Title VI Permanent Program Plan

Nevada Department of Transportation

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I. INTRODUCTION

The Nevada Department of Transportation (NDOT), established in 1917, builds and improves Nevada's roads, and focuses on its mission of "Providing a better transportation system for Nevada through our unified and dedicated efforts." With over 1800 departmental employees, NDOT works diligently to further that mission in a fair and nondiscriminatory way. As a recipient of federal financial assistance, NDOT is required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964, which provides:

> ***"No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried out under this title."***

The Federal-Aid Highway Act of 1973 added sex to the list of prohibitive factors. Disability was added through Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. Age discrimination was subsequently added in 1975 under the Age Discrimination Act.

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the term "programs or activities" to include **all** programs or activities of federal-aid recipients, sub-recipients, and contractors, whether or not such programs and activities are federally assisted.

Title VI is further defined by Executive Orders 12898 (Environmental Justice-EJ), Executive Order 13166 (Limited English Proficiency-LEP), the American With Disabilities Act, and Section 504 of the Rehabilitation Act, which protects the civil rights of persons with disabilities, as described below.

a. Environmental Justice Executive Order 12898 - Environmental Justice (EJ) directed federal agencies to identify and address the effects of all programs, policies, and activities on "minority populations and low-income populations".
b. Executive Order 13166 - Limited English Proficiency (LEP) requires federal agencies to assess and address the needs of otherwise eligible limited English proficient persons seeking access to the programs and activities of recipients of federal financial assistance.
c. The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act protect the civil rights of persons with disabilities. For that reason, NDOT will ensure that no person will be denied the service or benefits of any state transportation services or facilities, or be subjected to discrimination on the basis of a disability.

Other Title VI and nondiscrimination laws, regulations and authorities related to our Program include:

a. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. §4601;
b. The National Environmental Policy Act of 1969, 42 U.S.C. § 4321;
c. 49 C.F.R. Part 21 (*Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);

d. 49 C.F.R. Part 27 (*Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
e. 49 C.F.R. Part 28 (*Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
f. 49 C.F.R. Part 37 (*Transportation Services For Individuals With Disabilities (ADA)*);
g. 23 C.F.R. Part 200 (FHWA's Title VI/Nondiscrimination Regulation);
h. 28 C.F.R. Part 35 (*Discrimination On The Basis Of Disability In State And Local Government Services*);
i. 28 C.F.R. Part 50.3 (DOJ Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
j. 49 U.S.C. Chapter 53 *et seq.* (*Federal Transit Laws*, as amended);
k. 28 CFR part 42, Subpart F (*Coordination of Enforcement of Nondiscrimination in Federally-assisted Programs*);
l. DOT Order 5610.2 (*U.S. DOT Order on Environmental Justice*);
m. DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient persons; and
n. FTA Circular 4702.1B (*TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL TRANSIT ADMINISTRATION RECIPIENTS- October 2012).*

II. DISCRIMINATION UNDER TITLE VI

There are two types of discrimination prohibited under Title VI and its related statutes: (1) Intentional discrimination; and (2) Disparate impact. An intent claim alleges that similarly situated persons are treated differently because of their race, color, national origin, gender, disability/handicap, age, economic status, or ability to communicate in English.

The second type of discrimination is disparate impact or disparate effects. This type of discrimination occurs when a neutral policy, procedure or practice results in different or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

NDOT's efforts to prevent such discrimination must address, but not be limited to, a program's impacts, access, benefits, participation, treatment, services, contracting opportunities and training opportunities, investigation of complaints, allocation of funds, prioritization of projects, as well as the functions of planning, design, project development, right-of-way, construction, traffic operations, communications, and research.

NDOT has developed this Title VI plan to assure that the services, programs, and activities it offers are conducted and administered fairly, without regard to race, color, national origin, gender, age, disability/handicap, economic status, or the participants' or beneficiaries' ability to communicate in English. NDOT's Civil Rights Division oversees the Title VI plan and the Title VI Program Compliance plan, which is effective upon review and approval by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA).

Title VI Plan Guideline Objectives

The primary objectives of NDOT's Title VI plan are:

- to assign and clarify roles, responsibilities, policies and procedures for assuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
- to assure that people affected by NDOT's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, gender, disability/handicap, economic status or ability to speak English;
- to proactively prevent discrimination and ensure nondiscrimination in **all** NDOT programs and activities, whether those programs and activities are ***federally funded or not;***
- to establish procedures for identifying and eliminating discrimination;
- to establish procedures to annually review Title VI compliance within specific NDOT program areas; and
- to set forth procedures for filing and processing complaints by persons who believe they have been subjected to discrimination under Title VI in a NDOT service, program or activity.

Title VI Plan Key Definitions

Affirmative Action: A good faith effort to eliminate past and present discrimination and to ensure that future discriminatory practices do not occur. Actions aimed at addressing the under-representation or utilization of minorities and females.

Beneficiary: Any person or group of persons (other than States) entitled to receive benefits, directly or indirectly, from any federally assisted program, i.e. , relocatees, impacted citizens, communities, etc.

Disparate Impact: Discrimination, which occurs when a neutral policy, procedure or practice results in different or unequal treatment, and such policy or practice, lacks a "substantial legitimate justification." The focus is on the consequences of a recipient's practices rather that the recipient's intent. This is also known as "unintentional discrimination."

Disparate Treatment: Discrimination which occurs when similarly situated persons are treated differently because of their race, color, national origin, gender, disability/handicap, age, economic status or ability to speak English, and the decisions were made (at least in part) because of one or more of those factors.

Metropolitan Planning Organization (MPO): The policy board of an organization created and designated to carry out the metropolitan transportation planning process for each urbanized area with a population of more than 50,000 individuals (e.g. the Regional Transportation Council (RTC) of Southern Nevada)—

(a) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city (based on population) as determined by the Bureau of the Census); or

(b) in accordance with procedures established by applicable State or local law.

Minority: A person who is a citizen or lawful permanent resident of the United States and who is:

- "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;
- "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
- "Native Americans," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
- "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong;
- "Subcontinent Asian Americans," which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
- Women.

Recipient: Any State, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program (*e.g.* NDOT). Recipient includes any successor, assignee, or transferee thereof. The term recipient does not include any ultimate beneficiary under any such program (e.g. contractors and individuals).

Statewide transportation improvement program (STIP): A statewide prioritized listing/program of transportation projects covering a period of four years that is consistent with the long-range statewide transportation plan, metropolitan transportation plans, and TIPs, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53."

Sub-recipient: A governmental entity (*e.g.,* RTC) or private firm that receives federal funding from a recipient to carry out a federal program, but does not include an individual that is a beneficiary of such a program.

Transportation improvement program (TIP): A prioritized listing/program of transportation projects covering a period of four years that is developed and formally adopted by an MPO as part of the metropolitan transportation planning process, consistent with the metropolitan transportation plan, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53.

III. NONDISCRIMINATION STATEMENT OF POLICY

The Nevada Department of Transportation (NDOT) and its Director are committed to full compliance with Title VI of the Civil Rights Act of 1964 and all related regulations, laws, executive orders and directives. The Director, as the ultimate responsible person for Title VI compliance, and NDOT, assures that no person shall on the grounds of race, color, national origin, gender, age, disability/handicap, economic status or ability to speak English be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any NDOT service, program or activity. NDOT will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

Any person who is not an employee of the State of Nevada and who believes that they have been discriminated against because of NDOT's programs, policies or activities, may file a written complaint with the Civil Rights Officer at the address and telephone number listed below:

Civil Rights Officer
Nevada Department of Transportation
123 East Washington Avenue
Las Vegas, Nevada 89101
(702) 730-3301 Office
(702) 486-0487 Fax

NDOT's Title VI Program is managed by its Civil Rights Officer, who is a member of the Department's Front Office Team and reports directly to the Director on Title VI issues. The Civil Rights Officer will work closely with an interdisciplinary committee of Division Heads to perform the routine data collection/data analysis and process reviews required under Title VI.

NDOT's Director is committed to providing the Civil Rights Officer with the resources, authority and responsibility to effectively carry out his/her duties.

Rudy Malfabon, P. E., Director

2-5-13
Date

IV. ORGANIZATION AND STAFFING OF CIVIL RIGHTS DIVISION

Overview

The Civil Rights Division (CRD) reports directly to NDOT Deputy Director, Southern Nevada, and has been established in accordance with federal guidelines. The CRD administers and oversees the Department's Title VI plan, as well as the ADA, the DBE Program, and Contract Compliance. The Civil Rights Officer, who is currently also the Title VI Coordinator, reports directly to the NDOT Director for Title VI matters, as indicated by the dotted line reporting structure on the attached organizational chart. **(See ATTACHMENT 1)**

Organization

Director – The Director of the NDOT is responsible to the Transportation Board, which is chaired by the Governor, for ensuring implementation of the Department's Title VI plan. The Director, pursuant to 23 CFR § 200.9(a) (3), is personally responsible for NDOT's implementation of and compliance with Title VI and provides leadership, guidance, direction, and support for NDOT's Title VI program.

Deputy Director (Southern Nevada) – Assists the Director in assuring the implementation of a proactive and comprehensive Civil Rights Program and provides leadership, support and guidance to the CRD.

Civil Rights Officer – The Civil Rights Officer answers directly to the Deputy Director, Southern Nevada and to the Director on Title VI issues. The Civil Rights Officer has the responsibility for the strategic direction of NDOT's Title VI Program including program and activity delivery and oversight, evaluation of Title VI program activities and reports, community and interagency coordination, technical guidance and assistance, training, policy development and revision, and coordination of all agency-wide Title VI program implementation and information.

The Civil Rights Officer's primary functions include the following:

- Oversee, guide, and direct NDOT's Title VI program, ADA Program, DBE Program, and Contract Compliance policies, and practices;
- Supervise, review, and monitor the external civil rights programs;
- Participate in the development of NDOT's policy and strategic plans to ensure initiatives and goals are consistent with NDOT's Title VI Program;
- Serve as a liaison between NDOT and Federal and state officials regarding civil rights issues;
- Work closely with community leaders and other stakeholders to ensure their concerns are heard regarding Title VI issues;
- Monitor, review and evaluate the effectiveness of NDOT's programs, policies, and activities for Title VI compliance;
- Develop Title VI information for dissemination to the general public and, in languages other than English;
- Monitor the CRD staffing level and call resource or program deficiencies to the Director's attention;
- Provide guidance and instruction regarding compliance reviews and investigations and assist other divisions with Title VI compliance;

- Develop procedures to identify and eliminate discrimination and impediments to nondiscriminatory practices where such impediments are found;
- Administer or oversee the Disadvantaged Business Enterprise Program to ensure adequate goal-setting, participation, and evaluation to ensure compliance with Title 49 CFR Part 26;
- Establish procedures for promptly resolving Title VI deficiency status and reducing to writing the remedial action needed, within a period not to exceed 90 calendar days from the submission of the annual goal accomplishment report;
- Develop and implement procedures for the collection of statistical data (i.e., with respect to race, color, sex, and national origin, of participants in, and beneficiaries of, State highway programs);
- Develop procedures for Title VI compliance reviews of program areas (communications, environmental, planning, project development, right-of-way, traffic operation and control, construction, and research) to determine the program area's effectiveness;
- Prepare or cause to be prepared, annual assurances for FHWA and Title VI activities and accomplishments report; and
- Represent NDOT, at the direction of NDOT senior leadership, at the Nevada State Legislature and other official bodies providing expert advice and testimony regarding the highly complex and involved Title VI-related issues.

American Disabilities Act (ADA) Coordinator – The ADA coordinator is responsible for coordinating activities necessary to ensure compliance with the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Federal Rehabilitation Act of 1973. The Coordinator is responsible for advising the appropriate NDOT staff regarding the ADA-related laws and regulations and their applicability to transportation-related facilities and structures. The Coordinator reports to the Civil Rights Officer and is the Department's expert on ADA as it relates to transportation-related construction. The ADA Coordinator advises the Civil Rights Officer, management, and other staff on ADA issues. The Coordinator researches, develops, implements, and administers ADA-related departmental policies and procedures and is responsible for researching and investigating complex issues and providing options for resolution to management.

The ADA Coordinator's primary functions include:

- Managing all Title II ADA complaints received by the Department;
- Monitoring the Department's current policies and practices for implementing ADA/504;
- Collaborating and coordinating with the heads of major divisions to manage ADA/504 compliance;
- Preparing and monitoring NDOT's ADA/504 Transition Plan;
- Identifying, investigating, and eliminating ADA/504 discrimination when and where it is found to exist;
- Conducting ADA/504 training programs for NDOT managers and employees;
- Conducting annual compliance reviews of ADA/504 requirements in NDOT program areas; and
- Providing technical assistance to program areas to facilitate ADA/504 compliance.

Disadvantaged Business Enterprise (DBE) Program Officer – (pending legislative approval in 2013) This position will be responsible for managing and overseeing the DBE Program reporting to and under the direction of the Civil Rights Officer. The duties shall include DBE certification activities, monitoring of DBE utilization on Federal-aid contracts to ensure annual goals are being met, DBE goal setting, DBE outreach and supportive services (which develops the DBE program through education, training, community outreach, recruitment, training of DBE firms), and maintaining and updating the DBE Program Plan.

Contract Compliance Manager – The Contract Compliance Manager (CCM) reports to the Civil Rights Officer and is responsible for the daily operation of the Contract Compliance Unit. The CCM monitors the Title VI Program to ensure NDOT's compliance with Title VI and Title VI-related regulations. The Contract Compliance Manager's primary responsibilities with regard to Title VI include the following:

- Ensure contracts and certified payrolls are in compliance with Title VI provisions related to NDOT Federal-aid and sub-recipient contracts;
- Monitor external EEO compliance of contractors and subrecipients;
- Establish training goals for federal aid projects;
- Provide support and assistance to program areas on Tribal Employment Rights Offices (TERO) responsibilities;
- Review wages of employees working for contractors/subcontractors on federally-assisted projects to ensure compliance with EEO provisions;
- Attend pre-construction and pre-bid conferences to answer Title VI questions and review Title VI-related issues with potential bidders and/or the selected contractor and subcontractors;
- Conduct Title VI reviews of the Metropolitan Planning Organizations, LPAs, and other sub-recipients in the state to ensure compliance;
- Provide Title VI technical assistance to sub-recipients;
- Prepare annual assurances for FHWA and FTA of Title VI activities and accomplishments; and
- Develop and/or facilitate training and dissemination of information to sub-recipients and NDOT officials on the provisions and requirements of Title VI and related statutes and directives, including E.O. 12898 and E.O. 13166.

Contract Compliance Program Officers and Civil Rights Division Support Staff – In addition to the Contract Compliance Manager, six employees assist the Civil Rights Officer in administering the external civil rights program. This program includes Title VI-related contract compliance, the Disadvantaged Business Enterprise Program, and the ADA/504 Program. Responsibilities include: reviewing and monitoring highway construction project ADA and Title VI activities; preparing and submitting EEO/contract compliance review documents and annual assessment updates to FTA and FHWA; uploading compliance reports and documents into TEAM; and internal and external training on Title VI Civil Rights. Additionally, from time to time, NDOT will contract with local consulting firms to provide DBE Supportive Services and Prevailing Wage Rate compliance.

Title VI Interdisciplinary Committee - Each of the Title VI program areas has a designated liaison responsible for communicating and coordinating with the Civil Rights Officer or her designee in activities impacted by Title VI. These individuals are responsible for monitoring procedures and practices and implementing required policies and practices within his or her respective area(s) of responsibility to ensure NDOT's programs, policies, procedures and

practices are applied fairly, equitably, and in a nondiscriminatory manner in accordance with Title VI and the related nondiscrimination laws detailed earlier in this Plan. These individuals provide program activity information to the Civil Rights Officer upon request, and in an annual report. The accomplishment of these requirements is monitored by the supervisor of the responsible individuals through NDOT's employee performance management program.

Division Heads - Division Heads are responsible for familiarizing themselves with the requirements of Title VI and the related nondiscrimination laws detailed earlier in this Plan, and for complying with NDOT's Title VI Program. They are responsible for assuring that issues or complaints regarding Title VI and related statutes are promptly reported to the Civil Rights Officer. They are also responsible for assisting the Civil Rights team members in their efforts to implement Title VI requirements related to their divisions, both internally and externally. The accomplishment of these requirements is monitored by the supervisor of the responsible individuals through NDOT's employee performance management program.

District Engineers - NDOT is comprised of three districts. Each district is served by one District Engineer. Of the three District Engineers, one will be appointed as a representative to serve on the Title VI Interdisciplinary Committee. That District Engineer is responsible for ensuring that the other two District Engineers provide guidance to each district on Title VI compliance issues, ensuring that Title VI complaints received in the Districts are referred to the Civil Rights Officer, and assist in ensuring that NDOT District programs, services, and activities are administered fairly in compliance with Title VI. Each District Engineer also assists the Contract Compliance Manager in reviewing and monitoring external highway construction field activities relating to Title VI and the DBE Program and acts as a liaison to the tribal representatives as needed. The accomplishment of these requirements is monitored by the supervisor of the responsible individuals through NDOT's employee performance management program.

Sub-recipients – NDOT is developing a compliance monitoring program for all of our federal-aid subrecipients. This program will include extensive training that will be followed by a compliance audit nine to eighteen months following the initial training.

V. PROGRAM AREA MONITORING AND REVIEW PROCESS

Communications

The Communications Office Division head is responsible for providing communication outreach activities for NDOT programs and activities. This Division includes the public information, multimedia, customer service, and photography sections and is responsible for arranging public hearings and meetings for NDOT. Communications plays a critical role in how NDOT communicates with the media and how we reach out to the public and stakeholders. The Communications Office Division head will assure that every effort will be made to prevent discrimination through the impact of its programs, policies, and activities on minority and low-income populations, and that reasonable steps will be taken to provide meaningful access to NDOT's public participation process for persons with Limited English Proficiency (LEP). The Division will appoint a Title VI Liaison to participate on the Title VI interdisciplinary committee, which assists with this task. The accomplishment of these requirements is monitored by the supervisor of the responsible individuals through NDOT's employee performance management program. Communication's Title VI responsibilities include but are not limited to the following:

- Develop public involvement strategies for engaging minority, LEP, and low-income populations in transportation decision-making and for reducing participation barriers, e.g., ensuring that outreach efforts utilizing media are targeted to these groups;
- Evaluate NDOT's public involvement process and develop strategies to improve communication, especially with regard to minority and low-income populations;
- Assist other Divisions in their efforts to engage minority and low-income populations in the public outreach efforts, and their public outreach efforts utilizing media targeted to these groups;
- Review NDOT's public outreach efforts and performance measures annually to assure compliance with federal public participation requirements and NDOT policy and procedures;
- Ensure that notices, policies, and complaint procedures required by Title VI are appropriately displayed on the NDOT website;
- Develop and implement methods to ensure that issues/concerns raised by minority and low-income populations during public hearings/meetings are provided to NDOT decision-makers throughout the entire decision-making process;
- Ensure that a reasonable representation of female and minority consultants are included in on-call list;
- Ensure that Title VI compliance is integrated into Communication's internal procedures and are reviewed and updated as necessary to maintain Title VI compliance;
- Promptly refer Title VI complaints to the Civil Rights Officer and assist with the investigation of these complaints; and
- Monitor Communications' Title VI accomplishments and challenges.

Annual Review:

The following items in the Communications Division will be prepared and submitted by the Division Interdisciplinary member in an annual report submitted to the Civil Rights Officer no later than July 31st each year:

- The Public Involvement strategy used to increase and enhance participation by low-income, female, and minority populations in public hearings and informational meetings;
- The number and locations of public hearings/informational meetings held since the last Title VI report, including the approximate number of persons attending those meetings and the number of females and minorities (by race) who attended;
- Summary of assistance provided to other Divisions to help with their outreach efforts;
- Screen shots of required Title VI notices, policies, and complaint procedures;
- Description of process of how issues/concerns raised by minority, female, and low-income populations at public meetings/hearings were provided to NDOT decision-makers;
- Number of consultant contracts awarded since the last Title VI report and the total dollar amount awarded;
- Number of female and minority consultants awarded contracts and the total dollar amount awarded, including the efforts made to increase participation of female and minority-owned consulting firms in the selection process;
- Description of your internal procedures that illustrate where and how Title VI compliance is integrated within;

- Composition of the Communication's Division's workforce and internships by position title, race, and gender;
- Summary of Title VI complaints received and forwarded to Civil Rights Officer; and
- Significant Title VI accomplishments attained since last Title VI report and Title VI actions planned for the coming year.

Planning

The Planning Division head has the primary responsibility for assuring that multi-modal planning and the results of that planning are executed in accordance with Title VI. The Division will appoint a Title VI Liaison to participate on the Title VI Interdisciplinary Committee, which assists with this task. This process requires consideration of social, economic, and environmental effects of a proposed plan or program on identified groups to avoid biased or discriminatory programs. The Division also monitors the transportation planning activities of the various Metropolitan Planning Organizations (MPO'S) to ensure compliance with Title VI. The accomplishment of these requirements is monitored by the supervisor of the responsible individuals through NDOT's employee performance management program. Planning's Title VI responsibilities include but are not limited to the following:

- Identification of the person or section of Planning that has the lead responsibility for Title VI matters;
- Establishing the process or strategies used to ensure Title VI issues are addressed in the planning process;
- Implementing the utilization of demographic information to identify minority and low-income populations to examine the distributions of the benefits/burdens of the transportation plans and activities on these populations (demographic profile of the state and maps that show the impacts of the distribution of State and Federal funds in the aggregate for public transportation projects);
- Utilizing the public involvement processes to improve nondiscrimination and to take action to reduce participation barriers for minority and low-income populations;
- Ensure that MPOs solicit and consider the views of all identified populations in the planning of federally-assisted programs;
- Ensure that MPOs have representation in their membership that reflects the makeup of the population they serve;
- Monitoring of Environmental Justice (E.O. 12898) issues to identify and locate minority and low-income populations that may be impacted by transportation planning programs;
- Implementation of procedures used to ensure nondiscriminatory pass-through of Federal financial assistance to subrecipients, LPAs, and MPOs;
- Development of the Statewide planning process that identifies the transportation needs of minority populations;
- Adoption of a Planning Division Public Participation Plan that includes information about outreach methods to engage minority and LEP populations, including their membership on non-elected committees or councils;
- Assuring that female and minority-owned firms have an equal opportunity to participate in consultant planning agreements;
- Promptly refer Title VI complaints to the Civil Rights Officer and assist with the investigation of those complaints;

- Ensure that Title VI and Environmental Justice compliance are integrated into Planning's internal procedures and are reviewed and updated as necessary to maintain Title VI compliance; and
- Monitor Planning's Title VI accomplishments and challenges.

Annual Review:

The following items in the Planning Division will be prepared and submitted by the Division Interdisciplinary Team member in an annual report submitted to the Civil Rights Officer no later than July 31st each year:

- Demographic profile of Nevada;
- Demographic maps that show the impacts of the distribution of State and Federal funds in the aggregate for public transportation projects;
- Name of the Title VI Interdisciplinary Committee representative;
- The process or strategies used to ensure Title VI issues are addressed in the planning process including a list of committees and councils with a breakdown of their membership by race;
- Public participation plan along with summary of outreach efforts made since last Title VI Program submission including:
    - Number of planning hearings held and in what locations, including the number or percentage of female and minority participation;
    - Number of public information meetings/open houses held by the Planning Division, including the number or percentage of female and minority participation;
- Compliance reviews of MPOs indicating the degree to which MPOs considered the views of all identified populations;
- Race and gender of the membership of the MPOs members;
- Summary of the Environmental Justice analyses conducted;
- Pass-through procedures used;
- Transportation needs of the minority and low-income communities and how that was identified;
- Number of consultant planning agreements awarded and dollar amount, number and dollar amount awarded to female and minority-owned firms, including the efforts made to increase participation of female and minority-owned consulting firms in the selection process;
- Description of your internal procedures that illustrate where and how Title VI and Environmental Justice compliance are integrated within such procedures;
- Composition of the Planning Division's workforce and internships by position title, race, and gender;
- Title VI complaints received regarding transportation planning or the public involvement process; and
- Significant Title VI accomplishments attained since last Title VI report and Title VI actions planned for the coming year.

Environmental

The Division Head for the Environmental Services Division is responsible for analyzing the environmental effects and resulting impacts and mitigating measures of planned projects and ensuring they are executed in accordance with Title VI and Executive Order 12898. The

Division will appoint a Title VI Interdisciplinary Team member to assist with this task. This process requires consideration of the social, economic, and environmental effects of a proposed project to identify possible discriminatory issues, meeting the identified transportation needs and goals of a community, and ensuring the protection and enhancement of the environment. The accomplishment of these requirements is monitored by the supervisor of the responsible individuals through NDOT's employee performance management program. The Division will:

- Monitor the Division's public involvement processes to improve the participation of minorities and low-income populations to better assess the environmental impact of proposed projects;
- Implement a process for identifying mitigating measures when there is the potential for disproportionate or discriminatory impacts on minority or low-income populations;
- Monitor compliance with Environmental Justice (E.O. 12898) through the use of environmental studies to identify and locate minority and low-income populations that are impacted by transportation programs and activities;
- In concert with the Communications Division, monitor compliance with E.O. 13166, Limited English Proficiency, to assure access and understanding of transportation programs and activities for those with limited English proficiency;
- Where consultant agreements are utilized for environmental studies, ensure that female and minority-owned consulting firms are afforded maximum opportunity to participate in the agreement procurement process;
- Ensure that both Title VI and Environmental Justice compliance are integrated into the Environmental Services Division's internal procedures and are reviewed and updated as necessary to maintain Title VI compliance;
- Promptly refer Title VI complaints to the Civil Rights Officer and assist with the investigation of those complaints; and
- Monitor Title VI/environmental justice accomplishments and problem areas.

Annual Review:

The following items in the Environmental Services Division will be prepared and submitted by the Division Interdisciplinary Team member in an annual report submitted to the Civil Rights Officer no later than July 31st of each year:

- Public involvement strategies utilized for engaging minority, low-income, and limited English proficiency populations in transportation decision-making and for reducing participation barriers;
    - Detail when or how the public involvement process was routinely evaluated and whether efforts were made to improve performance, especially with regard to minority and low-income populations;
    - Description of the efforts made to engage minority and low-income populations in the public outreach effort, and the use of media targeted to reach those populations in public outreach efforts;
- Description of the methods used to ensure that issues/concerns raised by minority and low-income populations were appropriately considered in the decision-making process;
- Number and type of environmental documents processed;

- Summary of completed Environmental Assessments or Environmental Impact Statements where minority and low-income populations were adversely impacted and the mitigation measures taken as a result;
- Number of new consulting agreements involving environmental studies and their dollar value. The number of female and minority-owned firms utilized in such agreements and the dollar value of their contracts, including the efforts made to increase participation of female and minority-owned consulting firms in the selection process;
- The number of public hearings/information meetings held by the Environmental Services Division and the meeting locations and percentages of female and minority participation;
- Description of the efforts made to take Environmental Justice concerns into consideration in the environmental process;
- Description of the Environmental Services Division's internal procedures that illustrate where and how Title VI and Environmental Justice compliance are integrated within such procedures;
- Composition of the Environmental Services Division's workforce and internships by position title, race, and gender;
- Title VI complaints received involving project impacts or the public involvement process; and
- Significant Title VI accomplishments attained since last Title VI report and Title VI actions planned for the coming year.

Design

The Division Head for the Road Design Division has the responsibility for assuring that aspects of the design phase and the resulting final design are executed in accordance with Title VI. This process includes solicitation for proposals, consultant selection, preliminary design work, development of alternatives, and final design and requires an effective outreach strategy to solicit and incorporate the input of minorities and low-income populations into design. The Division head will appoint a Title VI Interdisciplinary Team member to assist with this task. The accomplishment of these requirements is monitored by the supervisor of the responsible individuals through NDOT's employee performance management program. The Division will:

- Monitor the public involvement process to eliminate participation barriers for minority and low-income populations throughout the design phase;
- In conjunction with Administrative Services, ensure that all consultant and subconsultant agreements include Title VI contract provisions;
- Ensure equal opportunity for female and minority-owned consulting firms to participate in consultant design agreements;
- Ensure that both Title VI and Environmental Justice compliance are integrated into the Design Division's internal procedures and are reviewed and updated as necessary to maintain Title VI compliance;
- Promptly refer Title VI complaints to the Civil Rights Officer and assist with the investigation of these complaints; and
- Monitor Title VI accomplishments and any potential barriers and concerns that might exist for the minority and low-income populations.

Annual Review:

The following items in the Design Division will be prepared and submitted in an annual report by the Division Interdisciplinary Team member submitted to the Civil Rights Officer no later than July 31st of each year:

- The number of consultant agreements awarded in the Design Division since the last Title VI report and their total dollar value;
- The number of female and minority-owned firms awarded consultant agreements and the dollar value of their contracts;
- The efforts made to utilize female and minority participations and outreach in obtaining consultant/subconsultant agreements and/or construction agreements;
- The concerns/barriers you identified for utilization of female and minority consultants (i.e. licensing, certification, etc.);
- The number of public hearings/informational meetings held during the design phase and in what locations;
    - The number of female and minority participants at the public hearings/informational meetings;
    - How the input of female and minority participants was captured and incorporated into the design process;
- Description of your internal procedures that illustrate where and how Title VI and Environmental Justice compliance are integrated within;
- Summary of Title VI complaints received concerning consultant agreements, contract bidding/quoting procedures, and public involvement opportunities for females and minority participants;
- Composition of the Design Division's workforce and internships by position title, race and gender; and
- Significant Title VI accomplishments attained since last Title VI report and Title VI actions planned for the coming year.

Right-of-Way

The Right-of-Way Division Head has the responsibility for assuring that all Right-of-Way functions and the results of those activities are executed in accordance with Title VI. The division will appoint a Title VI interdisciplinary team member to assist with this task. The division will assign a Staff Specialist to be the Title VI team member. While all Staff Specialist's, will be involved with monitoring the activities, that are associated with their respected disciplines, the Title VI team member will be assigned the task of coordinating the final reporting requirements. These activities include property appraisals, negotiations with property owners, acquisition of properties, and relocation of people and businesses. The Chief ROW Agent will be responsible for implementing any changes that may be necessary to insure Title VI compliance. Spread sheets will be established in order to maintain a running total of demographics. The accomplishment of these requirements is monitored by the supervisor of the responsible individuals through NDOT's employee performance measurement program. The Right-of-Way Division (ROW) will:

- Ensure the inclusion of Title VI provisions in realtor, fee appraiser, and negotiator contracts;

- Ensure that all ROW activities comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
- Monitor diversification in the use of fee appraisers with the objective of increasing the utilization of female and minority fee appraisers;
- Monitor the use of consultants from the approved fee appraiser list;
- Ensure that females and minorities are included on the approved fee appraiser or on-call lists;
- Monitor efforts made to ensure that female and minority appraisers are provided an equal opportunity to participate in the bid process;
- Ensure equitable treatment of businesses and persons displaced by highway projects, regardless of race, color, gender, income-status, or national origin;
- Ensure that necessary steps are taken to overcome language barriers during the right-of-way process;
- Ensure that Title VI compliance is integrated into ROW internal procedures and are reviewed and updated as necessary to maintain Title VI compliance during the right-of-way process;
- Project data regarding the race, color, national origin, sex, age, and disability/handicap of the property owners of parcels valued, property owners receiving written offers of Just Compensation, and property owners/tenants relocated will be collected;
- The ROW Title VI liaison will analyze the data to verify that all property valuations, property acquisitions (negotiations) and relocation benefits were conducted or applied in compliance with all Title VI provisions.
- Promptly refer Title VI complaints to the Civil Rights Officer and assist with the investigation of these complaints; and
- Monitor and report right-of-way Title VI accomplishments and problem areas.

Annual Review:

The following items in the Right-of-Way Division will be provided in an annual report submitted by the Division Interdisciplinary Team member to the Civil Rights Officer no later than July 31st of each year:

- Number of consultant fee appraisers utilized, number of female and minority consultant fee appraisers utilized, and efforts made to increase participation of female and minority fee appraisers;
- Number of staff appraisers utilized, including number of female and minority staff appraisers, and efforts made to increase participation of female and minority staff appraisers;
- Number of negotiators utilized, including number of female and minority negotiators, and efforts made to increase participation of females and minorities;
- Number of staff negotiators utilized, including number of female and minority negotiators;
- Efforts made to provide information in the appropriate language and/or number of times interpreters were used;
- Number of total relocations involving female, minority, elderly, low-income, and disabled/handicapped persons;
- Concerns raised, if any, by female, minority, elderly, low-income, and disabled/handicapped persons who were relocated;

- Number of relocation assistance contracts awarded including those awarded to female, minority, elderly, low-income, and disabled/handicapped persons;
- Number of female or minority firms utilized and efforts made to encourage female and minority firm bidding;
- Description of your internal ROW procedures that illustrate where and how Title VI compliance is integrated within such procedures during the ROW process, including a project data report by race and gender, with analysis;
- Composition of the Right-of-Way Division's workforce and internships by position title, race, and gender;
- Title VI complaints received regarding the right-of-way process, i.e., appraisals, negotiations, relocation assistance, and payments; and
- Significant Title VI accomplishments attained since last Title VI report and Title VI actions planned for the coming year.

Administrative Services

The Division Head for Administrative Services has the primary responsibility for assuring that highway-contracting procedures are executed in accordance with Title VI. The Division will appoint a Title VI Interdisciplinary Team member to assist them with this task. The accomplishment of these requirements is monitored by the supervisor of the responsible individuals through NDOT's employee performance management program. The Administrative Services Division will:

- Monitor Federal-aid construction contracts and subcontracts to ensure that they contain all required Title VI provisions and attachments;
- Ensure that the on-call and pre-qualified lists provide a clear and effectively communicated procedure to include female and minority-owned businesses and consultants;
- Ensure that the appropriate DBE and Training Special Provisions are included in prime and subcontractor contracts;
- Ensure the collection of demographic data for all agreements and contracts awarded, in particular the race and gender of business owners or consultants;
- Identify potential concerns/barriers for female and minority consultants (e.g., licensing, lack of sub-consulting opportunities, etc.);
- Monitor the efforts made to utilize female and minority participation in obtaining consultant/subconsultant agreements and construction contracts;
- Ensure that Title VI compliance is integrated into the Administrative Services Division's internal procedures and is reviewed and updated as necessary to maintain Title VI compliance;
- Promptly refer Title VI complaints regarding consultant agreements or contract bidding procedures to the Civil Rights Officer and assist with the investigation of those complaints; and
- Monitor Title VI accomplishments and challenges.

Annual Review:

The following items in the area of Administrative Services will be provided by the Division Interdisciplinary Team member in an annual report submitted to the Contract Compliance Manager no later than July 31st of each year:

- Number of construction contracts awarded and the dollar amount;
- Number of agreements awarded and the dollar amount;
- Description of strategies and efforts made to increase the number of minority and female consultants and service providers;
- Number of female and minority-owned businesses and consultants on Prequalified and on-call lists;
- Matrix of Contracts and Agreements awarded by race, gender, and dollar amount;
- List of Contracts and Agreements issued without required Title VI provisions or attachments and steps taken to avoid future omissions;
- Description of internal procedures that illustrate where and how Title VI compliance is integrated within;
- Composition of the Administrative Services' Division workforce and internships by position title, race, and gender;
- Summary of Title VI complaints received and forwarded to the Civil Rights Officer; and
- Significant Title VI accomplishments attained since last Title VI report and Title VI actions planned for the coming year.

Construction

The Construction Division head has the primary responsibility for assuring that highway-construction practices adhere to Title VI requirements. The Division will appoint a Title VI Interdisciplinary Team member to assist them with this task. The accomplishment of these requirements is monitored by the supervisor of the responsible individuals through NDOT's employee performance management program. The Construction Division will:

- Monitor construction project work to ensure compliance with Title VI requirements;
- Ensure that policies and procedures for monitoring construction activities, reviewing and approving change orders, and inspections are applied in a nondiscriminatory manner;
- Ensure that the on-call and pre-qualified lists provide a clear and effectively communicated procedure to include female and minority-owned contractors, service providers, and consultants;
- Ensure equal opportunity for female and minority-owned contractors, service providers, and consulting firms to participate in construction and consultant agreements;
- Ensure that Title VI compliance is integrated into the Construction Division's internal procedures and is reviewed and updated as necessary to maintain Title VI compliance, including the assurance that Appendix A of the standard FHWA Assurances for Title VI and Other Nondiscrimination Statutes and Regulations document is included in all prime contracts/consultant agreements and that prime contractors are ensuring that Appendix A is included in all sub-contracts regardless of tier;
- Promptly refer Title VI complaints to the Civil Rights Officer and assist with the investigation of those complaints;
- Administer and enforce the terms of construction contracts in a nondiscriminatory manner; and
- Monitor Construction's Title VI accomplishments and problem areas.

Annual Review:

The following items in the area of Construction will be provided by the Division Interdisciplinary Team member in an annual report submitted to the Civil Rights Officer no later than July 31st of each year:

- The number of construction contracts awarded and the dollar amount;
- The number of female and minority firms awarded contracts and the dollar amount of the contracts;
- Title VI construction complaints received during the reporting period;
- Description of your internal procedures that illustrate where and how Title VI compliance is integrated within such procedures;
- The composition of the Construction Division workforce by position title, race, and gender; and
- Significant Title VI accomplishments attained since last Title VI report and Title VI actions planned for the coming year.

Project Management

The Division head is responsible for developing, organizing, managing, and prioritizing NDOT's major capacity projects and assuring that is done in compliance with Title VI. The Division will appoint a Title VI Interdisciplinary Team member to assist them with this task. The accomplishment of these requirements is monitored by the supervisor of the responsible individuals through NDOT's employee performance management program. Project Development's Title VI responsibilities include, but are not limited to the following:

- Ensure that Title VI compliance is integrated into the Project Management Division's internal procedures and is reviewed and updated as necessary to maintain Title VI compliance;
- Monitor the public involvement process to eliminate participation barriers for minority and low-income populations throughout the project management phases;
- Ensure equal opportunity for female and minority-owned consulting firms to participate in the Division's consultant agreements;
- Promptly refer Title VI complaints to the Civil Rights Officer and assist with the investigation of those complaints; and
- Monitor Title VI accomplishments and challenges.

Annual Review:

The following items in the Project Management Division will be prepared and submitted in an annual report by the Division Interdisciplinary Team member submitted to the Civil Rights Officer no later than July 31st of each year:

- The number of consultant agreements awarded in the Project Management Division since the last Title VI report and their total dollar value;
- The number of female and minority-owned firms awarded consultant agreements and the dollar value of their contracts;
- The efforts made to utilize female and minority participation and outreach in obtaining consultant/subconsultant agreements and/or construction agreements;

- The concerns/barriers you identified for utilization of female and minority consultants (i.e. licensing, certification, etc.);
- In coordination with the Communications Division and the Environmental Services division, the number of public hearings/informational meetings held on behalf of the Project Management Division and in what locations;
    - The number of female and minority participants at the public hearings/informational meetings;
    - How the input of female and minority participants was captured and incorporated in the development of projects;
- Description of your internal procedures that illustrate where and how Title VI and Environmental Justice compliance are integrated within such procedures;
- Summary of Title VI complaints received concerning consultant agreements, contract bidding/quoting procedures, and public involvement opportunities for females and minority participants;
- Composition of the Project Management Division's workforce and internships by position title, race, and gender; and
- Significant Title VI accomplishments attained since last Title VI report and Title VI actions planned for the coming year.

Traffic Operations

The Division Head for the Traffic Operations Division has the responsibility for assuring that aspects of the traffic and operations design phase and the resulting final design are executed in accordance with Title VI. This process includes solicitation for proposals, consultant selection, preliminary design work, and final design. The Division head will appoint a Title VI Interdisciplinary Team member to assist with this task. The accomplishment of these requirements is monitored by the supervisor of the responsible individuals through NDOT's employee performance management program. The Division will:

- In conjunction with Administrative Services, ensure that all consultant and subconsultant agreements include Title VI contract provisions;
- Ensure equal opportunity for female and minority-owned consulting firms to participate in consultant design agreements;
- Ensure that both Title VI and Environmental Justice compliance are integrated into the Traffic Operations Division's internal procedures and are reviewed and updated as necessary to maintain Title VI compliance;
- Promptly refer Title VI complaints to the Civil Rights Officer and assist with the investigation of those complaints; and
- Monitor Title VI accomplishments and any potential barriers and concerns that might exist for the minority and low-income populations.

Annual Review:

The following items in the Traffic Operations Division will be prepared and submitted in an annual report by the Division Interdisciplinary Team member submitted to the Civil Rights Officer no later than July 31st of each year:

- The number of consultant agreements awarded in the Traffic Operations Division since the last Title VI report and their total dollar value;

- The number of female and minority-owned firms awarded consultant agreements and the dollar value of their contracts;
- The efforts made to utilize female and minority participation and outreach in obtaining consultant/subconsultant agreements and/or construction agreements;
- The concerns/barriers you identified for utilization of female and minority consultants (i.e. licensing, certification, etc.);
- Description of your internal procedures that illustrate where and how Title VI and Environmental Justice compliance are integrated within such procedures;
- Summary of Title VI complaints received concerning consultant agreements and contract bidding/quoting procedures;
- Composition of the Traffic Operations Division's workforce and internships by position title, race, and gender; and
- Significant Title VI accomplishments attained since last Title VI report and Title VI actions planned for the coming year.

District Engineers

The three District Engineers are responsible for, among other things, ensuring that District programs and projects, services, and activities are administered fairly and in compliance with Title VI. One District Engineer will be selected to be the Title VI Liaison to participate on the Title VI Interdisciplinary Team, which assists with this task. The accomplishment of the Title VI requirements will be monitored by the supervisor of the responsible district employees through NDOT's employee performance management program. District Title VI responsibilities include but are not limited to the following:

- Monitor construction project work to ensure compliance with Title VI requirements;
- Ensure that policies and procedures for monitoring construction activities, reviewing and approving change orders, and inspections are applied in a nondiscriminatory manner;
- Ensure that the on-call and pre-qualified lists provide a clear and effectively communicated procedure to include female and minority-owned contractors, service providers, and consultants;
- Ensure equal opportunity for female and minority-owned contractors, service providers, and consulting firms to participate in construction and consultant agreements;
- Assist Contract compliance with compliance reviews;
- Ensure the collection of demographic data for all agreements and contracts awarded, in particular the race and gender of business owners or consultants;
- Identify potential concerns/barriers for female and minority consultants (i.e. licensing, lack of sub-consulting opportunities, etc.);
- Monitor the efforts made to utilize female and minority participation in obtaining consultant/subconsultant agreements and construction contracts;
- Ensure that Title VI compliance is integrated into the Districts' internal procedures and is reviewed and updated as necessary to maintain Title VI compliance;
- Promptly refer Title VI complaints regarding consultant agreements or contract bidding procedures to the Civil Rights Officer and assist with the investigation of those complaints; and
- Monitor Title VI accomplishments and challenges.

Annual Review:

The following items in the Districts will be provided by the District Engineer Interdisciplinary Team member in an annual report submitted to the Civil Rights Officer no later than July 31st of each year:

- Matrix of Contracts and Agreements awarded by race, gender, and dollar amount;
- Number of female and minority-owned businesses, contractors, and consultants on Prequalified and on-call lists;
- Description of strategies and efforts made to increase the number of minority and female contractors, consultants, and service providers;
- List of Contracts and Agreements issued without required Title VI provisions or attachments and steps taken to avoid future omissions;
- Description of your internal procedures that illustrate where and how Title VI compliance is integrated within such procedures;
- Title VI complaints received by the District during the reporting period;
- The composition of the Districts' workforce and internships by position title, race, and gender; and
- Significant Title VI accomplishments attained since last Title VI report and Title VI actions planned for the coming year.

Research

The Chief of the Research Section has the primary responsibility for assuring that the research-project selection process is executed in accordance with Title VI. The Division will appoint a Title VI Interdisciplinary Team member to assist them with this task. The process includes consultant/university selection and the diversification of research participants. The accomplishment of these requirements is monitored by the supervisor of the responsible individuals through NDOT's employee performance management program. The Research Division will:

- Ensure that Title VI provisions are contained in the terms of research agreements;
- Monitor the diversification of the universities and consultants selected;
- Ensure that minority universities or universities with significant minority student representation participate in NDOT research projects;
- Ensure equal opportunity exists for female and minority-owned consultant firms to compete for and participate in research contracts;
- Ensure that Title VI compliance is integrated into the Research Division's internal procedures and is reviewed and updated as necessary to maintain Title VI compliance;
- Monitor the composition of the research section workforce by position title, race, and gender;
- Promptly refer Title VI complaints received to the Civil Rights Officer and assist with the investigation of those complaints; and
- Monitor Research Division Title VI accomplishments and problem areas.

Annual Review:

The following items in the Research Division will be provided in an annual report submitted by the Division Interdisciplinary Team member to the Civil Rights Officer no later than July 31st of each year:

- Matrix of research agreements currently underway by universities and/or consultants, by dollar amount, race and gender of consultants, minority status of the universities, including amount of federal (SPR) funds spent on each contract;
- Description of efforts made to increase female and minority consultant and minority university/college participation in obtaining research contracts;
- Identification of possible concerns/barriers for female and minority consulting firms and minority university/colleges in obtaining research contracts;
- Description of your internal procedures that illustrate where and how Title VI compliance is integrated within such procedures;
- Actions taken to encourage contracted universities to utilize female and minority student participants on highway research projects;
- Percentage of female and minority participation in research projects;
- Title VI complaints received regarding research projects;
- The composition of the Research Division's workforce and internships by position title, race, and gender; and
- Significant Title VI accomplishments attained since last Title VI report and Title VI actions planned for the coming year.

Metropolitan Planning Organizations

The Metropolitan Planning Organizations (MPOs) are responsible for the transportation planning process within their urbanized areas. Each MPO must develop a four (4)-year Transportation Improvement Program (TIP) and develop and implement an annual Unified Planning Work Program (UPWP). The Transportation Planning Division assists the MPOs in the transportation planning activities that require Title VI compliance and advises them on Title VI compliance issues.

The following are the MPOs for the state of Nevada:

- RTC of Washoe County– direct FTA recipient
- Regional Transportation Commission of Southern Nevada – direct FTA recipient
- Carson Area Metropolitan Planning Organization (CAMPO)
- Tahoe Metropolitan Planning Organization

Compliance Monitoring – MPO

- NDOT uses the Statewide Long-range Transportation Plan, the Transportation System Projects, Statewide Transportation Improvement Program, the Regional Transportation Plans (RTP), and the Transportation Improvement Plans (TIP) developed by the four Metropolitan Planning Organizations to monitor strategies and goals of the transportation planning process to ensure Title VI compliance.

- NDOT monitors the MPOs utilization of demographic information to identify minority and low-income populations and examine the distributions of the benefits/burdens of the transportation plans and activities on these groups.
- NDOT and the MPOs developed public outreach and participation plans that outline processes and strategies to ensure the service equities of the planning data collection and analyses for members on different socio-economic groups.
- NDOT conducts public meetings and hearings and has numerous boards and committees that are open to participation during the development of plans, programs, and projects that may involve various modes of travel. Federal, state, local government and private industry representatives are included in these processes to improve performance and eliminate participation barriers for minority and low-income populations.
- NDOT monitors Environmental Justice (E.O. 12898) issues to identify and locate minority and low-income populations that are impacted by transportation planning programs.
- NDOT monitors MPO compliance with E.O. 13166, Limited English Proficiency, to improve access and understanding of transportation planning processes for those in the population confronted with language barriers.
- NDOT's and the MPO's plans contain goals, strategies, and performance measures to assist in identifying and addressing accomplishments and problem areas.
- NDOT and the MPOs develop travel demand models for the large and small urban areas of the state to analyze travel patterns by demographics.
- Statewide county and Tribal workshops and tours are conducted and allow these groups to participate in the decision-making process.

Annual Review:

A biannual review of the MPOs will be conducted under the direction of the Civil Rights Officer to include:

- Strategies used to ensure that all components of the transportation planning process comply with Title VI;
- Demographic profile of each MPO's metropolitan planning area that includes identification of minority and low-income populations;
- Process used by each MPO to identify the needs of minority and low-income populations and the demographic information used to assess the distribution of benefits across those populations;
- Process used by each MPO to identify the needs of minority and low-income populations and the demographic information used to assess the distribution of benefits across those populations;
- The process used by each MPO to assess the benefits/burdens of transportation system investments on minority and low-income populations on an analytic basis and the data source and tools used to support that analysis;
- Whether a public involvement strategy for engaging minority and low-income populations in transportation decision-making is in place for each MPO and the steps being taken to eliminate participation barriers;
- Examination of the public involvement process, whether it is evaluated and whether there have been efforts to improve performance, especially relative to minority and low-income populations;

- Examination of what efforts have been made to engage minority and low-income populations in the public outreach effort and whether the public outreach effort utilizes media targeted to minority and low-income groups;
- What procedure each MPO has established for using issues/concerns raised by minority and low-income populations in the decision-making process;
- The number of consultant agreements awarded and the dollar amount including the number of female and minority firms and the dollar amount of those contracts;
- Whether each MPO documented the efforts employed to increase female and minority consulting firm participation in the consultant selection process;
- Whether each MPO documented the number of hearings, the location, and the times of day the hearings were held, as well as the percentage of female and minority participation at the hearings;
- The number of public information meetings/open houses held including percentages of female and minority participation;
- Efforts taken to include Environmental Justice concerns into consideration in the transportation planning process;
- Whether each MPO received Title VI or Environmental Justice training;
- Review of each MPO's internal Title VI complaint procedure/policy;
- Whether there is a procedure in place in each MPO's Title VI plan to document Title VI complaints received regarding any of the transportation planning and public involvement processes;
- Whether annual report submitted by each MPO included any significant accomplishments during the review period and any significant actions planned for the coming year; and
- Review of each MPO's significant Title VI accomplishments for the review period and Title VI actions planned for the upcoming biannual period.

VI. COMPLAINT DISPOSITION PROCEDURES

TITLE VI NONDISCRIMINATION COMPLAINT PROCEDURES FOR FEDERALLY ASSISTED PROGRAMS OR ACTIVITIES

The **Nevada Department of Transportation (NDOT),** the "Recipient" under Title VI, is committed to compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all related regulations and statutes. The Recipient assures that no person(s) or group(s) of persons shall, on the grounds of race, color, national origin, sex, age, disability/handicap, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by the Recipient, regardless of whether those programs and activities are federally funded or not.

The following procedures cover complaints under the following acts: Title VI of the Civil Rights Act of 1964; and the Civil Rights Restoration Act of 1987. Complaints may be filed by any person who believes that he or she has been excluded from participation in, been denied the benefits of, or otherwise subjected to discrimination under a program or activity receiving Federal financial assistance from the Nevada Department of Transportation, and believes the discrimination is based on race, color, national origin, gender, age, disability/handicap or income status. Allegations, regardless of where they are reported, shall be immediately forwarded to the

Civil Rights Officer. We accept complaints (a copy of the complaint form follows the complaint procedures) received no more than 180 calendar days after the alleged incident. Please send your complaint to:

Civil Rights Officer
Nevada Department of Transportation
123 East Washington Avenue
Las Vegas NV 89101
(702) 730-3301
(702) 486-0487 fax
yschuman@dot.state.nv.us

Title VI/EEO Complaint Procedures

1. If the complainant elects to file a formal complaint with NDOT, it must be submitted in writing, signed and dated, within 180 calendar days of the alleged discriminatory act (or latest occurrence). Individuals may also file complaints directly with the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), or the Federal Transit Administration (FTA), as appropriate, within the 180-day time frame.
2. The complainant is strongly encouraged to bring incidents of discrimination to the attention of the department as soon as possible after such conduct occurs.
3. Allegations of discrimination are serious and are to be investigated in a timely manner. Confidentiality is maintained to the greatest extent possible.

Title VI/EEO Complaint Investigation Procedures

Within ten (10) business days of receipt of the complaint, NDOT will review it to determine if our office has jurisdiction. That is, are we the appropriate office to receive and investigate your complaint? You (the complainant) will receive an acknowledgement letter within that 10-day period informing you of whether your complaint will be investigated by our office or forwarded to the appropriate agency. NDOT will conduct the investigation as soon as possible after determining the complaint is properly directed to it. The following procedures will be followed:

1. NDOT has sixty (60) calendar days to investigate the complaint. The Civil Rights Officer will appoint the Contract Compliance Manager or another qualified investigator who has been trained in conducting civil rights investigations to conduct the investigation.
2. The investigator will ensure the appropriate officials are informed of the investigation's progress in a timely manner.
3. The investigator will follow an investigative plan approved by the Civil Rights Officer that will include interviewing anyone with knowledge of the event and gathering all pertinent facts relevant to the allegation.
4. The complainant may have a representative present to assist in presenting information to the investigator. However, the representative must not be involved in the investigation or any other matters related to the complaint. Further, it is not NDOT's responsibility to train or keep the representative informed of any matters related to the complaint.
5. If more information is needed to resolve the complaint, NDOT may contact the complainant. The complainant has ten (10) 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 ten (10) business days, NDOT may administratively close the investigation. An investigation may also be administratively closed if the complainant no longer wishes to pursue his/her complaint.

6. The investigation will be conducted in a fair and impartial manner and a full written report of findings will be forwarded to the Civil Rights Officer. That report will include all of the identifying information of the complainant, including:

    a. The name, address, and telephone number of the complainant.
    b. The name and address of the subrecipient or contractor (the company) and alleged discriminating official(s) or person(s) the complainant believed discriminated against him/her. If unknown, the complainant must provide as much information as possible regarding the circumstances surrounding the allegation(s) in the complaint.
    c. How, why, and when the complainant believed he/she was discriminated against including the date of the last occurrence.
    d. The names of any persons that the investigator could contact for additional information to support or clarify the allegation(s) in the complaint.

7. The Civil Rights Officer will analyze the Investigative Summary Report, determine the appropriate course of action, and prepare a Statement of Agency Decision reflecting the NDOT's final determination. NDOT's determination may be 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 investigation of the complaint 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 (except that no confidential information regarding a personnel action shall be disclosed).
8. The complainant and the appropriate divisions shall receive written notification as to NDOT's decision. If the finding is adverse to the complainant, the complainant will be advised of his/her avenues for appeal. NDOT will forward a copy of the Title VI complaint and investigative report to FHWA and/or the FTA within 60 calendar days of receipt of the complaint or issuance of our Decision, whichever is later.
9. If discrimination is determined to have occurred, the Civil Rights Officer will issue a Show Cause Notice providing the subrecipient/contractor/respondent thirty (30) calendar days to develop a satisfactory Corrective Action Plan (CAP) and implement appropriate corrective or disciplinary action to eliminate discrimination and/or correct inappropriate behavior on the contract. An action under the terms of the related contract may be taken should the contractor/respondent fail to take immediate corrective action or implement a CAP.

Title VI/EEO Complaint Appeals

The complainant can appeal NDOT's decision to the Federal Highway Administration, the Federal Transit Administration, or the U.S. Department of Transportation within ninety (90) calendar days of the date of NDOT's closure of the investigation or LOF letter.

If the contractor believes NDOT's decision is adverse to the contractor, the standard contract appeal procedures must be used.

Records

Investigation files are confidential and will be maintained by the Civil Rights Division. The contents of such files are disclosed only to those individuals with the authority to examine such files in accordance with state and federal laws. Any requests for release of information that is maintained by NDOT will be in writing and addressed to:

The Administrative Services Division
Nevada Department of Transportation
1263 South Stewart Street
Carson City Nevada, 89712

The request for information must contain a specific description of the information requested to be released. Contract documents will be forwarded to the Administrative Services Division for archiving after closure of the contract file.

Files are to be retained in accordance with NDOT's records retention schedule and federal guidelines. All complaints will be logged and tracked in the Civil Rights Division to ensure all procedures have been followed

Title VI /EEO DISCRIMINATION COMPLAINT FORM

In accordance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act (ADA) of 1990, complaints may be filed by any person who believes that he or she has been excluded from participation in, been denied the benefits of, or otherwise subjected to discrimination under any NDOT program or activity and believes the discrimination is based on race, color, national origin, gender, age or disability/handicap or income status. If you choose to file a complaint, you are asked to provide the following information:

Name: _____

Street Address: _____

City: _____State: _____ Zip code: _____

Daytime phone: ( ) _____ E-mail: _____

Please provide the basis upon which you believe your complaint is based:

Race_____ Religion_____ Gender_____ Color_____ Age_____ National Origin _____
Disability _____ Income status_____

Please provide the name and address of the subrecipient/respondent (company) and any alleged discriminating official(s) or person(s) who you believe discriminated against you:

_____
_____.

If discriminating person or official is unknown, please provide as much information as possible regarding the person:

_____
_____.

Description of incident including date incident occurred (attach additional pages if needed):

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NOTE: If you elect to file a formal complaint with NDOT, it must be submitted in writing, signed and dated, within 180 days of the alleged discriminatory act (or latest occurrence). You are strongly encouraged to bring incidents of discrimination to the attention of the department as soon as possible after such conduct occurs. You may also file complaints directly with the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), or the Federal Transit Administration (FTA) within the 180-day period.

_____ _____

Signature Date

Please mail completed complaint form and any attachments to:

Civil Rights Officer
Nevada Department of Transportation
123 E Washington Ave
Las Vegas NV 89101
(702) 730-3301
(702) 486-0487 fax
yschuman@dot.state.nv.us

VII. PROCESS TO IDENTIFY/ELIMINATE DISCRIMINATION

NDOT's Title VI Program is still relatively young and, as such, we are constantly building new components, particularly as we become aware of emerging issues and trends. The Civil Rights Officer is the primary person at NDOT responsible for identifying and addressing discriminatory trends and patterns. She observes or learns of trends and patterns of discrimination from multiple sources:

- DBE complaints
- DBE goal commitment irregularities
- Outreach activities – internal and external input and feedback
- Compliance reviews
- Referrals from Title VI liaisons

Similarly, we address the discriminatory practices with a multi-faceted approach.

- With complaints, we use the investigative process to determine whether there has indeed been discriminatory action.
    - If we find no discrimination under Title VI, we try to help the complainant understand why we arrived at that finding.
    - If we find discrimination may have occurred, we analyze whether it was intentional or unintentional.
    - We evaluate options for redress of discriminatory practices.
    - We work with contractor to develop and implement an effective Corrective Action Plan.
- Training is a key tool we use to address discriminatory trends or patterns.
    - We provide training to the subrecipient or contractor engaged in the apparent discriminatory behavior to ensure that the trend or pattern does not continue.
    - We provide Title VI training to as many different audiences as possible, internal and external, to reduce the occurrence or likelihood of discrimination. That training includes a component that details the history and reason for the law to help those antagonistic to the law and its purpose to find it more acceptable. We believe that reduces the occurrence of discrimination.
    - We share examples, stripped of any identifying information, of behavior or practices we have observed that we believe to be potentially discriminatory with the contractor community. This has been effective in letting them know that we are cognizant of those potentially discriminatory trends and patterns and they are advised not to engage in them.
- We also communicate to our contractor community that we will not tolerate discrimination, including and especially a failure to provide opportunities to DBEs for anything less than compelling, nondiscriminatory, business reasons.
- We encourage the public, and DBEs especially, to report suspected discrimination to us.
- We are continuously monitoring our programs and projects to identify any instances of discrimination, at the earliest point.

VIII. LIMITED ENGLISH PROFICIENCY (LEP) PLAN

NDOT's Planning Division and the CRO spent many months in 2012 trying to collect language data in order to conduct the four-factor analysis (described in Paragraph E of this section). Much of that time and effort did not produce results. We continue to explore many options to gather the necessary data. As a result, our LEP Plan is incomplete. We continue to seek the data needed to fully perform the analysis and prepare our plan. For now, we provide a beginning draft of our LEP Plan below. We have set a goal of June 30, 2013, to complete the Plan.

A. Policy Statement

1. It is the policy of the Nevada Department of Transportation (NDOT) that it shall take reasonable steps to provide limited English proficient (LEP) persons with meaningful access to all programs, services or activities conducted both by NDOT and by our subrecipients receiving federal funding from or through NDOT.

2. This policy is based on the principle that it is the responsibility of NDOT, and not the LEP person, to take reasonable steps to ensure that communications between NDOT and our subrecipients and the LEP person are not impaired as a result of the limited English proficiency of the individual.

3. NDOT shall take reasonable steps to effectively inform the public of the availability of language accessible programs, services, and activities.

B. Purpose and Authority

The purpose of this language access plan is to make reasonable efforts to eliminate or reduce limited English proficiency as a barrier to accessing NDOT programs, services, or activities. This LEP Plan was created by NDOT, with input from our Language Access Working Group, a department-wide group consisting of representatives from each major division as well as members of the public.

This LEP Plan establishes guidelines in accordance with FTA Circular 4702.1B *Title VI* and *Title VI—Dependent Guidelines for FTA Recipients*, issued August 28, 2012, and the Department of Transportation's LEP Handbook. These guidelines are designed to be consistent with the standards set forth above and the DOJ's initial *LEP Guidance, Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency, 65 Fed. Reg. 50,123* (Aug. 16, 2000), and the DOJ's later *LEP Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41,455* (June 18, 2002).

C. Definitions

1. ***Direct "In-Language" Communication*** – Monolingual communication in a language other than English between a multilingual staff and an LEP person (e.g., Korean to Korean).
2. ***Effective Communication*** – Communication sufficient to provide the LEP individual with substantially the same level of access to services received by individuals who are not LEP. For example, staff must take reasonable steps to ensure

communication with an LEP individual is as effective as communications with others when providing similar programs and services.

3. ***Interpretation*** – The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.
4. ***Language Assistance Services*** – Oral and written language services needed to assist LEP individuals to communicate effectively with staff, and to provide LEP individuals with meaningful access to, and an equal opportunity to participate fully in, the services, activities, or other programs administered by NDOT.
5. ***Limited English Proficient (LEP) Individuals*** – 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 may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing).
6. ***Meaningful Access*** – Language assistance that results in accurate, timely, and effective communication at no cost to the LEP individual.
7. ***Multilingual staff or employee*** – A staff person or employee who has demonstrated proficiency in reading, writing, speaking, or understanding English and at least one other language as authorized by his or her component. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed or inferior as compared to programs or activities provided to English proficient individuals.
8. ***Primary Language*** – An individual's primary language is the language in which an individual most effectively communicates.
9. ***Program or Activity*** – The term "program or activity" and the term "program" mean all of the operations of NDOT and our subrecipients.
10. ***Qualified Translator or Interpreter*** – An in-house or contracted translator or interpreter who has demonstrated his or her competence to interpret or translate through court certification or is authorized to do so by contract with NDOT or by approval of his or her component.
11. ***Sight Translation*** – Oral rendering of written text into spoken language by an interpreter without change in meaning based on a visual review of the original text or document.
12. ***Translation*** – The replacement of written text from one language (source language) into an equivalent written text in another language (target language).
13. ***Vital Document*** – Paper or electronic written material that contains information that is critical for accessing a component's program or activities, or is required by law.

D. Scope of Policy/Staff Compliance

NDOT will take reasonable steps to provide language assistance services to LEP individuals when they encounter or have reason to believe that they may encounter LEP individuals in the course of fulfilling their component's mission. Subject to guidelines set forth herein, NDOT will take reasonable steps to provide language assistance services upon request by an LEP person who wishes to access NDOT or subrecipient programs or activities or to whom NDOT wishes to communicate.

E. Four-Factor Analysis

NDOT's LEP Plan uses the Four-Factor Analysis, set forth in the FTA Circular and the DOT LEP Handbook. The four-factor analysis is a flexible and fact-dependent standard that is used to

determine the appropriate language assistance services to ensure an LEP individual has meaningful access to NDOT's programs and activities. The four-factor analysis considers: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program; (2) the frequency with which LEP individuals come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the program and cost of the services.

(1) **The number or proportion of LEP persons eligible to be served or likely to be encountered by NDOT and subrecipient programs and services.**

NDOT and its subrecipients provide federally-assisted programs and services in all 17 counties in Nevada.

COUNTY	SPANISH	PHILIPINO/TAGALOG	VIETNAMESE			
Carson City	760					
Churchill						
Clark	101,335	6,103	1,134			
Douglas	622					
Elko	2,006					
Esmeralda						
Eureka						
Humboldt						
Lander						
Lincoln						
Lyon						
Mineral						
Nye						
Pershing						
Storey						
Washoe	16,885	751				
White Pines						

From the data that is readily available to us, it appears that we will need to provide Spanish language assistance in Carson City, Clark, Douglas, Elko, and Washoe Counties. Spanish speaking persons with limited English proficiency utilize our transit and NDOT services in each of those counties. We are conducting research now to determine whether that community of persons has been underserved by NDOT and our subrecipients due to a language barrier.

(2) **The frequency with which LEP persons come into contact with our programs and services.**

As part of creating our LEP Plan, we are surveying these communities to assess the major points of contacts with our LEP communities. For that research, we will be looking at:

(a) Use of bus and rail service;
(b) Purchase of passes and tickets through vending machines, outlets, websites, and over the phone;
(c) Participation in public meetings;
(d) Customer service interactions;
(e) Ridership surveys; and
(f) Operator surveys.

(3) **The nature and importance of our programs, activities, or services to people's lives.**

Transportation programs in general, and public transit in particular, are very important to most people's lives. We will use public meetings and public involvement tools to assess the importance of our programs, activities, and services to the LEP communities.

(4) **Resources available for LEP outreach as well as the costs associated with that outreach.**

In these days of shrinking budgets and funding, resource availability is clearly a challenge. However, the Civil Rights Division is exploring many cost-effective tools to conduct our outreach on an ongoing basis. More specifically, we are looking at using new technology, e.g., electronic and virtual town hall meetings, our website, combined with more traditional tools such as reply cards, in Spanish, and other languages as needed, as primary tools to assist us with our outreach. Public meetings and public involvement activities will also be utilized extensively.

F. HOW WE PROVIDE ASSISTANCE

We are beginning to translate all written materials of importance to the public into Spanish. Where needed, we will also provide written translation in other languages. We have already begun and will continue to provide translator services at our public meetings, in Spanish. Notices in Spanish are being prepared and disseminated in Spanish to make Spanish speaking persons aware of our Spanish language materials.

We are surveying our NDOT employees to determine what languages they speak and write. The information collected from that survey will be used to create an internal database of the language skills we have internally and identify any critical language gaps. The employees recruited to provide language assistance services will be given supplemental Title VI training to help them understand what services need to be provided, when, and why.

Initially, we will survey our LEP communities about how accessible our information is to them today. In 12 months, we will survey those same communities again to determine if there has been improved access. In both surveys, we will ask for their input to improve our strategies for communication, outreach, and access to our programs and services. During the first three years of our new LEP Plan, we will review and revise our Plan as needed, based on the data available to us. After the initial three years, we will review and revise our LEP Plan once every three years.

IX. ACCOMPLISHMENT REPORT

By October 1st of each year, NDOT's Civil Rights Division will provide an annual Title VI Assurances Update to the FHWA and FTA. This report will highlight the accomplishments and changes made to the Title VI program and will include reports provided by the interdisciplinary team members. These annual reports will include a summary or log of Title VI complaints and reviews made during the preceding year.

X. ANNUAL WORK PLAN

MPOs: The Civil Rights Division will work with MPOs to develop their Title VI plans and assurances statements. NDOT's intent is to establish a good working relationship with the MPOs by serving as a resource and partner to them for Title VI questions and to ensure that their activities comply with Title VI. This includes providing key civil rights training to MPOs.

Compliance Reviews: The Contract Compliance staff of the CRD monitors Title VI issues involving NDOT contracts. This is accomplished through various reports regarding the contract activities as well as concerns brought to the Division's attention. The Contract Compliance staff, in collaboration with the Civil Rights Officer, decides when to review part or all of a contractor's activities.

The Civil Rights Division endeavors to complete "full" reviews on as many contracts as possible, each year of the contract, to ensure compliance. However, staffing constraints limit the actual number of contracts we are able to review. Accordingly, we consider the following factors in selecting which contracts will be reviewed for Title VI compliance:

- Whether complaints have been filed against the contractor;
- Whether there is any prior history of non-compliance by the contractor or subcontractor;
- Whether the contractor has more than one contract that can be reviewed at the same time;
- Whether the contract involves heightened public interest; and
- Whether there is sufficient time to complete a full review.
- We also plan to schedule one compliance review in the 4th quarter for an MPO or LPA, provided we deliver the training described below in the first quarter. If we are unable to deliver training in the first quarter we will postpone the compliance review until 2014.

DBE Certifications: The Unified Certification Program (UCP) is undergoing many changes, including a transition into open public meetings. NDOT's Civil Rights Officer is serving in a leadership role in that effort. DBE certifications continue on an "as needed" basis with the UCP Committee meeting on a monthly basis. With the expected changes to the DBE rules, in particular the certification rules, we are trying to address the anticipated additional staffing needs. We project a need for more staff and staff with different capabilities (e.g., accounting).

Disparity Study: NDOT has commissioned its second Disparity Study which commenced September 15, 2012, and is expected to take approximately 15 months to complete. The Civil Rights Officer (CRO) and other Civil Rights staff will be involved in the study throughout that time. Some of the tasks the CRO will manage include:

- Assembling and coordinating two stakeholder groups – Internal and External; and
- Coordinating and facilitating meetings, as needed, with the various constituencies and stakeholder groups.

SBE Implementation: NDOT's SBE Plan was approved by FHWA in the summer of 2012. Much of the first half of 2013 will be spent implementing and refining the plan to fully integrate into our DBE Program. In the event that no DBE or Title VI staff is hired, the CRO expects to lead the implementation process with other CRD staff.

ADA Program: NDOT hired an ADA Coordinator in February 2012. She has completed a draft of the Transition Plan. However, we will be refining the Plan throughout 2013 and making sure all employees have at least a basic understanding of our ADA Program. That will also involve the development and implementation of an ADA Correction Program that spells out how ADA corrections are managed: what staff or divisions are responsible for carrying out the correction; and what budget and what amount will be available in 2013/14 for ADA repairs and corrections. Another task related to the ADA Program involves a project to ascertain, with some certainty, what roads, sidewalks, ROWs and facilities are owned or maintained by NDOT. The ADA Coordinator will lead that project..

Internal Monitoring/Process Reviews: We will continue to build on our process review plans for program areas or divisions that are not specifically covered under our Program Monitoring area. For example, we will develop process review monitoring for Finance/Accounting, maintenance, safety, etc.

Training: Training is a key part of our Civil Rights Program. We will continue to build on our training programs and initiatives in 2013. That includes:

- Continue Title VI and ADA training for NDOT employees;
- Expand Title VI, ADA and DBE training for Contractors, subcontractors, consultants and DBEs; and
- Develop and deliver first round of Title VI, ADA and DBE training for LPAs and MPOs.

XI. PROCESS TO RESOLVE DEFICIENCIES IDENTIFIED BY FHWA

Despite our best efforts, we will sometimes fall short of the expectations established by Title VI and the implementing regulations. This is especially the case given our very limited staffing. In those cases, we will work with FHWA and the FTA, as appropriate, to clearly identify the deficiency, clearly define what is expected from NDOT in order to be in compliance, and establish a timeline for correcting the deficiency. To increase the likelihood of success, we will review our corrective action plan with the FHWA or FTA at its inception and at an agreed upon milestone, prior to completion. We believe such collaboration will lead to a better result.

XII. INTERNAL MONITORING PROGRAM

Data Collection/Data Analysis/Internal Reporting – NDOT does not have a central, integrated data collection or information management system. This has created a challenging situation for the Civil Rights Program data collection/data analysis/internal reporting effort. Accordingly, those activities are performed under less than ideal conditions, primarily that the needed data is located in multiple, unlinked locations and is often not available in a readily

retrievable electronic format. Since it is beyond the authority of the CRD to cause the creation of a centralized, integrated data collection/information management system for NDOT, we are focusing our efforts on ensuring that the required data is collected and maintained by the various divisions, in whatever system they use. Towards that end, we have included necessary data collection requirements in the individual Program Area Monitoring section of this Title VI Plan. Each division that has a data collection requirement will now find that in their responsibilities and review statements. This ensures that the data collection process is tied to a specific process in the relevant division.

Process Reviews: Most division/program areas have process review included in the Program Monitoring area above. However, for the divisions or program areas not included above, we have provided the process review guidance below.

1. Maintenance (Operations) will ensure that the prioritization process to determine when and where repaving will occur, trash pick-up will occur, grass cutting will occur, branch trimming will occur, and guiderail replacement will occur, is not discriminatory in its application. Written and telephonic contacts regarding maintenance issues from the public will be monitored by the Title VI liaison for trends/patterns.
2. Traffic Operations will evaluate the feasibility of adapting the 511 Architecture (traffic information) and Variable Message Signs to more than one language if the Limited English Proficiency Four-Factor Analysis identifies the need.
3. Finance will ensure that all FHWA-funded Project Agreements contain the Title VI/Nondiscrimination paragraph as directed by the *FHWA Assurances for Title VI and Other Nondiscrimination Statutes and Regulations*.

XIII. EXTERNAL MONITORING PROGRAM

NDOT requires that:

- All public entity subrecipients sign the standard *FHWA Assurances for Title VI and Other Nondiscrimination Statutes and Regulations* document;
- If there is a change in the leadership at a subrecipient, the new CEO will re-sign and resubmit the standard *FHWA Assurances for Title VI and Other Nondiscrimination Statutes and Regulations* document to the STA within 30 calendar days of assuming that position;
- All subrecipients will re-sign and re-submit the standard *FHWA Assurances for Title VI and Other Nondiscrimination Statutes and Regulations* document every three years;
- NDOT will monitor subrecipients to ensure that they have included the Title VI/Nondiscrimination Assurance Paragraph in all solicitations for bids or Requests For Proposals, the Title VI/Nondiscrimination Assurance Insert in all prime contracts and the prime contractor insert into all sub-contracts regardless of tier (Attachments 2 and 3), and the FHWA-funded Project Agreement paragraph;
- All subrecipients must appoint a Title VI/Nondiscrimination Coordinator;
- All public entity subrecipients must submit a Title VI/Nondiscrimination Plan unless they adopt NDOT's Plan.

XIV. PUBLIC PARTICIPATION PLAN

NDOT adopted a Public Participation Plan prepared by our Communication Office Division in February 2012. A copy is attached as Attachment 4.

XV. EXTERNAL COMMUNICATION (NOTIFICATION TO BENEFICIARIES)

A copy of our Notice to Beneficiaries is copied below:

Notifying the Public of Rights Under Title VI

NEVADA DEPARTMENT OF TRANSPORTATION (NDOT)

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

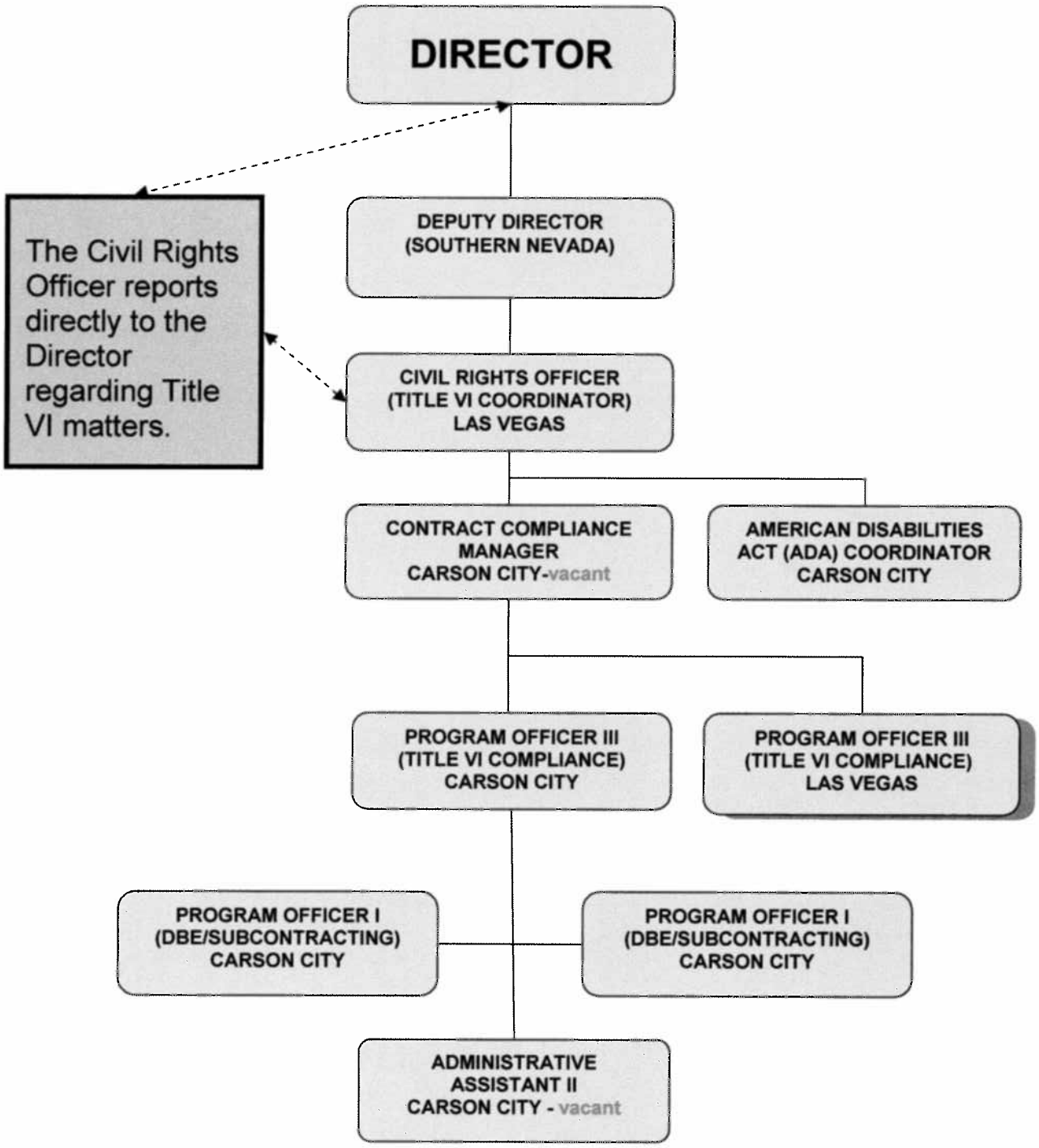
• For more information on NDOT's civil rights program, and the procedures to file a complaint, contact the Civil Rights Officer, Nevada Department of Transportation, 123 E. Washington Ave, Las Vegas, NV 89101, or call (702) 730-3301, or email: yschuman@dot.state.nv.us. For more information visit http://nevadadbe.com/civil-rights.

• A complainant may file a complaint directly with the Federal Transit Administration or the Federal Highway Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

• If information is needed in another language, contact (702) 730-3301 or
Si se necesita información en otro idioma, contacte a **(775) 888-7819.**

XVI. LIST OF ATTACHMENTS

- **ATTACHMENT 1:** Organizational Chart
- **ATTACHMENT 2:** Standard DOT Title VI Assurances
- **ATTACHMENT 3:** APPENDIX A: Assurances Appendices
- **ATTACHMENT 4:** Public Participation Plan, prepared by NDOT Communications


DIRECTOR
The Civil Rights Officer reports directly to the Director regarding Title VI matters.
DEPUTY DIRECTOR (SOUTHERN NEVADA)
CIVIL RIGHTS OFFICER (TITLE VI COORDINATOR) LAS VEGAS
CONTRACT COMPLIANCE MANAGER CARSON CITY-vacant
AMERICAN DISABILITIES ACT (ADA) COORDINATOR CARSON CITY
PROGRAM OFFICER III (TITLE VI COMPLIANCE) CARSON CITY
PROGRAM OFFICER III (TITLE VI COMPLIANCE) LAS VEGAS
PROGRAM OFFICER I (DBE/SUBCONTRACTING) CARSON CITY
PROGRAM OFFICER I (DBE/SUBCONTRACTING) CARSON CITY
ADMINISTRATIVE ASSISTANT II CARSON CITY - vacant