed this baseline assessment. \_\_\_\_\_

---

20. Provide an annual report on Title VI accomplishments for the previous year and goals for the next year. \_\_\_\_\_

---

21. Are you sending your Title VI Implementation Plans, and Goals and Accomplishment Reports to MaineDOT? Are you completing these on an annual basis as required? \_\_\_\_\_

---

## **APPENDIX VI – SUBRECIPIENT TITLE VI IMPLEMENTATION PLAN TEMPLATE**

# **TITLE VI PLAN TEMPLATE**

## **FOR LOCAL PUBLIC AGENCIES**

This sample document/template is provided by MaineDOT as a resource and guide to LPAs for producing their Title VI Program Implementation Plan.

Local Public Agencies (LPAs) may opt to develop a Title VI Plan based on this sample or using another format. If using a format other than this sample, the LPAs should follow the Title VI Implementation Plan checklist provided by the Federal Highway Administration (FHWA) as a guide: [Title VI Program Implementation Plan Checklist](#)

Note: Guidelines and tips are provided in italics and should be removed when using this document as a template.

The document, forms, templates, samples, and guidelines provided do not constitute legal advice. For legal advice, please contact your legal counsel.

(logo)

Click here to enter name of agency  
**TITLE VI PROGRAM PLAN**

Agency Administrator

Click here to enter name of administrator.

Prepared by: Click here to enter name.

**FISCAL YEAR:** Click here to enter year (federal fiscal year)

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**VIII. APPENDICES** *This list is a sample and additional forms or documents can be added*

Appendix A	Complaint Form
Appendix B	Complaint Log Template
Appendix C	Consultant Assessment of Title VI Compliance
Appendix D	Public Meeting Survey Form
Appendix E	Limited English Proficiency Guidelines
Appendix F	Data Collection Guidelines

(logo)

## **TITLE VI STATEMENT OF COMMITMENT**

The Click here to enter name of the agency , hereinafter also referred to as the “LPA”, will effectuate the provisions of Title VI of the Civil Rights Act of 1964, 49 Code of Federal Regulation (CFR) Part 21, 23 CFR Part 200, and other applicable directives. These authorities provide that no person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which LPA receives federal assistance.

Further, as a recipient of federal-aid funding, Click here to enter name of the agency strives to achieve nondiscrimination in all its programs and activities, whether or not those programs and activities are federally funded. These efforts to prevent discrimination will address, but not be limited to, a program’s impact upon access, benefits, participation, treatment, services, contracting opportunities, training opportunities, investigation of complaints, allocation of funds, prioritization of projects, and the functions of right-of-way, research, planning, design, construction, and project development. Click here to enter name of the agency will ensure that every manager, supervisor, employee, and sub-recipient of federal-aid funds administered by the LPA is aware of and applies the intent and spirit of Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities in performing assigned duties.

Every employee and representative of Click here to enter name of the agency shall perform all official duties and actions in full accord with Title VI of the Civil Rights Act of 1964, applicable statutes, executive orders, regulations, and policies enunciated thereunder.

Click here to enter the specific staff position has been designated as the LPA’s Title VI Coordinator and is responsible for ensuring that all matters relating to nondiscrimination are administered effectively.

Employees of the LPA, contractors, or applicants with questions, problems, or complaints regarding this statement and the implementation of the stated provisions should contact Click here to enter the specific staff position., at Click here to enter contact info.

---

Click here to enter text.  
Agency Administrator

---

Date

## **I. ORGANIZATION AND STAFF RESPONSIBILITIES**

### **A. Relationship of Civil Rights Unit/Staff to Head of Click here to enter name of the agency**

**Agency Administrator** – The Agency Administrator is authorized to ensure compliance with provisions of the Agency’s policy of nondiscrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. The Agency’s grants compliance function and Title VI coordination shall be performed under the authority of the Agency Administrator.

**Title VI Coordinator** – The Click here to enter specific staff position will perform the duties of the Title VI Coordinator and ensure implementation of the Agency’s Title VI Federally Funded Transportation Program. Although the Click here to enter specific staff position reports to Click here to enter specific staff position (direct supervisor), this position shall have an indirect reporting relationship and access to the Agency Administrator.

### **B. Statement of Responsibility and Authority of Title VI Coordinator**

As authorized by the Click here to enter name of the agency Administrator, the Title VI Coordinator is responsible for initiating, monitoring, and ensuring LPA compliance with Title VI requirements as follows:

#### **Program Administration**

- Administer the Title VI Program and coordinate implementation of the plan
- Ensure compliance with the assurances, policy, and program objectives
- Perform Title VI Program reviews to assess administrative procedures, staffing, and resources
- Provide recommendations as required to the Click here to enter name of the agency Administrator

#### **Complaints**

- Review written Title VI complaints that may be received by Click here to enter name of the agency following the adopted procedural guidelines.

#### **Data Collection.**

- Review the statistical data gathering process periodically to ensure sufficiency of data for meeting the requirements of Title VI program administration.

## **Training Programs**

- Conduct or facilitate training programs on Title VI issues and regulations for the agency's employees; and facilitate Title VI training for appropriate staff, contractors, and sub-recipients. A log or summary of training conducted shall be kept.

## **Title VI Plan Update**

- Review and update the Agency's Title VI Implementation Plan as needed or required
- Present the updated plan to the Click here to enter name of the agency Administrator for approval.
- Publish/post the Title VI Implementation Plan.

## **Annual Accomplishment Report**

- Prepare an annual report of Title VI accomplishments and changes to the program in the preceding Federal fiscal year
- Identify goals and objectives for the upcoming year as required and submit to MaineDOT.

## **Public Dissemination**

- Work with Click here to enter name of the agency staff to develop and disseminate Title VI program information to employees and sub-recipients, including contractors, subcontractors, consultants, and sub-consultants and beneficiaries, as well as the general public.
- Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or the formation of public advisory boards, in newspapers or other media reaching the affected community.
- Ensure the full utilization of available minority publications or media
- Ensure written or verbal information in languages other than English is being provided, where appropriate.

## **Elimination of Discrimination**

- Work with the Agency's program areas to establish procedures for promptly resolving deficiencies, as needed.
- Recommend procedures to identify and eliminate discrimination that may be discovered in any of the Agency's processes.

## **Maintain Legislative and Procedural Information.**

- Keep informed about Federal laws, rules, and regulations, FHWA or MaineDOT guidelines that may affect the current Agency Title VI Plan and administration of the Agency's Title VI Program.
- Ensure information is made available to the public as requested or required.

## **C. Program Administration**

*Guidelines (Remove to enter LPA's information)*

- *Describe the method of Administration developed/adopted by the Agency to ensure nondiscrimination in all of its programs and activities.*
- *This section should include a description of the role of the designated staff who will work/assist the Title VI Coordinator. Explain to the staff who will be involved in the administration of the plan or will be designated to assist the Title VI Coordinator with the administration of the Title VI Program or the implementation of the Title VI Plan.*
- *The Agency may choose to implement a multidisciplinary approach that allows the use of several disciplines to address an issue (administer the program). This approach allows the Agency to designate specific staff in departmental special emphasis program areas who shall work in concert with the Title VI Coordinator. The key programs or department areas are subject to receiving Federal assistance through grants or other types of transportation-related funding. The designated staff will work with the Coordinator to ensure their respective departments and programs comply with Title VI regulations and assurances, meet the objectives of the Title VI Plan, meet Federal and state reporting requirements, and provide adequate training opportunities for applicable staff. The designated staff will also work with the Coordinator to ensure Title VI compliance by contractors, subcontractors, consultants, suppliers, and other sub-recipients under federally funded projects or programs, and will work with the Coordinator to obtain statistical data on race, color, national origin, handicap/disability, and sex of participants in, and beneficiaries of federally funded transportation programs. Following is a sample of the text that the Agency may include in this section:*

**Title VI Specialists** – Additionally, the Agency has designated Title VI Specialists in special emphasis program areas. The Specialists shall work in concert with the Title VI Coordinator. These key program areas are subject to receiving federal assistance through grants or other types of transportation-related funding. The Title VI Specialists will work with the Coordinator to ensure their respective departments and programs comply with Title VI regulations and assurances, meet the Title VI Method of Administration as laid out on this Title VI Plan, meet federal and state reporting requirements, and provide adequate training opportunities for applicable staff.

Title VI Specialists will also work with the Coordinator to ascertain Title VI compliance by contractors, subcontractors, consultants, suppliers, and other sub-recipients under federally funded projects or programs. Specialists will ensure applicable Title VI provisions and requirements are included in contractual agreements to prime contractors and sub-recipients. Title VI Specialists will work with the Coordinator to obtain statistical data on race, color, national origin, handicap/disability, age, and sex of participants in, and beneficiaries of the Agency's federally funded transportation programs. Each of the Specialists will maintain data relative to their respective

special emphasis program area, designated below. The Coordinator shall use the data to complete annual Title VI reports and for other administrative needs.

*If applicable, list the areas with Title VI Specialists and the Official Job Title. Sample listing:*

**TITLE VI SPECIALISTS DESIGNEES**

<b><u>Program Area</u></b>	<b><u>Official Job Title</u></b>
Planning Real Estate (Right of Way) Design and Engineering – Environmental Services Operations Administration Community Development Human Resources General Services Purchasing	

#### D. Organizational Charts

*Insert Organizational Chart here or attach to the back of the report with page number reference*

## II. TITLE VI PROGRAM IMPLEMENTATION

### A. Program Areas – Review and Monitoring Procedures

*Guidelines (Remove to enter LPA's information)*

*Description of Major Operational Areas, Title VI responsibilities, and procedures for conducting reviews of each area.*

*In this section, the LPA is to include a brief description of each of the areas below, their activities, and the procedures in place to ensure compliance with Title VI (procedures for conducting reviews of the program area). The LPA should include the following areas, or may adopt the template provided below and adjust it as needed, indicating the name of the Division or Department that performs the function within the Agency.*

#### **Planning**

- Planning Process

*Describe the planning process/ Program Area's functions. Include responsibilities for providing long-range planning, program development, and capital programming, a six-year plan.*

- Public involvement in planning activities

*Describe/Include:*

- *How minority members of the community are invited to participate in public hearings;*
- *Locations, time, translation services, etc.;*

#### **Location**

- Public involvement

*Describe the process to ensure representation of minorities and women on boards and committees involved in highway location decisions.*

*Describe/Include:*

- *How minority members of the community are invited to participate in public hearings;*
- *Locations, time, translation services, etc.;*
- *Location manuals, directives, guidelines, and policies.*

#### **Design/Project Development**

- Design and Environmental Review Process

*Describe the Design and environmental review process/Program Area's functions*

- Design/Environmental Review Process and Title VI

*Describe/Include all applicable activities below:*

- *How minority members of the community are invited to participate in public hearings;*
- *Locations, time, translation services, etc.;*
- *Design/project development manuals, directives, operational procedures, guidelines, and policies reviewed for Title VI compliance;*
- *Statistical data collected on the demographics of communities affected by the construction project.*

### **Right of Way**

- Right of Way Process

*Describe the Right of Way process/Program Area's functions*

- Right of Way Process and Title VI

*Describe/include all of the applicable activities in relation to Title VI*

- *Equal opportunity is being provided in hiring real estate appraisers.*
- *Title VI language is incorporated into all acquisition, negotiation, and property management communication and contracts;*
- *Title VI language and assurance statements included in all surveys for property owners and tenants after the conclusion of business;*
- *Values and communications associated with appraisals conducted in an equitable fashion;*
- *Deeds, permits, and leases contain Title VI compliance clauses;*
- *Statistical data is being collected on the demographics of relocates.*

### **Construction/Maintenance**

- Construction/Maintenance Section

*Describe this Program Area's functions & responsibilities*

- Construction/Maintenance Section activities and Title VI

*Describe/include all of these applicable activities in relation to Title VI*

- *Contractor selection procedures reviewed to determine uniformity in their application to minority and nonminority contractors;*
- *Minority contractors and subcontractors are being informed about contracting opportunities with the local agency;*
- *Construction rules and regulations are being applied in an equitable fashion;*
- *Title VI assurances are included in all contracts, subcontracts, and material supply agreements.*

## **Education/Training**

- Education/ Training Section  
*Describe this Program Area's functions*
- Education / Training Section activities and Title VI  
*Describe/include all of these applicable activities in relation to Title VI*
  - *Diversification in the selection of supportive services*
  - *Minority consultants and sub-consultants are being informed about contracting opportunities with the local agency*
  - *Title VI assurances are included in all consultant & sub-consultant agreements.*

## **Consultant Contracts Administration**

- *Describe the Consultant Contracts Administration. Description will include the division responsible for recommending consultant firms to the Agency for final selection, negotiation, and award, and the division that administers awarded consultant contracts.*
- *Describe the Consultant Selection Process. Include the staff or the name of the division responsible for this task.*
- *Describe how the Agency ensures the inclusion of Title VI assurances and provision language in all federally funded consultant contracts.*

### **B. Sub-recipients - Reviews and Monitoring Procedures**

Click here to enter name of the agency will conduct Title VI compliance reviews and monitoring of its sub-recipients of Federal-aid highway or other Federal funds, to ensure adherence to Title VI requirements. Click here to enter name of the agency 's staff will periodically review operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.

Click here to enter name of the agency will also conduct periodic post-grant reviews of select recipients of Federal highway funds or other Federal funds, for roads, sidewalks, bridges, municipal construction, etc. to ensure adherence to Title VI requirements.

When irregularities occur in the administration of Federal-aid highway programs at sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. Click here to enter name of the agency will seek the cooperation of the consultant, contractor or other sub-recipient in correcting deficiencies found during periodic reviews. Click here to enter name of the agency will provide technical assistance and guidance, upon request, to support voluntary compliance by the sub-recipient.

When a sub-recipient fails or refuses to voluntarily comply with requirements, Click here to enter name of the agency will submit to MaineDOT's Civil Rights Administrator -Title VI Coordinator copies of the case file and a recommendation that the sub-recipient be found in noncompliance.

A follow-up review will be conducted to ascertain if the sub-recipient has complied with the Title VI Program requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply, Click here to enter name of the agency and MaineDOT may, with FHWA's concurrence, initiate sanctions per 49 CFR 21.

## **Consultants and Sub-Consultants Reviews**

*Describe the procedures that the LPA will utilize to review its consultant's compliance with Title VI. Include any document templates or forms that will be utilized to conduct the review. The LPA may utilize a Title VI Evaluation Form similar to MaineDOT's. If the LPA chooses to utilize a Title VI Evaluation Form to review its consultant/sub-consultants, the LPA shall take ownership of this review process.*

### **C. Data Collection – Reporting – Analysis**

*Guidelines (Remove to enter LPA's information)*

- *Describe the procedures developed by the Agency for the collection of statistical data (race, color, and national origin) of participants in, and beneficiaries of State highway programs, i.e., relocatees, impacted citizens, and affected communities.*
- *Describe how LPA collects data, what data is collected, and how data is to be analyzed. LPA must collect Title VI Program-related data on an ongoing basis. Data collected should be directly related to specific processes in a Program Area.*
- *The information can also be included in the data collection/reporting/analysis by program area.*
- *Describe how the data will be used. Title VI Analysis involves pairing two things: Demographics + Impact or Benefit.*

*What Data should be collected?*

- *Population eligible to be served based on race, color, and national origin*
- *Present or proposed membership, by race, color, national origin, in any planning or advisory body that is an integral part of the program;*
- *Where relocation is involved, the requirements and steps used or proposed to guard against unnecessary impact on persons on the basis of race, color or national origin*
- *Allocated funds/other financial assistance, when & to whom;*
- *Demographic profile of communities;*

- *Owners of property [to be] taken, and persons or businesses to be relocated or adversely affected by race, color, or national origin*

*Examples of analysis*

- *Decennial Census + Noise Impacted Residents*
- *American Community Survey (ACS) + Vital Documents to be Translated*
- *Relocatee Demographic Surveys + Relocation Financial Data*
- *Public Meeting Attendees + Overall Area Population*

*Additional Resources: [FHWA's Sample Data Sources](#),*

#### **D. Title VI Training**

*Guidelines (Remove to enter text)*

*This section describes how and when the agency will be coordinating or conducting Title VI-related training and staff development for its Title VI Coordinator, Title VI Specialist (s), Civil Rights Staff, Title VI liaisons, and other Agency employees, as well as Title VI training sessions for consultants, contractors, and subcontractors. The description should include who will be responsible and the frequency.*

#### **E. Dissemination of Title VI Information**

##### **Community Outreach and Public Education**

*Guidelines (Remove to enter text)*

*This section describes the Agency's efforts for community outreach and public education procedures of the Title VI Program, as well as how the public outreach data is collected/analyzed to ensure effectiveness. The agency will develop and disseminate Title VI Program information to its employees and sub-recipients, including contractors, subcontractors, consultants, sub-consultants, and beneficiaries, as well as the general public. Include the tools to educate the public about Title VI and the Agency's Title VI Program. Public dissemination will include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, the publication of the Agency's Title VI Policy Statement, and informational brochures. Public dissemination will also include posting of public service announcements or notices of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community. The agency shall ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English.*

## Public Involvement

### *Guidelines (Remove to enter text)*

*This section describes the process to elicit and solicit public participation and involvement. Describe how the agency promotes full and fair participation by all segments of the population, including minority or low-income communities and populations who are not proficient in English. Include the tools, strategies, and techniques to involve the public, including LEP persons. The Agency will also describe the procedures to track and document the public involvement measures taken.*

### *Guidelines (Remove to enter text)*

- *Development and implementation of an Agency Public Participation Plan/ process*
- *Periodic review and evaluation of the public participation process/plan*
- *Does the public involvement process have an identified strategy for engaging minority and low-income populations in transportation decision-making?*
- *What strategies, if any, have been implemented to reduce participation barriers for such populations?*
- *Does the public outreach effort utilize media (such as print, television, radio, etc.) targeted to low-income or minority populations?*
- *What mechanisms are in place to ensure that issues and concerns raised by low-income and minority populations are appropriately considered in the decision-making process?*
- *Early and continuous public involvement*
- *Use of innovative tools and media*
- *Provision of timely information*
- *Provision of adequate public notices*
- *Reasonable public access*
- *Methods to ensure and demonstrate explicit consideration of comments*
- *Coordination with individuals, institutions, or organizations to implement community-based public involvement strategies to reach out to members in the affected minority and/or low-income communities*

Click here to enter name of the agency is committed to documenting and analyzing the impacts of transportation projects on minority and low-income populations as a normal part of analysis efforts. A key aspect of the analysis is to ensure the involvement of affected communities in the project development process. Click here to enter name of the agency has developed Guidelines to provide Environmental, Planning, Right of Way, Location and Design, Civil Rights and any other applicable with a consistent framework for developing an effective public involvement strategy. They contain only principles and general procedures, which means that the specific approach must be tailored to the unique circumstances of each project and those communities affected by it. If the procedures do not seem appropriate for a particular project, then the team will develop a more suitable approach.

## F. Limited English Proficiency

### *Guidelines (Remove to enter text)*

*In this section, the Agency will describe the steps that it will take to ensure meaningful access to the benefits, services, information, and other important portions of its programs and activities for individuals who are LEP (Limited in English Proficiency). For public participation to be inclusive, the LPA must know the locations of LEP populations, and there has to be a level of outreach that goes beyond advertising in the local newspaper and regular public meetings. Explain how LEP populations are identified statewide and per project, as well as how the 4-factor analysis is applied to each in determining what translations are appropriate.*

### *Outreach examples:*

- *In-person community tours*
- *Visiting community organizations*
- *Making sure there is a channel for feedback from community groups*

*This is often organized in the LEP Plan, which may be included as an Appendix. Place these in the public outreach or public involvement*

### *Guidelines (Remove to enter text)*

- *Does the public involvement process have an identified strategy for engaging minority and low-income populations in transportation decision-making?*
- *What strategies, if any, have been implemented to reduce participation barriers for such populations? Has the effectiveness of the strategies been evaluated? Have efforts been undertaken to improve them, especially regarding low-income and minority populations?*
- *Has public involvement in the planning process been routinely evaluated as required by regulation? Have organizations representing low-income and minority populations been consulted as part of the evaluation? Have their concerns been considered?*
- *Does the public outreach effort utilize media (such as print, television, radio, etc.) targeted to low-income or minority populations?*
- *What mechanisms are in place to ensure that issues and concerns raised by low-income and minority populations are appropriately considered in the decision-making process? Is there evidence that these concerns have been appropriately considered?*

## III. DISCRIMINATION COMPLAINT PROCEDURES

### *Guidelines (Remove to enter text)*

*In this section, the LPA will provide the procedures developed and in place for the filing of Title VI discrimination complaints. The LPA should also explain how the procedure is made available to participants, beneficiaries, and other interested parties.*

Any person who believes they or a specific class of persons were subjected to discrimination on the basis of race, color, or national origin in the programs and activities of a recipient of Federal financial assistance through the Maine Department of Transportation may file a Title VI complaint.

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

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

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

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

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

Complaints should be in writing and signed and may be filed by mail, fax, in person, or e-mail. However, the complainant may call the receiving agency and provide the allegations by telephone, and the agency should transcribe the allegations of the complaint as provided over the telephone and send a written complaint to the complainant for correction and signature. A complaint should contain the following information:

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

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

FHWA Division Offices do not investigate Title VI complaints. Likewise, State DOTs and their Subrecipients do not investigate complaints filed against themselves. Finally, FHWA is responsible for

all decisions regarding whether a complaint should be accepted, dismissed, or referred to another agency.

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

- All complaints will be routed to the FHWA Headquarters Office of Civil Rights (HCR) for processing. HCR is responsible for all determinations regarding whether to accept, dismiss, or transfer Title VI complaints filed against [Click here to enter name of the agency](#) (a Subrecipient of Federal financial assistance).
- Complaints should be forwarded from the initial receiving agency through the Federal-aid highway oversight hierarchy until the complaint reaches HCR. For example, if a complaint is filed with [Click here to enter name of the agency](#), [Click here to enter name of the agency](#) will forward the complaint to MaineDOT, which will forward the complaint to the MaineDOT's FHWA Division Office, which will forward the complaint to HCR. If a complaint is filed with MaineDOT, MaineDOT will forward the complaint to the MaineDOT's FHWA Division Office, which should forward the complaint to HCR.
- MaineDOT and [Click here to enter name of the agency](#) will log all complaints received.
- When HCR decides on whether to accept, dismiss, or transfer the complaint, HCR will notify the Complainant, the FHWA Division Office, MaineDOT, and [Click here to enter name of the agency](#).

Complaints may also be sent to HCR directly at:

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

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

There are four potential outcomes for processing complaints:

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

The HCR is responsible for conducting all investigations of State DOTs and other primary Recipients. In the case of a complaint filed against a Subrecipient, HCR may either conduct the investigation itself or it may delegate the investigation to MaineDOT. If HCR chooses to delegate the investigation of a Subrecipient, HCR will communicate its acceptance of the complaint to the complainant and respondent, but MaineDOT will conduct all data requests, interviews, and analysis.

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

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

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

If MaineDOT is delegated an investigation from FHWA, MaineDOT must complete the investigation within 60 days of receipt (meaning the date it receives the delegated complaint from FHWA) as stipulated in 23 CFR §200.9(b)(3)

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

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

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

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

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

There are five potential outcomes for concluding an investigation:

1. The FHWA makes a finding of no violation, and the case will be closed with no further action. The FHWA will issue an LOF stating in sufficient detail the reasons for the determination of no violation.
2. If, by a preponderance of the evidence, FHWA determines the respondent has failed to comply with its Title VI requirements or threatens to fail to comply by action or inaction, then FHWA will inform the respondent, and the matter will be resolved by informal means whenever possible.
  - o If FHWA informally resolves the matter with the respondent by agreement, then FHWA will hold the complaint in abeyance until the respondent completes its corrective actions. If the corrective actions are completed to the FHWA's satisfaction, then the complaint will be dismissed with no further action.
  - o If FHWA cannot informally resolve the matter or the respondent does not complete agreed-upon corrective actions, then FHWA may issue an LOF stating that the Recipient is in noncompliance with its Title VI obligations.
3. If FHWA issues an LOF of noncompliance to the respondent, the LOF will request that the respondent provide to FHWA, within 90 days, an action plan that implements the recommendations in the LOF.
4. If FHWA approves the action plan, then the respondent will be given a reasonable amount of time to implement the plan. At the end of the implementation period, FHWA will assess whether the respondent has sufficiently corrected the deficiencies.

5. If FHWA does not approve the action plan, or the respondent is nonresponsive/uncooperative, then FHWA may seek administrative sanctions, including, but not limited to, suspension or termination of Federal funds or any other means authorized by law, such as referral to USDOJ for enforcement.
  - o If USDOT seeks to suspend or terminate funds, it must provide the respondent with an opportunity for a hearing on the record. If the Secretary of Transportation determines that the respondent has not complied with Title VI and voluntary compliance cannot be secured, USDOT must notify Congress before that finding goes into effect. 49 CFR

#### **IV. REVIEW OF AGENCY DIRECTIVES**

*Guidelines (Remove to enter text)*

*In this section, the LPA will describe how the Agency reviews directives to determine if there are Title VI implications and interpret how directives impact Title VI program areas. Example of description the LPA may provide in this section:*

*The Title VI Staff employs the following process (or several processes) to review the Agency directives, policies, and practices:*

- *The Title VI Staff work collaboratively with a Title VI Advisory Committee - a group consisting of division directors or their appointees, who help to make and implement policies. The committee works to ensure the Agency directives are in keeping with Title VI of the Civil Rights Act of 1964 and other federal nondiscrimination mandates.*
- *The Title VI Staff is included in the review process when Agency directives are drafted and policies implemented. This process allows the Title VI Staff to review any possible Title VI issues.*
- *The Title VI Staff reviews all environmental documents, public meetings, and hearing transcripts to ensure staff are aware of any potential Title VI issues.*
- *The Director serves on decision-making committees as a Civil Rights Advisor to ensure the Agency directives are in accordance with the federal and state nondiscrimination laws, rules, and regulations; and,*
- *The Title VI Staff works cooperatively with FHWA Division Civil Rights staff to implement federal nondiscrimination directives.*

## **V. COMPLIANCE AND ENFORCEMENT PROCEDURES**

### *Guidelines (Remove to enter text)*

*In this section, the LPA will outline its Title VI Program compliance and enforcement procedures to address deficiencies or when noncompliance is determined for internal program areas and subrecipients. Example of description the LPA may provide in this section:*

#### ***Remedial Action***

*The goal for Title VI and regulatory enforcement is to achieve voluntary compliance. If deficiencies are found during a Title VI review, the Compliance Review Report will include a draft corrective action plan (CAP) with projected due dates. The program area staff/Title VI Liaison or the Subrecipient will be able to propose remedial actions to correct the deficiencies. Program areas and Subrecipients are expected to correct all deficiencies according to their CAP and provide periodic updates to the Title VI Officer/Coordinator/Specialist assigned to the review. The Title VI Officer/Coordinator/Specialist will provide technical assistance, as needed, and work with the (program area's) Title VI Liaison or Subrecipient's Title VI Coordinator to ensure implementation of the CAP. When the Title VI Officer/Coordinator/Specialist has determined that a subrecipient's deficiencies are sufficiently corrected, the program area Title VI Liaison or the Subrecipient will be notified that the review process is complete and no further progress reporting is needed. The Subrecipient will receive an official Closeout Letter signed by the Agency's Title VI Coordinator.*

#### ***Affecting Compliance***

*When an internal program area refuses to cooperate or comply with Title VI, the Title VI Specialist will elevate the matter to the Director, after which, the matter may be referred to the State DOT Civil Rights Manager or the responsible USDOT Operating Administration (OA).*

*When a Subrecipient fails to take appropriate corrective action in response to the findings of deficiencies in the compliance report, the Subrecipient moves from a "deficiency status" to noncompliance; [Click here to enter name of the agency](#) will submit two copies of the case file to the State DOT or FHWA with a recommendation that the sub-recipient be found in noncompliance; and/or, may, with the concurrence of the State DOT or FHWA (or other USDOT OA), initiate proceedings to impose sanctions for noncompliance.*

#### ***Sanctions***

*In the event a Subrecipient or contractor ("recipient") fails or refuses to comply with Title VI, the first step taken by the internal program area with oversight of the recipient will be [Click here to enter name of the agency](#) attempts to resolve the issue using the program area's normal administrative solutions. However, [Click here to enter name of the agency](#) may take any or all of the following steps, with the concurrence of MaineDOT or USDOT (i.e., FHWA), if the recipient is uncooperative or nonresponsive during attempts by [Click here to enter name of the agency](#) to voluntarily resolve the compliance issue:*

- a. Cancel, terminate, or suspend the contract or agreement in whole or in part;*

- b. *Refrain from extending any further assistance to the recipient under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the recipient;*
- c. *Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient; and/or,*
- d. *Refer the case to the appropriate federal agency for appropriate administrative or legal proceedings. Other means authorized by law.*

## AUTHORITIES

This section is a reference source of the applicable authorities related to Title VI of the Civil Rights Act of 1964, as amended.

**Title VI of the 1964 Civil Rights Act (42 USC 2000d et seq)** requires that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

**The Civil Rights Restoration Act of 1987, P.L. 100-209**, further clarified the intent of Title VI to include all programs and activities of entities, whether those programs and activities are federally funded or not.

**49 CFR Part 21**, the U.S. Department of Transportation’s Implementing Regulations of Title VI of the Civil Rights Act of 1964.

**23 Code of Federal Regulations (CFR) Part 200**, the Federal Highway Administration’s Title VI Program Implementation and Review Procedures.

## USDOT Order 1050.2A

**Section 162(a) of the Federal-Aid Highway Act of 1973** (Section 324, Title 23 U.S.C.) prohibits discrimination based on sex (gender).

## VI. TITLE VI ASSURANCES (STANDARD DOT TITLE VI ASSURANCES -USDOT 1050.2A)

*The following template is for sample purposes. A scanned copy of the assurance signed by the authorized official should be included in this section.*

### **TITLE VI/NONDISCRIMINATION ASSURANCES**

**DOT Order No.1050.2A**

The *Click here to enter LPA name*, (herein referred to as the “Recipient”), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the

U.S. Department of Transportation (DOT), through the *Federal Highway Administration*, is subject to and will comply with the following:

#### Statutory/Regulatory Authorities

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

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

#### General Assurances

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

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

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

#### Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its federally assisted Highway Program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The Click here to enter LPA name in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
- b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the *Click here to enter LPA name* also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the *USDOT* access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the *USDOT*. You must keep records, reports, and submit the material for review upon request to *USDOT*, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The *Click here to enter LPA name* gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the *Federal-Aid Highway Program*. This ASSURANCE is binding on the *State of Maine*, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, and their subcontractors, transferees, successors in interest, and any other participants in the *Federal-Aid Highway Program*. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

*Click here to enter LPA name*

by \_\_\_\_\_  
*(Signature of Authorized Official)*

DATED \_\_\_\_\_

## APPENDIX A

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

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

the Recipient or the Federal Highway Administration may direct, as a means of enforcing such provisions, including sanctions for noncompliance. Provided that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request that the United States enter into the litigation to protect the interests of the United States.

## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

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

#### (HABENDUM CLAUSE)

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

The *Click here to enter LPA name* In consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the *Click here to enter LPA name* Will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach

of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above-described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

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

## APPENDIX C

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the *Click here to enter LPA name* Pursuant to the provisions of Assurance 7(a):

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

thereupon revert to and vest in and become the absolute property of the *Click here to enter LPA name* And its assigns.\*

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

## APPENDIX D

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

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the *Click here to enter LPA name* Pursuant to the provisions of Assurance 7(b):

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

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

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

**Pertinent Nondiscrimination Authorities:**

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

- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

## **APPENDIX VII – RIGHT-OF-WAY ANONYMOUS DEMOGRAPHIC SURVEY**

## Anonymous Demographic Survey

**To All Impacted:** The Maine Department of Transportation collects the following information in compliance with Title VI of the Civil Rights Act of 1964, related statutes, and Executive Orders regarding “Nondiscrimination in Federally Assisted Programs”. We ask that you take a few moments to complete the following survey. Your demographic data will enable MaineDOT to identify impacted residents and communities affected by the Federal-aid Highway Program.

Male  Female  \_\_\_\_\_

**YES**      **NO**

Is your household income less than \$19,900 per year?           

Are you disabled?           

Are you over the age of 62?           

Do you have difficulty speaking English?           

**Racial/Ethnic Data: Please identify yourself with one of the following racial/ethnic groups:**

<input type="radio"/> White (not of Hispanic origin)	<input type="radio"/> Native American
<input type="radio"/> Black (not Hispanic origin)	<input type="radio"/> Hispanic
<input type="radio"/> Asian or Pacific Islander	<input type="radio"/> Other

*Please return the completed survey in the provided postage-paid envelope.*

## **APPENDIX VIII – DISCRIMINATION COMPLAINT FORM**

**Maine Department of Transportation  
External Discrimination Complaint Form**

<b>SECTION I</b>			
Name:	Email Address:	Phone:	
Address:	City:	State:	Zip:
<b>SECTION II</b>			
1. Are you filing this complaint on your own behalf? <input type="checkbox"/> Yes (go to Section III) <input type="checkbox"/> No (go to #2)			
2. If you answered "no" to question 1, please describe your relationship to the person ("complainant") for whom you are filing and why you are filing for a third party.			
3. Have you obtained permission of the aggrieved party (complainant) to file this complaint on his or her behalf?			
<input type="checkbox"/> Yes <input type="checkbox"/> No			
<b>SECTION III</b>			
1. Date of Incident:			
2. If applicable, name of person(s) who allegedly discriminated against you:			
3. I believe I was discriminated against based on:			
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Disability			
4. Please provide a brief explanation of the incident and how you feel you were discriminated against, including how you feel others may have been treated differently than you. If you require additional space or have additional written material pertaining to your complaint, please attach it to this form.			
5. Why do you believe discrimination occurred?			
6. What remedy are you requesting? Be specific.			

7. Please list any person(s) we may contact for additional information to support or clarify your complaint.			
Name:		Phone:	
Address:	City:	State:	Zip:
<b>SECTION IV</b>			
1. Have you previously filed a Complaint with the Maine Department of Transportation?			
<input type="checkbox"/> Yes		<input type="checkbox"/> No	
2. Have you filed this complaint with any other federal, state, or local agencies or with any state or federal court?			
<input type="checkbox"/> Yes		<input type="checkbox"/> No	
If yes, please check all that apply: <input type="checkbox"/> Federal Agency <input type="checkbox"/> Federal Court <input type="checkbox"/> Local Agency <input type="checkbox"/> State Agency <input type="checkbox"/> State Court			
3. If filed at an agency and/or court, please provide information for your point of contact at the agency/court where the complaint was filed:			
Agency/Court:			
Contact Name:	Address:	Phone Number:	
<b>SECTION V</b>			
I affirm that I have read the above charge and it is true to the best of my knowledge.			
Complainant's Signature: _____		Date: _____	
Printed or Typed Name of Complainant: _____			

**Please Mail Complaint to:**  
 Maine Department of Transportation  
 Civil Rights Office  
 State House Station 16  
 Augusta, Maine 04333-0016  
 Attention: Sherry Y. Tompkins  
 Email: [sherry.tompkins@maine.gov](mailto:sherry.tompkins@maine.gov), Fax: 207-624-3021  
 Phone: (207) 624-3066 ~ TTY Users dial Maine Relay 711



