



# TITLE VI IMPLEMENTATION PLAN

NDOT External Civil Rights Division  
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## 1. Introduction

The Title VI Implementation Plan is designed to aid the Civil Rights Office in its ability to provide oversight and ensure that there is Title VI compliance throughout the Nevada Department of Transportation (NDOT). This document will be updated annually to reflect changes in law, administration, regulations, and/or policy. This document is intended to provide guidance to department personnel and other interested entities and is not intended to, does not, and may not be relied upon to create any right or benefit enforceable by law, by a party against the department.

This report updates the Federal Highway Administration (FHWA) Nevada Division Office regarding how NDOT is monitoring the implementation of the Department's Title VI Nondiscrimination Plan.

For individuals with disabilities, this document may be made available upon request in alternate formats. In addition, a translation of this plan into alternate languages may be made available upon request. To obtain a copy in one of these alternate formats or for questions or concerns, please contact us at:

Para personas con discapacidades, este documento puede estar disponible a pedido en formatos alternativos. Además, una traducción de este plan a idiomas alternativos puede estar disponible a pedido. Para obtener una copia en uno de estos formatos alternativos o para preguntas o inquietudes, contáctenos en:

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### a. Policy Overview and Objectives

NDOT's Policy Statement is included as Attachment: 1. In Compliance with Title VI of the Civil Rights Act 1964 and other nondiscrimination authorities, the Nevada Department of Transportation (NDOT) assures through its policies and procedures that no person shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any NDOT program, or NDOT sponsored program or activity. Questions about NDOT's Title VI Program may be directed to:

**NDOT External Civil Rights Title VI Program**  
**Teri Lewis, Title VI Program Coordinator**  
[TLewis@dot.nv.gov](mailto:TLewis@dot.nv.gov)  
**123 E. Washington Ave., Bldg. G**  
**Las Vegas, NV 89101**  
**702-730-3305**

**Title VI plan objectives:**

- To assign and clarify roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and all related statutes;
- To assure that all employees, customers and others affected by NDOT's programs, projects and activities receive the services, benefits, and opportunities to which they are entitled without regard to race, color, or national origin;
- To proactively prevent discrimination and ensure nondiscrimination in all NDOT programs and activities, regardless of funding source;
- To establish procedures for identifying and eliminating discrimination when found to exist;
- To establish procedures for reviewing specific program areas within NDOT and with its external partners to determine effectiveness of the area's compliance activities at all levels;
- To establish procedures to work closely with areas that are known to have compliance violations, otherwise known as "special emphasis program areas." Aid for these areas will include consistently conducting progress reviews, working directly to train staff, and stressing the importance of Title VI overall compliance; and
- To describe the process for filing and the process in investigating complaints by persons who believe that they have been subjected to discrimination under Title VI in any NDOT service, program, or activity or any program that is administered by its subrecipients.

**b. Assurances**

NDOT's Director has signed the Standard DOT Title VI Assurances in accordance with USDOT 1050.2A (including Appendix A-E), which are included as Attachment: 2.

**c. Delegation of Authority**

The NDOT Director has delegated all compliance authority for the NDOT Title VI program and the American's with Disability Act (ADA) program to the NDOT External Civil Rights Officer. The Civil Rights Officer reports to the Director on Title VI and ADA program issues. The Delegation of Authority is included as Attachment: 3.

**2. Organization and Staffing**

**NDOT Director**

The Director is responsible for supervising and administering the overall activities of the department, its divisions, and employees. As such, the Director signs all necessary nondiscrimination assurances to aid in ensuring all civil rights requirements are met. Duties or powers are delegated to carry out the efficient operation of the department.

**External Civil Rights Officer**

The External Civil Rights Officer (CRO) is the highest ranking official within NDOT's External Civil Rights Office. The CRO's program oversight includes the following: External Title VI/Nondiscrimination and External Americans with Disabilities Act (ADA) Programs. To comply with the Code of Federal Regulations Title 49, part 21 as well as other regulations and statues, the day-to-day Title VI roles and responsibilities are delegated to the External Civil Rights Officer.

The External Civil Rights Officer's responsibilities include:

- Delegated authority to have a direct line of communication to the NDOT Director;
- Providing guidance and technical assistance on the Title VI matters and has overall program responsibility for preparing required reports regarding Title VI compliance and initiating monitoring activities including developing procedures, monitoring and;
- Promptly resolving deficiencies and documenting remedial action within a reasonable period of time not to exceed 90 days;
- Collecting statistical data (race, color, sex, national origin and low-income status) of participants in and beneficiaries of NDOT programs;
- Identifying and eliminating discrimination when found to exist;
- Ensuring the Title VI Assurances are signed by the current NDOT Director;
- Complying with NDOT's, procedures to investigate Title VI complaints filed against NDOT and its subrecipients when appropriate;
- Conducting Title VI reviews of select program areas;
- Conducting annual reviews of special emphasis areas;
- Reviewing NDOT program directives in coordination with NDOT program officials and where applicable, include Title VI and related requirements;
- Conducting and coordinating Title VI training for NDOT;
- Preparing and disseminating an annual report of accomplishments for the past year and goals for next year;
- Updating the Title VI program plans as necessary and submitting to DOT authorities, FTA, and FHWA;
- Developing Title VI information for distribution to the general public, in other languages as needed;
- Monitoring public participation and awareness of Title VI policies and procedures, for their effectiveness in reaching the public;
- Developing and overseeing implementation of NDOT's Limited English Proficiency plan;
- Reviewing environmental documents to ensure the proper inclusion of environmental justice and civil rights requirements; and
- Reviewing NDOT directives to determine if there are Title VI implications.

### **Title VI Program Manager**

The Title VI Program Manager works to assist the CRO in review and responsibilities over all aspects of the Title VI program. In particular, the Title VI Program Manager has the delegated task to focus on external Title VI responsibilities.

The manager's duties include but will not be limited to:

- Providing guidance on Title VI matters for subrecipients and has responsibility for preparing required reports regarding Title VI compliance and initiating monitoring activities including developing procedures, monitoring and;
- Promptly resolving deficiencies and documenting remedial action within 90 days;
- Ensuring subrecipients develop procedures for the collection of statistical data (race, color, sex, national origin and low-income status) of participants in and beneficiaries of federal aid programs;
- Implementing and overseeing subrecipient Title VI plans and programs to ensure compliance;
- Identifying and eliminating discrimination when found to exist.

- Ensuring the Title VI Assurances are signed by all subrecipients;
- Complying with NDOT's procedures to investigate Title VI complaints filed against NDOT and its subrecipients when appropriate;
- Conducting subrecipient annual reviews of high-risk areas;
- Conducting Title VI training and technical assistance for subrecipients;
- Developing technical assistance tools for distribution to subrecipients;
- Complying with federal standards to ensure proper implementation of subrecipient's Limited English Proficiency plans;
- Providing technical assistance, tools, and resources for aiding subrecipient compliance including developing data collection resources, training, and workgroups.

### **Contract Compliance Manager**

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

- Ensure contracts and certified payrolls are in compliance with Title VI provisions related to NDOT Federal-aid and sub-recipient contracts;
- Ensure the review of the selection of sub-recipients and the allocation of funds;
- Monitor external EEO compliance of contractors and sub-recipients; and
- Review wages of employees working for contractors/subcontractors on federally assisted projects to ensure compliance with EEO provisions.

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

The Americans with Disabilities Act (ADA) Coordinator is responsible for coordinating activities necessary to ensure compliance with the Americans with Disabilities Act of 1990 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 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.

### **Title VI Liaison Program**

To facilitate the inclusion of civil rights requirements in all aspects of NDOT's operations, NDOT has established a Title VI Liaison Program. The program's purpose is to ensure all NDOT policies, procedures, and practices are compliant with federal statutes, agencies guidelines and regulations. These regulatory agencies include the Federal Highway Administration and the Federal Transit Administration.

The Liaison Program consists of one or more liaisons for each program area. The liaison works with the Title VI Program Coordinator to ensure their respective areas, programs, and subrecipients comply with Title VI regulations and assurances, collect and analyze demographic data of participants and beneficiaries of programs, meet the objectives of the Title VI Plan, meet federal and state reporting requirements, and provide adequate training opportunities for applicable staff.

### **Organizational Chart**

The NDOT External Civil Rights Division organizational chart is included as Attachment: 4.

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

Representatives of the External Civil Rights Division attend community outreach events organized by various trade groups and professional associations. Trade groups such as the National Association of Minority Contractors (NAMC), the Nevada Contractors Association (NCA), the Latin Chamber, Urban Chamber and the American Council of Engineering Consultants (ACEC) are NDOT's primary associations that provide forums for dissemination of civil rights information. Recognizing the importance of community outreach for the dissemination of Title VI and other related information, NDOT will continue to work with the NCA, NAMC, Urban Chamber, Latin Chamber, Women in Construction and ACEC.

The Nevada Department of Transportation (NDOT) provides Title VI information such as posters, brochures, or survey cards at public meetings. These program posters and brochures are available in languages other than English, as needed. Furthermore, current copies of NDOT's Title VI Notice to the Public are available and accessible at NDOT district offices statewide.

NDOT assists Districts, Divisions, and Offices (DDOs) in their efforts to ensure information and services are accessible to Limited English Proficiency (LEP) individuals by providing guidance on translation, interpretation, and outreach services for LEP individuals seeking access to NDOT programs.

Additional Title VI information is posted on NDOT's web site <https://www.nevadadot.com/doing-business/external-civil-rights/civil-rights-title-vi>

## **4. Program Area Reviews**

### **Program Review Procedures**

Each program area Title VI liaison will provide Annual Reports describing the activities which intersect with the Title VI Nondiscrimination Program. In this report, the program area will provide the data they have collected throughout the period and explain the steps their program area has taken to comply with Title VI Program requirements. In these reports, program area liaisons will provide the following information:

- A description of the service area demographics, including how information was collected;
- How Title VI information was disseminated to the public;
- Whether Title VI populations were affected and if so, what groups were affected; what efforts were made to minimize and mitigate adverse effects;
- The number of requests for Limited English Proficiency (LEP) services and those provided;
- A description of any discrimination related complaint received;
- Any proposed changes to policy or procedures.

The CRO will review and evaluate the data reported in these reports in order to identify trends, prioritize and identify “Special Emphasis Areas”<sup>1</sup> which will subject the program area to a comprehensive onsite compliance review if designated by FHWA.

### **Program Areas**

The Department’s mission is to provide a safe transportation system that ensures the mobility of people and goods, enhances economic prosperity and preserves the quality of our environment and communities. The Department has a comprehensive transportation program, each area of which is essential to achieving the mission through Department core values. To measure the effectiveness of the program and ensure mission advancement, the Department monitors and collects program data related to transportation issues. The following describes the various program areas, the activities conducted, and the data reviewed for nondiscrimination.

### **Activities to ensure nondiscrimination general guidelines**

The cornerstone of Title VI and Environmental Justice compliance in all Department programs is outreach and public involvement. The Department has a Public Involvement Program that is designed to provide early, continuous and extensive outreach to all communities, but particularly to ensure that project selection does not subject minority, low income, disabled and elderly populations to disproportionately high and adverse effects.

Each division uses a manual which describes how the division complies with Title VI requirements. Each division reports annually to the NDOT Title VI/Nondiscrimination Coordinator, who reviews each report for compliance.

The Department uses a process to annually review Title VI activities to ensure nondiscrimination. The Coordinator examines data for nondiscrimination, which may include, but not be limited to:

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<sup>1</sup> Additional measures to identify Special Emphasis Areas are listed in #5 “Special Emphasis Areas”.



- Sampling of contracts to ensure inclusion of required nondiscrimination provisions as well as diversity in selection of consulting firms;
- Sampling of public involvement materials including meeting notices, project flyers and other similar documents to ensure appropriate nondiscrimination language;
- Reviewing Title VI/Nondiscrimination annual reports analyzing data for possible trends of discrimination;
- Interviewing district staff to identify emerging issues and needs;
- Sampling environmental documents to ensure Community Impact Assessments appropriately identify underserved communities and discuss avoidance, minimization and mitigation of disproportionately high or adverse impact;
- Choosing media outlets and other disbursement networks to ensure access to traditionally underserved and LEP customers;
- Ensuring that meetings, hearings and other public involvement events are held in accessible locations and at times to garner the best representation of the impacted community; and/or
- Collecting questions, concerns, comments or complaints from the public, ensuring they are appropriately addressed and forwarding potential discrimination concerns to the appropriate official.

#### **a. Construction Division**

The Construction Division has an essential function and responsibility within the department to assist in meeting the overall mission, goals and values.

Our goal is to provide the resources necessary to insure the quality of construction projects by improving decisions made in the field, making information available for training and to maintain statewide consistency. The highway construction program is ever changing, and it is imperative that relevant up to date resources are available for the stakeholders involved in the construction process.

The Construction Division has the primary responsibility for assuring that highway construction practices adhere to Title VI requirements. NDOT relies on the Disadvantaged Business Enterprise (DBE) program as the primary tool to ensure that its construction contracting process is inclusive, nondiscriminatory, and provides a level playing field.

#### **Activities to ensure nondiscrimination**

- Monitor prime and subcontracting to ensure disadvantaged and small business opportunities to receive Department work;
- Ensure project information is adequately distributed to stakeholders and the public, following the Department's public involvement procedures and LEP plan;
- Carefully review project activities to avoid disproportionately high or adverse impacts to underserved communities during the construction phases;
- Adhering to the Department's Contract Compliance Program for DBE/EEO/OJT and Prevailing Wages;
- Regularly check all contracts and random subcontracts to ensure appropriate nondiscrimination language and required contract inclusions;
- Each District has a Title VI/Nondiscrimination Liaison. The Liaison reviews documents and other project activities for nondiscrimination and reports annually to the Title VI/Nondiscrimination Coordinator; and
- The Department uses its review process to annually review activities to ensure

nondiscrimination. Title VI/Nondiscrimination reviews are conducted by the Title VI/Nondiscrimination Coordinator who issues an RFI, performs a desk audit, conducts an onsite visit, issues an approved finding and oversees compliance with a corrective action plan, if any. As part of the review, the Coordinator examines data for nondiscrimination, which may include but not be limited to:

- Sampling of construction contracts, subcontracts, purchase orders and lease agreements to ensure inclusion of required nondiscrimination provisions;
- Sampling of construction public involvement materials including meeting notices, project flyers and other similar documents to ensure appropriate nondiscrimination language;
- Reviewing Title VI/Nondiscrimination annual reports searching data for possible trends of discrimination;
- Interviewing District Construction staff to identify emerging issues and needs; and
- Sampling Contract Compliance Reviews to ensure adequacy and consistency of the process

<https://www.nevadadot.com/doing-business/contractors-construction/construction>

#### **b. Environmental Services Division (Project Development)**

The Environmental Services Division (ENV) oversees all environmental programs within NDOT. This group ensures that local, state, and federal environmental laws are complied with during the development, construction, and operation of NDOT projects.

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

Environmental Services Division houses a diverse group of environmental specialists who research, analyze, and monitor the effects transportation projects have on the environment. They include air, noise, hazardous materials, and water quality specialists; biologists, archaeologists, environmental engineers, social analysts, and National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) experts.

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

ENV's Environmental Procedures are focused on preparing environmental documentation for projects and the processes for approving that document. They discuss how Title VI should be incorporated into the environmental process and environmental documentation.

All notices are placed on the NDOT website as are project documents referenced in the notice. NDOT's social media is used to disseminate meeting notices. All notices placed in newspapers are placed in the regular body of the paper and not the Legal Notices Section. If they are published in an identified area, ethnic newspapers and radio stations are included in the noticing effort. Community facilities such as churches, community centers and commercial businesses are approached to post notices of the meeting.

Sources of outreach efforts to encourage public involvement may include, but are not limited to:

- Publications: Las Vegas Review Journal (LV), Las Vegas Sun (LV) El Sol (Reno), La Voz Hispana (Reno), El Mundo (LV), El Tiempo (LV), Las Vegas Chinese Daily News (LV);
- Radio: KCEP (LV), KISF (LV), KRNV (Reno); and
- Depending upon the project location and potential impacts, other smaller newspapers throughout rural Nevada and “neighborhood” papers in southern Nevada.

When warranted, mailings to property owners are bilingual. Language interpreters are available at NDOT public meetings. Community advisory councils or boards are made aware of the meeting and if requested, project representatives make a separate presentation to those bodies. NEPA documents are made available at local libraries, affected city or county offices, and at NDOT District offices. Copies of documents are available upon request and may be translated as needed.

For individuals who may lack transportation, Department policy provides meetings be held close to a project area to facilitate involvement. Transit routes are also included on notices if they directly serve or are in close proximity to a meeting venue.

As part of a given environmental study, identifying the minority and low-income composition of the project’s study area is a specific task. Based on the results of this research, outreach methods are established to most effectively involve potentially affected neighborhoods or potential project users. Post meeting reviews are held to determine the effectiveness of the all aspects of the meeting and to make recommendations for future meetings.

### **Activities to ensure nondiscrimination**

- As with all Department programs, public involvement is the cornerstone of Title VI and Environmental Justice Compliance. The Department has a Public Involvement Program that is designed to provide early, continuous and extensive outreach to all communities, but particularly to ensure that project selection does not subject minority, low income, disabled and elderly populations to disproportionately high and adverse effects;
- The Department uses an Environmental Manual which describes how the Department complies with environmental requirements in project development. The Manual includes chapters on both public involvement and Title VI compliance; and
- The Department uses a review process to annually review Environmental activities to ensure nondiscrimination. Title VI/Nondiscrimination reviews are conducted by the Title VI/Nondiscrimination Coordinator who issues a Request for Information (RFI), performs a desk audit, and/or conducts an onsite visit, then issues an approved finding and oversees compliance with a corrective action plan, if any. As part of the review, the Coordinator examines data for nondiscrimination, which may include, but not be limited to:
  - Sampling of consultant contracts to ensure inclusion of required nondiscrimination provisions as well as diversity in selection of consulting firms;
  - Sampling of public involvement materials including meeting notices, project flyers and other similar documents to ensure appropriate nondiscrimination language;
  - Reviewing Title VI/Nondiscrimination Annual Reports analyzing data for possible trends of discrimination;
  - Interviewing District staff to identify emerging issues and needs; and/or
  - Sampling environmental documents to ensure Community Impact Assessments appropriately

identify underserved communities and discuss avoidance, minimization and mitigation of disproportionately high or adverse impact.

<https://www.nevadadot.com/doing-business/about-ndot/ndot-divisions/engineering/environmental-services>

### **c. Planning Division**

NDOT understands that transportation touches everyone's lives in a very personal way on a daily basis. Transportation is critical to our state's economic vitality and our quality of life, which is why NDOT engages in a forward-thinking planning process that encourages community and stakeholder participation in transportation investment decisions.

The Planning Division is made up of eight sections (also referred to as divisions): Program Development, Multimodal Planning, Southern Nevada Planning, Roadway Systems, Traffic Information, Research, Performance Analysis, and Traffic Safety Engineering. The first three are typically considered to cover the core Planning functions of the Department. The Transit Section (within Multimodal Planning) submits a separate Title VI report to FTA.

These sections are responsible for major corridor studies and the development and plan adoption of urban freeway corridor improvements in Nevada as well as a huge amount of data analysis.

The Planning Division handed out the Title VI brochures at all the public meetings and hearings. PD also provided this information to any contractors or vendors used for public involvement via project-specific Public Outreach and Public Involvement Plans. PD will continue to provide hard copies of the Title VI brochures division-wide to staff, consultants/contractors, and to the public at all of PD's public meetings and hearings.

<https://www.nevadadot.com/doing-business/about-ndot/ndot-divisions/planning>

### **Activities to ensure nondiscrimination**

- The Department uses a Public Involvement Program that is designed to provide early, continuous and extensive outreach to all communities, but particularly to ensure that project selection does not subject minority, low income, disabled and elderly populations to disproportionately high and adverse effects.
- The Department and MPOs scrutinize planning projects, screening them to identify and categorize the various impacts and enhancements of planned projects.
- The Department annually reviews planning activities to ensure nondiscrimination. Title VI/Nondiscrimination reviews are conducted by the Title VI/Nondiscrimination Coordinator, who may issue a request for information, perform a desk audit, and/or conduct an onsite visit, then issue an approved finding and oversee compliance with a corrective action plan, if any. As part of the review process, the Coordinator examines data for nondiscrimination, which may include, but not be limited to:
  - Sampling contracts to ensure inclusion of required nondiscrimination provisions;
  - Sampling public involvement materials including meeting notices, project flyers and other similar documents to ensure appropriate nondiscrimination language;
  - Reviewing Title VI/Nondiscrimination annual reports searching for possible trends of discrimination in planning;

- Interviewing District and/or MPO planning staff to identify emerging issues and needs; and
- Reviewing Certifications of MPO Planning Process Consistency with Title VI of the Civil Rights Act documents to ensure MPOs are current with nondiscrimination submissions.

#### **d. Research Division**

The Research Division (RD) manages a research program, with the research work conducted, under contract, by Nevada state-supported universities. The program focuses on technical transportation issues.

RD solicits proposals from all Institutions of Higher Education that have asked to participate in the program. All universities are provided information regarding open RFPs, and notices to pre-bid meetings.

The research section's procedure for Title VI compliance is inferred in our Research Manual (approved by FHWA). Our proposal solicitation process includes notification to anyone who has participated or expressed an interest in the past. In addition, RD distributes the announcement through the National Cooperative Highway Research Program (NCHRP). This solicitation is sent to every contact that has been acquired by the National Academy of Sciences since 1963 and has resulted in research contracts being awarded to entities from around the globe.

Activities to ensure nondiscrimination follow the above listed general guidelines.

<https://www.nevadadot.com/doing-business/about-ndot/ndot-divisions/planning/research>

#### **e. Right-Of-Way Division**

The Right-of-Way Division (ROW) has the responsibility of assuring that all Right-of-Way functions and the results of those activities are executed in accordance with Title VI. Title VI compliance assures a level playing field for minority and women-owned firms in the Nevada marketplace, and ways to improve opportunities for those businesses.

The Division ensures the equitable treatment of business and persons displaced by highway projects, regardless of race, color, gender or natural origin by operating under the Federal Code of Regulations (49 CFR Part 24) to address the requirements established by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) as amended.

#### **Activities to ensure nondiscrimination**

- ROW uses interpreters and translators as necessary to ensure that those with LEP needs receive meaningful access to the Department's services;
- ROW addresses the need for special accommodation for those with disabilities;
- Each District has a Liaison who reviews appraisals, acquisition, relocation and other documentation for nondiscrimination and submits annual reports activities to the Title VI/Nondiscrimination Coordinator;
- All projects have a ROW plan that is monitored for compliance with the Uniform Act Relocation Assistance and Real Property Acquisition Policies Act of 1970 as well as for Title VI compliance; and
- The Department uses a review process to annually review ROW activities to ensure nondiscrimination. Title VI/Nondiscrimination reviews are conducted by the Title

VI/Nondiscrimination Coordinator who issues an RFI, performs a desk audit, conducts an onsite visit, issues an approved finding and oversees compliance with a corrective action plan, if any. As part of the review, the Coordinator examines data for nondiscrimination, which may include but not be limited to:

- Sampling of appraisal contracts to ensure inclusion of required nondiscrimination provisions as well as diversity in selection of consulting firms;
- Sampling of ROW public materials including information notices, relocation assistance documents and other similar materials to ensure appropriate nondiscrimination language is included and materials are offered in alternative languages as required by the Department's LEP Plan;
- Reviewing Title VI/Nondiscrimination annual reports searching data for possible trends of discrimination, including equitable treatment without regard to race, color, national origin, age, disability, religion, income and family status;
- Interviewing District ROW staff to identify emerging issues and needs;
- Sampling project right of way documents to ensure appraisals, acquisitions and relocation assistance do not show trends in discrimination against minorities or those with low income; and/or
- Conducting interviews with members of the public impacted by acquisition and relocation.

<https://www.nevadadot.com/doing-business/right-of-way>

## 5. Special Emphasis Program Areas

Based on the information collected through the Liaison Annual Reports, the CRO will review and evaluate the data reported in order to, prioritize and identify potential "Special Emphasis Areas" which may subject the program area to a comprehensive onsite compliance review to address identified trends or patterns of discrimination if FHWA designates the Special Emphasis Program area. Information that is evaluated in making this determination includes, but is not limited to:

- Trends of Title VI related discrimination complaints;
- Observed or documented patterns of non-compliance with Title VI related policies and/or procedures;
- Efforts of Divisions, Departments, and Sections to minimize discrimination;
- If LEP requests have doubled during the reporting period;
- If more than one discrimination complaint occurred during the reporting period;
- Unauthorized changes to Title VI related policies or procedures; and/or
- Other information as identified by the CRO.

The comprehensive review will follow the steps set out below:

Step 1: Once identified for an internal comprehensive review as a special emphasis program all internal policies and procedures will be submitted to CRO for a thorough review.

Step 2: Personnel interviews will be conducted by the CRO.

Step 3: Sampling contracts to ensure inclusion of required nondiscrimination provisions.

Step 4: Sampling public involvement material including meeting notices, project flyers and other similar documents to ensure LEP requirements are being met.

Step 5: CRO will complete a review and issue a findings report with recommendations to achieve compliance.

Step 6: CRO and the program area will work together to create a Compliance Action Plan, which

will include but not be limited to resources, training, and best practices to achieve compliance. Step 7: If a resolution cannot be achieved, a recommendation and finding will be issued to the Director.

## **6. Subrecipients**

Subrecipients of Federal aid in Nevada include all Metropolitan Planning Organizations and Local Public Agencies including but not limited to:

The four (4) Metropolitan Planning Organizations (MPOs) in Nevada:

- Carson Area Metropolitan Planning Organization – CAMPO
- RTC of Southern NV
- RTC Washoe
- Tahoe MPO

Local Public Agencies (LPAs) in Nevada (subrecipients) include, but are not limited to: Nevada cities, counties, and school districts.

## **7. Title VI Requirements for Subrecipients**

As recipients of federal financial assistance, subrecipients must implement policies and procedures prohibiting discrimination, including, but not limited to the following, as requested by NDOT:

### **a. Title VI Nondiscrimination Statement of Policy, Including:**

- Express commitment to Title VI nondiscrimination program;
- Specific programs and activities covered by Title VI;
- A delegation of authority and responsibilities to appropriate Title VI personnel;
- The Agency Title VI Program Coordinator;
- Policy signed by the Chief Administrative Officer;
- Policy statement circulated throughout organization and made available to the public;
- List of all relevant federal statutes, regulations, executive orders, and other legislation; and
- Provide the “Notice to the Public” including a list of locations where it is posted.
- As direct recipients, MPOs will submit individual plans and associated assurances directly to FHWA.

### **b. Subrecipient Title VI Organization and Staffing Information, Including:**

- Identification of the Title VI Coordinator and program area;
- Description of the Civil Rights Title VI Coordinator showing relation to the top executive as shown on an organizational chart; and
- Outline the roles and responsibilities of the Title VI Coordinator and others assisting with Title VI obligations.

### **c. Federal-Aid Program Emphasis Areas, Including:**

- Description of program areas;

- Legal/operational authorities; and
- Title VI compliance monitoring responsibilities for each area.

**d. Title VI Standard Assurances and Appendices (USDOT Order 1050.2)**

**e. Data Collection Procedures**

- Describe how the organization collects data;
- Describe what data is collected;
- Describe how the data is analyzed;
- Describe how often data is collected; and
- Describe how the data is related to the different program areas. For example: As for the subrecipient public outreach department, what data is collected from public meeting participants, how it is used to proactively evaluate public outreach opportunities under Title VI (race, color, national origin, age, sex, disability, low income status and limited English proficient)?

**f. Complaint Procedures, Including:**

- Process for filing complaints and provide complaint form;
- Description of investigative process;
- Responsible agency staff;
- Time limits to submit complaints and complete investigations; and
- Provide investigative reports to NDOT CRO within 10 days of receipt of the complaint.

**g. Complying with Limited English Proficiency Requirements**

- Provide an LEP Plan;
- Description of how the agency reaches populations with LEP; and
- Describe how the agency uses the four-factor analysis for each program.

**h. Environmental Justice**

- Describe the process by which Environmental Justice requirements are met; and
- Describe how the agency is collecting minority (race) and low-income population data, in addition to other nondiscrimination population data.

**i. Training Procedures**

- Describe how and when members of the agency are trained on Title VI program requirements and responsibilities; and
- Include procedures as to how and when training will be conducted for other employees and other stakeholders.

**8. Data Collection & Analysis**

NDOT is required by federal regulation to collect statistical data on the race, color, national origin, age, sex and disability of participants in and beneficiaries of its programs. NDOT civil rights staff works with program area staff on collecting and analyzing data. Data collection



efforts specific to each program area are described on an annual basis in NDOT's Goals and Accomplishment Report. The following is a brief description of data collection efforts conducted by NDOT:

**Right of Way:** Race, ethnicity, and gender of residents and business owners who have been relocated through the NDOT Right of Way Program is collected during the relocation process. This information will be reported to CRO to analyze for trends.

**Planning:** As part of the Planning Process, NDOT staff analyzes demographic maps which include median income levels per county and racial/ethnic makeup at the U.S. Census tract level. This data will be reported to CRO to analyze for trends.

**Environmental:** NDOT collects and analyzes U.S. Census and other data regarding populations expected to be impacted during environmental review process.

## **9. Title VI Training**

The Civil Rights Office is in the process of implementing a Title VI/Nondiscrimination Training Program for NDOT's internal staff. The Civil Rights Office has implemented an External Training Program for subrecipients.

### **Internal Training**

Liaison/Division - This training will be conducted upon hire and is intended to provide liaisons and Division Heads an opportunity to discuss issues, ask questions regarding reviews conducted or to be conducted, review specific scenarios, and share experiences. It is also an opportunity to provide individualized training related to Title VI/Nondiscrimination requirements and how to apply the requirements to the specific Federal Program Area.

### **External Training**

The Division conducts LPA Training in both Northern and Southern Nevada Annually. Subrecipients will be chosen by the Title VI Program Manager to receive a review, which will be followed by additional training as needed. The content of the training is developed specifically to address the issues/challenges facing each subrecipient as communicated through the subrecipient review.

## **10. Compliance and Monitoring Procedures**

### **Subrecipient Compliance Review Process**

The Nevada Department of Transportation (NDOT) is a recipient of federal financial assistance. All recipients are required to comply with various nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964 (Title VI). NDOT and its subrecipients of federal-aid funds must ensure that all of its programs and activities are operated in a nondiscriminatory manner. NDOT's CRO requires subrecipients to provide an annual report describing Title VI data collected from agency and subcontractors, outreach methods, Title VI implementation changes and upcoming Title VI program goals. Yearly reports are analyzed and categorized based on a high/low risk assessment. After yearly high/low risk assessment, the CRO will conduct compliance reviews of local public agencies, Transit grantees, MPOs and other subrecipients of federal financial assistance to determine level of compliance with Title VI

requirements. NDOT's Title VI Nondiscrimination Program staff will conduct subrecipient compliance reviews annually to:

- Ensure compliance with Title VI;
- Provide technical assistance in the implementation of the Title VI program; and
- Correct deficiencies, when found to exist

### **Notification**

- Subrecipients will be notified within 30 days of the upcoming Title VI review by certified letter and/or prioritized email; and
- A week prior to the onsite review, a reminder will be sent by priority email to discuss agenda, logistics, expectations of the onsite visit (when needed), and to request policies, procedures and sample documents for a desk audit.

### **Onsite Review or Desk Audit**

- A Title VI staff member may review:
  - Subrecipient data collection methods;
  - Subrecipient methods for analyzing Title VI data;
  - Environmental justice efforts;
  - LEP efforts
  - Project specific documentation;
  - Leadership changes;
  - Training efforts and number of complaints received; and
  - Other documentation as needed.
- At onsite reviews Title VI staff will conduct interviews and discuss reporting and data collection practices, public notification practices, examine public participation practices, examine efficiency of Title VI complaint procedures, and make verbal and written recommendations towards best practices.

### **Deficiencies**

If deficiencies are found:

- Within 30 days of the exit review, deficiencies will be documented in a report provided to agency director, NDOT's LPA Section and the NDOT Civil Rights Officer;
- The LPA should correct all deficiencies within a reasonable time period, not to exceed 90 days of receipt of the report;
- Within 30 days of report mailing, a meeting must be scheduled to discuss possible technical assistance and action plan towards full compliance;
- Outstanding high priority vital items, such as signed Title VI assurances, will be submitted within 30 days of report mailing;
- LPA will be asked to submit a formal action plan within 45 days of report mailing;
- Within 90 days the subrecipient MUST be fully compliant on outstanding deficiencies; and
- If not compliant, NDOT will make a formal funding recommendation to the appropriate oversight division and/or federal authority.

## No Deficiencies

If no deficiencies are found:

- A formal letter of full compliance will be provided within 30 days of onsite review along with a report of findings; and
- The report may still provide recommendations for strengthening the subrecipient's Title VI Program.

## Follow-up Monitoring

Title VI staff member will determine if additional monitoring is needed to ensure ongoing compliance with Title VI requirements.

## 11. Complaint Procedures

These procedures apply to all complaints filed under Title VI of the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987 and the Americans with Disabilities Act of 1990 as they relate to any program or activity administered by NDOT, its subrecipients, consultants and contractors. Intimidation or retaliation as a result of a complaint is prohibited by law.

In addition to these procedures, complainants reserve the right to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to resolve complaints informally at NDOT and the subrecipient level.

- Any person, specific class of persons or entity that believes they have been subjected to discrimination as prohibited by the legal provisions of Title VI on the basis of race, color, or national origin may file a formal complaint with NDOT's Civil Rights Office. A copy of the Complaint Form may be accessed electronically at:

<https://www.nevadadot.com/doing-business/external-civil-rights/civil-rights-title-vi>

- The complaint must be filed within 180 days of the alleged discrimination and include the date the alleged discrimination became known to the complainant or the last date of the incident.
- The complaint must be written and signed by the complainant and shall include:
  - The Complainant(s) name, address and phone number;
  - A detailed description of the alleged incident that led the complainant to believe discrimination occurred;
  - The date of the alleged act of discrimination, the date when the complainant(s) became aware of the alleged discrimination, the last date of the conduct or the date or the date the conduct was discontinued;
  - The names and job titles of those parties involved in the complaint;
  - The facts and circumstances surrounding the alleged discrimination and the basis of the complaint (i.e., race, color, national origin, sex, age, disability, income status or retaliation);
  - Names and contact information of persons whom the investigator can contact for additional information to support or clarify the allegations; and
  - The corrective action being sought by the complainant.

- Complaints may be filed by one of the following methods:
  - By completing and signing the Complaint Form and delivering it in person or by mail;
  - By emailing or mailing the Complaint Form and sending the signed original to the CRO; and
  - By calling the CRO where information obtained will be used to complete the Complaint Form and, subsequently, forwarded to the complainant for review, signature and return.
- Complaints against NDOT or Subrecipients in FHWA funded programs will be referred to FHWA for processing; and
- Complaints under all other federally funded programs fall under NDOT's authority and jurisdiction.
- For acceptance, a complaint must be
  - Timely filed;
  - Involve a covered basis (i.e., race, color, national origin, age, sex, disability, LEP, income status or retaliation); and
  - Within NDOT's authority.
- Complaints may be dismissed if the complainant:
  - Requests the withdrawal of the complaint;
  - Fails to respond to repeated requests for additional information;
  - Fails to cooperate in the investigation; or
  - Cannot be located after reasonable attempts to reach the complainant have been made.
- NDOT CRO will maintain a confidential log of all accepted and/or forwarded Title VI Complaints which will include:
  - Name of complainant(s);
  - Date the complaint was received;
  - Date of the allegation;
  - Description of the alleged discrimination;
  - Other relevant information, as needed;
  - Report date;
  - Recommendations; and
  - Outcome/Disposition
- Upon accepting a complaint, the CRO investigator will:
  - Provide the respondent an opportunity to respond to the allegations. The respondent will have 10 calendar days from the CRO's written notification to furnish a written response; and
  - Determine if more information is needed to resolve a case and may contact the complainant who will then have 10 calendar days to provide additional information.
- Within 45 days of accepting a complaint, an NDOT Investigator will:
  - Gather all relevant information in a fair and impartial manner;
  - Conduct interviews of all concerned parties; and
  - Prepare a final investigative report with a recommended disposition.

- Upon final determination, one of two letters will be issued to the complainant:
  - A closure letter summarizing the allegations stating that there was no Title VI violation and that the case will be closed; or
  - A Letter of Finding summarizing the allegations and the interviews regarding the alleged incident and explaining whether any additional action, additional training of the staff or other action will occur.
- All allegations of discrimination will be taken seriously, and every effort will be made to provide a fair and unbiased determination. In instances where there is dissatisfaction with NDOT's determination, the complainant may file a complaint directly with the appropriate USDOT modality:
  - US Department of Transportation, Federal Highway Administration, Nevada Division 705 N. Plaza Street #220, Ste. 220, Carson City, NV 89701;
  - US Department of Transportation, Federal Highway Administration, Office of Civil Rights 1200 New Jersey Ave. SE, Washington, DC 20590;
  - US Department of Transportation, Federal Aviation Administration 800 Independence Ave. SW, Washington, DC 20591;
  - US Department of Transportation, Federal Motor Carriers Safety Administration 1200 New Jersey Ave. SE, Washington, DC 20590;
  - US Department of Transportation, Federal Transit Administration FTA Office of Civil Rights, 1200 New Jersey Ave. SE, Washington, DC 20590; or
  - US Department of Transportation, National Highway Traffic Safety Administration 1200 New Jersey Ave. SE, Washington, DC 20590.

For questions or to file a complaint, please contact:

**Nevada Department of Transportation**  
**Sonnie Braih**  
**Civil Rights Officer**  
[sbraih@dot.state.nv.us](mailto:sbraih@dot.state.nv.us)  
**123 E. Washington Ave., Bldg. G**  
**Las Vegas, NV 89101**

If information is needed in another language, please contact NDOT's Civil Rights Office at 702-730-3301.

Si necesita información en otro idioma, comuníquese con la Oficina de Derechos Civiles de NDOT al 702-730-3301.

## **12. Environmental Justice Plan/Process**

In 1994, Executive Order (EO) 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations was issued. EO 12898 emphasized a federal agency's responsibility to make environmental justice a goal by identifying and addressing the effects of programs, policies and activities on minority and low-income populations. This is accomplished by involving the public in developing transportation projects that fit within their communities without sacrificing equity, environmental justice, and safety. NDOT's Environmental Group fulfills this requirement by following the NEPA process. NDOT promotes public participation through ongoing outreach and event organization.

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means (1) that all persons share in the benefits of our investments; and (2) that no person (including racial, ethnic, or low-income groups) should bear a disproportionate share of the negative consequences resulting from the execution of Federal, State, and local programs and policies.

Based on the guidance of the USDOT Order on Environmental Justice as cited in “An Overview of Transportation and Environmental Justice” there are three fundamental principles of environmental justice, and they are:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects on minority populations and low-income populations;
- to ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

In accordance with Executive Order 12898 on EJ and the related US DOT and FHWA Orders, the Department advances the principles of EJ in all programs, services and activities through a public involvement program and by screening programs and projects to identify, avoid, minimize or mitigate disproportionately high and adverse impacts.

District staff members and PIOs assist with respect to public involvement activities around the state. The transportation planning process requires NDOT to identify planning assumptions under federal law—one of which is to use the most recently published U.S. Census Bureau data in the development of plans and programs.

### **13. Limited English Proficiency**

The Nevada Department of Transportation (NDOT) will be innovative and proactive in engaging individuals from different cultures, backgrounds, and businesses in planning, project development, and other program areas.

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English are limited English proficient, or LEP. These individuals may be entitled to language assistance with respect to a particular type of program, service or activity. This section outlines the LEP protections and NDOT’s plans for compliance. Title VI and Executive Order 13166 prohibit recipients of Federal financial assistance from discrimination based on national origin.

- It is the policy of the Nevada Department of Transportation (NDOT) that the Department 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 sub-recipients receiving federal funding from or through NDOT;
- 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, sub-recipients and the LEP person are not impaired as a result of the limited English proficiency of the individual; and

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

The Department complies with LEP Executive Order 13166 and related Federal authorities through an LEP plan which is annually reviewed for compliance and effectiveness. To develop the Plan, the Department analyzed its service population; the frequency with which it encounters LEP; the nature of its programs and services; and the resources available to the Department. The Plan describes when and to what extent language services are offered to those who are LEP.

The Department is fortunate to have a very diverse workforce, many of whom competently speak and write languages other than English, and who are familiar with terms common to transportation. As such, the Department is often able to provide interpretation and translation services in-house. Nevertheless, NDOT has contracted with outside services as needed to comply with the LEP Plan.

Corporate Translation Services, Inc dba LanguageLink – 1-800-208-2620

Annually, each Division, Department, and Office (DDO) will re-evaluate the changes in demographics, services and programs, and other factors that should be considered when determining LEP needs. This annual assessment will help guide DDOs in determining what changes, if any, are needed to update the Department's LEP plan.

All directors, managers, and Title VI program liaisons are responsible for ensuring that meaningful services to LEP persons are provided in their respective districts, divisions, or offices.

The Department will continue to provide real and meaningful access to Limited English Proficient persons and also ensures that sub-recipients are doing the same. NDOT will conduct an internal audit to identify the documents as well as programs and activities that are important to be translated for the benefit of LEP customers.

### **LEP Four Factor Analysis for the Nevada Department of Transportation**

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

From a statewide perspective, the following language was listed with the greatest number of speakers who spoke English less than "very well" in Nevada: Spanish.

**Factor 2:** The frequency with which LEP individuals come into contact with your Programs, Activities, and Services.

The following program areas of NDOT have been identified to have significant interaction with the public:

- Construction;
- Environmental;
- Planning;
- Right of Way; and
- External Civil Rights.

**Factor 3:** The importance to LEP persons of your Program, Activities and Services.

NDOT program areas with the most public interaction most likely to encounter LEP individuals are:

- Construction;
- Environmental;
- Planning;
- Right of Way; and
- External Civil Rights.

**Factor 4:** The resources available to the recipient and costs.

NDOT staffs a fulltime Public Information Officer who is dedicated to conducting outreach to the LEP community regarding NDOT services and programs. This Public Information Officer attends events including public meetings, public fairs and special events, and participates in discussions with LEP communities. The Public Information Officer provides information via radio and television stations to LEP audiences. The Public Information Officer handles the translation of vital documents and information sources. NDOT's Title VI Notice to the Public is posted at all district offices; the notice is printed in English and Spanish. Title VI Brochures are also available in English and Spanish. When translation services are deemed necessary, NDOT will utilize the currently available methods of securing interpreters through the use of procurement approved vendors.

A demographic profile of the state that identifies the location of aggregate minority and LEP populations is included as Attachment: 5, from the data that is readily available, it appears that NDOT will need to provide Spanish language assistance in all Counties. Spanish-speaking persons with limited English proficiency utilize NDOT services in all counties.

### **LEP Guidance and Resources**

The guidance document and the resources listed below are provided to assist program areas with implementing LEP requirements and may be used in conjunction with this LEP Plan.

- The U.S. Department of Transportation Guidance to Recipients on Special Language Services to Limited English Proficient Beneficiaries, Federal Register/Vol. 66, No. 14/Monday, January 22, 2001.
- The U.S. DOJ Policy Guidance, Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons with Limited English Proficiency, Federal Register/Vol. 65, No. 159/Wednesday, August 16, 2000 <http://www.usdoj.gov/crt/cor/>.
- U.S. Department of Justice Clarifying Memorandum, dated October 26, 2001 <http://www.usdoj.gov/crt/cor/lep/Oct26>.
- United States Census 2000 Language Identification Flashcard.
- <https://www.lep.gov/>

### **Technical Assistance**

The NDOT Civil Rights Office Title VI Nondiscrimination Program Coordinator is responsible for providing NDOT program areas with technical assistance. This includes advising program areas



of LEP requirements and implementing and assisting in developing individual program plans and mechanisms.

#### **14. Annual Goals & Accomplishment Report**

The Department tracks activities in the Title VI/Nondiscrimination Program and provides it to FHWA annually on October 1st. While these reports are not generally posted on the Department's website, they are public records and available upon request. The annual report is meant to be an accurate reflection of the program, including its performance, any identified challenges and reasonable goals for the upcoming year. This means report content may vary from year to year. Nevertheless, the report will always contain:

- Any changes to policy statements or procedures;
- Any changes to organizational structure or staffing;
- A summary of monitoring or reviews conducted and the outcomes or conclusions;
- A flow chart of Title VI/Nondiscrimination complaints, including the bases, investigation status and disposition;
- A summary of accomplishments in each program area, as applicable; and
- A list of all Civil Rights education and or training; the type of training; dates; and the number in attendance.

#### **15. Acronyms**

ADA – Americans with Disabilities Act  
 CRO – Civil Rights Officer  
 DDO – Districts, Divisions, and Offices  
 EEO – Equal Employment Opportunity  
 EJ – Environmental Justice  
 ENV – Environmental  
 EO - Executive Order  
 FAA – Federal Aviation Administration  
 FHWA – Federal Highway Administration  
 FHWA-HCR - Federal Highway Administration – Headquarters of Civil Rights  
 FTA – Federal Transit Administration  
 LEP – Limited English Proficiency  
 LPA– Local Public Agency (subrecipient)  
 MNT – Maintenance and Asset Management Division  
 MPO – Metropolitan Planning Organization (considered a subrecipient)  
 NCHRP – National Cooperative Highway Research Program  
 NDOT – Nevada Department of Transportation  
 NEPA – National Environmental Policy Act  
 NHPA – National Historic Preservation Act  
 O&M – Oversight & Monitoring  
 PIO – Public Information Officer  
 PM – Project Management Section  
 RD – Research Division  
 RFI – Request for Information  
 ROW – Right of Way Division  
 URA – Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970  
 USDOT – United States Department of Transportation

## **16. Authorities**

### **Pertinent Nondiscrimination Authorities**

Title VI of the Civil Rights Act of 1964  
The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970  
The Civil Rights Restoration Act of 1987, (PL 100-209)  
The Age Discrimination Act of 1975  
504 of the Rehabilitation Act of 1973  
Titles II Americans with Disabilities Act  
Title III Americans with Disabilities Act  
Executive Order 12898  
Executive Order 13166  
Title IX of the Education Amendments of 1972  
Federal-Aid Highway Act of 1973

## **17. Attachments**

Attachment: 1 – Policy Statement  
Attachment: 2 – Assurances  
Attachment: 3 – Designation of Authority  
Attachment: 4 – Organizational Chart  
Attachment: 5 – Language Assistance Plan (LAP)

This report was written on behalf of the  
Nevada Department of Transportation  
by the External Civil Rights Division  
123 E. Washington Ave., Bldg. G  
Las Vegas, NV 89101  
[www.NevadaDOT.com](http://www.NevadaDOT.com)

## Appendix 1 – Title VI/Nondiscrimination Policy Statement

### Title VI Policy Statement

The Nevada Department of Transportation (NDOT) is committed to compliance with Title VI of the Civil Rights Act of 1964, 49 CFR, part 2, and all related regulations and directives. NDOT assures that no person 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 under any NDOT program, activity, or service.

### Environmental Justice/Limited English Proficiency Policy Statement

NDOT assures that every effort will be made to prevent the discrimination of low-income and minority populations as a result of any impact of its programs or activities in accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and in Low-Income Populations. In addition, the NDOT also assures every effort will be made to provide meaningful access to persons that have limited English proficiency, in accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency.

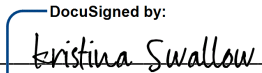
### Specific Forms of Discrimination Prohibited

NDOT's efforts to prevent discrimination must address, but are not limited to:

- The denial of services, financial aid, or other benefits provided under a program.
- Distinctions in the quality, quantity, or manner in which the benefit is provided.
- Segregation or separation in any part of the program.
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others.
- Different standards or requirements for participation.
- Methods of administration which directly or indirectly or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination.
- Discrimination in any activities related to any infrastructure or facility built or repaired in whole or in part with Federal funds.
- Discrimination in any employment resulting from a program, the primary purpose of which is to provide employment.

### NDOT Programs and Services Covered by Title VI

NDOT's Title VI Plan applies to all of the Department's programs, activities, and services, regardless of funding source.

DocuSigned by:  
  
\_\_\_\_\_  
Kristina Swallow, P.E., Director  
Nevada Department of Transportation

08/27/2020  
\_\_\_\_\_  
Date

**The United States Department of Transportation (USDOT)**

**Standard Title VI/Non-Discrimination Assurances**

**DOT Order No. 1050.2A**

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

**Statutory/Regulatory Authorities**

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

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

**General Assurances**

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

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

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

**Specific Assurances**

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

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard

to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

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

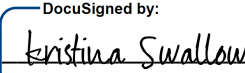
"The Nevada Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement,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

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

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

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

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

DocuSigned by:  
  
\_\_\_\_\_  
Kristina Swallow, P.E., Director

08/27/2020  
\_\_\_\_\_  
Date

## APPENDIX A

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

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

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



## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Nevada Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, U.S.C., the Regulations for the Administration of the Title VI Program, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Nevada Department of Transportation all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### (HABENDUM CLAUSE)

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

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

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

## APPENDIX C

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

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

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

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

## APPENDIX D

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

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

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

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

## APPENDIX E

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

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

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).



## **TITLE VI NONDISCRIMINATION and AMERICANS WITH DISABILITY ACT**

### **DELEGATION OF AUTHORITY**

**SUMMARY:** Through this notice, the Director delegates all compliance authority for the Nevada Department of Transportation Title VI Nondiscrimination program and the Americans with Disability Act (ADA) program to the External Civil Rights Officer.

**DATE:** Effective upon signature

**FOR FURTHER INFORMATION CONTACT:** Sonnie Braih, NDOT External Civil Rights Officer (702) 730-3301 or sbraih@dot.state.nv.us.

#### **Section A. Authority Delegated**

1. The External Civil Rights Officer is hereby delegated authority and assigned responsibility for directing and managing all aspects of the Title VI and ADA programs including providing direction and oversight for External Civil Rights and Contract Compliance, setting departmental administrative policy, and effectively managing program staff.
2. In addition to what is prescribed above, the External Civil Rights Officer is hereby delegated authority to carry out the following responsibilities:
  - a) Provide guidance to leadership and management regarding all Title VI and ADA responsibilities. This includes identifying facility-related priorities, developing plans, and providing directives for improving nondiscrimination conditions for NDOT contractors, customers, and stakeholders.
  - b) Provide NDOT departments and field office staff with Title VI and ADA program responsibilities. This includes liaison services for employees designated or identified by NDOT leadership. Liaisons will be used for the delivery and oversight of the Title VI and ADA Program duties.
  - c) The External Civil Rights Officer has full authority to review policies and/or programs developed, administered and/or managed by NDOT to detect possible conflicts with the Title VI and ADA program federal requirements. The External Civil Rights Officer will perform any such additional duties as may be assigned by the NDOT Director or Deputy Director following applicable law(s) or regulation(s).

- d) The External Civil Rights Officer will meet with the Director monthly, or as needed, to provide guidance on the strengths and weaknesses of the agency's efforts to meet Federal and State compliance requirements.

**Section B. Authority to Re-delegate**

1. The External Civil Rights Officer may re-delegate any of the authority delegated under Section A above to External Civil Rights Staff.

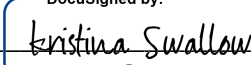
**Section C. Authority Excepted**

1. The authority delegated in this document does not include the authority to sue or be sued or issue waiver of Federal law or regulations.

**Section D. Statutory/Regulation Authorities**

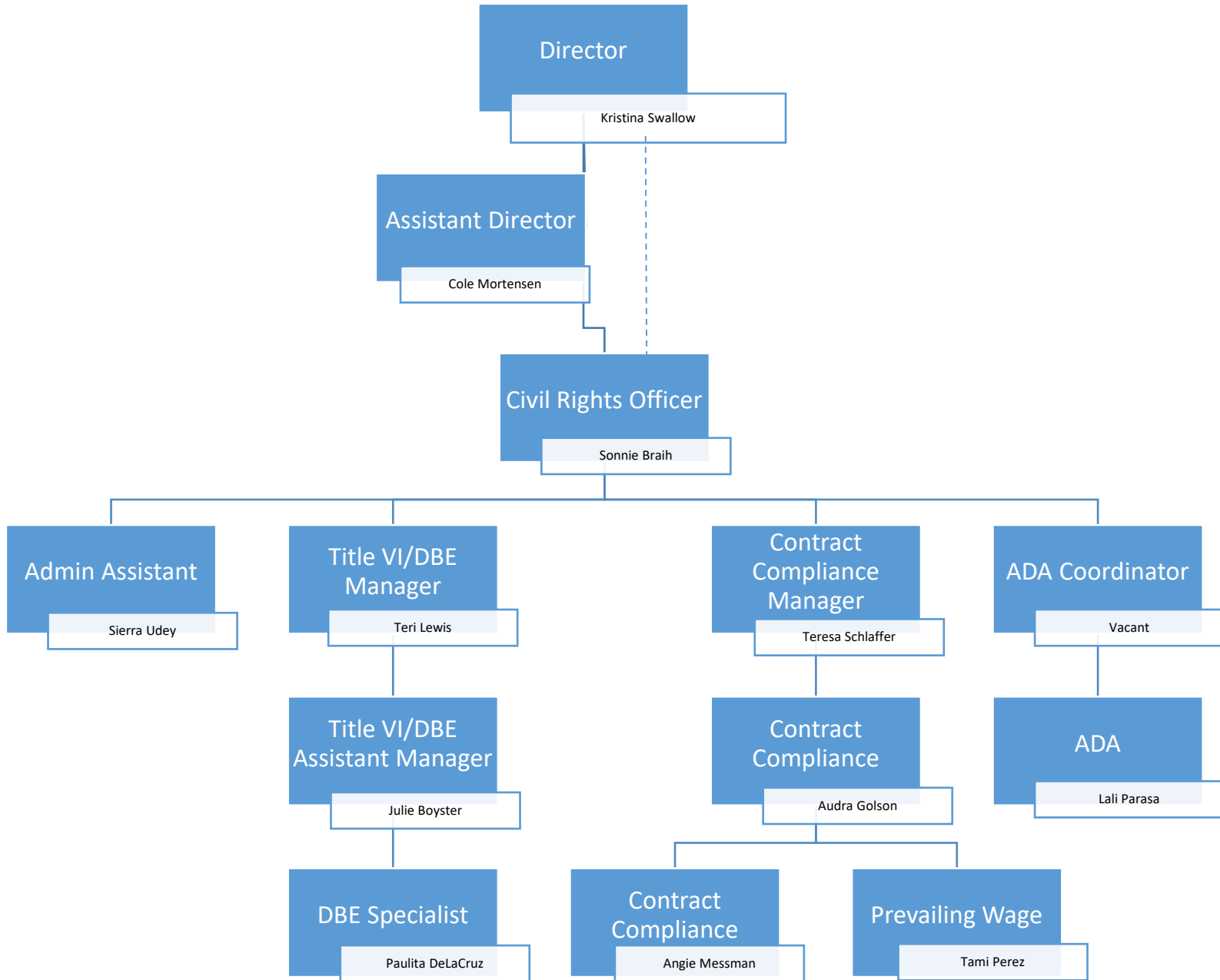
During the performance of duties, the External Civil Rights Officer will comply with the following non-discrimination statutes and authorities; including but not limited to:

1. Title VI of the civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252): and 49 CFR Part 21.
2. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601);
3. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.);
4. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.); and 49 CFR Part 27;
5. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.);
6. The Civil Rights Restoration Act of 1987, (PL 100-209);
7. Titles II and III of the Americans with Disabilities Act, (42 U.S.C. § § 12131-12189); 49 C.F.R. Parts 37 and 38;
8. Executive Order 12898;
9. Executive Order 13166;
10. Title IX of the Education Amendments of 1972, (20 U.S.C. 1687 et seq.).

DocuSigned by:  
  
\_\_\_\_\_  
Kristina Swallow, P.E., Director

08/27/2020  
\_\_\_\_\_  
Date

# NDOT EXTERNAL CIVIL RIGHTS ORGANIZATIONAL CHART



NEVADA DEPARTMENT OF  
TRANSPORTATION  
EXTERNAL CIVIL RIGHTS DIVISION

TITLE VI NONDISCRIMINATION PROGRAM  
LIMITED ENGLISH PROFICIENCY PLAN



**Kristina Swallow, P.E.**  
NDOT Director

**Cole Mortensen, P.E.**  
Deputy Director

**Sonnie Braih, Esq.**  
Civil Rights Officer



## LIMITED ENGLISH PROFICIENCY- LANGUAGE ACCESS PLAN

The Nevada Department of Transportation (NDOT) will be innovative and proactive in engaging individuals from different cultures, backgrounds, and businesses throughout its programs and activities. Limited English Proficiency (LEP) is a term used to describe individuals who are not proficient in the English language. NDOT's LEP/Language Access Plan is designed to comply with Title VI of the Civil Rights Act of 1964 and Executive Order 13166 which prohibits recipients of Federal financial assistance from discrimination based on national origin.

### Authorities

The following matrix illustrates legal and policy considerations that require NDOT to provide LEP persons with meaningful access to programs, activities, and services.

<b>Title VI of the Civil Rights Act of 1964</b>	<b>Limited English Proficiency Executive Order 13166</b>
Federal law	Federal policy
Enacted July 2, 1964	Signed August 11, 2000
Considers all persons	Considers eligible population
Contains monitoring and oversight compliance review requirements	Contains monitoring and oversight requirements
Factor criteria is required, no numerical or percentage thresholds	Factor criteria is required, no numerical or percentage thresholds
Provides protection on the basis of race, color, and national origin Focuses on eliminating discrimination in federally-funded programs	Provides protection on the basis of national origin; focuses on providing LEP persons' federally funded programs with meaningful access to services using factor criteria
Annual Accomplishments and Upcoming Goals Report to FHWA	Annual Accomplishment and Upcoming Goals Report to FHWA
Provides protection on the basis of age, sex and disability	Provides protection on the basis of age, sex, and disability

### Roles and Responsibilities

Recipients of federal financial assistance are required to take reasonable steps to provide LEP individuals with meaningful access to their programs, activities, and services (EO 13166). The following chart, although not exhaustive, illustrates activities and responsibilities that are required to adhere to LEP directives. The chart also outlines the responsibilities of the Civil Rights Office (CRO) and the various NDOT Program Areas. Each program area will be responsible for ensuring compliance with LEP requirements on a project by project basis. Annually, Title VI Liaisons will provide analysis to NDOT CRO to conduct a secondary examination for identification of possible variances and trends.

<b>Activity</b>	<b>Responsibility NDOT Division / Program</b>	<b>Title VI Program</b>
1. Assessing and addressing the needs of eligible persons (Conduct a Four Factor Analysis)	X	
2. Taking reasonable steps or ensuring that responsible steps are taken to ensure meaningful access	X	
3. Developing and implementing monitoring control mechanisms to ensure delivery of service and ongoing compliance	X	X
3. Developing and implementing monitoring control mechanisms to ensure delivery of service and ongoing compliance	X	X
4. Compliance, monitoring, and oversight	X	X
5. Providing technical assistance and guidance		X
6. Reporting accomplishments and goals	X	X

**Program Areas will use the below LEP Four Factor  
Analysis**

**Factor 1:** Identify the number and proportion of LEP persons served or encountered and eligible for service population by the NDOT Program/Project

**Factor 2:** Identify the frequency in which LEP persons encounter the NDOT Program/Project

**Factor 3:** Identify the importance of services provided by the NDOT Program/Project

**Factor 4:** Identify available resources, including language assistance services varying from limited to wide ranging with varying costs by the NDOT Program/Project

**AGENCY LEP FOUR-FACTOR ANALYSIS**

(NOT INTENDED TO RELINQUISH EACH PROGRAM AREA'S RESPONSIBILITY TO CONDUCT  
THIS ANALYSIS ON A PROJECT BY PROJECT BASIS)

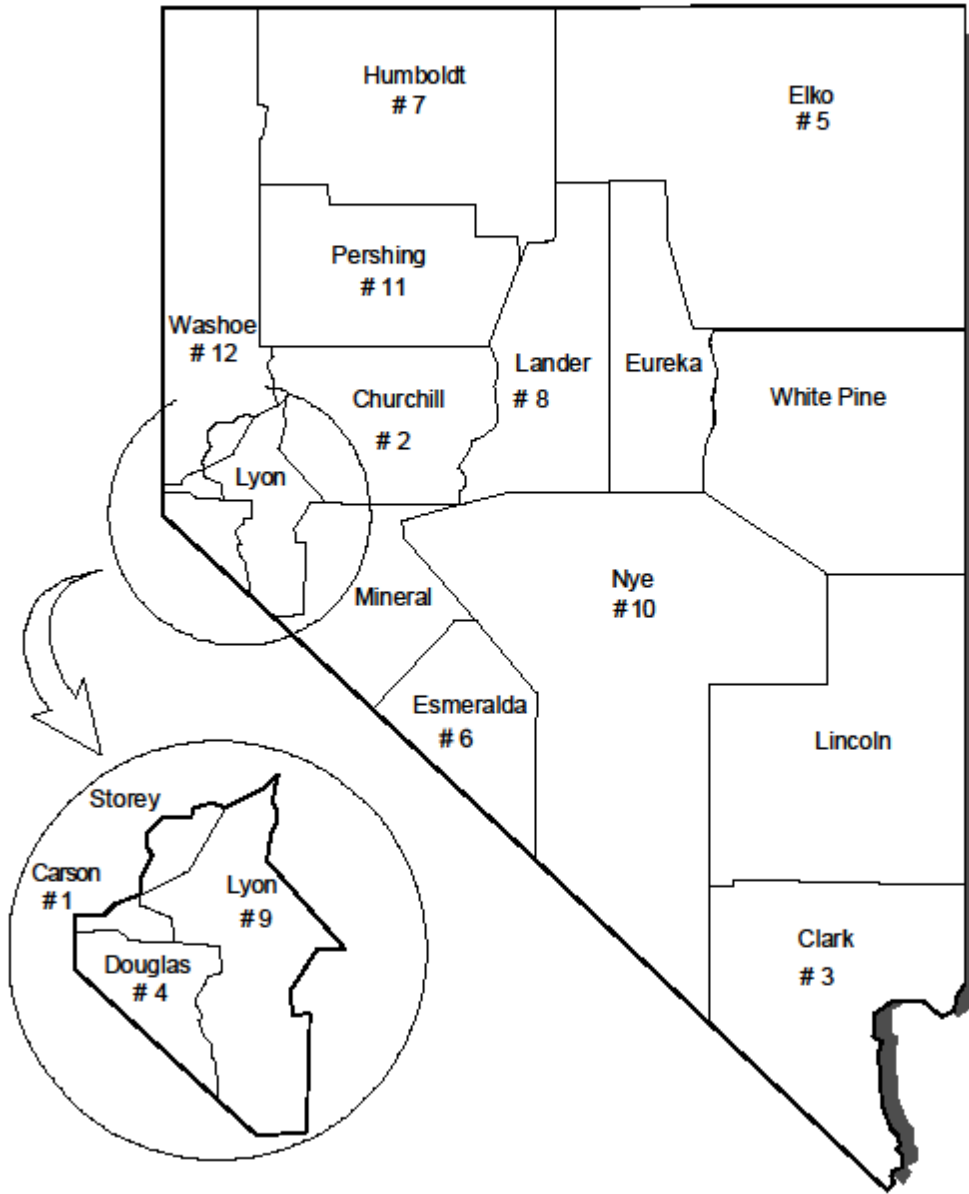
In developing this plan, NDOT undertook a U.S. Department of Transportation LEP Four-Factor Analysis which considers the following:

The number or proportion of LEP persons eligible in Nevada who may be served or likely to encounter NDOT programs, activities, or services. Based on Nevada populations, Spanish, French, German or other West Germanic languages, Russian, Polish, or other Slavic languages, Other Indo-European language, Korean, Chinese (incl. Mandarin, Cantonese), Vietnamese, Tagalog (incl. Filipino), Other Asian and Pacific Island languages, and Arabic have been identified as the highest LEP languages and thus most likely to be encountered. The following chart identifies the languages by county that meet the Safe Harbor Threshold: LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.

# LEP

## Limited English Proficient

Percent Of Nevada Counties That Speak English less than "very well"



## State of Nevada Limited English Proficient Populations that meet the \*Safe Harbor Threshold by Counties

Map Key	County	Language	Percent	Speak English less than "very well"	Total Population
1	Carson	Spanish	7.17%	3697	51584
2	Churchill	Spanish	5.40%	1209	22389
3	Clark	Spanish	9.43%	189012	2004526
	Clark	French, Haitian, or Cajun	0.07%	1392	2004526
	Clark	German or other West Germanic language	0.06%	1,106	2004526
	Clark	Russian, Polish, or other Slavic languages	0.21%	4,239	2004526
	Clark	Other Indo-European languages	0.40%	7,971	2004526
	Clark	Korean	0.26%	5,122	2004526
	Clark	Chinese (incl. Mandarin, Cantonese)	0.76%	15,165	2004526
	Clark	Vietnamese	0.20%	3,968	2004526
	Clark	Tagalog (incl. Filipino)	1.02%	20,531	2004526
	Clark	Other Asian and Pacific Island languages	0.47%	9,374	2004526
	Clark	Arabic	0.06%	1,254	2004526
	Clark	Other and unspecified languages	0.36%	7,139	2004526
4	Douglas	Spanish	3.11%	1,432	46,060
5	Elko	Spanish	5.32%	2580	48,523
6	Esmeralda	Spanish	10.02%	95	948
7	Humboldt	Spanish	5.84%	915	5,303
8	Lander	Spanish	6.00%	318	47690
9	Lyon	Spanish	3.76%	1,886	50,195
10	Nye	Spanish	2.46%	1025	41,748
11	Pershing	Spanish	5.79%	366	6,321
12	Washoe	Spanish	6.55%	27,722	423,307
	Washoe	Other Indo-European languages	0.44%	1,880	423,307
	Washoe	Chinese (incl. Mandarin, Cantonese)	0.34%	1,419	423,307
	Washoe	Tagalog (incl. Filipino)	0.49%	2,056	423,307

**Source: U.S. Census Bureau (2018). Language Spoken at Home by Ability to Speak English for the population 5 years and over, 2014-2018 American Community Survey 5-Year estimates.**

[https://data.census.gov/cedsci/all?text=c16001&tid=ACSDT1Y2018.C16001  
&hidePreview=false](https://data.census.gov/cedsci/all?text=c16001&tid=ACSDT1Y2018.C16001&hidePreview=false)

*\*Safe Harbor Threshold for written translations only: LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.*

1) The frequency with which LEP individuals come in contact with NDOT programs and services.

NDOT program areas identified to have significant interaction with the public are listed below:

- Communications
  - Public Information
- Business Operations
  - Civil Rights Office
  - Human Resources
- Administrative Services Division
  - Procurement
- Infrastructure Delivery and Operations
  - Construction
  - Environmental Planning
  - Right of Way
- Transportation Systems Management and Operations
  - Maintenance
- Multimodal Planning Division
  - Transit
  - Planning

2) The nature and importance of the program, activities or services provided by NDOT to the LEP population.

All of NDOT's programs are important; however, NDOT has identified those related to public transit, ROW, environment, nondiscrimination, public involvement and communication are among the most important.

As such, publications and other material disseminated regarding these programs are routinely available in both English and Spanish. NDOT will strive to provide alternative but meaningful accessibility to all LEP populations. Moreover, NDOT will evaluate its programs, services and activities to ensure that persons who may be LEP are always provided with meaningful access.

3) The resources available to NDOT and overall cost to provide LEP assistance.

NDOT makes every effort to make its programs, services and activities accessible to LEP individuals. NDOT will use available resources, both internal and external, to accommodate reasonable requests for translation. Further, NDOT will ensure that when requested, interpretation services will be provided free of cost, regardless of the language, when requested within reasonable notice. Annually NDOT will train Title VI Liaisons to provide timely and reasonable language assistance to LEP populations, via in-person or electronic mechanisms.

NDOT has identified and proposes the following resources for LEP:

- 1) Program areas that have contact with the public will use the US Census “I Speak” language cards to identify language needs in order to match them with available services. Language cards will be verified and distributed annually by the program area Title VI Liaison.
- 2) Use of telephonic interpretation services under contract with NDOT, when required.
  - Telephonic language assistance is available 24/7, and is provided by LanguageLink 1-877-650-5021, account# 26900.
- 3) Each program area will maintain a list of translation services for use, when required.

To provide notice to LEP persons about the availability of language assistance, NDOT CRO makes the below Title VI information, available in Spanish:

- 1) Title VI and Nondiscrimination Notice to the Public.
- 2) Complaint Procedures.
- 3) Complaint Form.
- 4) Title VI Informational Brochures.
- 5) Self-Identification Cards for use of demographic data.

To provide notice to other LEP persons about the availability of language assistance NDOT utilizes the below resources:

- 1) Self-Identification Cards for use of demographic data.
- 2) Telephonic language assistance is available 24/7, and is provided by LanguageLink 1-877-650-5021, account# 26900.
- 3) Title VI and Nondiscrimination Notice to the Public, Complaint Procedures, and the Complaint Form available in requested languages as requested.

### **Safe Harbor Stipulation**

Federal law provides a “Safe Harbor” stipulation so that recipients such as NDOT can ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English. A “safe harbor” means that if a recipient (NDOT) provides written translations in certain circumstances; such action will be considered strong evidence of compliance with the agency’s written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance that can be provided by a fact-intensive, four factor analyses. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written-translation obligations under 'safe harbor' includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.

This safe harbor provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

**CONCLUSION:**

NDOT understands that language needs will change as the Nevada population changes. Further, NDOT will comply with the requirement to assess its programs and services each year to determine compliance with various nondiscrimination regulations. As such, NDOT will revisit the LEP plan each year and make appropriate changes, as needed.

For questions or concerns regarding the NDOT's commitment to nondiscrimination or to request additional information about LEP services, contact Sonnie Braih, External Civil Rights Officer at [sbraih@dot.nv.gov](mailto:sbraih@dot.nv.gov) 702 730-3301.

**LEP Guidance and Resources**

The guidance document and the resources listed below are provided to assist program areas with implementing LEP requirements and may be used in conjunction with this LEP Plan.

- [The U.S. Department of Transportation Guidance to Recipients on Special Language Services to Limited English Proficient Beneficiaries, Federal Register/Vol. 66, No. 14/Monday, January 22, 2001.](#)
- [The U.S. DOJ Policy Guidance, Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons With Limited English Proficiency, Federal Register/Vol. 65, No. 159/Wednesday, August 16, 2000](#)
- [United States Census 2000 Language Identification Flashcard](#)
- [LEP.gov website](#)