

***MaineDOT***

*Integrity • Competence • Service*

# **Maine Department of Transportation**

## **FTA TITLE VI**

### **NONDISCRIMINATION PLAN**

**Submitted by Amy E. Hughes, Director, Civil Rights Office  
November 30, 2020**

## CONTENTS

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INTRODUCTION .....	1
Title VI Plan Overview .....	2
Title VI/EJ Authorities.....	3
Organization and Staffing of Civil Rights Office (CRO) .....	4
TITLE VI MONITORING AND REVIEW PROCESS.....	7
CHAPTER III REQUIREMENTS.....	8
1. Title VI Public Notice .....	8
2. List of Title VI Investigations, Complaints or Lawsuits.....	13
3. Public Participation Plan .....	13
4. Language Assistance Plan.....	17
5. Advisory Committees.....	25
6. Ensuring Subrecipient Assistance and Compliance with Title VI.....	26
7. Title VI Equity Analysis for Construction Projects .....	27
CHAPTER V REQUIREMENTS.....	28
A. General Requirements, Section 4 of Chapter III. ....	28
B. Requirements for Transit Providers, Chapter IV. ....	28
C. Demographic Profile of Minority Populations.....	28
D. Demographic Impacts of FTA/MaineDOT Funding.....	35
E. Disparate Impacts Analysis.....	38
F. Description of Statewide Transportation Planning Process that Identifies Transportation Needs of Minority Populations. ....	39
G. Procedures MaineDOT uses to Pass-through FTA Financial Assistance in Non- discriminatory Manner.....	40
H. Description of Procedures MaineDOT uses to Assist Potential Subrecipients .....	43
Appendix I – Title VI Nondiscrimination Assurances .....	49
Appendix II – 2020 Four Factor Analysis .....	60

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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.

## **NOTICE**

**If the information contained in this Title VI Nondiscrimination Plan is needed in another language, please contact the Maine Department of Transportation Title VI Specialist at 207-524-3056 or 207-624-3030.**

Si la información contenida en este Plan de no discriminación del Título VI se necesita en otro idioma, comuníquese con el especialista del Título VI del Departamento de Transporte de Maine al 207-624-3056 o 207-624-3020.

Si vous avez besoin des informations contenues dans ce Plan de non-discrimination en conformité aux dispositions de la réglementation « Titre VI » dans une langue différente, veuillez contacter le spécialiste du Titre VI du département des transports du Maine au numéro 207-624-3056 ou 207-624-3020.

如果有人需要此“第六章不歧视计划”(Title VI Nondiscrimination Plan) 的另一种语言的版本，请拨打 207-624-3056 或 207-624-3020 联系缅因州交通部的第六章专员。

Haddii macluumaadka ku jira Qodobkan VI ee Qorshaha Kala-takoor La'aanta loogu baahan yahay luqad kale, fadlan kala xidhiidh Khabiirka Qodobka VI ee Waaxda Gaadiidka Maine telefoonka 207-624-3056 ama 207-624-3020.

لعدم التمييز مطلوبة بلغة أخرى، فيرجى الاتصال بأخصائي Title VI إذا كانت المعلومات الواردة في خطة الباب السادس الباب

بوزارة النقل بولاية ماين على الهاتف رقم 207-624-3056 أو 207-624-3020 Title VI السادس

## **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: <https://www.maine.gov/mdot/civilrights/title-vi/>, or by writing to:

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

Or calling (207)624-3056

### **Executive Approval of Title VI Plan**

This FTA Title VI plan has been reviewed and approved by the MaineDOT Commissioner. The Civil Rights Office provided the Commissioner with a draft plan and consults with the Commissioner on aspects and requirements of the Title VI Plan. Once the Plan is approved by the Commissioner it is posted to FTA Trams site for review and 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.

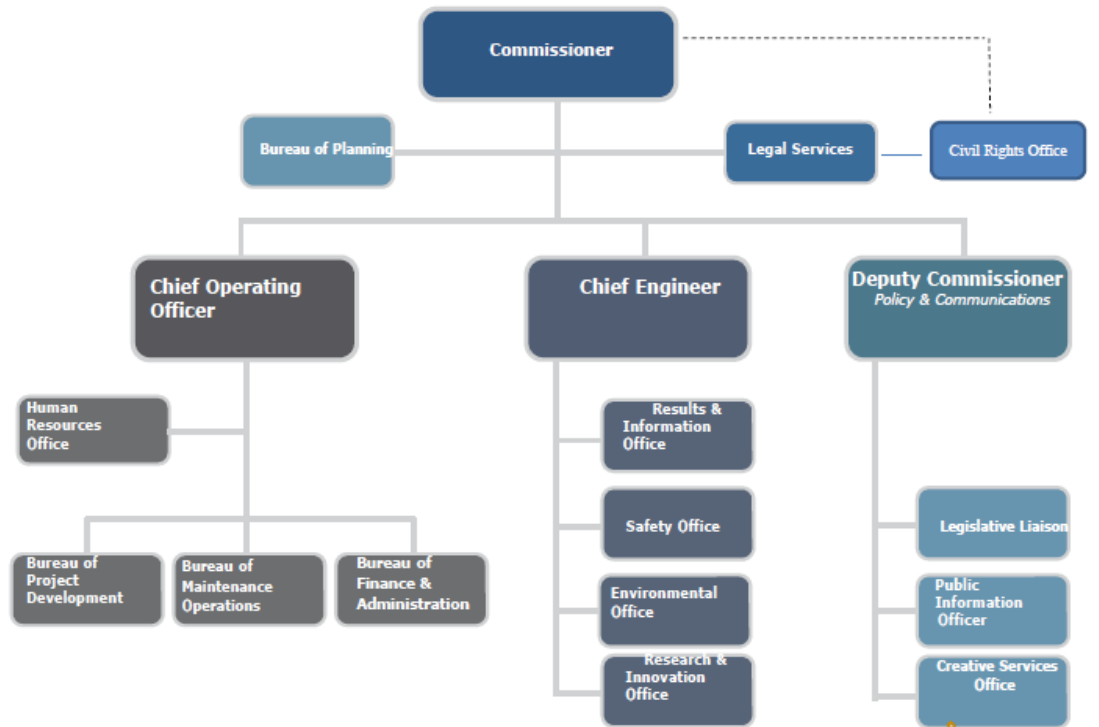
The CRO will work directly with the Bureau of Planning. The Transit Program Coordinator within the Bureau of Planning will serve as the Title VI Liaison to the CRO.

NAMES AND TITLES OF STAFF

Commissioner	Bruce A. Van Note, Esq.	(207) 624- 3003	<a href="mailto:Bruce.DOT@maine.gov">Bruce.DOT@maine.gov</a>
Chief Legal Counsel	Jim Billings, Esq.	(207) 624- 3020	<a href="mailto:James.Billings@maine.gov">James.Billings@maine.gov</a>
Director, Civil Rights Office	Amy E. Hughes Title VI Coordinator	(207) 624- 3056	<a href="mailto:amy.hughes@maine.gov">amy.hughes@maine.gov</a>
EEO Officer Davis Bacon Labor Compliance	Sherry Tompkins	(207) 624- 3066	<a href="mailto:Sherry.tompkins@maine.gov">Sherry.tompkins@maine.gov</a>
EEO Officer Davis Bacon Labor Compliance	Gigi Ottmann- Deeves	(207) 624- 3036	<a href="mailto:Gigi.ottmann-deeves@maine.gov">Gigi.ottmann-deeves@maine.gov</a>
Transit Program Coordinator	Lori Brann	(207) 624- 3299	<a href="mailto:Lori.brann@maine.gov">Lori.brann@maine.gov</a>



# MaineDOT Organizational Structure



October, 2020



## **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.

### **Business and Freight Division (Transit Program)**

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*

*Integrity • Competence • Service*

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](mailto: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

## MaineDOT Brochure:

The above information is posted on the MaineDOT website and on our Title VI Brochure Complaint Procedure, and at each FTA subrecipient's public notice areas, including transit vehicles.



## Call Us with Questions

If you believe that you have been discriminated against because of your race, color, national origin, sex, age, disability or income level, or because you have difficulty with the English language, call us at 207-624-3056.

MaineDOT's Civil Rights Office will explain the process for filing a complaint. Complaint forms are on our website.

[mainedot.gov/civilrights/title-vi](http://mainedot.gov/civilrights/title-vi)

### Language translation services available upon request.

Services de traduction de 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.

بیلطلا دن عحاتم ةغللا تمجرتلا تامدخ

Có các dịch vụ phiên dịch khi quý vị yêu cầu.



**MaineDOT**

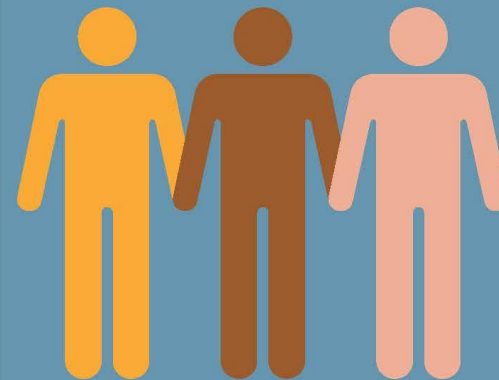
### Maine Department of Transportation Civil Rights Office

16 State House Station  
Augusta, Maine 04333-0016

Phone: 207-624-3056  
TTY Users Dial Maine Relay 711



## Know YOUR Rights



**MaineDOT**  
Civil Rights Office

# TITLE VI PROGRAM of the Civil Rights Act

MaineDOT's mission is to provide the people of Maine with a safe, efficient and effective transportation system. Our work is intended to serve the transportation needs of all people in Maine, regardless of race, color, national origin, sex, age, disability, income level or limited English proficiency.

MaineDOT is committed to assuring that none of its activities or programs encourage discrimination. We manage our programs without regard to race, color, national origin, sex, age, disability, income level, or the ability to speak or understand English.



MaineDOT will not allow discrimination by a MaineDOT employee or by recipients of federal-aid funds such as cities, counties, contractors, or planning agencies.

MaineDOT prohibits all discriminatory practices which may result in:

- Unfair denial of any service, financial aid or benefit provided by the federally funded program;
- Different standards or requirements for participation in programs;
- Segregation or separate treatment within our programs;
- Differences in the quality, quantity or way in which a benefit is provided;
- Discrimination in any activities in a facility built with federal funds.

To ensure compliance with Title VI, and other related laws, MaineDOT:

- Avoids or reduces harmful health and environmental impacts which programs or activities might have on minority and low-income populations;
- Ensures the full and fair participation by all communities in its decision-making process;
- Prevents the denial, reduction or delay of benefits for minority and low-income populations;
- Provides language interpreters to people who have difficulty understanding English.

## How to File a Complaint

If you believe you have been discriminated against, you will need to file a written complaint. The complaint must be submitted within 180 days of the alleged discrimination. The complaint form is on our website for you to download.

**Be prepared to fill in:**

- Your name, address and phone number;
- The name and address of the organization you believe discriminated against you;
- Details of the alleged discrimination and any other relevant information; and
- The names of anyone we could contact regarding the alleged discrimination.

**Once you have filled in the form, mail it to us:**

**MaineDOT Civil Rights Office**

16 State House Station  
Augusta, Maine 04333-0016

207-624-3056



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 اللغة 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)**

<b>Name</b>		<b>Phone</b>	<b>Name of Person(s) That Discriminated Against You</b>
<b>Address</b>		<b>Location and Position of Person (If Known)</b>	
<b>City, State, Zip</b>		<b>City, State, Zip</b>	
<b>Agency involved</b>			<b>Date of Alleged Incident</b>
<b>Discrimination Because of:</b> <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			<b>What Remedy are you requesting?</b>
<b>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.</b>			
<b>Signature</b>		<b>Date</b>	

**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. MaineDOT's Public Involvement Plan may be found at:

<https://www.maine.gov/mdot/planning/docs/MaineDOTPublicInvolvement1015.pdf>

The limitations brought about by the COVID-19 pandemic of 2020 present unique challenges to traditional public participation in MaineDOT's planning processes. Accordingly, MaineDOT recently adopted a virtual format to deliver transportation information to the public. This new program, called the Public Involvement Management Application (PIMA). The Civil Rights Office will work with the Planning Office and the Bureau of Project Development to ensure that stakeholders are identified, and notices of the virtual meetings are published in accessible places. All who attend the virtual meetings are able to provide input into the process.

Public involvement processes 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.

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
- Underserved populations
- New Americans
- Newly arrived immigrants
- Businesses
- Freight Shippers
- Tourists
- Providers of Transportation Services
- Users of Bicycle and Pedestrian Facilities
- Users with mobility challenges and disabilities

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, and/or 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 Bureau of Planning, Freight and Passenger Services Office 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**

The Freight and Passenger Services Office 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:

<b>Region</b>	<b>Provider</b>	<b>Site Visit</b>
1	Aroostook County Regional Transportation System (ARTS)	11/27/2017
5	City of Bath (Bath City Bus)	5/17/2019
7	Western Maine Transportation Services (WMTS)	8/6/2019
6	Regional Transportation Program (RTP)	1/14/2020
8	York County Community Action Corporation	9/10/2020

MaineDOT performed a desk review of the Portland Area Transportation System’s Title VI implementation plan in 2020.

**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 MaineDOT's 2020 Four Factor Analysis).**

The LEP Safe Harbor Threshold provision of Title VI stipulates that written translation of vital documents must be provided for each LEP group that speaks English "less than very well" that constitutes either 5% of the total population to be served or 1,000 individuals (whichever is less).

**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 2014 – 2018 shows that statewide, there are 20, people over the age of 5, or about 1.6% of the total population of people over the age of 5 (1,268,376 people) who speak English less than very well. There are five languages in which the number of persons who speak English less than "very well" exceed the 1,000 person/5% threshold: French (including Creole), Spanish, Chinese (including Mandarin and Cantonese), Arabic and Amharic, Somali or other Afro-Asiatic 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, or when an LEP individual 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 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, Spanish, Chinese (including Mandarin and Cantonese), , 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. 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](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 <https://www.maine.gov/mdot/civilrights/title-vi/> or by contacting the Title VI/EJ Specialist or through the State of Maine Bureau of Procurement Services under “Interpreting Services” at their website:

<https://www.maine.gov/dafs/bbm/procurementservices/reports/statewide-contracts>

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 will provide training sessions as needed to MaineDOT Bureau of Planning and Project Development staff including how to provide timely and reasonable assistance to LEP populations.

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:

[https://www.maine.gov/mdot/civilrights/docs/title6/Language\\_ID\\_Card.pdf](https://www.maine.gov/mdot/civilrights/docs/title6/Language_ID_Card.pdf)



## 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.



# Language Identification Card

As a Language Line Services customer you have access to over-the-phone interpretation 24 hours a day, 7 days a week. Use this Language Identification Card in a face-to-face situation, to determine which language a person speaks. The Language ID Card lists the languages most frequently encountered in North America, grouped by the geographical region where they are commonly spoken.

- To use the Language ID Card efficiently, locate the geographical region where you believe the limited English speaker may be from. (Pacific Islands, Europe, etc.)
- Show the person the languages listed for that region. The message underneath each language says: "Point to your language. An Interpreter will be called. The interpreter is provided at no cost to you."

Example:

English English  
Point to your language. An interpreter will be called. The interpreter is provided at no cost to you.

- Refer to your Quick Reference Guide (QRG) to access an interpreter through Language Line Services. In most cases, an interpreter is available within seconds.

- If you are unable to identify the language, our representative will help you.

*Please note: Language Line Services interprets from English into more than 150 languages. Only the most requested languages are listed here. This list is subject to change based upon customer demand.*

From North America call **1 800 752-6096**, option 1 for more information about our service.

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## Pacific Islands

<b>Fijian</b>	Vosa Vakaviti
Desia na nomu vosa. Ni na vakarautaki mai e dina na dau vakadewa vosa. Ni dau vakadewa vosa e sega ni sumu.	
<b>Ilocano</b>	Ilokano
Itulo yo ti tao ya. Mawagan ti maysa nga mangipapangan. Ili mangipapangan ket tumaling kadakyo nga sum yo a bayalan.	
<b>Indonesian</b>	Bahasa Indonesia
Tunjukkan bahasa Anda. Jurbahasa akan diucapkan. Jurbahasa akan disediakan tanpa anda dikenakan bayaran.	
<b>Malay</b>	Bahasa Melayu
Tunjukkan bahasa anda. Jurbahasa akan diucapkan. Jurbahasa akan disediakan tanpa anda dikenakan bayaran.	
<b>Marshallese</b>	Kajim Mäjöl
Kwalok Kajöl Eo Am. Im Renaj Kir R-wakokok Eo. R-wokok Eo Enaj Ejekok Wönen Ilo An Ibaöl Eok.	
<b>Samoan</b>	Fa'asamoa
Fa'asino lau gaga. O le a va'asua se fa'amatala'upu. Ua saunia se fa'amatala'upu e aunoa ma se tau e te tologaina.	
<b>Tagalog</b>	Tagalog
Itung po ang inyong wika.	
Isang tagasalin ang pagkakaibang nang libre sa inyo.	
<b>Tongan</b>	Lea Fakaa-Tonga
Tuhu'i mai ho' o lea fakafonua. 'E u ha fakatomulea.	
'Ok! ta' e tolongi kin koe 'a e fakatomulea.	

## North America, South America, and Caribbean

<b>French</b>	Français
Pointez vers votre langue et on appellera un interprète qui vous sera fourni gratuitement.	
<b>Haitian Creole</b>	Kreyòl
Lonje dwèt ou sou lang ou pale a epi n ap rele yon entèprèt pou ou. Nou ba ou sèvis entèprèt la gratis.	
<b>Portuguese</b>	Português
Indique o seu idioma. Um intérprete será chamado. A interpretação é fornecida sem qualquer custo para você.	
<b>Spanish</b>	Español
Señale su idioma y llamaremos a un intérprete. El servicio es gratuito.	

## Europe

<b>Icelandic</b>	Íslenska
Beintu á þitt tungumál. Það verður hringt í tölk.	
Tölkunin er þjá af kostnaðarlausu.	
<b>Italian</b>	Italiano
Puntare sulla propria lingua.	
Un interprete sarà chiamato. Il servizio è gratuito.	
<b>Lithuanian</b>	Lietuvių
Nurodykite savo kalbą. Bus pakviestas vertėjas.	
Vertėjas jums bus suteiktas nemokamai.	
<b>Macedonian</b>	Македонски
Покажете на јазикот на кој зборувате, ќе повикаме преводувач. Услугите на преводувачот се бесплатни.	
<b>Norwegian</b>	Norsk
Peik på ditt språk. Vi tilkaller en tolk.	
Tolken arbeider uten at det koster deg noe.	
<b>Polish</b>	Polski
Proszę wskazać swój język i wezwemy tłumacza.	
Tłumacza zapewnimy bezpłatnie.	
<b>Portuguese</b>	Português
Indique o seu idioma. Um intérprete será chamado. A interpretação é fornecida sem qualquer custo para você.	
<b>Romanian</b>	Română
Indicați limba pe care o vorbiți. Vi se va face legătura cu un interpret care vă este asigurat gratuit.	
<b>Russian</b>	Русский
Укажите язык, на котором вы говорите. Вам вызовут переводчика. Услуги переводчика предоставляются бесплатно.	
<b>Serbian</b>	Српски
Позажите свој језик. Проводилац ће бити позван. Проводилац је обезбеђен без трошкова за вас.	
<b>Slovak</b>	Slovenčina
Ukážte na vašu reč. Zavoláme tlmočníka.	
Tlmočenie je pre vás bezplatné.	
<b>Spanish</b>	Español
Señale su idioma y llamaremos a un intérprete. El servicio es gratuito.	
<b>Swedish</b>	Svenska
Peka på ditt språk. En tolk kommer att tillkallas. Tolken erbjuds utan kostnad för dig.	
<b>Ukrainian</b>	Українська
Вкажіть мову, якою Ви виконуєте переклад. Переклад буде безкоштовним.	
<b>Yiddish</b>	ייִדיש
צויען און פארעלען די שפראך וואס די שפראך ווערט געברענגט. די שפראך ווערט געברענגט פאר די שפראך וואס די שפראך ווערט געברענגט.	

<b>Albanian</b>	Shqip
Tregoni me gëshi gjuhën tuaj. Do të thërrasim një përkthyes. Përkthyesi do të merret falas për ju.	
<b>Armenian</b>	Հայերեն
Ցույն ցույց դր՝ ձեր լեզուն և կոչվի թարգմանի անհատը.	
<b>Basque</b>	Euskara
Euskara ezin alatu. Jarraitu itzulizailer bati dekutako diogu itzulizailerak deuko zerbitzua eskemiriko diru.	
<b>Bosnian</b>	Bosanski
Pokažite svoj jezik. Prevodilac će biti pozvan.	
Prevodilac je obezbjeđen bez troškova za vas.	
<b>Bulgarian</b>	Български
Позочете напикат език.Ще бъде извикан преводач	
Преводачът е осигурен безплатно за вас.	
<b>Croatian</b>	Hrvatski
Pokažite svoj jezik. Prevoditelj će biti pozvan.	
Prevoditelj je obezbjeđen bez troškova po vas.	
<b>Czech</b>	Čeština
Ukážte na váš jazyk. Bude zavolán tlumočnick.	
Tlumočení je pro vás bezplatné.	
<b>Danish</b>	Dansk
Peğ på dit sprog. En tolk vil blive tilkaldt.	
Tolken tilbydes uden omkostninger for dig.	
<b>Dutch</b>	Nederlands
Wijz uw taal aan. Wij zullen u een tolk geven.	
De service van de tolk is geheel gratis.	
<b>Estonian</b>	Eesti keel
Osutage oma keelel. Vastava tõlgiga võetakse ühendust. Tõlgi teenusced on teie jaoks tasuta.	
<b>Finnish</b>	Suomi
Osoita maasi kieltä. Kutsomme tulkin paikalle.	
Tulkin käyttö on sinulle ilmaista.	
<b>French</b>	Français
Pointez vers votre langue et on appellera un interprète qui vous sera fourni gratuitement.	
<b>German</b>	Deutsch
Zeigen Sie auf Ihre Sprache. Ein Dolmetscher wird gerufen. Der Dolmetscher ist für Sie kostenlos.	
<b>Greek</b>	Ελληνικά
Αδείξε τη γλώσσα σου, και θα καλέσουμε ένα διαγμνητά. Ο διαγμνητάς σου παροχεται δωρεάν.	
<b>Hungarian</b>	Magyar
Mutasson rá erre a nyelvre. Tölmácsot fogunk hívni.	
A tölmács az Ön számára díjlan.	



## 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.

<b>Minority Representation on MaineDOT Committees</b>					
	<b>Caucasian</b>	<b>Latino</b>	<b>African American</b>	<b>Asian American</b>	<b>Native American</b>
Maine Population	94.4%	1.8%	1.7%	1.3%	0.8%
Public Transit Advisory Council	26 (2 vacancies) 100%				

## **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 requires a 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. 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:

<https://www.maine.gov/mdot/civilrights/title-vi/>

Subrecipients of FTA dollars through MaineDOT were originally required to provide a Title VI Plan to MaineDOT by October 1, 2018; however, we missed that date and revised the submission date to April 1, 2020. Due to the restrictions brought about by the COVID-19 pandemic we extended the deadline further to July 1, 2020. 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:

<b>Transit Provider</b>	<b>5310</b>	<b>5311</b>	<b>5311 Intercity</b>
ARTS	X	X	
Bath		X	
BSOOB Transit			x
Concord Coach Lines			x
Cranberry Isles		X	
Cyr Bus			X
Downeast Community Partners	x	X	
Greyhound			x
Isle Au Haut		X	
KVCAP	X	X	
Penquis	X	X	
RTP	X	X	
WaldoCAP d/b/a Midcoast Public Transportation	X	X	
West's Trans	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 2018 American Community Survey 5 Year Estimates data (most recent data available), Maine has a small but growing minority population that is geographically spread across the state with concentrations in the urbanized areas served by direct recipient transit systems. In fact half of Maine's 16 counties have minority populations of greater than 5%, and remaining counties have seen increases in their minority populations, according to the most recent available data. The summary table below shows white and minority populations for each of the counties. Minority populations include Black or African American, American Indian and Alaska Native, Latino, Asian, Native Hawaiian and Other Pacific Islander, and Some Other Race. Maine as a whole has a minority population of 5.67%.

Approximately 66% of Maine's minority population lives in four counties:

- Androscoggin County: 9,893 people, of whom approximately 62%, live in urban Auburn and Lewiston, both of which are served by CityLink bus service.
- Cumberland County: 27,632 people, of whom approximately 66%, live in the Portland metropolitan area (Portland, Westbrook, South Portland and Scarborough), all of which are served by direct-recipient transit systems (Metro and South Portland Bus Service).
- Penobscot County: 9,255, of whom approximately 78%, live in the Bangor metropolitan area (Bangor, Brewer, Old Town, Orono, Veazie and Hampden), all of which are served by a direct-recipient transit system, Community Connector.
- York County: 11,488 people, of whom approximately 36%, live in Biddeford, Saco and Old Orchard Beach, all of which are served by a direct-recipient transit system, BSOOB transit.

Androscoggin and Washington Counties have the greatest percentages of minority populations with 10.31% and 10.09% respectively, while Cumberland and Penobscot Counties follow with 9.88% and 7.01% respectively. The Washington County minority population is comprised of the Native American Passamaquoddy Tribe, with some Penobscot and Maliseet presence. There is a Latin community in southern Washington County (and northern Hancock County) as well. The Androscoggin County minority population is comprised primarily of African immigrants. Census tract data show that there are also concentrations of the Houlton Band of Maliseet

Indians in Aroostook County. The people of the Penobscot Nation are concentrated in Penobscot County. Otherwise, the metropolitan areas of Androscoggin, Cumberland and Penobscot Counties account for minority population concentrations.

The following identifies minority populations by county:

<b>State of Maine</b>				
<b>Race Demographics by State/County</b>				
<b>County</b>	<b>Total Population</b>	<b>White #</b>	<b>Minority #</b>	<b>Minority %</b>
<b>Maine</b>	<b>1,333,173</b>	<b>1,244,525</b>	<b>88,252</b>	<b>5.67</b>
Androscoggin	107,444	97,551	9893	10.31
Aroostook	68,629	64,368	3,901	5.76
Cumberland	290,944	263,312	27,632	9.88
Franklin	30,019	28,747	1272	3.52
Hancock	54,541	51,768	2,773	4.43
Kennebec	121,545	115,152	6393	5.04
Knox	39,823	37,942	1881	3.88
Lincoln	34,067	32,711	1356	3.61
Oxford	57,325	54,714	2611	4.48
Penobscot	151,748	144,493	9255	7.01
Piscataquis	16,887	16,082	805	4.21
Sagadahoc	35,277	33,389	1888	4.90
Somerset	50,710	48,602	2108	3.69
Waldo	39,418	37,670	1748	4.40
Washington	31,694	28,410	3248	10.09
York	203,102	191,614	11,488	5.45

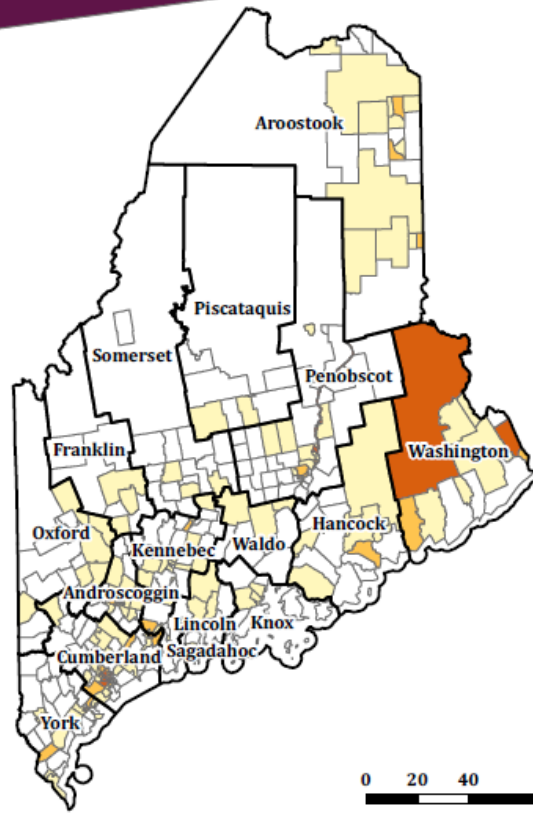
Source: American Community Survey 5 Year Estimates 2018

The map on the following page identifies Maine census tracts with minority populations of 5% or more.



# Census Tracts with a Minority Population of 5% or Greater

## Title VI Demographic Analysis



- County Boundaries
- Percent Minority
  - Under 5% Minority
  - 5% - 10% Minority
  - 10% - 20% Minority
  - Over 20% Minority

Source  
U.S. Census Bureau 2018  
American Community Survey  
(ACS) 5-Year Estimates



## 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 percentage of non-American-born persons. The Saint John River Valley of Aroostook County with large numbers of non-native born residents. 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.

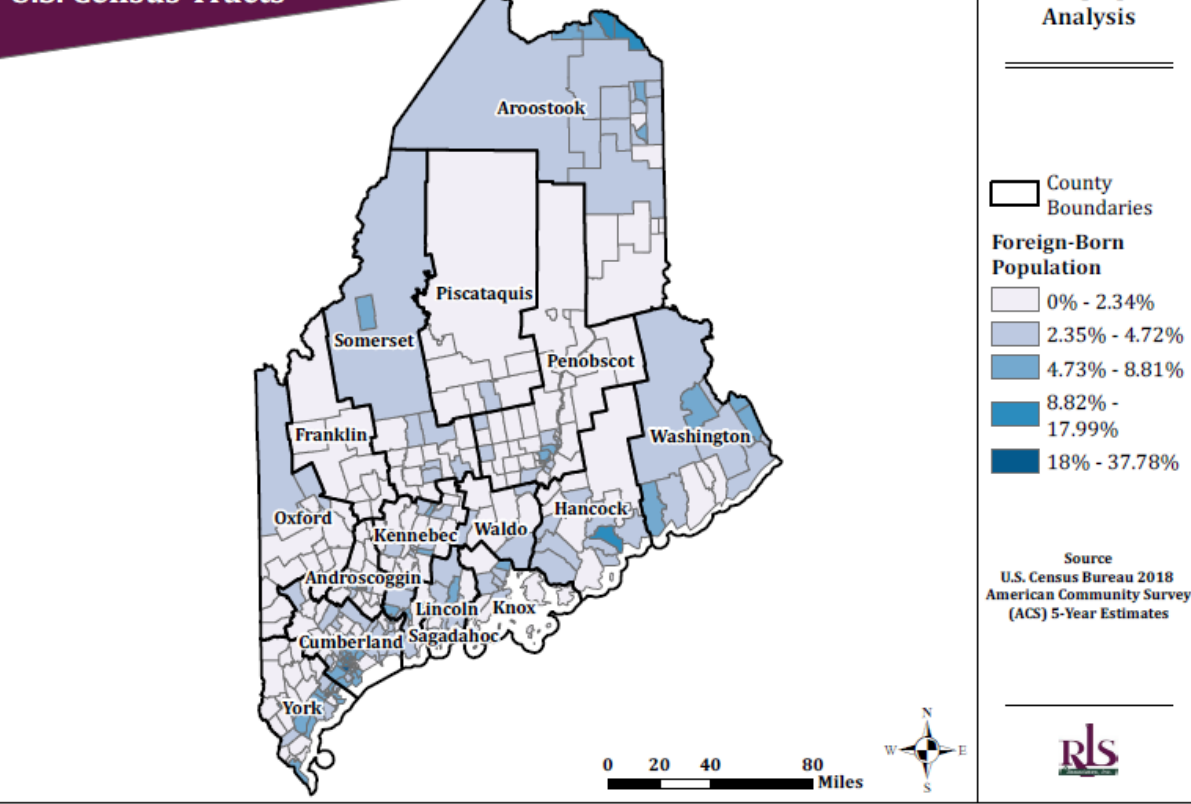
The following identifies non-native populations by county:

County	Total Population	Native Born #	Native Born %	Foreign Born %
<b>Maine</b>	<b>1,333,173</b>	<b>1,284,867</b>	<b>96.4%</b>	<b>3.6%</b>
Androscoggin	107,444	103,941	96.7%	3.3%
Aroostook	68,629	65,623	95.6%	4.4%
Cumberland	290,944	273,072	93.9%	6.1%
Franklin	30,019	29,642	98.7%	1.3%
Hancock	54,541	52,826	96.8%	3.2%
Kennebec	121,545	118,618	97.6%	2.4%
Knox	39,823	38,727	96.2%	3.8%
Lincoln	34,067	33,038	97.0%	3.0%
Oxford	57,325	56,487	98.5%	1.5%
Penobscot	151,748	147,605	97.3%	2.7%
Piscataquis	16,887	16,563	98.1%	1.9%
Sagadahoc	35,277	33,958	96.3%	3.7%
Somerset	50,710	49,883	98.4%	1.6%
Waldo	39,418	38,491	97.6%	2.4%
Washington	31,694	30,387	96.0%	4.0%
York	203,102	196,366	96.7%	3.3%

Source: American Community 5 Years Estimates 2018

The map on the following page identifies the foreign-born populations of Maine counties.

**Maine Percent  
Foreign-Born Population  
U.S. Census Tracts**



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 2018 American Community Survey some 161,743 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 13.47% of the population for whom it is possible to determine poverty status. In comparison, 5.67% of residents are minorities, and 3.3 % of residents were not born in the United States. The highest concentration of low-income people resides in Cumberland County with 27,575 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 County 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 Somerset, Washington, Aroostook, Penobscot and Piscataquis.

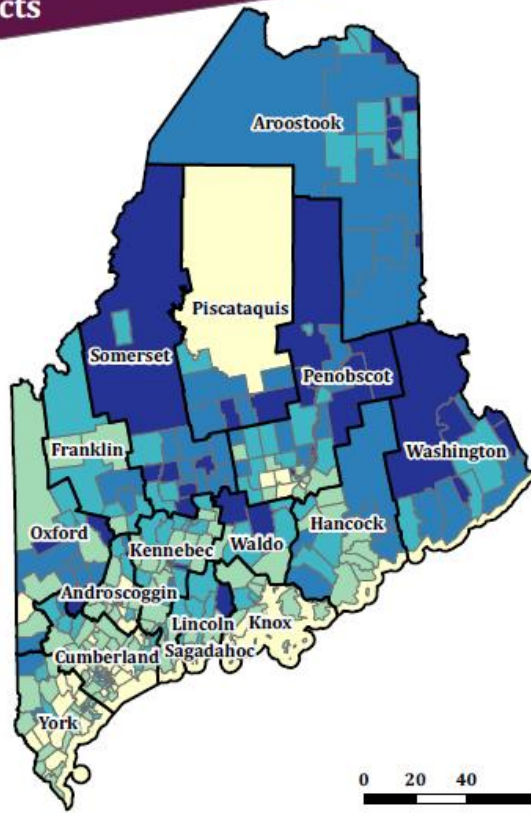
The following identifies low-income populations by county:

<b>State of Maine Poverty Status</b>			
<b>County</b>	<b>Population</b>	<b># Persons below Poverty Level</b>	<b>% Persons below Poverty Level</b>
<b>Maine</b>	<b>1,333,173</b>	<b>161,743</b>	<b>13.47%</b>
Androscoggin	107,444	13,770	15.85%
Aroostook	68,629	11,372	17.49%
Cumberland	290,944	27,575	10.54%
Franklin	30,119	3,508	11.61%
Hancock	54,541	5,950	10.76%
Kennebec	121,545	15,626	13.64%
Knox	39,823	4,191	9.55%
Lincoln	34,067	4,019	10.14%
Oxford	57,325	8,977	14.99%
Penobscot	151,748	22,744	16.92%
Piscataquis	16,877	3,179	16.87%
Sagadahoc	35,277	3,240	9.10%
Somerset	50,710	9,624	18.22%
Waldo	39,418	5,348	13.68%
Washington	31,694	5,657	17.71%
York	203,102	16,783	8.48%

Source: American Community Survey 5 Year Estimates, 2018

The map on the following page identifies the poverty percentages of Maine census tracts.

# Maine Percent of Population in Poverty U.S. Census Tracts



## Title VI Demographic Analysis

- County Boundaries
- Percent Poverty
  - 0% - 5%
  - 5.01% - 10%
  - 10.01% - 15%
  - 15.01% - 20%
  - 20% or Greater

Maine Poverty Rate  
11.6%

Source  
U.S. Census Bureau 2018  
American Community Survey  
(ACS) 5-Year Estimates



**D. Demographic Impacts of FTA/MaineDOT Funding**

**Funding Distribution Analysis**

The tables and charts below display the percentages of the minority and the white 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 populations of the fixed route and flex route services were subtracted from the minority and white populations of the demand response service areas in which they operate.

**Bus Route Service Area and Funding**

**Fixed Route Services**

Service	Service Population <sup>1</sup>	White # <sup>1</sup>	White % <sup>1</sup>	Minority # <sup>1</sup>	Minority% <sup>1</sup>	MaineDOT, FTA Funding <sup>2</sup>
Metro	106,239	91,138	84.61%	15,101	15.39%	\$2,559,583
S.Portland Bus	28,010	25,562	92.41%	2,448	7.59%	\$630,502
Citylink	59,161	51,794	86.24%	7,367	13.76%	\$813,711
Comm. Conn.	76,737	70,487	89.20%	6,250	10.80%	\$1,379,109

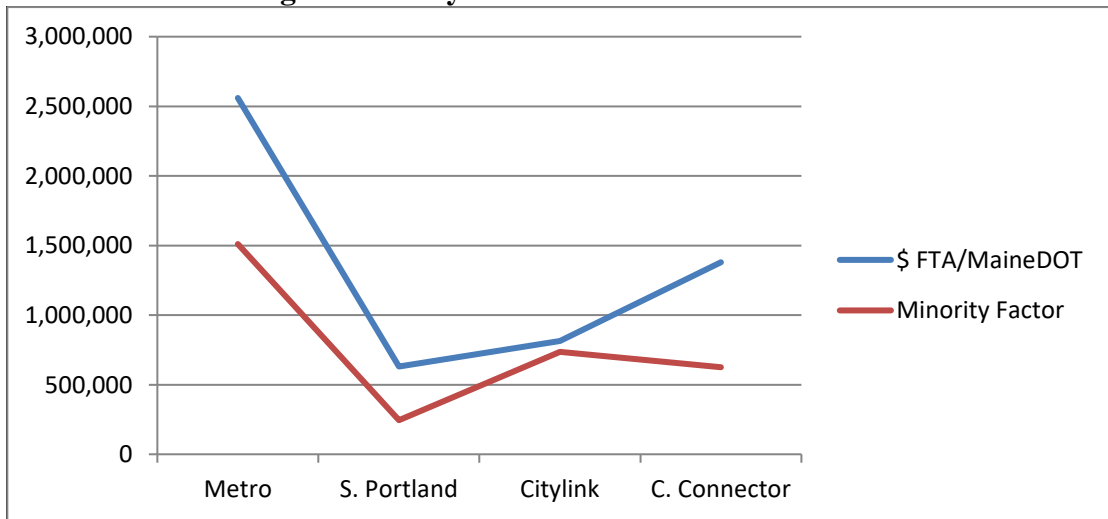
Note: Metro serves the greater Portland area; the South Portland Bus services the City of South Portland; Citylink serves the Cities of Lewiston and Auburn, and Community Connector serves the greater Bangor/Brewer area.

<sup>1</sup>Source: American Community Survey 5 Year Estimates, 2018

<sup>2</sup>Source: MaineDOT, FFY 2019

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 minority population multiplied by 1,000.

**Fixed Route Funding vs Minority Factor**



## Flex Route Services

Service	Service Population <sup>1</sup>	White # <sup>1</sup>	White % <sup>1</sup>	Minority # <sup>1</sup>	Minority % <sup>1</sup>	MaineDOT, FTA Funding <sup>2</sup>
Bath CityBus	8,320	7,843	93.66%	477	6.34%	\$89,950
Brunswick Explorer	20,534	18,169	89.42%	2,365	10.58%	\$250,000
Kennebec Explorer	55,269	51,407	93.43%	3,862	6.5%	\$474,520
BSOOB Transit	64,275	59,487	92.92%	4,788	7.08%	\$731,655
Sanford Transit	21,015	19,471	92.61%	1,544	7.39%	\$100,000

Note:

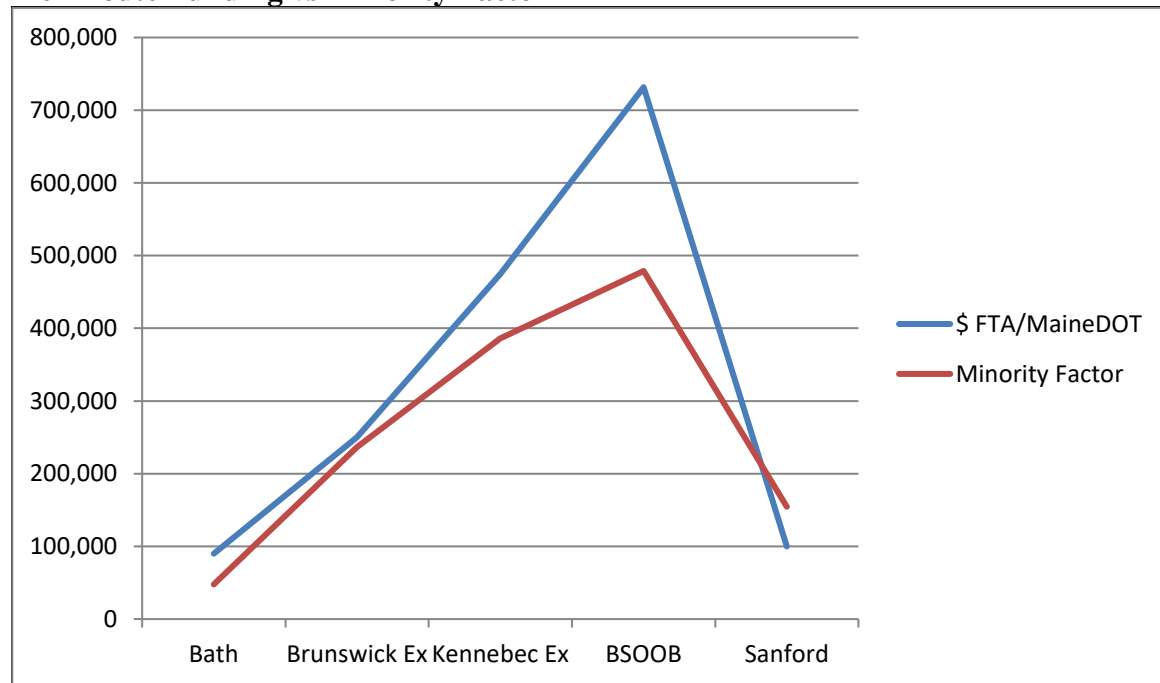
- Bath CityBus serves the City of Bath;
- Brunswick Explorer serves the Town of Brunswick;
- Kennebec Explorer serves Waterville, Winslow, Augusta, Farmingdale, Hallowell and Gardiner;
- BSOOB Transit serves Biddeford, Saco and Old Orchard Beach;
- Sanford Transit serves the Town of Sanford.

<sup>1</sup>Source: American Community Survey 5 Year Estimates, 2018

<sup>2</sup>Source: MaineDOT, FFY 2019

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 minority population multiplied by 1,000.

### Flex Route Funding vs Minority Factor



## Demand Response Services

Service	Service Population <sup>1</sup>	White # <sup>1</sup>	White % <sup>1</sup>	Minority# <sup>1</sup>	Minority % <sup>1</sup>	MaineDOT, FTA Funding <sup>2</sup>
ARTS	72,822	68,387	88.21%	4,705	11.79%	\$686,786
DCP, DTL, West's	83,378	78,187	93.06%	5,281	6.94%	\$832,984
Penquis	90,112	86,330	95.80%	3,782	4.20%	\$594,730
WCAP d/b/a MCPT	148,585	141,712	95.37%	6,873	4.63%	\$443,562
RTP	138,269	130,108	94.10%	8,161	5.90%	\$734,447
WMTS	135,627	129,218	95.27%	6,409	4.73%	\$1,235,401
YCCAC	117,812	112,656	95.62%	5,156	4.38%	\$1,108,160

Note:

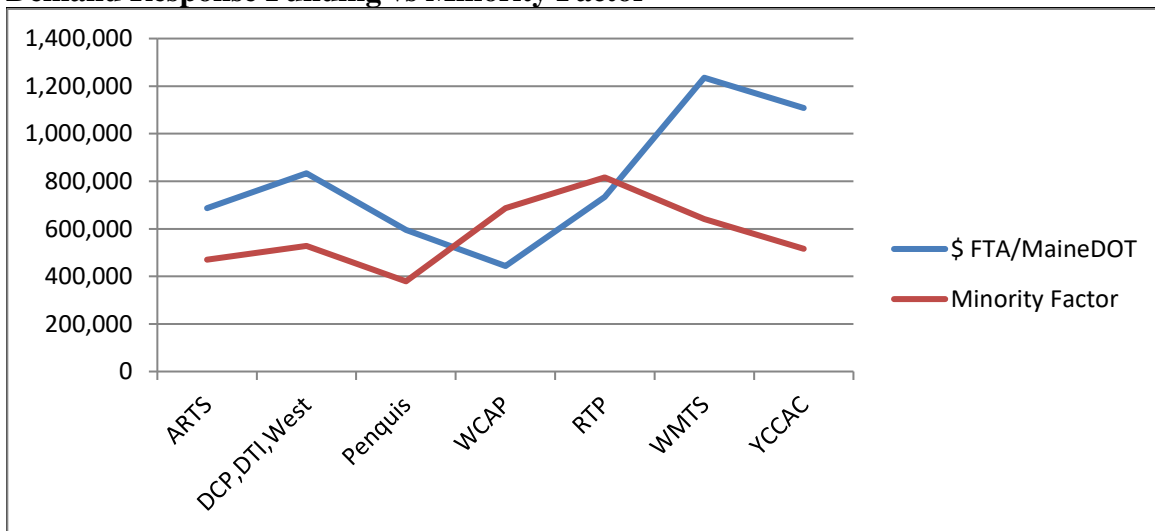
- ARTS serves Aroostook County plus Patten in Penobscot County and Danforth in Washington County.
- DCP serves Hancock and Washington Counties exclusive of Danforth in Washington County. The funding column includes FTA and MaineDOT funds for year-round services provided by Downeast Transportation (DTI) in Hancock County, and West's in Washington County.
- Penquis serves Penobscot County exclusive of Patten and Piscataquis County.
- 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.

<sup>1</sup>Source: American Community Survey 5 Year Estimates, 2018

<sup>2</sup>Source: MaineDOT, FFY 2019

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 minority 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 minority 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 (15.39%) which includes the City of Portland and vicinity. The second-highest percentage is CityLink bus in Lewiston and Auburn (13.76%). The third highest percentage is the Community Connector Bus (10.8%) which serves the Cities of Bangor and Brewer and vicinity. . The area with the fourth highest minority percentage is the flex route Brunswick Explorer (10.58%) Compared with the past, minority populations have increased statewide, ranging from 10.58% for the area served by the Brunswick Explorer to a low of 6.34% for the Bath City Bus. In the last Title VI/Nondiscrimination Plan for FTA, the non-fixed route service provider areas had a high minority population of 3.7%, and a low of 1.4%. 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 relatively 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 minority 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 minority residents, and lower for those with lower numbers.
- For demand response providers, federal and state transit dollars are generally higher for those providers with higher numbers of minority residents, and lower for those with lower numbers, but there are three exceptions. 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 minority 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 slight 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 apparent 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 Freight and Passenger Services Division, and the use of the Public Transit Advisory Committee established by Maine statute. As previously described, the planning process includes:

MaineDOT personnel assigned to the Bureau of Planning, Freight and Passenger Services Division, are assigned specific types of FTA Programs. MaineDOT staff provides technical assistance and monitor the subrecipients as required to ensure 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. 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 Freight and Passenger Services 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.

### **Advisory Committees**

The Public Transit Advisory Council is composed of knowledgeable people with a diversity of affiliations and networking capacity to extend MaineDOT's reach into targeted population. These connections were used extensively during development of the 2019-23 Locally Coordinated Plan to provide outreach through and received input from efforts performed by partner organizations, such the Metropolitan Planning Organizations, Maine Council on Aging and various other organizations working with people with disabilities. Through these networks, MaineDOT received input from the Portland immigrant community and attended statewide outreach events for veterans and people with disabilities.

### **Metropolitan Regional Advisory Committees**

MaineDOT staff attend meetings organized by the MPOs and urban transit providers, who are also performing outreach to minority populations within their service areas and have picked up pertinent information through those on-the-ground outreach efforts.

### **Key Informant Interviews**

MaineDOT staff visited with four of the five Native Indian Tribal Governments during 2018 (the Penobscot Nation did not entertain a visit) to ensure that tribal member transit needs were understood and included in recommendations within the Locally Coordinated Plan. MaineDOT staff have offered assistance to the tribal planners to prepare FTA grant applications and connect the tribes with regional transit resources. The notes from these consultations appear in the Locally Coordinated Transit Plan appendix.

MaineDOT hosts regional transit forums to assist in the preparation of Maine’s Locally Coordinated Transit Plan (LCP). Six forums were held in 2018 to advise MaineDOT on future public transit needs, strategies, and priorities across Maine. The forums were held in partnership with age-friendly groups, planning commissions, regional transit agencies, municipal governments, health care centers, etc.

### **Transit Forums**

Transit forums were held throughout Maine as follows:

Southern Maine: Kennebunk, November 1, 2018  
Western Maine: Bethel, November 15, 2018  
Northern Maine: Caribou, November 19, 2018  
Piscataquis County: Dover-Foxcroft, November 29, 2018  
Central Maine: Hallowell, November 30, 2018  
Penobscot County: Bangor, December 4, 2018

The results of the forums were brought to the Public Transit Advisory Council, prioritized and included not only in the Locally Coordinated Plan, but in the PTAC’s Biennial Report to the Governor and Legislature in 2019.

### **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 30% of rural funding remaining is distributed by this formula and the balance 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. Periodically, 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 and FAST, MaineDOT receives additional Section 5310 funds and a new program, Section 5339 funds. The new 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.

Public meetings are held periodically 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. MaineDOT's Locally Coordinated Plan for 2019-2023 can be found at: <https://www.maine.gov/mdot/transit/publications/lcp/>

## **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.

Advisory committee input. As more fully described under section F. the Bureau of Planning relies on the Public Transit Advisory Committee (PTAC) described above to help identify transit needs and opportunities.

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.

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 maps and data can be accessed through our website under the heading "General Title VI Information, Minority Populations By County" at: <https://www.maine.gov/mdot/civilrights/title-vi/>

## Appendix I – Policies and Assurances

The United States Department of Transportation (USDOT)

### FTA STANDARD TITLE VI/NONDISCRIMINATION

ASSURANCES DOT Order No. 10502A

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 *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

*FTA may include additional Statutory/Regulatory Authorities here.*

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 FTA.*

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

*FTA may include additional General Assurances in this section or reference an addendum here.*

#### 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 programs:

- I. 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 Transit Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*The (Agency), 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 insure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award*

3. 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.



*FTA may include additional Specific Assurances in this section.*

By signing this ASSURANCE, *Recipient* also agrees to comply (and require any subrecipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FTA 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 FTA. You must keep records, reports, and submit the material for review upon request to FTA, or their designees 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.

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

DATED May 8, 2020

by



Bruce A. Van Note,  
Commissioner Maine  
Department of  
Transportation

Appendices A, B, C, D, and E

## APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, *Federal Transit Administration (FTA)*, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the *FTA* 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 *FTA*, 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 *FTA* 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 cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The

contractor will take action with respect to any subcontract or procurement as the Recipient or the *FTA* 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* the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### {HABENDUM CLAUSE}

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

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

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

## APPENDIX C

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

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

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
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).

**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.



Dated :

May 8, 2020

Bruce A. Van Note, Commissioner  
Maine Department of Transportation



**MAINE DEPARTMENT OF  
TRANSPORTATION NON-DISCRIMINATION  
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:

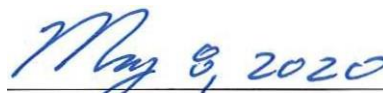
Amy E. Hughes, Director, Civil Rights  
Office Maine Department of Transportation  
16 State House Station  
Augusta, ME 04333-  
0016  
Telephone (207) 624-3056  
TTY 888-516-9364  
[amy.hughes@maine.gov](mailto:amy.hughes@maine.gov)

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.



Bruce A. Van Note, Commissioner

Dated:





# Maine Department of Transportation Limited

## English Proficiency Assessment:

### Four Factor Analysis 2020

## **PURPOSE AND HISTORY**

In 1964, the US Department of Labor enacted legislation, Title VI of the Civil Rights Act, stating “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial assistance.”

“The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English Language. The Federal Government is committed to improving the accessibility of these services to eligible [persons with Limited English Proficiency] LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English.” (US Department of Justice, 2000). In recognition of and response to language being identified as a barrier to services, the US Department of Justice (DOJ) issued [Executive Order 13166](#), “Improving Access to Services for Persons with Limited English Proficiency” on August 11, 2000, under the signature of US President Bill Clinton.

The Executive Order has two primary parts: first, it requires that federal agencies and recipients of Federal financial assistance examine the services that they provide, and develop and implement a system/plan that provides meaningful access for persons with Limited English Proficiency (LEP) to those services, benefits, information, and activities. That access extends not only to LEP applicants but also beneficiaries of the services, both US and non-US citizens, without unduly burdening the fundamental mission of the agency. Second, it directs each agency providing federal financial assistance to issue guidance to recipients to meet their obligations to provide meaningful access to services.

On the same day that President Clinton signed Executive Order 13166, the US Department of Justice (DOJ) issued a Policy Guidance Document, “Enforcement of Title VI of the Civil Rights Act of 1964 — National Origins Discrimination Against Persons with Limited English Proficiency”, to assist federal agencies in carrying out the mandates outlined in the Executive Order.

The United States Department of Transportation (US DOT) issued [Policy Guidance Concerning Recipient’s Responsibility to Limited English Proficient \(LEP\) Persons](#), modeled after the DOJ’s guidance, to the Federal Transit Administration (FTA) on how to carry out the requirements of Title VI for LEP persons. The DOT guidance outlines four factors that recipients should apply to assess the language needs of those individuals they come in contact with who have limited English proficiency, and to take reasonable steps to ensure meaningful access to their programs and activities by those people. The referenced guidance is commonly known as a four-factor analysis.

The purpose of this portion of the Maine DOT LEP Plan update is to apply the four factor analysis to the most currently available demographic information in conjunction with survey data conducted in Maine’s eight transportation regions to determine if existing measures put in place as outlined in the 2018 plan are sufficient to bridge gaps to services that may be caused by language barriers, and if not, to provide recommendations to do so.

The importance of the availability of language assistance should be commensurate with the number or proportion of eligible LEP persons, the frequency of contact with the service, and the importance of the program, activity, or service. That is to say, the greater the above-mentioned factors, the greater the importance to make language assistance available. Smaller recipients with limited budgets are typically not expected to provide the same level of service as larger recipients with larger budgets. The DOT's intent with this program is to find a balance that ensures meaningful access by LEP persons to critical services without imposing undue burdens on small organizations and local governments.

The four-factor analysis will help the recipients determine the right level and combination of LEP services that are both necessary and reasonable for their particular demographics. The two primary methods for providing language services are oral interpretation and written translation.

The four factors considered in the analysis are:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to people's lives.
4. The resources available to the recipient, and associated costs.

### **FACTOR 1: THE NUMBER AND PROPORTION OF LEP PERSONS SERVED OR ENCOUNTERED IN THE ELIGIBLE SERVICE POPULATION**

In this part of the analysis, recipients take a look at what they have done before to serve the LEP community and determine the breadth and scope of language services that are needed to serve them. This is typically accomplished by examining demographic information attained from the US Census Bureau, the American Community Survey (ACS), schools, community partners, and local governments.

The LEP Safe Harbor Threshold provision of Title VI stipulates that written translation of vital documents must be provided for each LEP group that speaks English "less than very well" that constitutes either 5% of the total population to be served or 1,000 individuals (whichever is less).

Maine has a relatively low percentage of people who speak English less than very well. The Table 1 analysis of estimates reflected in the American Community Survey (ACS) for 2014– 2018 (below), shows that statewide, there are 20,243 people over the age of 5 (or about 1.6 % of the total population of people over the age of 5) who speak English less than very well. According to the ACS estimates for Maine, there are five languages in which the number of persons who speak English less than very well exceed the Safe Harbor Threshold of 1,000 people: French (including Cajun), Spanish, Chinese (including Mandarin and Cantonese), Arabic, and African languages.

LEP persons interact with Maine DOT’s subrecipients primarily via telephone, use of transit services including fare purchases, at public meetings relating to public transportation and planning, and congregate meals.

**TABLE 1 American Community Survey B16001. Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over, Maine: 2018**

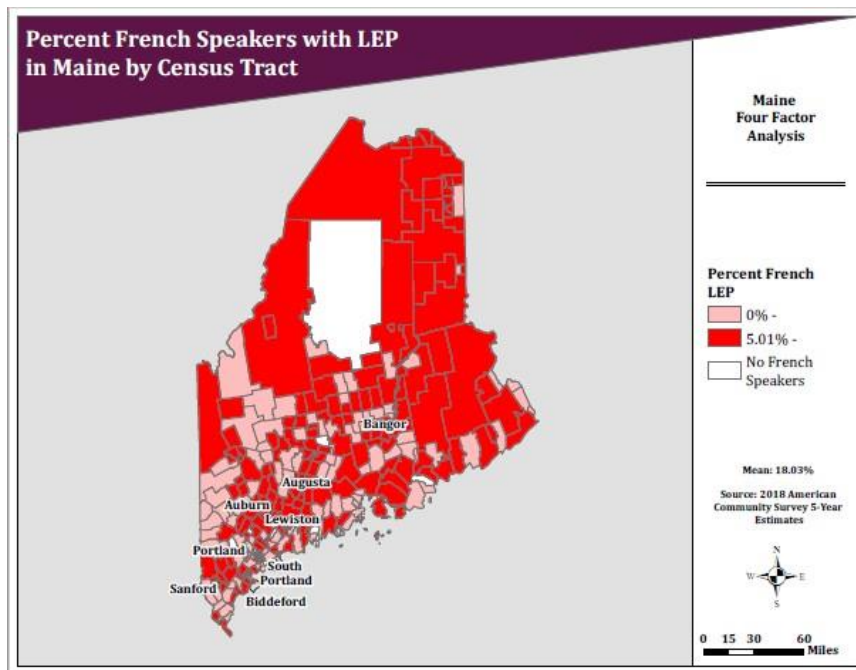
Geographic Area Name	Maine			
	Number of Speakers	Speak English Very Well	Speak English Less than Very Well	Percentage of the total population 5 and over
Total Population 5 and Over	1,268,376			
Speak only English	1,188,798			
French (incl. Cajun)	35,752	28,648	7,154	0.5640%
Spanish	11,461	8,942	2,519	0.1986%
Chinese (incl. Mandarin, Cantonese)	3,480	1,731	1,749	0.1379%
Arabic	2,508	1,270	1,238	0.0976%
Amharic, Somali, or other Afro-Asiatic languages	2,462	1,298	1,164	0.0918%
Swahili or other languages of Central, Eastern, and Southern Africa	1,801	1,015	786	0.0620%
Khmer	1,213	450	763	0.0602%
Vietnamese	1,159	580	579	0.0456%
Portuguese	1,538	1,122	416	0.0328%
German	2,846	2,454	392	0.0309%
Tagalog (incl. Filipino)	1,455	1,105	350	0.0276%
Russian	1,132	835	297	0.0234%
Thai, Lao, or other Tai-Kadai languages	441	222	219	0.0173%
Polish	642	442	200	0.0158%
Nepali, Marathi, or other Indic languages	352	165	187	0.0147%
Serbo-Croatian	550	363	187	0.0147%
Other languages of Asia	314	133	181	0.0143%
Korean	430	254	176	0.0139%

Ukrainian or other Slavic languages	700	531	169	0.0133%
Ilocano, Samoan, Hawaiian, or other Austronesian languages	353	191	162	0.0128%
Japanese	824	673	151	0.0119%
Italian	968	835	133	0.0105%
Yiddish, Pennsylvania Dutch or other West Germanic languages	694	562	132	0.0104%
Other Indo-European languages	1,175	1,044	131	0.0103%
Persian (incl. Farsi, Dari)	509	395	114	0.0090%
Other and unspecified languages	747	637	110	0.0087%
Greek	885	782	103	0.0081%
Yoruba, Twi, Igbo, or other languages of Western Africa	310	211	99	0.0078%
Tamil	161	82	79	0.0062%
Other Native languages of North America	1,186	1,124	62	0.0049%
Haitian	364	314	50	0.0039%
Malayalam, Kannada, or other Dravidian languages	70	32	38	0.0030%
Urdu	216	180	36	0.0028%
Bengali	70	40	30	0.0024%
Telugu	196	166	30	0.0024%
Hindi	306	279	27	0.0021%
Gujarati	125	108	17	0.0013%
Hebrew	121	110	11	0.0009%
Armenian	35	33	2	0.0002%
Hmong	0	0	0	0.0000%
Navajo	16	16	0	0.0000%
Punjabi	11	11	0	0.0000%
<b>Total</b>	<b>79,578</b>	<b>59,385</b>	<b>20,243</b>	

## French

Per the ACS estimates, there are 7,154 French-speaking LEP persons in Maine, the greatest concentration of which are located in Region 7-Androscoggin County (1,256 persons), Region 1- Aroostook County (1,799), and Region 6-Cumberland County (1,217). The available estimates indicate that French-speaking LEP persons are dispersed throughout Maine, rather than concentrated in communities, although there are populations of French-speaking LEP persons around Portland, Augusta, and Bangor. (Figure 1)

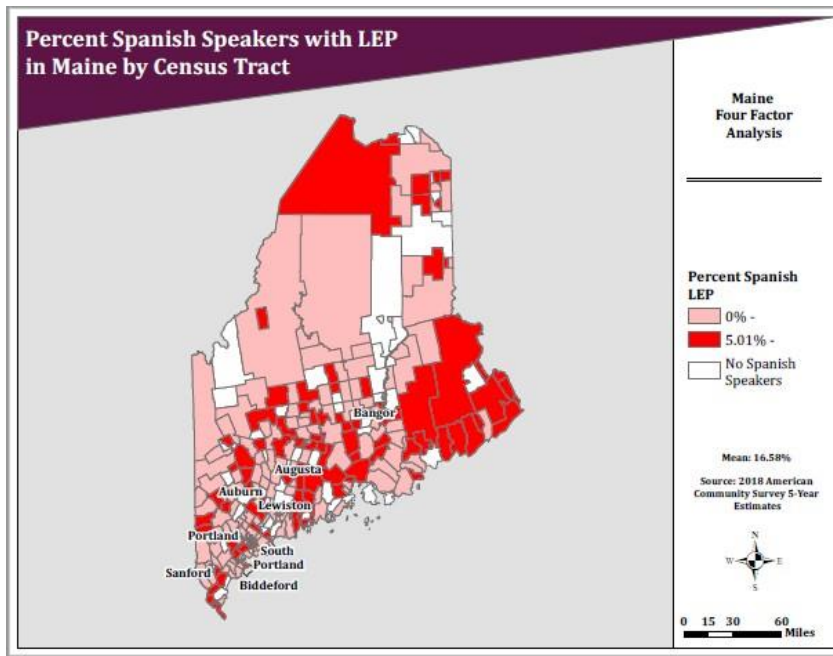
**FIGURE 1.**



## Spanish or Spanish Creole

ACS estimates indicate that there are 2,519 Spanish or Spanish Creole LEP persons in Maine, the greatest concentrations of which are located in Region 6-Cumberland County (859 persons), Region 2-Washington County (238), and Region 8-York County (282). 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. (Figure 2)

**FIGURE 2.**

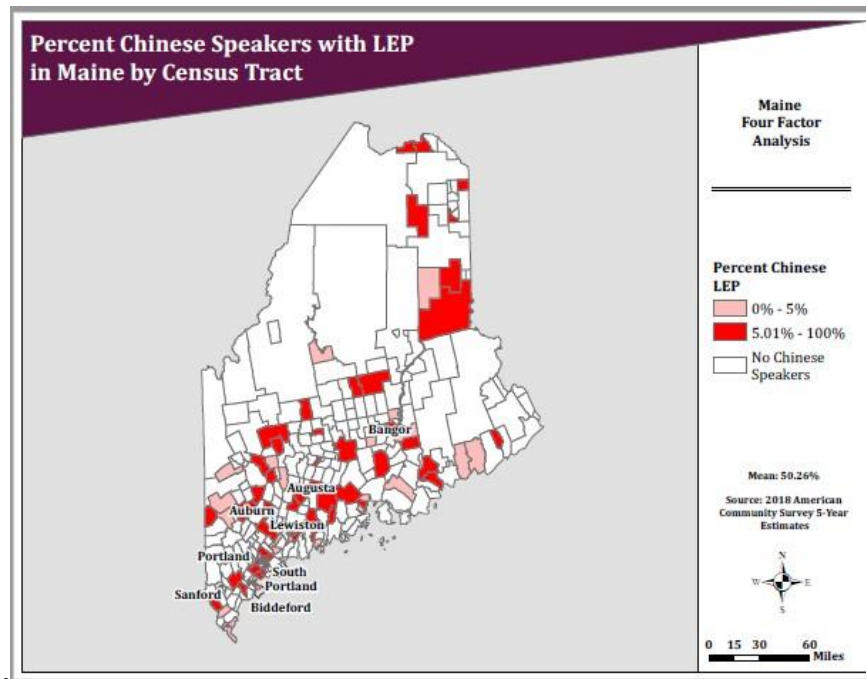




## Chinese

Per the ACS estimates there are 1,749 Chinese LEP persons in Maine, the greatest concentrations of which are located in Region 6-Cumberland County (414 persons), Region 4-Kennebec County (342), and Region 3-Penobscot County (201). ACS estimates show that Chinese-speaking LEP persons are dispersed throughout Maine, rather than concentrated communities. However, there are large areas throughout the state with no Chinese speakers. (Figure 3)

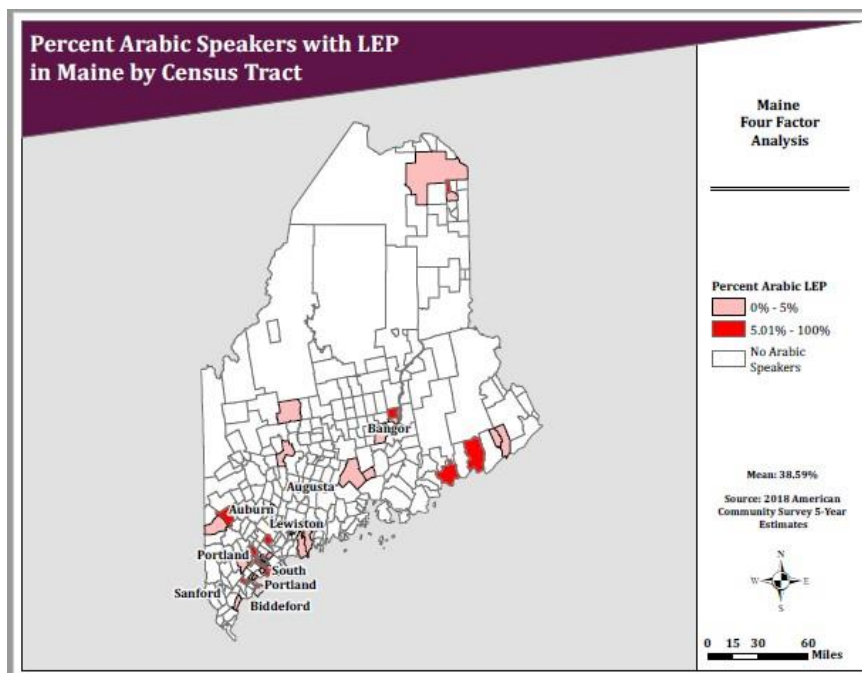
**FIGURE 3.**



## Arabic

Per the ACS estimates, there are 1,238 Arabic LEP persons in Maine, the greatest concentrations of which are located in Cumberland County (857 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. However, much like Chinese LEP persons, there are large areas throughout the state that have no Arabic speakers. (Figure 4)

**FIGURE 4.**

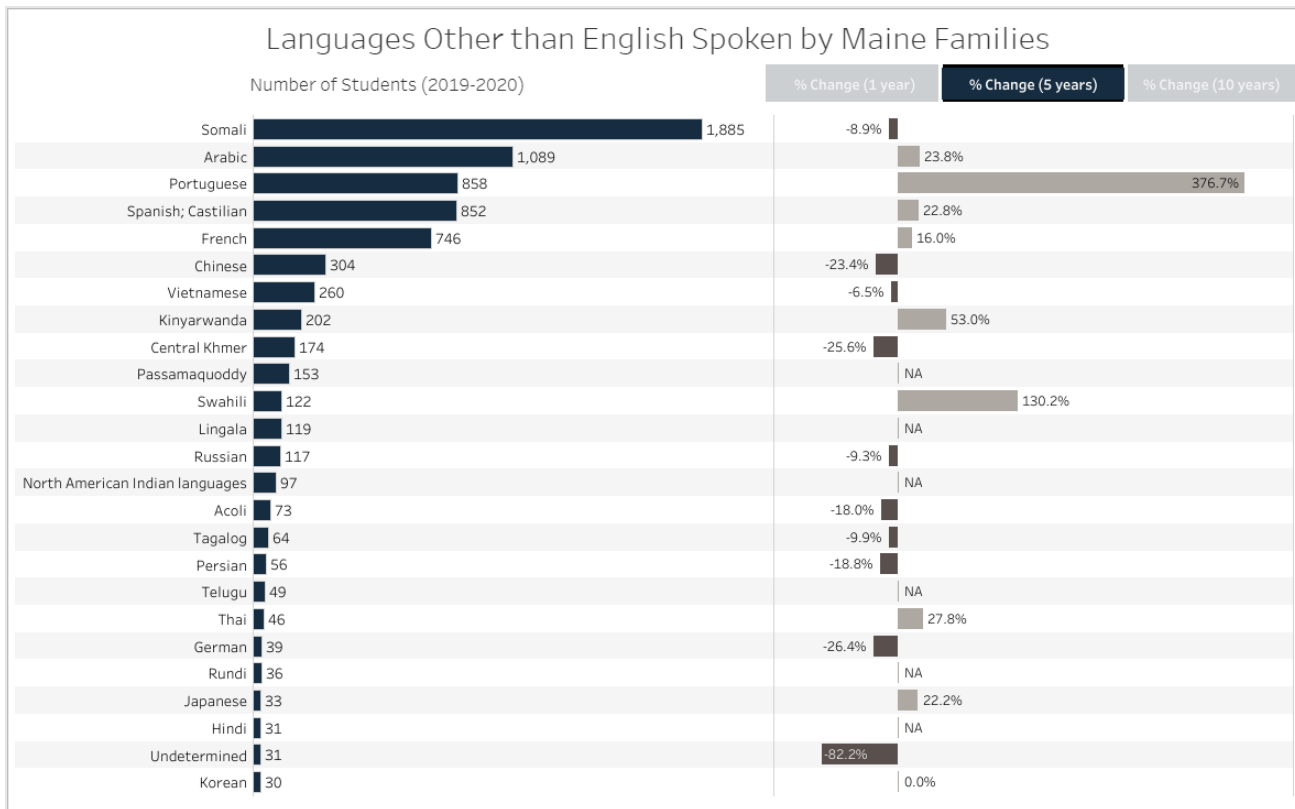


As previously indicated, overall Maine has a relatively small percentage of LEP populations when compared to the US as a whole. Also, Maine’s population, as well as the number of LEP individuals and languages above the Safe Harbor Threshold, have remained fairly consistent from the 2011–2015 ACS estimates to the 2018 census.

The biggest change in the data since the last analysis is that of the number of LEP individuals who speak Vietnamese. The 2011–2015 ACS five-year estimates indicated there were 1,010 Vietnamese recorded as speaking English less than very well, versus the 2014–2018 five-year estimate of 579. Although the estimate of Vietnamese speakers has remained relatively unchanged — 1,904 in the 2011–2015 ACS, and 1,159 in the 2014–2018 ACS (a 6% drop) — there was a significant drop of 57% in the segment of that population that speaks English less than very well. This decrease dropped that LEP population below the Safe Harbor Threshold. Boothbay Harbor in Region 5, and Portland in Region 6 have the highest concentrations of Vietnamese residents (US Census Bureau, 2010), and statewide the percent change in the number of Vietnamese speaking students over five years in Maine has decreased by 6.5% (Figure 5). (Maine Department

of Education, 2019–2020) A variety of reasons could explain the change, however, there are many resources for English Literacy for immigrants and refugees in both Region 5 and 6, to which the decrease in Vietnamese who speak English less than very well could be attributed. (See Appendix A for 2011–2015 census data from the ACS report B16001, excerpted from the 2017 Maine DOT FTA Title VI Nondiscrimination Plan)

**FIGURE 5.**



The service areas of the eight public transportation regions are notable for their diversity. With 16 counties containing 488 incorporated municipalities (cities, towns, and plantations).

Cumberland County boasts both the city with the highest population; Portland, with just over 66,000 residents, and the town with the smallest population; Frye Island, with just five residents (based on 2014–2018 estimates). The Northwest Aroostook, Maine unorganized territory in the northern part of the state has an area of 2,668 square miles and population of 10, making a population density of one person per 267 square miles.

Largely and consistently, identifying LEP populations in Maine’s public transit service areas is accomplished through census data, communication with friends and family members who work with LEP populations, communication with community organizations (e.g. Healthy Androscoggin), professional and medical services, schools, churches, neighborhood gathering spaces, the Maine departments of Transportation, Education, Health and Human Services, and through LogistiCare, a private, for profit manager of non-emergency medical transportation. Penquis, a community action

agency serving Penobscot, Piscataquis and Knox counties, also conducts many transportation presentations throughout the year to reach out to all who are interested in transportation.

## **FACTOR 2: THE FREQUENCY WITH WHICH LEP INDIVIDUALS COME INTO CONTACT WITH YOUR PROGRAMS, ACTIVITIES, AND SERVICES**

To determine the frequency with which LEP individuals come into contact with the programs, activities and services provided by the Maine transportation regions, we surveyed the staff and drivers from each agency and a sampling of the transportation providers' community partners.

A 12-question survey was distributed to the service providers staff and drivers.<sup>1</sup> We received 156 survey responses with representation from all eight transportation regions, including responses from a comprehensive cross section of personnel — executive directors, general managers, operations directors, street supervisors, drivers (medical transportation, fixed route, volunteer, van, bus, trolley, and ferry boat captains), dispatchers, schedulers, mobility managers, transportation supervisors, customer service representatives, greeters, and intake specialists.

Some respondents did not respond to all of the questions. A four-question survey was distributed to community partners such as local governments, shelter programs, community centers, and the United Way. Below is a summary of the results by region.

### **Region 1**

Aroostook Regional Transportation Systems, Inc (ARTS) provides demand-response transportation services in Aroostook County, the largest American county by land area east of the Mississippi River with a population density of 11 people per square mile, including 1,799 French-speaking LEP persons. ARTS had a single survey respondent who was not a driver, who indicated that they come into contact with approximately 1–10 LEP individuals in the average week through telephone, email and fax communications. As the respondent is not a driver, no conclusion can be made with regard to the location of the highest LEP ridership in Aroostook County.

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<sup>1</sup> Two versions of this survey were distributed. In one version, question number six, "How often do you come into contact with riders who speak English less than very well, not well, or not at all?" had multiple choice responses listed in groups of ten from 1–10 up to 91–100 LEP persons per week. In the other version, question six had multiple choice responses listed as, "Often", "Sometimes", "Rarely", and "Never". Through discussions with a sampling of respondents we were able to equate "often, sometimes, rarely, or never" with the numbered groups.

## **Region 2**

### **Zero:**

Isle au Haut Boat Services and Downeast Transportation Inc. had a total of ten respondents, seven of whom indicated that they come in contact with no LEP individuals. This is consistent with information obtained from community partner outreach.

### **1–10:**

Two respondents indicated that they typically see 1–10 Spanish speaking LEP riders per week, in Bar Harbor on the Ellsworth to Bar Harbor route.

### **11–20:**

DCP also had a driver of the Ellsworth, Bar Harbor and Bangor routes who comes in contact with LEP populations 11–20 times per week who speak French, Spanish, German, Vietnamese, Chinese, Russian, Polish, Korean, Japanese, and Italian.

## **Region 3**

### **Zero:**

Penquis Transportation Services had 16 respondents, eight of whom indicated that they never or come into contact with LEP persons.

Two of those eight were office staff, so could not speak to locations of highest ridership of LEP persons, and they did not respond to the question of frequency of contact. However, one did indicate that the language most commonly encountered is French.

### **1–10:**

Seven respondents, including drivers, customer service representatives and phone intake representatives, came in contact with 1–10 LEP persons per week, mostly on the Penobscot and Bangor routes, typically speaking African languages, German, Chinese, and Korean.

## **21–30:**

One Penquis driver who drives the Dover-Foxcroft, Milo and Bangor routes responded that they come into contact with approximately 21–30 riders who speak English less than very well, not well, or not at all. However, when responding to the question of which route(s) has/have the highest LEP ridership, they answered ‘none’. This can be interpreted to mean that LEP persons ride all routes equally, or that they misunderstood the question. The most common language that they encountered was listed as “other; English”.

## **Region 4**

KVCAP had 53 respondents, broken down as follows.

### **Zero:**

Eleven drivers and an office staff person indicated that they never come in contact with LEP populations on the Skowhegan, Waterville, Augusta, and Bangor routes, or in any parts of Region 4.

### **Undetermined:**

Nine respondents including mostly office staff and two drivers reported coming into contact with an undetermined number of LEP persons, primarily in on the phone and in person, who speak Vietnamese, Hindi and Middle Eastern languages.

### **1–10:**

Twenty-two respondents including seven office staff and 15 drivers serving Waterville, Augusta, Skowhegan, Fairfield, Winslow, Anson, Madison, Norridgewock, Oakland, Vassalboro, Winthrop, Monmouth, Kennebec and Sidney indicated that they come into contact with approximately 1–10 LEP persons in the average week, speaking French, Spanish, African languages, German, Vietnamese, Portuguese, Chinese, Tagalog, Thai, Italian, and Arabic languages, with the Waterville route identified as having the highest LEP ridership.

### **11–20:**

Ten KVCAP respondents including two office staff and eight drivers serving Augusta, Waterville, Oakland, Fairfield, Gardiner, Winthrop, Skowhegan, Randolph, and Sidney, reported that they come into contact with 11–20 LEP persons in the average week, typically in person and on the phone, speaking Spanish, African languages, German, Vietnamese, Polish, Hindi, Somali, Irish, Arabic and ASL (sign language), with the Augusta route identified as having the highest LEP ridership.

### **21–30:**

One KVCAP driver who drives the Skowhegan, Waterville, Madison, Solon, and Bingham routes responded that they come into contact with approximately 21–30 riders who speak English less than very well, not well,

or not at all. However, when responding to the question of which route(s) have the highest LEP ridership, they answered 'none'. This can be interpreted to mean that LEP persons ride all routes equally, or that they misunderstood the question. The most common language that they encountered was listed as "other; English".

### **Region 5**

Waldo County Community Action Program (WCAP) had 27 respondents broken down into two frequency categories.

#### **Never, Very Limited, or 3–4 Times Per Year:**

Thirteen respondents including one office staff and 12 drivers serving Bangor, Portland, Augusta, Waldo, Penobscot, Knox, Troy, Unity, Rockland, Belfast, Searsport, and Morrill areas come into contact with LEP persons either never, very limited, or 3–4 times per year, in person, on the phone, or via email, speaking French, Spanish, German, Tagalog, and Italian.

#### **1–10:**

Thirteen respondents including three office staff and 10 drivers serving Augusta, Brunswick, Rockland, Camden, Bath, Belfast, Waldo, Belmont, Searsport, the counties of Kennebec, Lincoln and Sagadahoc, coastal, inland, and Portland to Bangor comes into contact with approximately 1–10 LEP persons in the average week speaking French, Spanish, African languages, Chinese, Hindi, and Arabic, with the Belfast route being identified as having the highest LEP ridership.

### **Region 6**

#### **Zero:**

Region 6 had 28 respondents including two office staff with no frequency of contact provided, one office staff with fewer than 1 per week, and one driver with a response of 3–4 but no timespan to categorize it (e.g. per week or per year).

#### **1–10:**

Eight drivers responded, serving Biddeford, Saco, Old Orchard Beach, Greater Portland and Cumberland County comes into contact with approximately 1–10 LEP persons per week either in person, on the phone, via email, or at events, speaking French, Spanish, African Languages, German, Vietnamese, Chinese, Russian, and Hindi, with Old Orchard Beach and Portland routes being identified as having the highest LEP ridership.

### **11–20:**

Twelve respondents including two office staff and 10 drivers serving Biddeford, Saco, Old Orchard Beach, and Portland came into contact with approximately 11–21 LEP persons in an average week, speaking French, Spanish, African Languages, Vietnamese, Portuguese, Chinese, Russian, Polish, and Japanese. Biddeford, Saco, Old Orchard Beach, Portland, and Westbrook routes were identified as having the highest LEP ridership.

### **21–30:**

One supervisor and one driver serving Portland, South Portland, Westbrook, Scarborough, Falmouth, Windham, Raymond, Casco, Naples and Bridgeton responded that they come into contact with approximately 21–30 riders who speak English less than very well, not well, or not at all via telephone, email, fax, a language line, and in person. No one route was identified as having the highest LEP ridership.

### **31–40:**

One RTP office staff, a dispatcher, indicated that they come in contact with 31–40 LEP individuals in an average week either by telephone or in person, who are riding to Lewiston and Auburn. The languages encountered are French, Vietnamese, Russian, Samoan, and Farsi. No route was identified as having the highest LEP ridership.

### **41–50:**

One RTP driver, indicated that they come in contact with 41–50 LEP individuals in an average week in person, traveling to the greater Portland area, speaking Vietnamese and Chinese. The Portland route was identified as having the highest LEP ridership.

## **Region 7**

### **Zero:**

Region 7's Western Maine Transportation (WMTS) had 20 respondents including one office staff and one driver with no frequency of contact provided, and one driver serving Oxford, Norway, West Paris, South Paris and Rumford who indicated that they encountered no LEP persons in the average week, and provided no additional responses to the survey.

### **1–10:**

One office staff and 11 drivers serving Lewiston, Auburn, Androscoggin, Farmington, Wilton, and Jay responded that they come into contact with approximately 1–10 LEP persons per week either in person (all),



on the phone (one), speaking French, Spanish, African Languages, Vietnamese, Portuguese, Chinese, Russian, Thai, Korean, and Hindi. The routes identified as having the highest LEP ridership are College Street, Lisbon Street, Sabattus Street, Shuttles, and Auburn and Lewiston.

**11–20:**

Two office staff and two drivers serving Lewiston, Auburn, Farmington, and Sugarloaf responded that they come into contact with approximately 11–20 LEP persons per week either in person or on the phone speaking French, African Languages, and Somali. The City Link and College Street routes were identified as having the highest LEP ridership.

**31–40:**

One driver serving Lewiston and Auburn responded that they come into contact with approximately 31–40 LEP persons per week in person speaking French and Somali. The College Street and Lisbon Street routes were identified as having the highest LEP ridership.

**Region 8**

**Zero:**

Region 8's York County Community Action Corporation (YCCAC), had 16 respondents including one office staff who reported fewer than three encounters per week with LEP persons, typically on the telephone, speaking French and Tagalog.

**1–10:**

Four drivers serving Biddeford, Saco, Old Orchard Beach, and Portland responded that they come into contact with approximately 1–10 LEP persons per week in person, speaking French, Spanish, African Languages, Portuguese, Russian, and Hindi. The Trolley routes, Old Orchard Beach, and Portland routes were identified as having the highest LEP ridership.

**11–20:**

Two office staff and eight drivers serving Biddeford, Saco, Old Orchard Beach, and Portland, responded that they come into contact with approximately 11–20 LEP persons per week either in person or on the phone speaking French, African Languages, and Somali. The Biddeford, Old Orchard Beach, Saco and Portland routes were identified as having the highest LEP ridership.

Also of note is that in the summer months, primarily due to tourism, all routes were identified as having the highest LEP ridership.

In summary,

- Approximately 9% of respondents did not indicate how many LEP persons they encountered in the average week.
- Approximately 26% of respondents came into contact with LEP persons never, very limited, or 3–4 times per year.
- Approximately 41% of respondents came into contact with 1–10 LEP persons in the average week.
- Approximately 18% of respondents came into contact with 11–20 LEP persons in the average week.
- Approximately 3% of respondents came into contact with LEP persons 21–30 times in the average week.
- Approximately 1% of respondents came into contact with LEP persons 31–40 times in the average week.
- Less than 1% of respondents came in contact with 41–50 LEP persons in the average week.

Approximately 94% of Maine’s transportation regions’ providers come into contact with 20 or fewer LEP persons in the average week.

Survey question five asked which routes in your service area have high LEP ridership. As that is a relative question and was open ended, the answers were not as conclusive as we would have hoped. Some respondents named destinations while others named routes. It can be concluded that the routes with the highest LEP ridership in the State of Maine are those in Region 6 in the greater Portland area, and in Region 7 in Lewiston and Auburn. However, each transportation region has its own routes of importance/high ridership given their relative total and LEP populations.

Region 1 did not provide adequate data to make a determination. The Ellsworth, Bar Harbor and Bangor routes in Region 2 have the highest ridership by LEP persons. In Region 3 it is the Bangor routes; in Region 4 it is Waterville, Augusta, Skowhegan, Madison, Winthrop and Gardiner; in Region 5 Portland, Bangor, Waldo and Augusta; in Region 6 it is Biddeford, Saco, Old Orchard Beach, Portland, Lewiston, and Auburn; in Region 7 it is Lewiston, Auburn, and Farmington, and lastly; in Region 8 it is Biddeford, Saco, Old Orchard Beach, and Portland.

## **FACTOR 3: THE IMPORTANCE TO LEP PERSONS OF YOUR PROGRAM, ACTIVITIES AND SERVICES**

### **Region 1**

Aroostook County is home to 25% of the French speaking LEP population, which is one thousandth of Maine's total population. The Trip Controller who responded to the survey indicated that the questions most commonly asked are about how to ride the bus, where the bus is, fares, hours and days of service, accessibility, and complaints. Mostly, the trip destinations are to medical offices and hospitals, pharmacies, other shopping, and home.

### **Region 2**

The LEP populations coming into contact with Downeast Community Partners' services are typically asking questions about days and hours of service, where's my bus, accessibility and complaints, riding to medical appointments, pharmacies, grocery stores, other shopping, schools, and home.

### **Region 3**

Penquis Transportation Services indicated that when they interact with LEP riders, the most asked questions are about fares, how to ride the bus, hours and days of service, accessibility, and complaints. Their destinations are typically to medical offices and hospitals, pharmacies, grocery stores and home.

### **Region 4**

KVCAP survey respondents indicated that when they interact with LEP riders the most common questions that they hear are about origin and destination, how to ride, bus location, fares, hours and days of service, accessibility, and complaints. Primary destinations are to medical offices and hospitals, pharmacies, grocery stores, other shopping, entertainment/social trips, employment, schools, and home.

### **Region 5**

WCAP survey respondents indicated that their most common communications with LEP persons are about how to ride the bus, fares, hours and days of operation, accessibility, and complaints. The most common destinations are medical offices and hospitals, grocery stores, other shopping, and home.

### **Region 6**

RTP personnel indicated that when they interact with LEP populations the primary questions they are asked are how to ride the bus, origin and destination, where is my bus, fare questions hours and days of service, accessibility, and complaints. The most typical destinations are to medical offices/hospitals, pharmacies, grocery stores, other shopping, employment, entertainment/social engagements, schools, entertainment/social events, and home.

## **Region 7**

WMTS survey respondents indicated that when they interact with LEP populations, the primary questions they are asked are of origin and destination, where is my bus, fare questions, hours and days of service, accessibility, and complaints. The most typical destinations are to medical offices and hospitals, pharmacies, grocery stores, other shopping, employment, entertainment/social events, schools and home.

## **Region 8**

YCCAC survey respondents indicated that when they interact with LEP populations, the primary questions they are asked are of origin and destination, how to ride, where is my bus, fare questions, and hours and days of service. The most typical destinations are to medical offices/hospitals, pharmacies, grocery stores, other shopping, employment, entertainment/social events, home, and the courthouse.

Overall, the most commonly accessed services by LEP individuals riding public transportation in Maine appear to be medical offices and hospitals, grocery shopping, pharmacies, schools, employment and other shopping, and entertainment.

Information provided by community partners in all eight transportation regions, such as local governments, the United Way, community shelter programs, youth centers, and health centers indicates that they minimally or occasionally encounter LEP persons.

## **FACTOR 4: THE RESOURCES AVAILABLE TO THE RECIPIENT AND COSTS**

**Region 1** transportation service providers indicated that they are moderately effective in communicating with LEP individuals. ARTS rides are scheduled by calling the office. Customer service staff are prepared to respond with language assistance as needed and identified. ARTS reaches out to the Maine departments of Transportation, Education, Health and Human Service, to LogistiCare, community organizations, professional and medical services, and schools for referral of ARTS services. LEP individuals are identified by referral source and/or Customer Service staff when a ride is scheduled, and 'I Speak' language identification cards, translated signage, use of translators, and mobile device translation services are all available for LEP individuals using ARTS services.

**Region 2** transportation service providers indicated that they are moderately effective in communicating with LEP persons on the rare occasion that they come into contact with them. The drivers keep 'I Speak' cards with information about telephone translation services on every vehicle in case they are needed, and they also have use of mobile apps like Google Translate that they find to be very effective.

**Region 3's** Penquis Transportation Services indicated that they can communicate moderately to very effectively with LEP individuals that they come into contact with. They use 'I Speak' cards and also have a language charts to identify LEP languages. When needed, they have access to a translation service, but they

have never needed to use it. The Senator's office in Bangor very rarely comes into contact with LEP individuals, but indicated that if they did, they would work through their DC office to find a translator.

With regard to the ability to communicate with LEP individuals, of the 53 survey respondents from KVCAP in **Region 4** two indicated that they are unable to communicate, five indicated that they are less effective in communicating, 14 indicated that they are moderately effective in communicating, and six indicated that they are very effective in communicating. They have 'I Speak' cards available if needed, use Certified Language International services if needed, and keep language material in a number of languages available on all of their vehicles for referring to a toll-free translation service. Community Partner, United Way indicated that they never encounter LEP individuals and have never found language to be a barrier to their services. The Harold Alfond Center and the Alfond Youth & Community Center indicated that they very rarely encounter non-English speaking/reading individuals, however, in the event that they do, they utilize a portable translator, which calls a translation business with many languages to choose from and the transmits on-screen translations of whatever is being spoken. They also may use the same translation service via the phone, and lastly, they have multi- or bilingual staff to draw upon.

**Region 5's** WCAP indicated that their employees can communicate moderately to very effectively with LEP individuals, and that they use translation cards with rudimentary bus-related terms on them for communication assistance. They also indicated that the local organization New Mainers Resource Center has translators available to anyone who needs them.

Largely, the survey respondents from the **Region 6** public transportation providers indicated that they communicate moderately to very effectively, with a single driver indicating that they communicate less effectively. Region 6 did not provide information regarding available communication methods or translation services.

**Region 7's** WMT survey respondents indicated that they are moderately to very effective at communicating with LEP individuals. Staff at WMT have family members who are educators who notify them of new LEP populations in the school systems. Additionally, they have contacts at most of the regional medical providers who also inform them of LEP individuals new to the area. Like Region 5, they reach out to New Mainers Resource Center through Healthy Androscoggin. The Town of Brunswick has personnel assigned to assist the new LEP individuals who have resettled in that community, and they are partnering with WMT on a Transit Study for that area. A local employer has provided a person to assist with New Mainers using the bus service for job access to his business. WMT has always provided 'I Speak' cards for the drivers to use. They are fortunate to have a driver from the Congo who speaks some of the Congolese dialects and assists with translations as needed. They indicated that he has been so helpful that they wish that they could clone him! WMT is in the process of updating their website to include national flag icons to click for translations to French, Spanish, Swahili, and Somali.

**Region 8's** YCCAC's survey respondents indicated that they are moderately effective to very effective at communicating with LEP individuals. YCCAC has partnerships with several organizations for outreach purposes in Biddeford, Sanford, Old Orchard Beach and Saco, the cities and towns with the largest concentration of speakers of French, Haitian or Cajun and who identify as speaking English less than very

well. These include the school departments, city administrative offices, Biddeford, Saco, Old Orchard Beach Transit, Chambers of Commerce and the Southern Maine Planning & Development Commission. The YCCAC Transportation Program has 'I Speak' cards available on its vehicles and at public meetings and can also call upon translation services if the need arises via a contract with Pacific Interpreters/Language Line Solutions for three-way telephone interpreter services. Additionally, family members, social service groups, family-based organizations and medical providers may provide translator services when appropriate. Translation services identified in Maine DOT's FTA Title VI plan are also an option when appropriate. YCCAC has several resources available to translate documents, including House of Languages.

When Nasson Health Care communicates with LEP individuals, they locate interpreter/translation services such as Language Line or 711 Relay services. They note that those services have worked very well for them in the past.

York County Shelter Programs occasionally encounter LEP individuals, most commonly at the food pantry and/or meal site kitchens. They utilize mobile apps and telephone translation services as needed, and re-evaluate the tools and resources that they utilize in order to ensure that they can provide uninterrupted and quality services to LEP persons.

### **CONCLUSION**

It appears that with a few exceptions, language is not a barrier to services in Maine, and that there are resources available to provide meaningful access to programs and activities if they are needed, including community organizations like Healthy Androscoggin and New Mainers Resource Center; translation services like Pacific Translators Language Line and Catholic Charities Interpreters; mobile apps; 'I Speak' cards; bilingual and multilingual staff; and 711 relay services. Survey respondents indicated that translation methods like mobile apps, 'I Speak' cards, and telelanguage services would be most helpful in bridging the communication gaps as they arise.

### **RECOMMENDATIONS**

The few exceptions referenced above include ARTS in Region 1. There was inadequate information obtained from Region 1 during this process to provide a clear picture of the need or services available to address the needs of LEP individuals in Region 1. It is recommended that Maine DOT reach out to ARTS to gain perspective on the needs and resources in Region 1.

Also, there are KVCAP drivers in Region 4 who indicated that they either cannot communicate with LEP individuals or communicate less effectively. It is recommended that KVCAP provide some training for those employees, as well as provide information to them about available translation/interpretation services.

It is unclear if RTP in Region 6 has any methods of communicating with or translating for LEP individuals in their service area. It is recommended that Maine DOT reach out to Region 6 to address this issue.

Overall, the translation resources appear to be commensurate with the number or proportion of eligible LEP persons, the frequency of contact with the services, and the importance of the program, activity, or service. Notably, those surveyed about addressing language barriers did not specifically mention written translation of vital documents. The Safe Harbor Threshold provision stipulates that for each LEP group that meets the LEP language threshold of 1,000 or 5% of the LEP population, whichever is less, the subrecipient must provide written translation of vital documents for the non-English users (e.g. the Title VI/ADA policy statement and/or Notice to the Public, complaint forms, and ADA paratransit eligibility forms). Maine DOT should follow up with its subrecipients to ensure that this practice has been implemented.

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**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