

MaineDOT

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Maine Department of Transportation

FTA TITLE VI

NONDISCRIMINATION PLAN

Submitted by Amy E. Hughes, Director, Civil Rights Office

October 1, 2017

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INTRODUCTION

In accordance with Title VI of the Civil Rights Act and other authorities the Maine Department of Transportation (MaineDOT) is committed to ensuring that the fundamental principles of equal opportunity are upheld in all decisions involving our employees and contractors/consultants, and to ensuring that the public-at-large is afforded access to our programs and services.

To that end, no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any MaineDOT program or activity on the grounds of race, color, national origin, or limited English proficiency.

MaineDOT, in accordance with Federal Transit Administration (FTA) guidance, has developed and adopted this plan to ensure that FTA funding received and distributed by MaineDOT is done so in an equitable and fair manner to provide transit opportunities throughout the State.

MaineDOT distributes funds throughout the State of Maine. It does not provide direct fixed route service to Maine citizens. Because of this, MaineDOT has followed the guidance in FTA C 4702.1B, Chapters III and V.

TITLE VI PLAN OVERVIEW

Assurances

MaineDOT assures its compliance with Title VI and commits to nondiscrimination through practice and policy. It has created an FTA Title VI Policy and commits to all federally required assurances as they pertain to Title VI. Copies of the MaineDOT Policy and signed assurances can be found on our website and in *APPENDIX I* of this document.

Application

The Provisions of this FTA Title VI Plan apply to all recipients of FTA federal assistance through the Maine Department of Transportation (MaineDOT). A “recipient” includes any public or private entity or any individual receiving the benefits of any transit program. MaineDOT has a separate Title VI Program for other US DOT funded programs. All Plans and programs can be found at: <http://www.maine.gov/mdot/civilrights/index.htm>, or by writing to:

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

Or calling (207)624-3056

Approval of Title VI Plan

A draft of the MaineDOT FTA Title VI plan is reviewed, revised if necessary and approved by the Commissioner and senior management. The Civil Rights Office provides this team with a draft plan and consults with the Commissioner and senior management on aspects and requirements of the Title VI Plan. Once the Plan is approved by the Commissioner and senior management, it is sent to FTA Regional Office for approval.

Any changes that are required by FTA in that review process will be made and the Commissioner will review and approve those changes.

TITLE VI/EJ AUTHORITIES

Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000d to 2000-4; 42 USC 4601 to 4655; 23 USC 109(h); “No person in the United States shall, on the grounds of race, color, 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.” (Prohibits Discrimination in impacts, services, and benefits of, access to, participation in, and treatment under a Federal-Aid recipient’s programs or activities)

The Civil Rights Restoration Act of 1987, P.L. 100-209, Clarification of the original intent of Congress in Title VI of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. (Restores the broad, institution-wide scope and coverage of the non-discrimination statutes to include all programs and activities of Federal-Aid recipients, subrecipients and contractors, whether such programs and activities are Federally assisted or not)

The Age Discrimination Act of 1975, as amended 42 U.S.C. 6101, provides: “No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance” (Prohibits discrimination based on sex)

The Americans with Disabilities Act, P.L. 101-336, provides: “No qualified individual with a disability shall, by such reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a State or a local government.” (Provided enforceable standards to address discrimination against people with disabilities)

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 790, provides that: “(N)o qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.” (Prohibits discrimination based on physical or mental handicap)

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601, provides: “For the fair and equitable treatment of persons displaced as direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance.” (Provides for fair treatment of persons displaced by Federal and Federal-aid programs and projects)

The Uniform Relocation Act Amendments of 1987, P.L. 101-246, provides: “For fair, uniform, and equitable treatment of all affected persons;...(and) minimizing the adverse impact of displacement...(to maintain)...the economic and social well-being of communities; and to establish a lead agency and allow for State certification and implementation.” (Updated the 1970 Act and clarified the intent of congress in programs and projects which cause displacement)

The Civil Rights Act of 1991, in part, amended Section 1981 of 42 U.S.C. by adding two new sections that provided: (b) For the purposes of this section, the term ‘make and enforce contracts’ includes the making performance, modification, and termination of contracts and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

(c)The rights protected by this section are protected against impairment by non-governmental discrimination and impairment under color of State law.”

The National Environmental Policy Act of 1969, 42 U.S.C. 4321 Requires that consideration of alternatives, including the “no build” alternative, consideration of social, environmental and economic impacts, public involvement, and use of a systematic interdisciplinary approach at each decision making stage of Federal-aid project development.

NONDISCRIMINATION EXECUTIVE ORDERS

E.O. 12250: Department of Justice Leadership and Coordination of Nondiscrimination Laws.

E.O. 12898: Federal Actions to Address Environmental Justice in Minority populations and low-income populations

E.O. 13160- Nondiscrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent in a Federally conducted education and training programs

E.O. 13166- August 11, 2000-requires Federal agencies and their recipients to improve access to federally sponsored programs for persons with Limited English Proficiency.

E.O. 13175- Consultation and Coordination with Indian Tribal Governments

NONDISCRIMINATION REGULATIONS & GUIDANCE

The following are Federal Register Notices, Circulars, Regulations, Executive Orders, and Departmental Orders discussing Title VI:

- Title VI Regulation 49 CFR 21
- Title VI Circular 4702.1B, October 1, 2012, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients (MS Word)"
- Federal Register Notice on Circular 4702.1B (77 FR 52116) August 28, 2012
- Memo: Implementing Title VI Requirements in Metropolitan and Statewide Planning (MS Word)
- DOT Guidance of 2001: To Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries
- Executive Order 12898 of February 11, 1994: Environmental Justice Executive Order (MS Word)
- DOT Order of June 21, 1995: DOT Order to Address Environmental Justice
- Executive Order 13166 of August 11, 2000: Limited English Proficiency

Organization and Staffing of Civil Rights Office (CRO)

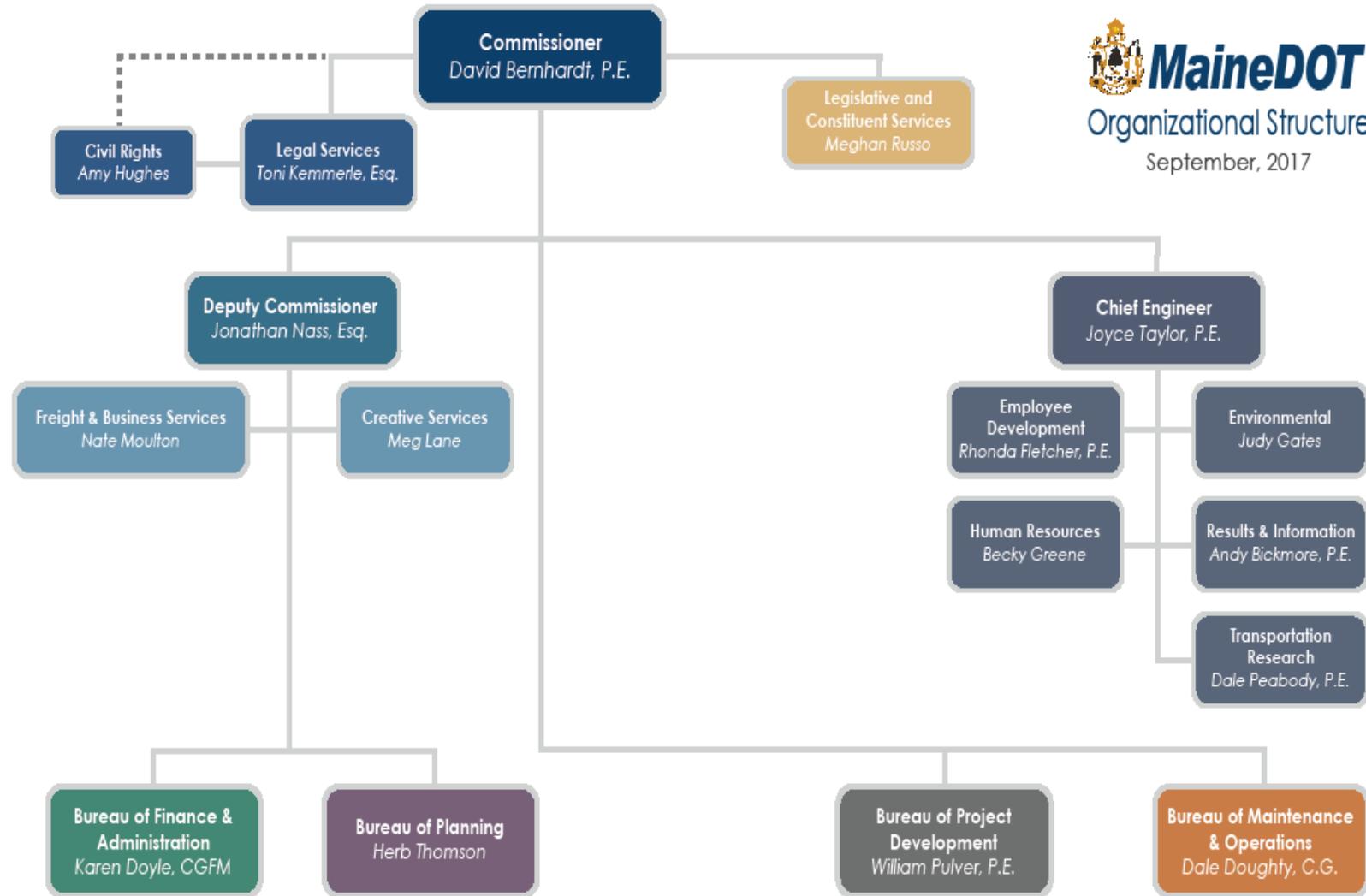
The Commissioner of MaineDOT is responsible for ensuring the implementation of the MaineDOT’s Title VI/EJ programs. The Director of Civil Rights, on behalf of the Commissioner, is responsible for the overall management of the Title VI/EJ programs and is the designated Title VI Coordinator. The day-to-day administration of the program lies with the Director who will serve as the Title VI/EJ Specialist, under the supervision of the Chief Legal Counsel. The Title VI/EJ Coordinator at all times has direct access to the Commissioner, has scheduled meetings with the Commissioner quarterly. The Director of Civil Rights shall have lead responsibility for coordinating the administration of the Title VI/Environmental Justice (Title VI/EJ) and related statutes program, plan, and assurances.

The CRO will work directly with the Multimodal Planning Division within the Bureau of Planning. The Supervisor of the Multimodal Planning Division will serve as the Title VI Liaison to the CRO.

NAMES AND TITLES OF STAFF

Commissioner	David Bernhardt, PE	(207) 624-3003	david.bernhardt@maine.gov
Chief Legal Counsel	Toni Kemmerle	(207) 624-3020	Toni.kemmerle@maine.gov
Director, Civil Rights Office	Amy E. Hughes Title VI Coordinator	(207) 624-3056	amy.hughes@maine.gov
EEO Officer Davis Bacon Labor Compliance	Sherry Tompkins	(207) 624-3066	Sherry.tompkins@maine.gov
EEO Officer Davis Bacon Labor Compliance	Gigi Ottmann-Deeves	(207) 624-3036	Gigi.ottmann-deeves@maine.gov
Supervisor, Multimodal Planning Division	Lori Brann	(207) 624-3299	Lori.brann@maine.gov

AGENCY ORGANIZATIONAL CHART



TITLE VI MONITORING AND REVIEW PROCESS

Title VI/EJ Coordinator

The Title VI/EJ Coordinator is charged with the responsibility for implementing, monitoring and ensuring MaineDOT's compliance with the Title VI/EJ regulations and related statutes. Title VI/EJ responsibilities are as follows:

1. Monitor Title VI/EJ activities.
2. Provide training to MaineDOT staff as needed, and to outside agencies as requested.
3. Work with Multimodal staff in the development of Title VI/EJ Program.
4. Develop Title VI/EJ information for dissemination (where necessary, in other language(s), format(s)).
5. Establish procedures to promptly investigate complaints.
6. Work with Multimodal staff to identify and eliminate discrimination, to review programs and grant applications, to resolve deficiencies within 90 days, and to collect and analyze statistical data.
7. Work with Multimodal staff to develop processes to receive and review Title VI plans from subrecipients.

The Liaison shall be responsible for ensuring Title VI program development in their areas, sharing Title VI information and resources, ensuring compliance of their subrecipients, Title VI program monitoring, and reporting to the Civil Rights Office the results and goals of their respective programs.

Multimodal Planning Division

Title VI/EJ liaison will:

- Ensure that all aspects of passenger-related functions/programs/contracts/grant programs comply with Title VI/EJ.
- Disseminate Title VI and related information to subrecipients and the public.
- Provide annual training to subrecipients to ensure they can implement Title VI effectively for their MaineDOT contracts/grants.
- Ensure Title VI/EJ language is included, or incorporated by reference, in every subrecipient contract.
- Ensure that Title VI plans are received from subrecipients.
- Provide Title VI and Environmental Justice assistance to transit providers and staff regularly.
- Perform reviews annually of FTA subrecipients to ensure Title VI/EJ adherence.

CHAPTER III REQUIREMENTS

1. Title VI Public Notice

MaineDOT will include the following on all public notices and meeting notices:

MaineDOT

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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 she or he has been aggrieved by any unlawful discriminatory practices under Title VI may file a complaint with the Maine Department of Transportation.

For more information on the MaineDOT’s civil rights program and the procedures to file a complaint, visit our website at:

<http://www.maine.gov/mdot/civilrights/title6.htm>

or call 207-624-3056 (TTY 888-516-93640; email amy.hughes@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

The above information is posted on the MaineDOT website and on our Title VI Brochure Complaint Procedure

Discrimination Prohibited by Title VI



There are many forms of illegal discrimination based on race, color, or national origin that limit the opportunity of minorities to gain equal access to services and programs. Among other things, in operating a Federally assisted program, a recipient cannot, on the basis of race, color, or national origin, either directly or indirectly:

- Deny program services, aid, or benefits
- Provide a different service, aid, or benefit, or provide them in a manner different than they are provided to others; or
- Segregate or separately treat individuals in any matter related to the receipt of any service, aid, or benefit

Programs or Services Include (but are not limited to)

- Transportation
- Construction
- The distribution of benefits and services
- Tax benefits enjoyed by private agencies, federal and non-profit organizations (i.e. 501(c)(3) as well as educational institutions
- Location of facilities
- Law enforcement
- Program effects on people in applicable communities
- Healthcare (i.e. Medicare, Medicaid, MaineCare), social services and public welfare
- Natural resources and the environment
- Employment and job training
- Housing and community development
- Agriculture



Title VI Federal-Aid Contract Provisions

All Federal-Aid contracts must include Title VI contract assurance language which requires compliance with Title VI of the Civil Rights Act of 1964. Federal-Aid contractors may not discriminate in selection and retention of first-tier subcontractors; subcontractors may not discriminate in the selection and retention of second-tier subcontractors who participate in Federal-Aid Highway construction and contractors and subcontractors cannot discriminate in their employment practices in connection with highway construction projects or projects assisted by Federal Highway Administration.

**TITLE VI PROGRAM
Of the Civil Rights Act of 1964**

How to file a complaint

You may file a signed, written complaint 180 days to the date of the alleged discrimination. The complaint should include:

- Your name, address and telephone number.
- The name and address of the agency, institution, or department you believe discriminated against you.
- How, why, and when you believe you were discriminated against. Include as much specific, detailed information as possible about the alleged acts of discrimination, and any other relevant information.
- The names of any persons, if known, who the MaineDOT Title VI Division could contact for clarity of your allegations.

Your complaint must be signed and dated

Please submit your complaint to:

Civil Rights Office
Maine Department of Transportation
16 State House Station
Augusta, Maine 04333-0016

Telephone 207-624-3042
TTY Users Dial Maine Relay 711

For a printable complaint form
visit our website:

www.maine.gov/mdot/civilrights/



**TITLE VI PROGRAM
Of the Civil Rights Act of 1964**



Title VI Program Commitment

MaineDOT is committed to ensuring that discrimination does not occur within our programs, services and contracts. We work with staff, sub-recipients, contractors and service beneficiaries to promote awareness for the provisions of Title VI of the Civil



Act of



1964 and the responsibilities associated with that Act. We are readily available to assist you with technical assistance, resources, guidance and information on Title VI. Please do not hesitate to contact our office for further assistance.

What is Title VI of the Civil Rights Act of 1964?

It is the policy of the MaineDOT to ensure 42, U.S.C. 2000d, "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 subjected to discrimination under a program or activity receiving federal financial assistance from the MaineDOT." Title VI covers all forms of federal aid except those federally funded contracts of insurance and guaranty. It does cover employment practices resulting in discrimination against program beneficiaries or where the purpose of federal assistance is to provide employment."



"Simple Justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination."
~ President John F. Kennedy

Title VI and Environmental Justice

On February 11, 1994, President Clinton signed Executive Order 12898: Federal Action to Address Environmental Justice in Minority Populations and Low-Income Populations. The Executive Order focused attention on Title VI by providing that "each agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations." In support of Executive Order 12898, the US DOT issued an Order on Environmental Justice (DOT Order 5610.2). This order clarifies and reinforces Title VI responsibilities as well as addresses the effects on low-income populations.



Adverse Impacts may include

- Bodily impairment, infirmity, illness, or death
- Air, noise, and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or a community's economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Vibration
- Adverse employment effects
- Displacement of persons, businesses, farms, or nonprofit organizations
- Increased traffic congestion, isolation, exclusion, or separation of minority or low-income individuals within a given community or from the broader community
- The denial of benefits of DOT programs, policies, or activities



Public Involvement

Public involvement is an integral part of transportation planning and project development decision making. The DOT Order (5610.2) on Environmental Justice directs the department to provide minority populations and low-income populations greater access to information on, and opportunities for public participation in matters that may impact human health and the environment.



Title VI and Limited English Proficiency (LEP)

The federal government and those entities receiving assistance from the federal government must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information those entities provide. This will require agencies to think "outside the box" for creative solutions to address the needs of the ever growing population of individuals, for whom English is not their primary language.



Who is a limited English Proficient Person?

Persons who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English can be limited English Proficient, or "LEP." These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

Who Must Comply and Who Can be Found in Violation?

All programs and operations of entities that receive assistance from the federal government must comply.

MaineDOT's Title VI complaint procedure is as follows:

Any person who believes she or he has been discriminated against on the basis of race, color or national origin by the Maine Department of Transportation (hereinafter referred to as "MaineDOT") may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. The Department investigates complaints received no more than 180 days after the alleged incident. The Department will process complaints that are complete.

Once the complaint is received, MaineDOT will review it to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.

MaineDOT has 90 days to investigate the complaint. If more information is needed to resolve the case, MaineDOT may contact the complainant. The complainant has 20 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 30 business days, MaineDOT can administratively close the case. A case can be administratively closed also if the complainant no longer wishes to pursue his/her case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member or other action will occur. If the complainant wishes to appeal the decision, she/he has 30 days after the date of the letter or the LOF to do so.

A person may also file a complaint directly with the Federal Transit Administration:

Federal Transit Administration
Region 1
U.S. Department of Transportation
Volpe Center, 55 Broadway, Suite 904
Cambridge, MA 02142
Phone: (617) 494-2055
or

Federal Transit Administration
Office of Civil Rights,
Attention: Title VI coordinator,
East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE,
Washington, D.C. 20590

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 اللغمة متاحة عند الطلب

For more information about these protections or to file a complaint, please contact the MaineDOT Civil Rights Office at (207) 624-3056



**Maine Department of Transportation
External Discrimination Complaint Form**

(Title VI/Nondiscrimination and ADA/Section 504 Complaints)

Name	Phone	Name of Person(s) That Discriminated Against You	
Address		Location and Position of Person (If Known)	
City, State, Zip		City, State, Zip	
Agency involved		Date of Alleged Incident	
Discrimination Because of: <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Sex <input type="checkbox"/> Age <input type="checkbox"/> Disability		What Remedy are you requesting?	
Explain As Briefly And Clearly As Possible What Happened And How You Were Discriminated Against. Indicate Who Was Involved. Be Sure To Include How Other Persons Were Treated Differently Than You. Also Attach Any Written Material Pertaining To Your Case.			
Signature		Date	

Please Mail Complaint to:
Maine Department of Transportation
Civil Rights Office
State House Station 16
Augusta, Maine 04333

Phone: (207) 624-3056 ~ TTY Users dial Maine Relay 711

2. List of Title VI Investigations, Complaints or Lawsuits

No complaints specific to Title VI were filed in the reporting period.

3. Public Participation Plan

MaineDOT strives to involve the public at all stages in the transportation decision-making process. MaineDOT has developed a Public Participation Plan to detail the various public involvement opportunities for an activity or project; from formal public hearings, to comment periods, and surveys for the implementation of transit programs.

Public involvement processes can include advisory and stakeholder committees and other transportation planning partners. MaineDOT has developed a free-flowing process that includes a variety of tools designed to ensure that people have access to as much information as possible and opportunities to participate in decisions affecting Maine's transit services.

Every Citizen of the State of Maine is a Customer - In simplest terms, MaineDOT's customers are those individuals or entities that use or rely on Maine's transportation infrastructure on a daily basis.

Our goal is to be the most trusted organization in Maine by being open, accountable and responsive. To that end, it is important that MaineDOT properly identifies its customers. Our customers include:

- Citizens
- Minorities
- Businesses
- Freight Shippers
- Tourists
- Providers of Transportation Services
- Users of Bicycle and Pedestrian Facilities
- Users with mobility challenges and disabilities
- Underserved populations

Our stakeholders are individuals and groups who have a vested interest in some aspect of the transportation system or MaineDOT's actions. Although not a formal decision maker, stakeholders have a large role in transportation decision making process – their support can strengthen a decision or reverse it altogether. In other words, stakeholders are the groups or individuals most likely to support or oppose a project, investment or initiative.

A first step in achieving meaningful public involvement in planning and project development involves identifying the individuals and groups likely to be affected by the project, those who have a "stake" in its outcome. For a given project, a typical list of stakeholders might include

abutting property owners, frequent users of the facility (aka customers), municipal officials, transportation service providers in the area, and a wide range of interest groups. Representatives of the sponsoring federal agency are also considered stakeholder as they definitely have a stake in a project's outcome. A typical list of stakeholders includes:

- Our Customers (general public)
- Our Partners
- Municipalities
- Utilities
- Abutting property owners
- Community organizations
- Diversity organizations
- Business organizations
- Transportation interest groups
- Environmental interest groups
- Disability rights groups and agencies
- Contractors

Funds allocated by FTA are primarily used by MaineDOT for Locally Coordinated Transit Plans, Locally Administered MaineDOT Projects (LAP's), and major studies, granted to subrecipients for transit services.

Transit Providers. MaineDOT partners with intercity, fixed route, flex route and demand response transit (bus) providers to support a broad range of transit services throughout Maine. MaineDOT administers a range of Federal Transit Administration (FTA) and state programs that financially support transit operations. MaineDOT's role is financial management, oversight and monitoring to ensure that subrecipients of FTA funding meet a range of federal programs including the Americans with Disabilities Act, and Title VI and Environmental Justice, to name a few.

MaineDOT continues to be proactive in ensuring that subrecipients comply with federal requirements. Its systems include:

- Applications
- Quarterly/annual reports
- Meeting with transit providers
- Vehicle/facility inspections
- Site visits
- Training/technical assistance

All subrecipients must comply with all Federal requirements through completion of all Certifications and Assurances. These Certifications and Assurances, which are required to be signed by an authorized public official, are part of the formal contract process. MaineDOT, when submitting State grant applications to FTA, is also required to execute Certifications and Assurances both on behalf of the State and with respect to the local subrecipients. Subrecipients are also required to develop and submit Title VI plans with a public participation component.

Locally Coordinated Transit Plans. Locally Coordinated Transit Plans are prepared by MaineDOT in cooperation with the state's transit providers who receive FTA and/or state financial assistance. These plans address federal and state requirements for managing transit systems and obtaining a range of public input in plans for meeting transit needs. These plans involve contacting a broad range of potential stakeholders and interested parties and holding transit workshops in accessible locations to obtain public input on how best to provide transit services to meet the needs of transit-dependent populations. Notifications for these workshops include information that translation services are available upon request. These meetings are designed to provide the most inclusive means possible, are transit accessible and are targeted to include users and potential users. Outreach efforts are made to reach out to minority populations through public notices in the local newspapers, direct mailings and information placed on state and local websites. MaineDOT also seeks assistance for participation through its subrecipients and accesses cultural information from statewide groups to ensure that the broadest net is cast and cultural consideration are made.

Locally Administered MaineDOT Projects (LAP's). A Locally Administered Project (LAP) is any MaineDOT project in which a municipality locally administers the development, design and construction of the project. Any municipal official or municipal engineer can locally administer a MaineDOT project if they are LAP Certified by the Department. MaineDOT provides LAP certification training to municipal officials and municipal engineers on federal and State requirements for transportation projects. This training consists of Civil Rights program requirements including Title VI requirements.

Major Studies. MaineDOT undertakes major studies whenever the potential exists for expanded or new transportation facilities, or for which potential investments could result in significant environmental impacts. Major studies must abide by the requirements of the Maine Sensible Transportation Policy Act (STPA) and the National Environmental Policy Act (NEPA), if any project phase uses federal funds. Major Studies include transportation feasibility studies, Environmental Assessments (EA) and Environmental Impact Statements (EIS). Each major study includes a project-specific public involvement process. This process includes identifying underserved populations. Examples of public involvement used for major studies include stakeholder advisory committees, internet sites, business surveys, formal public meetings and newsletters.

Transit Providers and MaineDOT Civil Rights Oversight. As set forth in MaineDOT's State Management Plan, all agreements entered into by MaineDOT on behalf of FTA, and to meet State requirements require the contractor to certify that no person on the grounds of race, color, creed, national origin will be excluded from participating in, or be denied the benefits of, or be subject to discrimination under any project, program, or activity funded in whole or in part by FTA in accordance with Title VI. In addition, the State of Maine and all transportation providers certify that a good faith effort is made to use Disadvantaged Business Enterprises as required by FTA Circular 5010.1D. All transportation providers who receive Federal and/or State subsidies are required to meet regulations delineated in the Certifications and Assurances. Technical support is provided in the form of distribution of guidance from the FTA to the providers in helping to meet civil rights requirements.

There is also coordination between the Bureau of Planning and the Civil Rights Office of the Maine Department of Transportation. The Civil Rights Office has responsibility for drafting, maintaining and updating a certified Disadvantaged Business Enterprise Directory as well as the Department's disadvantaged/Minority/Women's Business Enterprise Program. This Program outlines how the various administrative and operating units of the Department shall work together to carry out the policy established by the Department. Environmental Justice Assessments are done on a project by project basis.

MaineDOT personnel assigned to the Multimodal Planning Division are assigned specific types of FTA Programs funds. In addition to providing technical assistance to local subrecipients, they also monitor the recipients as required to insure compliance with the requirements of Title VI, EEO, and Section 105(f) (DBE). This is accomplished through the site visits with the provider agencies and administrative contacts as well as through Title VI Plans submitted by providers. During these processes the Multimodal Planning Division with assistance of the Civil Rights Office will review the minority and low-income population in the area served by the provider based on Census data and will also ask providers to identify underserved populations in their areas. The service provided and/or available to these identified groups will be determined by the provider and verified by the Office of Civil Rights in conjunction with the Bureau of Planning. The service provider will be given all the appropriate census data for their region and all information available to the MaineDOT concerning contacts in their area with groups representing the minorities, low-income residents and those with Limited English Proficiency. At the time of the Annual Certifications and Assurances, service providers will be required to certify their compliance with Title VI by signed letter.

In addition, during the Locally Coordinated Transit Plan (LCP) planning process, all known representatives of these identified groups will be invited to participate. It will be through this process that the need for service using 5310 or 5311 funds will be identified and planned for within the limits of funding and regulations. MaineDOT will continue to be committed to coordinated service as it reaches out to these groups.

All RFPs directly advertised by the Department are posted on our Contractors web site. Access to MaineDOT DBE certified businesses are available on our contractor page and on the MaineDOT Civil Rights page at: <http://www.maine.gov/mdot/civilrights/dbe.htm>.

MaineDOT also assists subrecipients in developing Title VI Plans and complying with US DOT's Title VI regulations, including the general reporting requirements. MaineDOT provides the following information to subrecipients:

- Sample notices to the public informing beneficiaries of their rights under DOT's Title VI regulations, procedures on how to file a Title VI complaint, and the recipients Title VI form.
- Sample procedures for tracking and investigating Title VI complaints filed with a subrecipient, and when MaineDOT expects the subrecipient to notify MaineDOT of complaints received by the subrecipient.
- Demographic information on the race and English proficiency of residents served by the subrecipient. The information will assist the subrecipient in assessing the level and quality

of service it provides to communities within its service area and in assessing the need for language assistance.

- Any other recipient-generated or obtained data, such as travel patterns, surveys, etc. that will assist subrecipients in complying with Title VI.
- Subrecipient DBE Reporting Forms and Instructions.
- Public participation processes and Title VI Plan assistance.

Summary of Outreach Efforts

MaineDOT, Multimodal Planning Division, distributed “I Speak” cards and the Title VI informational brochure in English and Spanish to the Maine Transit Association in 2016 and 2017.

The Multimodal Planning division also distributed “I Speak” cards and Title VI information to transit providers during site visits. Transit Providers Site Visits were conducted shown below. All other providers completed the self-certification checklist for compliance discussed in Section 6 herein. MaineDOT did not visit those agencies on-site during this reporting period.

Transit Providers/Dates of Site Visits:

Region	Provider	Site Visit
2	Washington Hancock Community Agency	6/27/17
3	Penquis (The Lynx)	5/2/17
5	Waldo Community Action Partners	5/18/17
8	York County Community Action Corporation	6/20/2017

MaineDOT met with the Portland Area Comprehensive Transportation System and the Bangor Area Comprehensive Transportation System in 2016 for FHWA Title VI compliance review.

4. Language Assistance Plan

Executive Order 13166 implements Title VI of the Civil Rights Act of 1964 by requiring meaningful access to all federally assisted programs and activities by persons with limited English proficiency (LEP).

Limited English Proficiency is defined as “individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English.” LEP individuals are entitled by EO 13166 to language assistance with respect to a particular type of services, benefit or encounter. The US DOT has mandated that all ‘...recipients must take reasonable steps to ensure that such persons have meaningful access to the programs, services and information those recipients provide, free of charge...’

Compliance with Title VI includes Limited English Proficient (LEP) persons. Language barriers prohibit people who are LEP from obtaining services and information relating to transportation services and programs. Because people who are LEP may not be able to read instructions or correspondence written in English and may not understand verbal information, they often are not

aware of regulatory requirements and legal implications of the services they seek.

MaineDOT does not operate a transit system. MaineDOT's role is limited to financial management, oversight and monitoring to ensure that subrecipients of FTA program funds meet a range of federal programs including Title VI requirements. As such, MaineDOT has little direct contact with LEP persons.

MaineDOT continues to be proactive in ensuring that subrecipients comply with federal requirements. Its systems include:

- Applications
- Quarterly/annual reports
- Meeting with providers
- Vehicle/facility inspections
- Site visits
- Training/technical assistance

A. Results of the Four Factor Analysis (see Appendix II for complete text of Four Factor Analysis).

Factor # 1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient. Maine has a relatively low percentage of people who don't speak English very well. An analysis of Census data reflected in American Community Survey (ACS) data for 2011 – 2015 shows that statewide, there are 20,966 people over the age of 5, or 1.7% of the total population of people over the age of 5 (1,263,964 people) who speak English less than very well. There are six languages in which the number of persons who speak English less than "very well" exceed the 1,000 person/5% threshold: Spanish or Spanish Creole, French, Chinese, Vietnamese, Arabic and African languages. Since MaineDOT does not operate a transit service, the most likely contacts with LEP persons will be at public meetings dedicated to transit planning efforts, and when an LEP files a complaint with MaineDOT.

Factor #2: The frequency with which LEP persons come in contact with programs, activities or services. As indicated in discussion of Factor 1, MaineDOT is most likely to have contact with LEP individuals at public meetings associated with public transportation planning efforts. MaineDOT does not operate a transit service. MaineDOT has on-call translation via telephone available if requested. However, during the past three years, there have been no LEP persons calling MaineDOT to use the service.

Factor #3: The nature and importance of programs, activities or services to the LEP population. Many LEP persons rely on public transportation for their mobility needs. The state's public transit providers are responsible for ensuring that LEP individuals are not hindered from using local transit systems because of their ability to speak English well. MaineDOT must ensure through its oversight activities that the providers are upholding this responsibility.

In addition, as the state transportation agency responsible for coordinating the statewide transportation planning process, MaineDOT must ensure that all segments of the population, including LEP persons, have been involved or have had the opportunity to be involved with the planning process. The impact of proposed transportation investments on underserved and under-represented population groups are part of the evaluation process. MaineDOT provides oversight and ensures in its own planning projects that LEP and other protected classes of persons are considered in the transportation planning process.

Factor #4: Resources available to the recipient and overall costs to provide LEP assistance. Because of the very low incidence of LEP persons in Maine overall, the cost to accommodate them has not been burdensome. There are a number of resources that are being provided. MaineDOT has distributed to all transit providers “I Speak” language Identification cards. MaineDOT rarely uses translation services but they are available under State contract. Cost for these services range in the \$50.00 – \$65.00/hr range. Cost at this time is minimal given the limited need and requests.

B. Description of how MaineDOT provides language assistance services by language.

U.S. DOT guidelines require that recipients of federal financial assistance provide “meaningful access to programs and activities” by giving LEP persons adequate and understandable information and allowing them to participate in programs and activities, where appropriate. The Department takes reasonable steps to remove barriers for LEP individuals.

MaineDOT’s complaint process (on the website) alerts French, Chinese, Spanish, Vietnamese, African language and Arabic language-speaking individuals that complaint information is available in other languages. To date, there has been no demand for the form in any language.

MaineDOT requires that:

- Subrecipients take steps to ensure that LEP individuals riding on Transit in minority service areas will have access to bus schedules published in languages other than English, including, but not limited to Spanish, French, and Somali, depending upon the needs of the transit area.
- Public notices and other public information or resources shall be printed in languages other than English where a concentration of LEP individuals requires the need for translation. Generally, this is when more than 5% of a census area speaks primarily the same language other than English. All public notices provide MaineDOT Contact information to request language assistance.
- Any LEP individual directly impacted or benefiting from MaineDOT programs should be offered translation proactively as a rule. We require transit providers to hire a translation service to be available for transit users. The service should be

similar to the AT&T Language Line service and available on all busses.
<http://www.languageline.com/>

All programs and services shall make use of the Language identification flash cards to identify a language that an LEP individual can understand, and then refer to the Bureau of Developmental Services for a translator at public gatherings or negotiations as needed. The United States Census 2000 Language Identification Flashcard is available by contacting the Civil Rights Office or any Title VI liaison. The Flashcards can be found on the web via the following link:
http://www.maine.gov/dhhs/documents/Language_ID_Card.pdf

- MaineDOT Title VI Notice provides language assistance information translated in French, Spanish, Chinese, African and Arabic languages.

A list of language interpreters and information pertaining to interpreters and language assistance is on our website at <http://www.maine.gov/mdot/civilrights/title6.htm> or by contacting the Title VI/EJ Specialist or through the State of Maine Bureau of Developmental Services website: <http://www.maine.gov/dhhs/oma/interpreters.html>

MaineDOT also provides information on Minority and Outreach information for special populations so that our employees and subrecipients have contacts to cultural agencies and information.

MaineDOT requires that subrecipients take other reasonable steps, where necessary. Other reasonable steps will depend on:

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

As noted in the Four Factor analysis, several subrecipients have provided schedules in languages other than English.

C. Description of how the recipient provides notice to LEP persons about the availability of language assistance.

MaineDOT does not operate a transit system, but does include in notices of public meetings that language assistance is available upon request. In addition, MaineDOT provides specific guidance to subrecipients including:

- **Planning Process:** Follow all guidelines above and make use of the Translation Card Guide.
- **Public Meetings:** Outreach ahead of time, find out how to communicate with affected area. Make use of Translation Cards.
- **Property Acquisition:** Bring Translation Card cards. Arrange for translators.
- **Construction:** Have Translation Card cards on hand. Arrange for translators.
- **Transit Programs:** Use Translation Cards as a polling tool. Become familiar with languages used on the routes. Consider publishing in most predominant languages other than English. Obtain translation phone service. For public process and planning refer to US DOT Guide.

D. Description of how MaineDOT provides translation of vital documents

As stated above we inform the public of translation services on our Public Notice and complaint form, to date, there have been no requests for a copy of this document by any LEP person. MaineDOT continues to monitor the need to prepare the document in other languages, but to date there have been no requests to see this form in another language.

MaineDOT also provides translation services to any that request those. Our website directs individuals to contact us if they need translation services. Those directions are in Spanish, Chinese, French, African language and Arabic. The State of Maine contracts with a number of translation services which are linked on our website. That information is available to MaineDOT employees.

E. Description of how MaineDOT monitors, evaluates and updates the language access plan.

On a yearly basis, MaineDOT's Civil Rights Office reviews the FTA Title VI plan in conjunction with Census data and FTA requirements. The update process considers any developments that would impact the plan including complaints and requests for language assistance services. The Civil Rights Office also updates and makes available to transit providers information on available language translation services.

MaineDOT also receives information from subrecipients on any changes that they may encounter with LEP populations in their service areas. All subrecipients are required to provide MaineDOT with and LEP Plan and MaineDOT also shares our own information from our Four Factor Analysis with subrecipients.

F. Description of how MaineDOT trains employees to provide timely and reasonable language assistance to LEP populations.

The Director of MaineDOT's Civil Rights Office provides training sessions at least once per year to MaineDOT Bureau of Planning staff including how to provide timely and reasonable assistance to LEP populations. The Civil Rights Office also seeks opportunities to provide LEP training to transit providers at Maine Transit Association meetings.

MaineDOT also distributes to staff and has available a training document titled "How to Work with a Telephone Interpreter" below and language interpretation cards (below) are downloadable available on our website:

How to Work with a Telephone Interpreter

Telephone interpreters may receive several calls a day—each one requiring special attention in a specific field. When working with an interpreter over-the-phone, there are a few things you should keep in mind to ensure your call is handled quickly and successfully.

Your role

- Always speak in first person, just as you would in normal conversation. For example, say, “Do you have a fever?” rather than “Ask her if she has a fever, please.”
- Immediately introduce yourself to the limited-English proficient (LEP) client and explain your reason for calling.
- Telephone interpretation is “consecutive” interpretation. That means you will experience pauses when the interpreter repeats each statement in the respective language.
- After you speak one-two sentences or finish a thought, pause to give the interpreter enough time to interpret.
- Be prepared to explain some things in more detail for the telephone interpreter. Some terminology and concepts may not have an equivalent in the target language.
- Control the conversation. The telephone interpreter is only there to interpret. You are responsible for making sure the LEP client receives the same service as an English-speaking client.
- Ask the interpreter and the LEP client questions to ensure they understand what you want to communicate.
- Avoid asking the interpreter for his/her opinion about the situation being interpreted.
- We can accommodate three-way telephone interpretation calls. Tell the call center agent the name and phone number of the third party, and they will arrange the call for you. The interpreter cannot facilitate this for you. You must ask the call center agent at the beginning of the call.
- Follow up by providing us with feedback about your interpretation services.

Your telephone interpreter’s role

We expect our interpreters to meet high standards and want to know when they are meeting our expectations. To that end, your feedback is critical.

- Make sure your interpreter introduces himself/herself using a first name and ID number. They are not required to provide a last name.
- Your interpreter should not have a side conversation with you or the client. He or she must relay everything that is said back to you or your client. This includes any advice that the client may ask of the interpreter.
- Your interpreter should not discuss anything unrelated to the telephone interpretation assignment.

FTA and USDOT webinar invitations are, if applicable, sent to subrecipients to allow them to participate and better understand changes and expectations in the program.

5. Advisory Committees

In 2015, the Maine Legislature established the Public Transit Advisory Council (“PTAC”) pursuant to 23 MRS §4209-A for the purpose of advising the Legislature and MaineDOT regarding public transit services in Maine. PTAC advises MaineDOT on the review and approval of Locally Coordinated Plans for regional transit and advises on any statewide strategic transit planning undertaken by MaineDOT, including short-term and long-term fiscal, operating and capital investments, and the integration of transit planning with the state’s Sensible Transportation Policy Act. The statute requires that PTAC’s membership must include:

- The MaineDOT Commissioner or his designee; and the following individuals appointed by the Commissioner:
- One representative from the federally designated planning organizations for the Bangor, Kittery, Lewiston and Auburn and Portland regions;
- One representative of private bus owners;
- One representative of a statewide nonprofit agency that advocates on behalf of the elderly;
- One representative of a medical provider;
- One representative of a business that relies on public transportation;
- One representative of a statewide association of planning and development agencies;
- One representative of an organization representing persons with disabilities;
- One representative of a nonprofit transit provider;
- One representative of an economic development organization; and
- One representative of an organization representing low income persons.

In making the appointments, the Commissioner must ensure that rural and urban areas of the State are represented. In addition, the Commissioner shall invite at least two members of the Legislature joint standing committee on transportation matters and at least one representative of the Northern New England Passenger Authority to participate in PTAC meetings.

PTAC makes biennial reports to the Governor of Maine and the joint standing legislative committees who have jurisdiction over transportation matters and health and human services matters. Their report must include an assessment of the level of transportation services provided to the public; recommendations for the level of service that should be provided and the cost of such service; and recommendations for the optimal coordination to transit services with other senior and veterans’ services.

PTAC also advises MaineDOT, and Maine’s Departments of Health and Human Services, and Labor in matters concerning public transportation.

Table depicting minority representation on PTAC

Minority Representation on MaineDOT Committees					
	Caucasian	Latino	African American	Asian American	Native American
Maine Population	1,264,971 95%	16,935 1%	15,707 1%	13,571 1%	8,568 <1%
Public Transit Advisory Council	20 95%		1 5%		

6. Ensuring Subrecipient Assistance and Compliance with Title VI

Under the Civil Rights circular 4702.1B, MaineDOT will require and approve all subrecipients Title VI Plans every three years. This compliance activity will be reported to FTA Region I Civil Rights Office, as required.

MaineDOT has implemented a new five year cycle for the FTA Compliance Reviews for its subrecipients with the exception of the Title VI Plans that will be submitted and reviewed every three years. A MaineDOT on-site visit to the subrecipient will be completed during the first year of a five-year cycle. For each of the remaining four years, the subrecipient will receive a checklist to self-certify that their agency is in compliance with applicable FTA guidelines. The subrecipient will complete the self-certifying checklist and return it to MaineDOT along with copies of any updated policies and procedures. If at any time during the four year self-certifying period MaineDOT becomes aware of a status change and/or complaint, MaineDOT has the right to perform a random on-site visit. After the fourth year of self-certifying, MaineDOT will schedule another on-site visit beginning the five year cycle.

MaineDOT site visits include the review of Civil Rights policies and processes including Title VI/EJ, ADA and Disadvantaged Business Enterprise Programs and processes, and public outreach and complaint procedures. The complete site visit form and policy can be found in the MaineDOT State Management Plan.

Subrecipients are required to complete and submit Title VI Plans for their organizations to the MaineDOT. These Programs may be submitted electronically. The MaineDOT has developed a template for subrecipients that they may use to assist them in the development of a Title VI Plan. A more detailed description of assistance provided to subrecipients can be found further in section *H. Description of Procedures MaineDOT uses to Assist Potential Subrecipients.*

Information on Title VI for subrecipients can be found at:

<http://www.maine.gov/mdot/civilrights/title6.htm>

Subrecipients of FTA dollars through MaineDOT were required to provide a Title VI Plan to MaineDOT by October 1, 2015. Following that submission, Title VI plans are due every three years on the first of October. Plans include or reference the following information:

- New signed Title VI Assurances
- A designated Title VI Coordinator responsible for Title VI compliance
- Appendix A & E included in contracts
- Title VI Complaint Process
- Four Factor Analysis
- LEP Plan
- Public Participation Plan

Providers required to submit their Title VI Plans to MaineDOT.

Transit Provider	5310	5311	5311 Intercity
ARTS	X	X	
Bath		X	
Coastal Trans	X	X	
Cranberry Isles		X	
Cyr Bus			X
Downeast Trans		X	
Isle Au Haut		X	
KVCAP	X	X	
Penquis	X	X	
RTP	X	X	
WaldoCAP	X	X	
West's Trans		X	X
WHCA	X	X	
WMTS	X	X	
YCCAC	X	X	

7. Title VI Equity Analysis for Construction Projects

When the MaineDOT embarks on FTA funded construction projects not covered by the requirements of the current circular or National Environmental Protection Act (NEPA) it will complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. The MaineDOT will engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.

Because it is not common for MaineDOT to undergo construction projects or facilities other than transit amenities, transit stations, or other facilities covered under the requirements of NEPA it will rely on the NEPA process to ensure equity for such facility development.

8. Additional Information

See Chapter V requirements, next page.

CHAPTER V REQUIREMENTS

As a state agency, MaineDOT is required to meet the requirements of both Chapter III and Chapter V of FTA Circular 4702.1B.

A. General Requirements, Section 4 of Chapter III.

See Federal Transit Administration Title VI/Environmental Program, Chapter III.

B. Requirements for Transit Providers, Chapter IV.

Not applicable. The State of Maine is not a provider of fixed route transportation services.

C. Demographic Profile of Minority Populations

Minorities

Based on the 2016 U.S. Census data estimates, Maine has a small minority population that is geographically spread across the state with concentrations in the urbanized areas served by direct recipient transit systems. The summary table below shows white and non-white populations for each of the counties. Non-white populations include Black or African American, American Indian and Alaska Native, Asian, Native Hawaiian and Other Pacific Islander, and Some Other Race. Maine as a whole has a minority population of 5.2%.

Approximately 70% of Maine's minority population lives in four counties:

- Androscoggin County: 5,732 people, of whom 5,017 people, or 88%, live in Auburn and Lewiston
- Cumberland County: 15,502 people, of whom 11,790, or 76%, live in Portland, Westbrook, South Portland and Scarborough, all of which are served by direct-recipient transit systems (Metro and South Portland Bus Service).
- Penobscot County: 4,882, of whom 3,035, or 62%, live in Bangor, Brewer, Old Town, Orono, Veazie and Hampden, all of which are served by a direct-recipient transit system, Community Connector.
- York County: 4,443 people, of whom 1,536, or 35%, live in Biddeford, Saco and Old Orchard Beach, all of which are served by a direct-recipient transit system, ShuttleBus.

Outside of these populated areas, there is only one county that exceeds the 5% threshold in its county. That is Washington County where larger concentrations of Native American communities exist. Washington County has a larger rate of minority population because of Passamaquoddy Nation and some Penobscot and Maliseet presence. Census tract data shows that there are also concentrations in Aroostook County where the Maliseet Nation is located. The Penobscot Nation is located in Penobscot County.

The following Map identifies minority populations by county.

State of Maine				
Race Demographics by State/County				
County	Total Population	White #	Minority #	Minority %
Maine	1,328,361	1,284,877	43,484	3.3%
Androscoggin	107,702	101,970	5,732	5.3%
Aroostook	71,870	69,692	2,178	3.0%
Cumberland	281,674	266,172	15,502	5.5%
Franklin	30,768	30,381	387	1.3%
Hancock	54,418	53,349	1,069	2.0%
Kennebec	122,151	119,479	2,672	2.2%
Knox	39,736	39,120	616	1.6%
Lincoln	34,457	34,002	455	1.3%
Oxford	57,833	56,850	983	1.7%
Penobscot	153,923	149,041	4,882	3.2%
Piscataquis	17,535	17,202	333	1.9%
Sagadahoc	35,293	34,527	766	2.2%
Somerset	52,228	51,399	829	1.6%
Waldo	38,786	38,216	570	1.5%
Washington	32,856	30,789	2,067	6.3%
York	197,131	192,688	4,443	2.6%

2010 Census File QT-P5

Non-American National Origin

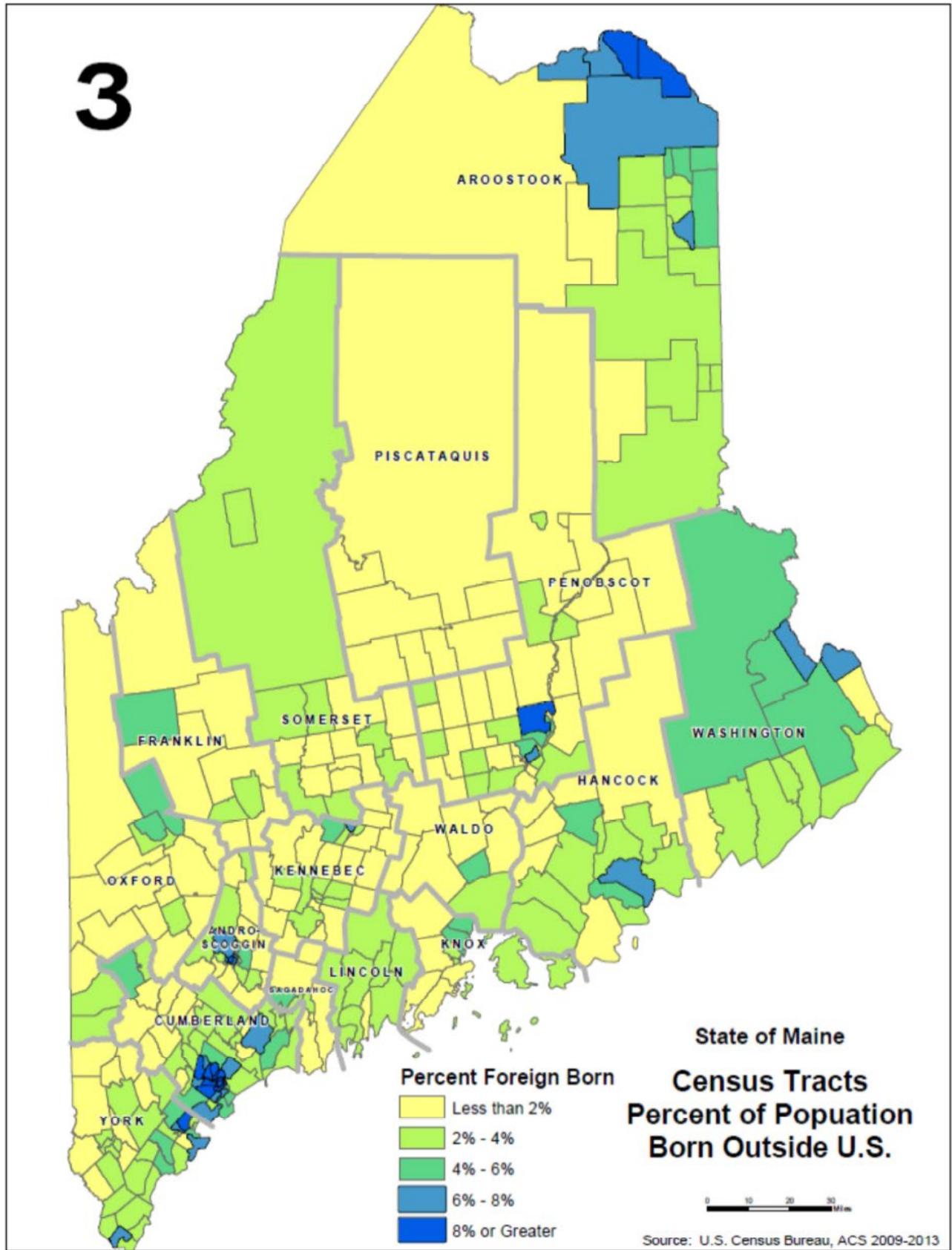
The map representing data on the national origin of Maine residents is similar in many ways to the maps of minorities. The core of Cumberland County again has the highest totals and the whole southern area has higher numbers than the rest of the state. The Saint John River Valley also has several towns in the upper categories. Towns along the Canadian border show up more prominently in this map than the minorities map, reflecting a higher representation of French Canadians. The map of concentrations of non-American born residents shows many of these Canadian border towns with percentages higher than the state average, though most of these towns are sparsely populated. Cumberland and Androscoggin Counties have concentrations of non-natives, due to the Maine Refugee Resettlement Program centered in Portland (Cumberland County.) and Lewiston (Androscoggin County). There are relatively few towns in the western and eastern areas of the state with concentrations of non-natives, other than clusters around Augusta and Bangor.

The following Map identifies non-native populations by county.

State of Maine					
Native and Foreign Born Population					
County	Total Population	Native Born #	Native Born %	Foreign Born #	Foreign Born %
Maine	1,329,100	1,282,537	96.5%	46,563	3.5%
Androscoggin	107,393	104,319	97.1%	3,074	2.9%
Aroostook	70,005	66,787	95.4%	3,218	4.6%
Cumberland	286,119	268,673	93.9%	17,446	6.1%
Franklin	30,402	29,705	97.7%	697	2.3%
Hancock	54,658	53,045	97.0%	1,613	3.0%
Kennebec	121,112	118,194	97.6%	2,918	2.4%
Knox	39,723	38,599	97.2%	1,124	2.8%
Lincoln	34,156	33,105	96.9%	1,051	3.1%
Oxford	57,421	56,348	98.1%	1,073	1.9%
Penobscot	153,437	149,386	97.4%	4,051	2.6%
Piscataquis	17,156	16,890	98.4%	266	1.6%
Sagadahoc	35,092	34,254	97.6%	838	2.4%
Somerset	51,577	50,772	98.4%	805	1.6%
Waldo	38,976	38,013	97.5%	963	2.5%
Washington	32,191	31,071	96.5%	1,120	3.5%
York	199,682	193,376	96.8%	6,306	3.1%

Source: 2011-2015 American Community Survey, File B05002

3



Low Income

As a rural state without a large base of high-paying jobs—outside of Cumberland and Androscoggin Counties—poverty is more widespread in Maine than any of the other factors considered in the Title VI program. In the 2011-2015 American Community Survey some 180,278 people were estimated to be in households that have incomes below the federal poverty threshold. (In dollar terms, that threshold varies by household size). This number represents about 13.9% of the population for whom it is possible to determine poverty status. In comparison, 4.7% of residents are minorities, and 3.3 % of residents were not born in the United States. The highest concentration of low income people reside in Cumberland County with 32,339 people. The cost of living and more urban settings reflect higher service needs in these areas.

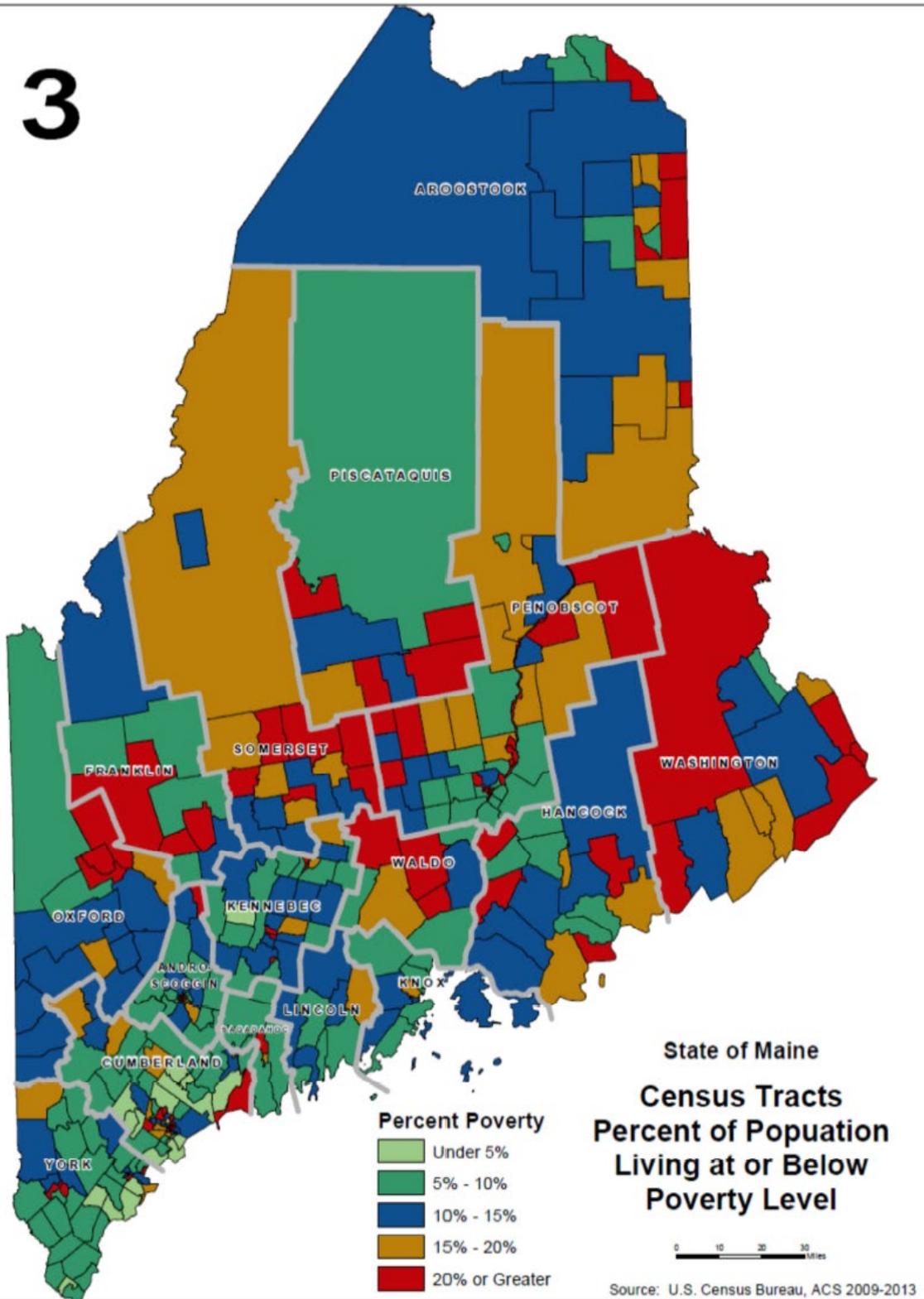
In spite of the high number of low-income people in Cumberland and Androscoggin Counties the percentages of people in poverty in most of these communities is below the state average. The highest percentages of low income per county are the rural counties of Washington, Piscataquis and Aroostook.

The following Map identifies low-income populations by county.

State of Maine			
Poverty Status in the Last 12 Months			
County	Persons for Whom Poverty Status is Determined	# Persons below Poverty Level	% Persons below Poverty Level
Maine	1,293,513	180,278	13.9%
Androscoggin	104,094	16,332	15.7%
Aroostook	68,052	12,608	18.5%
Cumberland	278,195	32,339	11.6%
Franklin	29,227	4,318	14.8%
Hancock	53,186	7,196	13.5%
Kennebec	117,441	16,256	13.8%
Knox	38,531	4,304	11.2%
Lincoln	33,557	4,073	12.1%
Oxford	56,649	9,911	17.5%
Penobscot	146,534	24,933	17.0%
Piscataquis	16,834	3,520	20.9%
Sagadahoc	34,838	4,200	12.1%
Somerset	50,692	8,907	17.6%
Waldo	38,067	6,243	16.4%
Washington	31,177	5,946	19.1%
York	196,439	19,192	9.8%

Source: 2011-2015 American Community Survey, File S1701

3



D. Demographic Impacts of FTA/MaineDOT Funding

Funding Distribution Analysis

The tables and charts below display the percentages of the minority and the white only population by year-round bus route service area. For the purpose of this analysis, funding for bus operations was separated by fixed route services (all of which are direct FTA recipients), flex route service and demand response services. The service areas of the fixed route and flex route systems are fairly well defined, but the demand response services essentially cover the entire state. To avoid double-counting, the service area population and the minority and white only populations of the fixed route and flex route services were subtracted from the minority and white only populations of the demand response service areas in which they operate.

Bus Route Service Area and Funding

Fixed Route Services

Service	Service Population ¹	White # ¹	White % ¹	Non-White # ¹	Non-White % ¹	MaineDOT, FTA Funding ²
Metro	84,244	75,573	89.7%	8,671	10.3%	\$1,958,270
S.Portland Bus	25,304	23,782	94.0%	1,522	6.0%	\$485,689
Citylink	59,272	56,698	95.7%	2,574	4.3%	\$991,784
Comm. Conn.	69,753	66,510	95.4%	3,243	4.6%	\$1,156,147

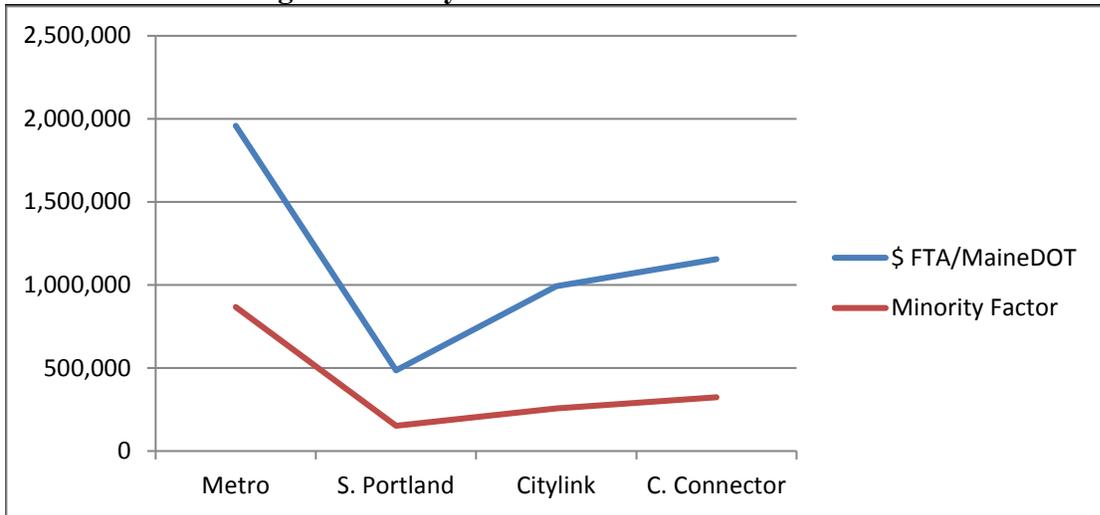
Note: Metro serves the greater Portland area; the South Portland Bus services the City of South Portland; Citylink serves the Lewiston-Auburn area, and Community Connector serves the greater Bangor/Brewer area.

¹Source: American Community Survey 2011-2015, Table DP05

²Source: MaineDOT, FY 2017

The data in the table above is presented in chart form below. The funding line is the total amount of FTA and MaineDOT funding. The minority factor is the non-white population multiplied by 1,000.

Fixed Route Funding vs Minority Factor



Flex Route Services

Service	Service Population ¹	White # ¹	White % ¹	Non-White # ¹	Non-White % ¹	MaineDOT, FTA Funding ²
Bath CityBus	8,349	8,120	97.3%	229	2.7%	\$93,349
Brunswick Explorer	20,378	19,724	96.8%	654	3.2%	\$225,000
Kennebec Explorer	53,553	51,137	95.5%	2,416	4.5%	\$520,642
ShuttleBus	48,860	47,028	96.3%	1,832	3.7%	\$571,745
Sanford Transit	20,864	20,239	97.0%	625	3.0%	\$94,386

Note:

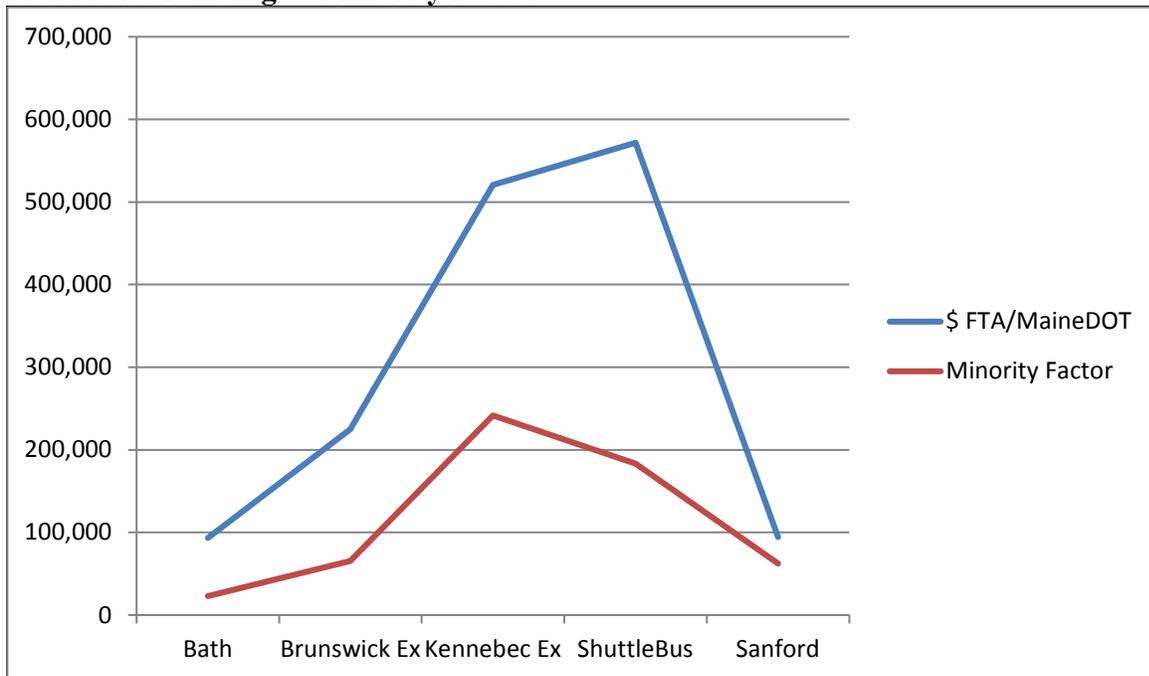
- Bath CityBus serves the City of Bath;
- Brunswick Explorer serves the Town of Brunswick;
- Kennebec Explorer serves Waterville, Winslow, Augusta, Farmingdale, Hallowell and Gardiner;
- ShuttleBus serves Biddeford, Saco and Old Orchard Beach;
- Sanford Transit serves the Town of Sanford.

¹Source: American Community Survey 2011-2015, Table DP05

²Source: MaineDOT, FY 2017

The data in the table above is presented in chart form below. The funding line is the total amount of FTA and MaineDOT funding. The minority factor is the non-white population multiplied by 1,000.

Flex Route Funding vs Minority Factor



Demand Response Services

Service	Service Population ¹	White # ¹	White % ¹	Non-White # ¹	Non-White % ¹	MaineDOT, FTA Funding ²
ARTS	70,005	67,862	96.9%	2,143	3.1%	\$761,786
WHCA, DTI, West's	86,849	83,831	96.5%	3,018	3.5%	\$823,110
Penquis,	100,840	98,733	97.9%	2,107	2.1%	\$764,730
KVCAP	119,136	117,468	98.6%	1,668	1.4%	\$95,878
WCAP	119,220	117,430	98.5%	1,790	1.5%	\$414,798
RTP	176,571	171,342	97.0%	5,229	3.0%	\$384,447
WMTS	135,944	134,094	98.6%	1,850	1.4%	\$881,086
YCCAC	129,958	127,578	98.2%	2,380	1.8%	\$668,160

Note:

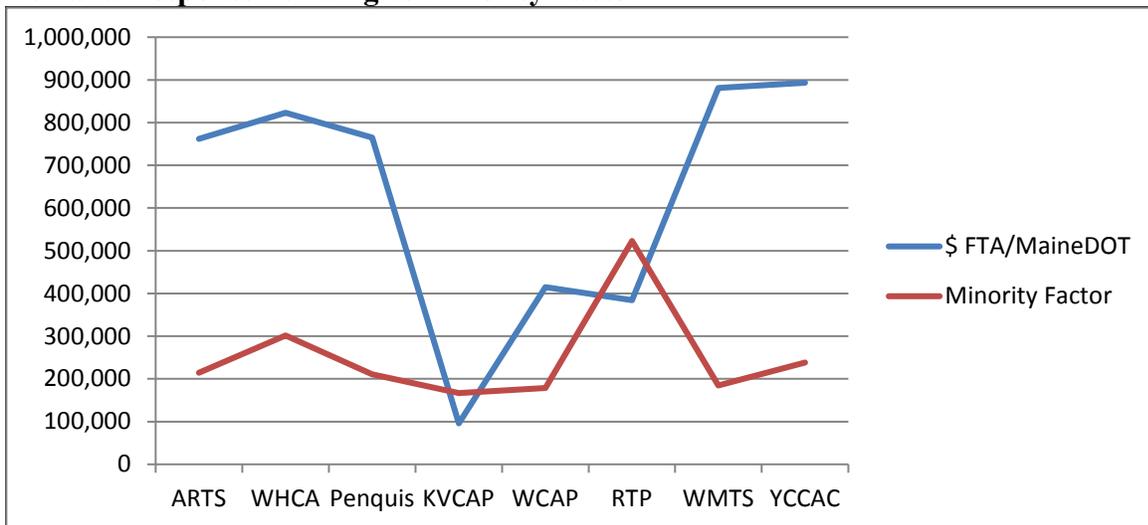
- ARTS serves Aroostook County plus Patten in Penobscot County and Danforth in Washington County.
- WHCA serves Hancock and Washington Counties exclusive of Danforth in Washington County. The funding column includes FTA and MaineDOT funds for year-round services provided by Downeast Transportation in Hancock County, and West's in Washington County.
- Penquis serves Penobscot County exclusive of Patten and Piscataquis County.
- KVCAP serves Kennebec and Somerset Counties. KVCAP uses FTA and MaineDOT money to support the Kennebec Explorer. Demand response services are supported primarily by MaineCare and social service agency support.
- WCAP, doing business as Mid-Coast Public Transportation, serves Waldo, Knox, Lincoln and Sagadahoc Counties as well as the towns of Brunswick and Harpswell in Cumberland County.
- RTP serves Cumberland County exclusive of Brunswick and Harpswell.
- WMTS serves Androscoggin, Franklin and Oxford Counties.
- YCCAC serves York County.

¹Source: American Community Survey 2011-2015, Table DP05

²Source: MaineDOT, FY 2017

The data in the table above is presented in chart form below. The funding line is the total amount of FTA and MaineDOT funding. The minority factor is the non-white population multiplied by 1,000.

Demand Response Funding vs Minority Factor



E. Disparate Impacts Analysis

Disparate impact is a way to prove discrimination based on the effect of a policy or practice rather than the intent behind it. Laws that prohibit discrimination apply not only to intentional discrimination, but also to apparently neutral policies and practices that have a disproportionate adverse effect on members of a protected class. An example may be providing and planning for transit services that serve a heavily populated area but do not take into consideration of cultural or racial populations that need the service in other areas.

Based on data contained in the preceding tables, the percentage of minority populations is highest in the service areas of three of the four fixed route providers. As might be expected, the highest percentage is in Metro's service area (10.3%) which includes the City of Portland. The second-highest percentage is the South Portland Bus (6.0%). The third highest percentage is the Community Connector Bus (4.6%) which serves the Cities of Bangor and Brewer and vicinity. Kennebec Explorer, a flex route system serving the Augusta, has the fourth largest minority population (4.5%), while CityLink, which serves the Lewiston-Auburn area, has the fifth largest minority population (4.3%). All of the other providers have service areas with minority populations that range from a low of 1.4% to a high of 3.7%. Given the lack of significant variation, it would be hard to identify any disparate impacts of funding decisions based on race, color or national origin.

Based on a review of the charts on the preceding pages, the funding distribution by providers corresponds well with the distribution of minority populations across the state.

- For fixed route services, federal and state transit dollars are higher for those providers with higher numbers of non-white residents, and lower for those with lower numbers (the minority factors shown in the chart correspond to numbers of non-white residents).
- For flex route providers, federal and state transit dollars are generally higher for those providers with higher numbers of non-white residents, and lower for those with lower numbers, with one exception. ShuttleBus has a higher level of funding relative to its minority population, but this is due to additional funds it has received to operate an intercity service and a commuter service between Biddeford and Portland.
- For demand response providers, federal and state transit dollars are generally higher for those providers with higher numbers of non-white residents, and lower for those with lower numbers, but there are three exceptions. KVCAP receives less FTA/MaineDOT funds for its demand response services because those funds are dedicated to the Kennebec Explorer flex route system. In addition, KVCAP relies on MaineCare and other social service contributions to support its demand response system. WMTS receives more money relative to its minority population than might initially be expected, but this is because it serves a three-county area with relatively low percentages of non-white residents. YCCAC also receives more money relative to its minority population than might initially be expected, but this is primarily due to York County's relatively small minority population, and the fact that YCCAC operates several small systems such as the WAVE commuter service and the Shoreline Explorer.

The conclusion of this analysis, based on the fact that there is very little variation in the percentage of minorities across the state (except in the largest urban areas), and the services with the higher percentages of minorities generally receive greater funding, is that there are no disparate impacts of funding decisions with respect to race, color or national origin.

F. Description of Statewide Transportation Planning Process that Identifies Transportation Needs of Minority Populations.

There are several components of Maine’s transportation planning process including the work of MaineDOT’s Civil Right Office, the work of MaineDOT’s Multimodal Planning Division, and the use of Advisory Committees. As previously described, the planning process includes:

MaineDOT personnel assigned to the Bureau of Planning are assigned specific types of FTA Programs. MaineDOT staff provides technical assistance and monitor the subrecipients as required to insure compliance with the requirements of Title VI, EEO, and Section 105(f) (DBE). This is accomplished through the Site Visits to the provider agencies and administrative contacts. During the Site Visits, the Multimodal Planning Division and the Civil Rights Office of MaineDOT review the minority and low-income population in the area served by the provider based on Census data. The service provided and/or available to identified groups is determined by the subrecipient and verified by the Office of Civil Rights in conjunction with the Multimodal Planning Division. The subrecipient will be provided with all the appropriate census data for their region and all information available to the MaineDOT concerning contacts in their area with groups representing the minorities, low-income residents and those with Limited English Proficiency. MaineDOT will review Title VI Plans submitted by subrecipients to further identify underserved and minority populations in those areas. At the time of the Annual Certifications and Assurances, providers will be required to provide signed Title VI Assurances. Blank Title VI Assurances and Appendices are available to download on our website at: <http://www.maine.gov/mdot/civilrights/title6/>

Advisory Committees

MaineDOT hosts regional transit workshops to assist in the preparation of Maine’s Locally Coordinated Transit Plans (LCPs). Eight workshops were held in 2016 to advise MaineDOT on future priorities and potential projects in each of the State’s eight transit regions. The workshops did not consist of formally appointed members, but were open to anyone on an informal basis who chose to attend one or more of the meetings to participate in policy deliberations.

In order to ensure the broadest possible participation of minorities, MaineDOT has worked to compile an extensive mailing list in each of the eight regions of legislators, tribal governments, regional planning organizations, hospitals, nursing homes, advocacy groups, providers of transportation services, and interested citizens. MaineDOT used the mailing list and a newspaper notice in each of the regions to invite people to attend one or more regional transit workshops. The mailings and public notices included the purpose of the transit workshop meetings as follows:

1. Evaluate current transit services and mobility management efforts for:
 - Low income individuals
 - Minority Populations
 - Elderly individuals
 - Individuals with disabilities
 - General public
2. Evaluate and prioritize future transit projects as identified by the transit provider; (a list of potential projects was provided with the invitation).
3. Collect information on coordination efforts.

Additionally, an opportunity was provided for attendees to identify needs and propose additional strategies and projects for the region.

Transit workshops were held throughout Maine as follows:

Region 1: October 11, 2016 – Presque Isle

Region 2: October 12, 2016 – Trenton

Region 3: October 18, 2016 – Bangor

Region 4: November 17, 2016 – Waterville

Region 5: November 14, 2016 – Belfast

Region 6: October 27, 2016 – Portland

Region 7: October 25, 2016 – Auburn

Region 8: November 16, 2016 – Sanford

G. Procedures MaineDOT uses to Pass-through FTA Financial Assistance in Non-discriminatory Manner

Title VI prohibits discrimination on the basis of race, color and national origin. In an effort to make investments that would not impose disproportionately high and adverse effects on minority or low-income populations; MaineDOT and subrecipients utilize the charts and maps included in Chapter V, Section C to plan statewide demand response and flex route projects. The State is divided into eight regions defined, generally along county lines, in order to distribute funds on a fair and equitable basis for the rural 5310 elders and persons with disabilities and non-urbanized area 5311 funds. In each region, the use of a formula includes the three basic factors of population demographics including minority populations, road mileage and square miles. Approximately 55% of rural funding remaining is distributed by this formula and the remaining non-formula 45% is assigned to projects which meet needs identified by MaineDOT through the regional Locally Coordinated Plans (LCP).

The “non-formula” projects are solicited in a variety of ways. Every year, MaineDOT conducts a series of public meetings as part of the LCP planning process and solicits project ideas and comments to determine gaps in service, under-served minority populations and inadequate funding distribution. In addition, MaineDOT publishes a 20-Year Long Range Plan which

receives public comment, as well as, a capital 3-year calendar work plan and 4-year Statewide Transportation Improvement Program (STIP). All of these plans go through an extensive public comment process and contain projects solicited and chosen from both external and internal sources. MaineDOT publishes legal notices announcing meetings and grant programs; and, invites inquiries and applications from the public and potential transportation providers. All public meetings are held as part of the public involvement process, noticed in accordance with requirements of Title VI, held in locations that are conveniently situated with respect to minority and low income populations and with access to public transit whenever possible. Since 1970, the population statistics from the most recent United States Department of Commerce Census have been used to determine percentages of minority population, non-American and elderly populations. Since the allocation of 49 USC §5311 Federal funds is based on Maine's rural and small urban population, the urbanized populations of the Portland, Lewiston/Auburn, Bangor and Kittery areas were not included in their respective regions. Mileage statistics were derived from the Maine Department of Transportation's State Highway Mileage Table. Road mileage located in the four urbanized sections mentioned above was not included in those regions' computations. It was also decided that a density factor pertaining to the road miles per 1,000 persons should be used. This was accomplished by dividing the region population into the region road miles. The density factor and the population factor were given an equal weight in determining each region's percentage of the total allocation. (Appendices G and H are copies of the formula used to disburse 49 USC §5310 and §5311 allocations, respectively).

With the inception of MAP-21, MaineDOT receives additional Section 5310 funds and a new program, Section 5339 funds. The Section 5310 funds are for the small urban and UZA areas. These are distributed by MaineDOT based on a combination of need and formula, and it is anticipated that these funds will become competitive in the future. The new Section 5339 funds are apportioned to Maine in three categories: rural, small urban, and UZA. These funds are competitive in nature, but may also be designated to transit agencies to meet the needs of minority & low-income and the disability community. Application Process and Evaluation of Projects

In general, transit projects funded by MaineDOT are funded in part by formula grants and need. In all cases MaineDOT requires that transportation providers submit an application for funding. Applicants are responsible for ensuring Title VI program development and identifying minority and low-income population in the areas served. Following submission of an application or applications to MaineDOT, the Bureau of Planning takes the following steps:

1. Confirm Title VI compliance;
2. Review projects to determine eligibility;
3. Identify projects funded by formula;
4. Prioritize training needs; and
5. Prepare a Program of Projects based on available funding.

Specific procedures for distributing FTA Section 5311 funds are as follows:

Priority One - The first funding priority is to continue operating assistance to current

Section 5311 recipients where there exists a continuing demand for public transportation service and a need for federal subsidy. Emphasis is placed on funding for services that offer mobility for transit-dependent, minority populations, multiple county or regional transportation systems.

Priority Two – The second priority for funding is to support capital projects for existing systems. If and when capital funding is made available, eligible requests will be prioritized on the following basis

- Highest percentage of minority populations and the elderly;
- Replacement of old, worn-out or unsafe revenue vehicles;
- Purchase of vehicles for the expansion of existing services or purchase of additional vehicles to meet demonstrated capacity problems on current routes;
- Purchase of miscellaneous capital equipment (e.g. radios, shop equipment, etc.); and,
- Construction and/or renovation of facilities.

Priority Three – The third priority is the funding of operating and capital expenses for new rural transportation systems. When establishing new service, the Department will give priority to those areas which are identified in minority and economically distressed counties. Other areas may also be considered.

Before the MaineDOT will approve any new rural transit project, the following must be determined:

- Goals and Objectives. An agency should determine why and to whom it wants to provide transportation. As the mission of the transportation program is clarified, there are specific issues that will shape a transportation system. These include determining the minority and low-income populations, the geographic area to be served, the area's greatest transportation gaps and needs, and current transportation resources.
- Needs Assessment. Once the goals, objectives and service area are defined, a provider must determine what transportation needs are not being met by conducting a needs assessment within the proposed service area and focused to better meet the needs of minority, low-income and disabled populations. This needs assessment will aid a system in determining:
 - transportation needs for human services clients as well as the general public;
 - revenue sources to provide an adequate level of service to meet these needs;
 - existing transportation services, both public and private as well as existing vehicles in the service area, including their type, age, condition, seating capacity and whether for sale, lease or shared use;
 - new vehicle and other capital needs;
 - municipal government support of rural transit;
 - a multi-year financial plan. MaineDOT reserves the right to fund projects aimed at meeting transit needs that may not be identified through the public processes outlined below.

Locally Coordinated Transit Plans and Project Approval Process

The State is divided into eight geographic regions for distribution of the Maine Department of Transportation administered transit funds. Every five years a Locally Coordinated Transit Plan (LCP) is prepared for each of the eight regions. By State law the Plan is approved with input from the Public Transit Advisory Committee including the Department of Health and Human Services.

The LCP submitted for each regional public transportation agency provides for the following:

1. Maximum feasible coordination of funds among all State agencies that sponsor transportation in the region;
2. Development and maintenance of a permanent and effective transportation system, with particular regard to seniors, persons with disabilities and low income persons.
3. Participation of private transit operators in the service area to the greatest extent possible.
4. Conformity with general operational requirements as may be prescribed by the Commissioner of MaineDOT.
5. MaineDOT may transfer any amount of the State's apportionment for urbanized areas to any urbanized area in the State or with the Governor's permission, to supplement the State's 49 USC §5311 Program. MaineDOT will make such transfers only after consultation with the responsible local elected officials and publicly-owned operators of transportation services in each area to which the funding was originally apportioned.
6. The LCP will also contain an inventory of vehicles funded by FTA and MaineDOT as well as ridership statistics and financial information.

Public meetings are held annually to assess needs, determine performance, communication levels, coordination of service and distribution of funds. Prior to submission of the plan to MaineDOT for approval, the plans are subjected to public meetings at the local level.

Approval of each plan is given by MaineDOT with input from the Public Transit Advisory Committee including the Department of Health and Human Services. This is currently done through the Governor's Interagency Coordinating Committee consisting of representatives from the various offices of the Department of Health and Human Services and the Department of Labor. Upon approval, all agencies, groups or organizations named to participate in the provision of service in accordance with the regional operation plan, become eligible to receive funds administered by MaineDOT. Separate contracts are then written between MaineDOT and each provider agency.

H. Description of Procedures MaineDOT uses to Assist Potential Subrecipients

There are a number of procedures that Maine utilizes to assist potential subrecipients in applying for funding, including applicants that would serve predominantly minority populations.

Title VI/EJ liaison officer efforts. The Multimodal Planning Division's Title VI/EJ liaison officer continues to have contact with interested groups and individuals as described above under Section F.

Advisory committee input. As more fully described under section F. the Bureau of Planning relies on the advisory committees (RPACs) described above to help identify transit needs and opportunities, and to establish contact with groups of citizens or municipal officials interested in becoming a subrecipient. It is through this process that the need for service using 5310 or 5311 funds will be identified and planned for within the limits of available funding.

Assistance to individuals and groups. As a follow-up to contacts made at planning meetings and/or in response to direct requests for assistance, MaineDOT Bureau of Planning staff meet on a regular basis with potential subrecipients to assist them in preparing the studies, documentation, and application process for receiving FTA funds. Several years ago, MaineDOT met with and assisted a local group of citizens in the Brunswick area that was interested in establishing a bus service within Brunswick. This eventually led to a successful application for the establishment of the Brunswick Explorer which is now successfully serving that community. More recently, MaineDOT has been meeting with and providing assistance to citizens in the Rockland area who are interested in establishing a local bus service.

Information and data analysis. As stated above MaineDOT assists subrecipients in the development of Four Factor analyses and public participation planning. We have created documents to assist in these plans. MaineDOT has also created more detailed maps of each county and their minority populations by census tract. These easy to use maps can be accessed through our website at: [Minority Populations by County](#)

We also have information on our website that they can readily access on cultural contact information and we provide templates for Standard Assurance documents.

Attachment I – Policies and Assurances



Paul R. LePage
GOVERNOR

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

David Bernhardt
COMMISSIONER

MAINE DEPARTMENT OF TRANSPORTATION NONDISCRIMINATION POLICY STATEMENT

TITLE VI (FTA)

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

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/Environmental Justice Program in a team approach involving personnel from all program areas, with guidance from within the Civil Rights Office to serve as the Title VI/Environmental Justice Specialist, to ensure the Maine Department of Transportation's compliance with Title VI/Environmental Justice implementing regulations.

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

Amy E. Hughes, Director, Civil Rights Office
Maine Department of Transportation
16 State House Station
Augusta, ME 04333-0016
Telephone (207) 624-3056
TTY 888-516-9364
amy.hughes@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.


David Bernhardt, Commissioner

Dated: 10/2/17



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THE MAINE DEPARTMENT OF TRANSPORTATION IS AN AFFIRMATIVE ACTION - EQUAL OPPORTUNITY EMPLOYER
PHONE: (207) 624-3000 TTY USERS CALL MAINE RELAY 711 FAX: (207) 624-3001



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

Paul R. LePage
 GOVERNOR

David Bernhardt
 COMMISSIONER

FEDERAL TRANSIT ADMINISTRATION CIVIL RIGHTS ASSURANCE

The Maine Department of Transportation HEREBY CERTIFIES THAT, as a condition of receiving Federal financial assistance under the Federal Transit Act of 1964, as amended, it will ensure that:

1. No person on the basis of race, color or national origin will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
2. The Maine Department of Transportation will compile, maintain and submit in a timely manner Title VI information required by Circular 4702.1B and in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.9.
3. The Maine Department of Transportation will make it known to the public that those person or persons alleging discrimination on the basis of race, color or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.

The person or persons whose signature appears below is authorized to sign this assurance on behalf of the grant applicant or recipient.



David Bernhardt, Commissioner
 Maine Department of Transportation

Dated: 10/2/17



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 PHONE: (207) 624-3000 TTY USERS CALL MAINE RELAY 711 FAX: (207) 624-3001

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 the **Federal Transit Administration** ("FTA"), 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 **FTA**."*

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 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 **Transit 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 Transit Program activities** and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

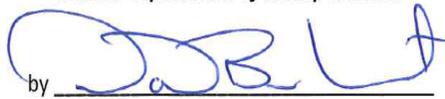
"The **Maine Department of Transportation**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, 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 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, **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 **FTA and 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 **FTA and USDOT**. You must keep records, reports, and submit the material for review upon request to **FTA and 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.

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 **Federal Aid Transit Program**. This ASSURANCE is binding on **Maine**, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the **Federal Aid Transit Program**. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Maine Department of Transportation
by 

David Bernhardt, Commissioner

DATED 10/2/17

APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, **Federal Transit 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 as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 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 **Federal Transit 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 Transit 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 Transit Administration**, may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.

Incorporation of Provisions: The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the **Federal Transit 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 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 49 **U.S. Code § 5334**), the Regulations for the Administration of the **Federal Aid Transit Program**, and the policies and procedures prescribed by the **FTA** 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 the **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:
 - 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 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 Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 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).

Attachment II - Four Factor Analysis

Maine Department of Transportation Limited English Proficiency Analysis for Transit

Introduction

On August 11, 2000, President Clinton signed **Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency**, which requires meaningful access to all federally assisted programs and activities by persons with limited English proficiency.

Executive Order 13166 states that individuals who do not speak English well and who have a limited ability to read, write, speak or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit or encounter. These individuals are referred to as being limited in their ability to speak, read, write or understand English, hence the designation “LEP,” or Limited English Proficient.

The USDOT published “Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficiency” in the Dec. 14, 2005, Federal Register. The guidance explicitly identifies state agencies such as MaineDOT as organizations that are required to follow Executive Order 13166.

The guidance applies to all USDOT funding recipients, which includes state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state and local transit operators, among others. Coverage extends to a recipient’s entire program or activity.

The Four Factor Analysis

Under guidance from the U.S. Department of Transportation, and in accordance with Circular FTA C 4702.1B, MaineDOT is obligated to determine the extent of its obligation to provide LEP services to its transit population. This determination must be based on an analysis of four factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient;
2. The frequency with which LEP persons come in contact with the program;
3. The nature and importance of the program, activity, or service provided by the program to people’s lives; and
4. The resources available to the recipient for LEP outreach, as well as the costs associated with that outreach.

Factor #1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient.

Maine has a relatively low percentage of people who don’t speak English very well. An analysis of Census data reflected in American Community Survey (ACS) data for 2011-2015, which is included in Table 1 below, shows that statewide, there are 20,966 people over the age

of 5, or 1.7% of the total population of people over the age of 5 (1,263,694 people) who speak English less than very well. There are only six languages in which the number of persons who speak English less than “very well” exceed the 1,000 person/5% threshold: Spanish or Spanish Creole, French, Chinese, Vietnamese, Arabic and African languages.

TABLE 1			
American Community Survey B16001. Languages Spoken at Home by Ability to Speak English for the Population 5 Years and Over, Maine: 2011-2015			
	Number of Speakers	Speak English Very Well	Speak English Less than Very Well
Population 5 years and over	1,263,694		
Speak only English	1,179,938		
Spanish or Spanish Creole	12,301	9,751	2,550
French (incl. Patois, Cajun)	41,664	33,508	8,156
French Creole	294	284	10
Italian	1,115	966	149
Portuguese or Portuguese Creole	814	680	134
German	3,415	3,036	379
Yiddish	40	33	7
Other West Germanic languages	662	486	176
Scandinavian languages	486	456	30
Greek	605	492	113
Russian	1,427	1,008	419
Polish	509	327	182
Serbo-Croatian	424	255	169
Other Slavic languages	443	341	102
Armenian	77	77	0
Persian	576	417	159
Gujarati	163	163	0
Hindi	459	411	48
Urdu	285	180	105
Other Indic languages	303	201	102
Other Indo-European languages	458	331	127
Chinese	2,691	1,166	1,525
Japanese	715	518	197
Korean	452	242	210
Mon-Khmer, Cambodian	1,050	519	531
Hmong	0	0	0
Thai	510	205	305
Laotian	43	36	7
Vietnamese	1,904	894	1,010
Other Asian Languages	950	444	506
Tagalog	1,643	1,073	570

TABLE 1			
American Community Survey B16001. Languages Spoken at Home by Ability to Speak English for the Population 5 Years and Over, Maine: 2011-2015			
	Number of Speakers	Speak English Very Well	Speak English Less than Very Well
Other Pacific Island Languages	222	175	47
Navajo	11	11	0
Other Native North American languages	992	902	90
Hungarian	39	34	5
Arabic	2,243	1,133	1,110
Hebrew	138	130	8
African languages	3,388	1,672	1,716
Other and unspecified languages	245	233	12
Total	83,756	62,790	20,966

Factor #1 contains four sub-factors which are discussed below:

- a) **How LEP persons interact with the recipient’s agency.** The LEP Guidance from FTA recommends that “recipients should first examine their prior experience with LEP individuals and determine the breadth and scope of language services that are needed.”

Within the realm of public transportation, MaineDOT can potentially interact with LEP persons in two primary ways. In terms of direct experience, MaineDOT may come into contact with LEP individuals at public meetings or public hearings associated with planning efforts. MaineDOT has a number of periodic planning efforts wholly within or related to public transportation that entails public review and comment:

- Transit Workshops undertaken for Locally Coordinated Transit Plans
- Studies of specific issues that may entail public outreach. One example is studies on extending passenger rail services.

At public meetings for any of these initiatives, it is incumbent on MaineDOT to provide a means for LEP individuals to participate in a meaningful way. In advertising the meetings, MaineDOT indicates that translation services are available upon request. Given the very low percentage of LEP individuals, this service has not been requested at a meeting in the past three years.

Other than public meetings, MaineDOT must ensure that those individuals or groups contacting the agency to lodge a complaint have interpretation services available to them, if necessary.

The other form of interaction of LEP individuals with MaineDOT is through sub-recipients. The public transit providers in Maine have the potential for having more contact with LEP persons than MaineDOT, although the degree of interaction varies across the state. It is the responsibility of the providers to deploy the resources necessary to ensure that LEP individuals have fair access to the available services.

However, it is MaineDOT's responsibility as the FTA grant recipient to monitor the efforts of the providers to ensure compliance with Executive Order 13166. The forms of LEP interaction experienced by the transit providers include the following:

- Providing basic information on how to use public transit services in the area
- Purchasing fares
- Making reservations on demand response services
- Handling passenger complaints
- Gathering data including on-board customer surveys

In its ongoing communications with the transit providers and in its on-site reviews, MaineDOT gauges the degree to which any of the providers have LEP interactions, and works to ensure that appropriate resources are deployed to comply with the regulations.

MaineDOT has access to a number of language translation services and is prepared to refer these services to its sub-recipients, should the need arise. That information is available from MaineDOT'S Civil Rights Office.

b) **Identification of LEP communities, and assessing the number or proportion of LEP persons from each language group to determine the appropriate language services for each language group.** Based on the information contained in Table 1, there are six populations of LEP persons that exceed the 1,000/5% threshold for LEP persons: Spanish or Spanish Creole, French (including Patois, Cajun), Chinese, Vietnamese, Arabic and African languages.

- **Spanish or Spanish Creole.** According to the data in Table 1, there are 2,550 Spanish or Spanish Creole LEP persons in Maine. However, there do not appear to be any Spanish LEP communities in Maine. The 2011-2015 ACS county data indicates that the largest concentrations of Spanish or Spanish Creole LEP persons appear to be in Androscoggin County (253 persons), Cumberland County (1,000), and York County (237). The available data would indicate that Spanish-speaking LEP persons are dispersed throughout Maine, rather than concentrated in communities, although the Cumberland County numbers would suggest that there are likely a substantial number in the City of Portland.
- **French.** According to the data in Table 1, there are 8,156 French-speaking LEP persons in Maine. The 2011-2015 ACS county data shows that the greatest concentration of French-speaking LEPs are in Androscoggin County (1,672 persons), Aroostook County (2,019), Cumberland County (1,331), and York County (1,108). Again, the available data would indicate that French-speaking LEP persons are dispersed throughout Maine, rather than concentrated in communities, although there are populations of French-speaking LEP persons in Portland, Lewiston/Auburn and in the St. John Valley of Aroostook County.
- **Chinese.** Table 1 indicates that there are 1,525 Chinese LEP persons in Maine. The ACS county data shows that the greatest concentrations of Chinese LEP are in Cumberland County (291 persons), Penobscot County (284) and Kennebec

County (245). Again, the available data would indicate that Chinese-speaking LEP persons are dispersed throughout Maine, rather than concentrated in communities.

- **Vietnamese.** Table 1 indicates that there are 1,010 Vietnamese LEP persons in Maine. The ACS county data shows that the greatest concentrations of Vietnamese LEP are in Cumberland County (537 persons), York County (135) and Androscoggin County (113). The available data would indicate that Vietnamese LEP persons are dispersed throughout Maine, rather than concentrated in communities, although the Cumberland County numbers would suggest that there are likely a substantial number in the City of Portland.
 - **Arabic.** Table 1 indicates that there are 1,110 Arabic LEP persons in Maine. The ACS county data shows that the greatest concentrations of Arabic LEP are in Cumberland County (715 persons), and York County (226). The available data would indicate that Arabic LEP persons are dispersed throughout Maine, rather than concentrated in communities, although the Cumberland County numbers would suggest that there are likely a substantial number in the City of Portland.
 - **African Languages.** According to the data in Table 1, there are 1,716 African Languages LEP persons in Maine. The ACS county data indicates that the greatest concentrations of African languages LEP are in Androscoggin County (256 persons), and Cumberland County (1,404). The re-settlement communities of Lewiston/Auburn and Portland contain substantial numbers of Somali people who speak African languages. The Somali communities in Lewiston/Auburn and Portland are served by fixed route bus systems. In both locations, the communities are direct recipients of FTA funds and have their own Title VI plans.
- c) **The literacy skills of LEP populations in their native languages, in order to determine whether translation or documents will be an effective practice.** MaineDOT has had virtually no contact with LEP populations at its public meetings. More direct contact with LEP populations would potentially occur through sub-recipient operation of transit services (see discussion under Factors 2 and 4).
- d) **Whether LEP persons are underserved by the recipient due to language barriers.** MaineDOT has no data that suggests that LEP populations are underserved in our programs and services. MaineDOT makes every attempt to provide language services (see discussion under Factors 2 and 4).

Factor #2: The frequency with which LEP persons come in contact with programs, activities or services. As indicated in discussion Factor 1, MaineDOT is most likely to have contact with LEP individuals at public meetings associated with public transportation planning efforts. MaineDOT does not operate a transit service. MaineDOT has on-call translation via telephone available, if requested. However, during the past three years, there have been no LEP persons calling MaineDOT to use the service.

In general transit providers throughout Maine do not come into frequent contact with LEP persons, but there are some exceptions:

- **Region 1: Aroostook Regional Transportation Program (ARTS).** A significant portion of the population speaks English and French, and in the St. John Valley, French is the primary language of some of the region's elderly population. Most French-speaking people also speak English. Language has not been a barrier. There is daily contact with French/English speaking persons.
- **Region 2: West's Bus Service.** Approximately 20% of the riders on West's Bus Service speak Spanish. Many of these riders are migrant workers who have been recruited for work in blueberry fields, pickle-canning and sea urchin operations. There is daily contact with Spanish-speaking persons. The migrant population increases during the summer months and falls off after the Holiday season as the migrants work in the wreath industry and move on after the first of the year.
- **Region 6: Regional Transportation Program (RTP).** There is a diversity of languages that are spoken in Cumberland County. Contact frequency with an LEP person is one to three times per month.
- **Region 7: Western Maine Transportation Services (WMTS).** There is a French-speaking population in Lewiston/Auburn, but most of the population speaks English as well. There is also a Somali population, many of whom speak a language that is based on French. There is periodic contact with LEP persons.

Factor #3: The nature and importance of programs, activities or services to the LEP population. Many LEP persons rely on public transportation for their mobility needs. The state's public transit providers are responsible for ensuring that LEP individuals are not hindered from using local transit systems because of their ability to speak English well. MaineDOT must ensure through its oversight activities that the providers are upholding this responsibility.

In addition, as the state transportation agency responsible for coordinating the statewide transportation planning process, MaineDOT must ensure that all segments of the population, including LEP persons, have been involved or have had the opportunity to be involved with the planning process. The impact of proposed transportation investments on underserved and under-represented population groups are part of the evaluation process. MaineDOT provides oversight and ensures in its own planning projects that LEP and other protected classes of persons are considered in the transportation planning process.

Except in Region 2, the importance of providing transportation services to the LEP population may not be as great as other services such as housing, medical services or legal services to a person who has been arrested. However, the availability of transportation services to the LEP population is important. An LEP person's inability to effectively utilize public transportation may adversely affect his or her ability to obtain health care, education, or employment.

In particular, in Region 2, West's transportation service is very important for migrant workers needing to get to their places of important. Most of the migrants do not have their own vehicles, and there are no other transportation options.

Factor #4: Resources available to the recipient and overall costs to provide LEP assistance. Because of the very low incidence of LEP persons in Maine overall, the cost to accommodate them has not been burdensome. MaineDOT uses translation services available under State contract. Cost for these services range in the \$50.00 – \$65.00/hour range. Cost at this time is minimal given the limited need and requests. There are a number of resources that are being provided. MaineDOT has distributed to all transit providers “I Speak” language Identification cards. Highlights of other resources are described below. In all cases except West’s, the costs of these services are minimal.

- **Region 1: Aroostook Regional Transportation Program (ARTS).** A number of ARTS’ bus drivers speak French, as do some members of the central office staff.
- **Region 2: West’s Bus Service.** A company, Escort Inc. contracts with West’s to provide migrant worker transportation. Escort provides translators and has helped West’s publish its timetable in Spanish. Several of West’s bus drivers speak Spanish. The costs of translator services are not known because there is no charge to West’s for this service.
- **Region 6: Regional Transportation Program (RTP).** RTP has a contract with Language Line Services. Translator services are utilized on average about one to three times per month.
- **Region 7: Western Maine Transportation Services (WMTS).** About 2.4% of WMTS’ ridership consists of Somalis, including Somali children who are fluent in English and often act as interpreters for their parents. Many of the rides for Somalis are arranged through Child Development Services, Catholic Charities or Lutheran Services, whose staff serve as translators. WMTS also has a contract for translator services, but has not used it.

LEP Analysis of Factors 2, 3 and 4 by Provider

The following overview has been compiled based on information provided by MaineDOT’s sub-recipients. The Title VI plans of sub-recipients may contain additional information.

Region 1

Aroostook Regional Transportation Program (ARTS)

- Factor 2 – Frequency of Contact: There is daily contact with French/English speaking persons.
- Factor 3 – Importance of Program: The service is presumed to be very important to LEP persons who use it.
- Factor 4 – Resources: ARTS has “I Speak” language Identification cards. A number of ARTS’ bus drivers speak French, as do some members of the central office staff.

Region 2

Washington-Hancock Community Agency

- Factor 2 – Frequency of Contact: Language barriers have not been an issue.
- Factor 3 – Importance of Program: Not an issue.

- Factor 4 – Resources: WHCA has “I Speak” language Identification cards as well as a poster displayed in the office. WHCA also has the number of Language Line Services if the need arises. Drivers have also downloaded Apps to communicate with riders.

Downeast Transportation, Inc. (DTI)

- Factor 2 – Frequency of Contact: Language barriers have not been an issue, in spite of the fact that many summer visitors come to Mount Desert Island from foreign countries.
- Factor 3 – Importance of Program: Not applicable.
- Factor 4 – Resources: DTI has “I Speak” language Identification cards.

West’s Transportation

- Factor 2 – Frequency of Contact: There is daily contact with Spanish speaking persons, including many LEP persons.
- Factor 3 – Importance of Program: West’s transportation service is presumed to be very important for migrant workers needing to get to their places of important. Most of the migrants do not have their own vehicles, and there are no other transportation options.
- Factor 4 – Resources: A company, Escort Inc, contracts with West’s to provide migrant worker transportation. Escort provides translators and has helped West’s publish its timetable in Spanish. Several of West’s bus drivers speak Spanish.

Region 3

Penquis Transportation Program

- Factor 2 – Frequency of Contact: Language barriers have not been an issue.
- Factor 3 – Importance of Program: Not applicable.
- Factor 4 – Resources: Penquis has “I Speak” language Identification cards on its buses.

Cyr Bus Line

- Factor 2 – Frequency of Contact: Language barriers have not been an issue.
- Factor 3 – Importance of Program: Not applicable.
- Factor 4 – Resources: Cyr has “I Speak” language Identification cards on its buses.

Region 4

KVCAP

- Factor 2 – Frequency of Contact: Several times a year, there are one or more riders who do not speak English well.
- Factor 3 – Importance of Program: The service is presumed to be very important to LEP persons who use it.
- Factor 4 – Resources: KVCAP has “I Speak” language Identification cards on its buses. Several people on KVCAP’s staff speak French, and one is fluent in Spanish. KVCAP would use the service of Language Line on a fee basis if the need arises.

Region 5

Mid-Coast Public Transportation (MCPT)

- Factor 2 – Frequency of Contact: Language barriers have not been an issue.

- Factor 3 – Importance of Program: The service is presumed to be very important to LEP persons who use it.
- Factor 4 – Resources: MCPT has “I Speak” language Identification cards on its buses. MCPT also has the use of translator services if the need arises.

Bath City Bus

- Factor 2 – Frequency of Contact: Language barriers have not been an issue.
- Factor 3 – Importance of Program: Not applicable.
- Factor 4 – Resources: None.

Region 6

Regional Transportation Program (RTP)

- Factor 2 – Frequency of Contact: Contact frequency with an LEP person is one to three times per month.
- Factor 3 – Importance of Program: The service is presumed to be very important to LEP persons who use it.
- Factor 4 – Resources: RTP has “I Speak” language Identification cards on its buses. RTP also has a contract with Language Line Services which RTP uses on average about one to three times per month.

Region 7

Western Maine Transportation Services

- Factor 2 – There is periodic contact with LEP persons – mostly the French-speaking population in Lewiston/Auburn, and the Somali population, many of whom speak a language that is based on French.
- Factor 3 – Importance of Program: The service is presumed to be very important to LEP persons who use it.
- Factor 4 – Resources: WMTS has “I Speak” language Identification cards on its buses. About 2.4% of WMTS’ ridership consists of Somalis. Many of the rides for Somalis are arranged through Child Development Services, Catholic Charities or Lutheran Services, whose staff serve as translators.

Region 8

York County Community Action Corporation (YCCAC)

- Factor 2 – Frequency of Contact: Once every two months or so, there are one or more riders who do not speak English well.
- Factor 3 – Importance of Program: The service is presumed to be very important to LEP persons who use it.
- Factor 4 – Resources: YCCAC has “I Speak” language Identification cards on its buses. YCCAC has a contract with Pacific Interpreters / Language Line Solutions, for 3-way telephone interpreter services. YCCAC also utilizes family members, social service groups, family-based organizations and medical providers to provide translator services when appropriate.