



# NDOT TITLE VI IMPLEMENTATION PLAN

NDOT External Civil Rights Division  
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## ABOUT THE NEVADA DEPARTMENT OF TRANSPORTATION

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The Nevada Department of Transportation (NDOT) is a multi-modal transportation agency serving one of the fastest growing areas of the country. Among many things, NDOT is responsible for planning, building, and operating the complex highway system for the State of Nevada.

NDOT is annually awarded funds by the United States Department Of Transportation (USDOT) including, Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) to help support NDOT's agencies and programs, and their continued growth. NDOT with the support of USDOT is proud to have created a transportation system that creates job opportunities through the planning, building, and maintaining of its projects and other innovative ideas. These projects, in turn, generate economic development and attract a varied workforce to join our community. NDOT consistently strives to successfully deliver a range of transportation projects through the efficient use of both federal and state funds.

As a recipient of federal funds through USDOT, NDOT is held to a standard of non-discrimination as further described in this document. These guidelines, identified as "Title VI Nondiscrimination Implementation Program Plan" were developed in accordance with the federal compliance guidelines. Furthermore, this Title VI Plan has been reviewed by department directors and other various department personnel who are committed to the implementation of these policies.

To request further information, please contact Ray Marshall, Title VI Nondiscrimination Program Coordinator at (702) 730-3317.

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## **1. Introduction**

The Nevada Department of Transportation (NDOT), established in 1917, builds and improves Nevada's roads, and focuses on its mission of "Providing a better transportation system for Nevada through its unified and dedicated efforts." With over 1800 departmental employees, NDOT works diligently to further that mission in a fair and nondiscriminatory way.

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 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:

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**Sonnie Braih**  
**Civil Rights Officer**  
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**600 S. Grand Central Pkwy**  
**Las Vegas, NV 89106**

### **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, national origin, age, sex, income status or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any NDOT or NDOT sponsored program or activity. Questions about NDOT's Title VI Program may be directed to:

**NDOT External Civil Rights Title VI Program**  
**Title VI Program Coordinator**  
**600 S. Grand Central Pkwy**  
**Las Vegas, NV 89106**

**Title VI plan objectives:**

- i. 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;
- ii. 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, national origin, age, sex, disability, economic status, or limited English proficiency;
- iii. to proactively prevent discrimination and ensure nondiscrimination in all NDOT programs and activities, regardless of funding source.
- iv. to establish procedures for identifying and eliminating discrimination when found to exist;
- v. 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;
- vi. 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
- vii. 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 Nevada Department of Transportation 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:

- a. Delegated authority to have a direct line of communication to the NDOT Director;
- b. 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:
  - i. Promptly resolving deficiencies and documenting remedial action within a reasonable period of time not to exceed 90 days;
  - ii. Collecting statistical data (race, color, sex, national origin and low-income status) of participants in and beneficiaries of NDOT programs;
  - iii. Identifying and eliminating discrimination when found to exist.
- c. Ensuring the Title VI Assurances are signed by the current NDOT Director;
- d. Complying with NDOT's, procedures to investigate Title VI complaints filed against NDOT and its subrecipients when appropriate;
- e. Conducting Title VI reviews of select program areas;
- f. Conducting annual reviews of special emphasis areas;
- g. Reviewing NDOT program directives in coordination with NDOT program officials and where applicable, include Title VI and related requirements;
- h. Conducting and coordinating Title VI training for NDOT;
- i. Preparing and disseminating an annual report of accomplishments for the past year and goals for next year;
- j. Updating the Title VI program plans as necessary and submitting to DOT authorities, FTA, and FHWA;

- k. Developing Title VI information for distribution to the general public, in other languages as needed;
- l. Monitoring public participation and awareness of Title VI policies and procedures, for their effectiveness in reaching the public;
- m. Developing and overseeing implementation of NDOT's Limited English Proficiency plan;
- n. Reviewing environmental documents to ensure the proper inclusion of environmental justice and civil rights requirements;

### **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:

- a. 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:
  - i. Promptly resolving deficiencies and documenting remedial action within 90 days;
  - ii. 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;
  - iii. Implementing and overseeing subrecipient Title VI plans and programs to ensure compliance; and
  - iv. Identifying and eliminating discrimination when found to exist.
- b. Ensuring the Title VI Assurances are signed by all subrecipients;
- c. Complying with NDOT's procedures to investigate Title VI complaints filed against NDOT and its subrecipients when appropriate;
- d. Conducting subrecipient annual reviews of high risk areas;
- e. Conducting Title VI training and technical assistance for subrecipients;
- f. Developing technical assistance tools for distribution to subrecipients;
- g. Complying with federal standards to ensure proper implementation of subrecipient's Limited English Proficiency plans;
- h. 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 will consist of one or more liaisons for each program area. The liaison will work 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.

## **Organization 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 Associated General Contractors (AGC), the Latino Chambers, Urban Chambers 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 AGC, NAMC, Urban Chambers, Latino Chambers, 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 buildings 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. The Civil Rights Division has printed and made available the "Complying with Limited English Proficiency Requirements in the Federal-aid Highway Program" brochure to each DDO requesting this information.

Additional Title VI information is posted on NDOT's web site, [www.NevadaDBE.com](http://www.NevadaDBE.com).

## 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.

### 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

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

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:

- 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. Administrative Services Division**

The Mission of the Administrative Services Division is to set the Standard of Excellence by providing stakeholders with the highest quality, efficient, effective and timely award, administration, and management of contracts to meet the transportation needs of the citizens of Nevada.

The Administrative Services Division is responsible for ensuring that highway contracting and agreement procedures are executed in accordance with Title VI. To ensure compliance with the overall NDOT Title VI/Nondiscrimination goal, the Division inserts Title VI provisions into each construction contract and agreement that is generated within the Division.

The Division also publishes procurement announcements in newspapers and

uses email distribution lists to reach a wide range of entities, making procurement information available to all interested parties regardless of race, gender, or ethnicity, and promptly referring Title VI complaints to the Civil Rights Officer.

Activities to ensure nondiscrimination follow the above listed general guidelines.

<https://www.nevadadot.com/business/>

## **b. Communications Division**

The Communications Division oversees communication with the public, communities and counties regarding NDOT and the Department's transportation activities. The office is also responsible for partnering with government agencies and businesses to improve working relationships and coordination on transportation projects.

The Division is responsible for providing and overseeing communication outreach activities for all NDOT programs and activities. The Communications Division includes the Public Information, Multimedia, Customer Service, and Photography sections. This division is responsible for arranging public hearings and meetings for the NDOT outreach program. The primary media sources utilized to ensure notification of public meetings or public review of documents include, but are not limited to:

- Publications; Las Vegas Review Journal, Las Vegas Sun, El Mundo, El Tiempo, and Las Vegas Chinese Daily News in Las Vegas and El Sol and La Voz Hispana in Reno; and
- Radio; KCEP and KISF in Las Vegas and KRNV in Reno.

Depending upon the project location and potential impacts, smaller rural newspapers, "neighborhood" newspapers and community newsletters are also utilized when available.

Communications Division activities to ensure Title VI nondiscrimination include, but may not be limited to the following:

- Outreach;
- Reviews NDOT's public outreach efforts annually to assure compliance with federal public participation requirement and NDOT policies and procedures;
- Ensure that notices, policies, and complaint procedures, required by Title VI, are appropriately displayed on NDOT website as directed by NDOT Civil Rights Division.
- Refers all Title VI complaints to the NDOT Civil Rights Officer;
- Monitors Communications Division Title VI accomplishments and challenges;
- Develops public involvement strategies on a project-by-project basis for inviting minority, disabled, LEP and low-income populations into the

- transportation decision-making process and for reducing participation barriers ensuring that outreach efforts utilizing media are targeted to these groups;
- Evaluates NDOT's public involvement process and develops strategies to continually improve communications; especially with regard to minority and low-income populations; and
  - Assists other Divisions in effort to engage minority and low-income populations.

[https://www.nevadNDOT.com/About\\_NDOT/NDOT\\_Divisions/Administration/Communications.aspx](https://www.nevadNDOT.com/About_NDOT/NDOT_Divisions/Administration/Communications.aspx)

### **c. 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 a 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

<http://www.nevadNDOT.com/Content.aspx?id=5820&terms=construction%20division>

#### **d. Design Section**

The Design Section has an integral position within the department's overall purview. Design is responsible for developing high-quality plans, specifications, and estimates for the construction of safe, efficient, and effective projects to address Nevada's economic, environmental, social and intermodal transportation needs.

The Design Section ensures that NDOT projects are completed in compliance with Title VI. This includes participation in the solicitation for proposals, consultant selection, review of preliminary design work, development of alternatives, and final design. The Design Section guides the development of construction projects from conception to the release of detailed plans for construction bidding.

Activities to ensure nondiscrimination follow the above listed general guidelines.

[http://www.nevadNDOT.com/About\\_NDOT/NDOT\\_Divisions/Engineering/Design/Design\\_Division.aspx](http://www.nevadNDOT.com/About_NDOT/NDOT_Divisions/Engineering/Design/Design_Division.aspx)

#### **e. District I**

District I reports Title VI information to the District Engineer, who is the Title VI Liaison. The District Engineer oversees District I to ensure that District programs, projects, services, and activities are administered fairly and in compliance with Title VI.

District I covers southern Nevada, with headquarters in Las Vegas, and a major maintenance station in Tonopah.

Activities to ensure nondiscrimination follow the above listed general guidelines.

**f. District II**

District II and the Carson City Public Information Office (PIO) work with newspapers, radio, and television stations to relay information about upcoming public meetings. Public meetings can be video conferenced to each District Office from the Reno, Las Vegas, and Carson City offices.

District II also posts notifications of public meetings on bulletin boards and in the lobby of the District II Administration Building.

Discussion & Education with Division II Staff on Title VI issues and instructions of what to do if they receive a Title VI complaint is ongoing.

District II strives to provide an opportunity to all potential service providers including DBE's, small minority and women-owned businesses and contractors that have shown interest in providing request for quotes for agreements.

District II covers northwest Nevada, with headquarters in Sparks.

Activities to ensure nondiscrimination follow the above listed general guidelines.

**g. District III**

District III and the Carson City Public Information Office (PIO) work with newspapers, radio, and television stations to relay information about upcoming public meetings. Public meetings can be video conferenced to each District or Sub-District from the Reno, Las Vegas, and Carson City offices. In addition, each Sub-District posts notification of meetings on bulletin boards located in office lobbies.

District III strives to give opportunity to potential service providers and contractors that have shown an interest in providing request for quotes for agreements.

District III staff attend various community meetings throughout the year such as RTC, Chamber of Commerce Meetings, County Commission, and City Council Meetings. Staff describe to the public, information on major projects effecting the community by sharing progress reports. NDOT staff field questions and ask for opinions or concerns on future projects so that the information can be relayed to



divisions in Carson City who may be designing / planning future projects.

District III covers northeast Nevada, with headquarters in Elko, and major maintenance stations in Winnemucca and Ely.

Activities to ensure nondiscrimination follow the above listed general guidelines.

#### **h. Environmental Services Division**

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 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.

[http://www.nevadNDOT.com/About\\_NDOT/NDOT\\_Divisions/Engineering/Environmental\\_Services/Environmental\\_Services\\_Division.aspx](http://www.nevadNDOT.com/About_NDOT/NDOT_Divisions/Engineering/Environmental_Services/Environmental_Services_Division.aspx)

#### **i. Local Public Agencies Section**

Local Public Agency (LPA) Section ensures that federal-aid projects are developed and delivered by local agencies. The LPAs will administer their projects with financial integrity; comply with federal and state requirements; and follow the guidelines of the LPA Section's "Oversight and Monitoring" (O&M) Work Plan.

LPA Section also provides a "Local Public Agency Project Manual," which serves as a comprehensive monitoring and reporting document and identifies the work activities, budget, schedule, and resources for the NDOT LPA Section.

The LPA Section provides guidance for local governments, including municipalities, counties or regional mobility authorities in the development of transportation projects under NDOT oversight.

The LPA Section develops processes and procedures for districts and local governments to use in administering local government projects.

The LPA Procedures Manual includes state and federal requirements for compliance with Title VI/Nondiscrimination requirements, to include the requirements of EJ Executive Order 12898 and LEP Executive Order 13166.

Department nondiscrimination activities may include, but are not limited to:

- District Title VI/Nondiscrimination Liaisons review local public agency nondiscrimination policies and procedures.
- The Department uses its review process to annually review LPA activities to ensure nondiscrimination. Title VI/Nondiscrimination reviews are conducted by the Title VI/Nondiscrimination Coordinator who issues a 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 process, the Coordinator examines for nondiscrimination, including but not limited to:
  - Sampling of local agency construction contracts, subcontracts, purchase orders and lease agreements to ensure inclusion of required nondiscrimination provisions;
  - Sampling of local agency construction public involvement materials including meeting notices, project flyers and other similar documents to ensure appropriate nondiscrimination language; and
  - Interviewing District LPA staff to identify emerging issues and needs.

[http://www.nevadNDOT.com/uploadedFiles/NDOT/About\\_NDOT/NDOT\\_Divisions/Engineering/Design/2010\\_04\\_April\\_LPA\\_Manual.pdf](http://www.nevadNDOT.com/uploadedFiles/NDOT/About_NDOT/NDOT_Divisions/Engineering/Design/2010_04_April_LPA_Manual.pdf)

#### **j. Maintenance and Asset Management Division**

NDOT Maintenance and Asset Management Division (MNT) has an essential function and responsibility within NDOT to assist the agency in meeting overall mission, core values and goals. The mission of this group and the maintenance districts is to assure that the Department-maintained highway system is maintained to as high a level as possible consistent with the resources, budget, work plan, policies and program objectives.

Highway maintenance is defined as the preservation of roadway facilities in a safe and useable condition. NDOT's maintenance work, exclusive of architectural services, are categorized into three areas:

- i. **Routine maintenance**—work needed on a daily basis to repair damage to the highway system and perform operational activities which keep the traveling public moving in a safe and efficient manner. Examples are crack filling, striping, concrete repair, and culvert cleaning.
- ii. **Capital improvement**—work that will slow down the deterioration or extend the life of the highway system. Examples are chip seal, cold in-place recycle, micro-surfacing, bridge maintenance, slope flattening, and guardrail installation.
- iii. **Emergency activities**—work needed due to accidents and natural disasters to stabilize and remediate travel ways and damaged structures. Examples are snow removal, traffic incident cleanup, flood damage repair and guardrail repair.

The Routine Maintenance Contracting process incorporates Title VI Provisions on all maintenance contracts. This provision includes the clauses of Appendix A of the U.S. DOT Standard Title VI Assurances.

Activities to ensure nondiscrimination follow the above listed general guidelines.

[http://www.nevadNDOT.com/About\\_NDOT/NDOT\\_Divisions/Operations/Maintenance/Maintenance\\_and\\_Asset\\_Management.aspx](http://www.nevadNDOT.com/About_NDOT/NDOT_Divisions/Operations/Maintenance/Maintenance_and_Asset_Management.aspx)

#### **k. 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.

[http://www.nevadNDOT.com/About\\_NDOT/NDOT\\_Divisions/Planning/Planning.aspx](http://www.nevadNDOT.com/About_NDOT/NDOT_Divisions/Planning/Planning.aspx)

#### 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.

## **I. Project Management Section**

NDOT's Project Management (PM) section has an integral position within the department's functionality and is responsible for developing, organizing, managing and prioritizing groups of projects.

As part of the project development process, public meetings are held to inform as well as request feedback on the projects. These public meetings are announced multiple times prior to meeting occurrences. Announcements are disseminated through Spanish language publications, local Chambers of Commerce, and local government agencies; additionally, members of the public in the immediate vicinities of the projects are either mailed information about the public meetings or receive door hangers on their doors inviting their attendance and participation in the decision making process.

As part of the project development process, the Division attempts to identify impacts to the local communities and address those impacts specifically with the communities impacted.

Activities to ensure nondiscrimination follow the above listed general guidelines.

[http://www.nevadNDOT.com/About\\_NDOT/NDOT\\_Divisions/Engineering/Project\\_Management/Project\\_Management\\_Division.aspx](http://www.nevadNDOT.com/About_NDOT/NDOT_Divisions/Engineering/Project_Management/Project_Management_Division.aspx)

#### **m. 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.

[http://www.nevadNDOT.com/About\\_NDOT/NDOT\\_Divisions/Planning/Research/Research.aspx](http://www.nevadNDOT.com/About_NDOT/NDOT_Divisions/Planning/Research/Research.aspx)

#### **n. 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 a 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.

[http://www.nevadNDOT.com/About\\_NDOT/NDOT\\_Divisions/Engineering/ROW/Right\\_of\\_Way.aspx](http://www.nevadNDOT.com/About_NDOT/NDOT_Divisions/Engineering/ROW/Right_of_Way.aspx)

**o. Traffic Operations Division**

The Traffic Operations Division (TRF) has the responsibility for assuring that aspects of the traffic and operations design phase and the resulting final design are executed in accordance with Title VI. This process includes solicitation for proposals, consultant selection, preliminary design work, and final design.

Traffic Operations staff participates in training and informational meetings as provided by the External Civil Rights Division and works to incorporate any



relevant practices or processes into TRF division processes.

TRF works with Administrative Services on the development of RFAs and RFPs and the consultant/contractor selection process to ensure established processes are adhered to. The Civil Rights Division reviews each project and assigns a DBE goal and the project manager documents DBE accomplishment for that agreement.

Activities to ensure nondiscrimination follow the above listed general guidelines.

[http://www.nevadNDOT.com/About\\_NDOT/NDOT\\_Divisions/Operations/](http://www.nevadNDOT.com/About_NDOT/NDOT_Divisions/Operations/)

## **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 “Special Emphasis Areas” which will subject the program area to a comprehensive onsite compliance review to address identified trends or patterns of discrimination. 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. The Subrecipients of Federal-aid in Nevada include all Metropolitan Planning Organizations and Local Public Agencies:**

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

- i. RTC of Southern NV
- ii. RTC Washoe
- iii. Carson Area Metropolitan Planning Organization – CAMPO
- iv. Tahoe MPO

The Local Public Agencies (LPAs) in Nevada:

- i. City of Las Vegas
- ii. City of North Las Vegas
- iii. City of Henderson
- iv. City of Boulder City
- v. Clark County
- vi. Carson City
- vii. City of Elko
- viii. City of Ely
- ix. City of Fallon
- x. City of Fernley
- xi. City of Reno
- xii. City of Sparks
- xiii. City of West Wendover
- xiv. City of Winnemucca
- xv. Douglas County
- xvi. Lander County
- xvii. Southern Nevada Transit Coalition
- xviii. Tahoe Transportation District
- xix. Town of Gardnerville
- xx. Town of Minden
- xxi. Washoe County

**7. TITLE VI REQUIREMENTS FOR SUBRECIPIENTS**

As recipients of federal financial assistance, MPOs must implement policies and procedures prohibiting discrimination, including, but not limited to the following:

a. Title VI Nondiscrimination Statement of Policy, including:

- i. Express commitment to Title VI nondiscrimination program;
- ii. Specific programs and activities covered by Title VI;
- iii. A delegation of authority and responsibilities to appropriate Title VI

- personnel;
  - iv. The Agency Title VI Program Coordinator;
  - v. Policy signed by the Chief Administrative Officer;
  - vi. Policy statement circulated throughout organization and made available to the public;
  - vii. List of all relevant federal statutes, regulations, executive orders, and other legislation; and
  - viii. Provide the “Notice to the Public” including a list of locations where it is posted.
- b. Subrecipient Title VI organization and staffing information, including:
- i. Identification of the Title VI Coordinator and program area;
  - ii. Description of the Civil Rights Title VI Coordinator showing relation to the top executive as shown on an organizational chart; and
  - iii. Outline the roles and responsibilities of the Title VI Coordinator and others assisting with Title VI obligations.
- c. Federal-aid program emphasis areas, including:
- i. Description of program areas;
  - ii. Legal/operational authorities; and
  - iii. Title VI compliance monitoring responsibilities for each area.
- d. Title VI Standard Assurances and Appendices (USDOT Order 1050.2)
- e. Data collection procedures
- i. Describe how the organization collects data;
  - ii. Describe what data is collected;
  - iii. Describe how the data is analyzed;
  - iv. Describe how often data is collected; and
  - v. 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:
- i. Process for filing complaints and provide complaint form;
  - ii. Description of investigative process;
  - iii. Responsible agency staff;
  - iv. Time limits to submit complaints and complete investigations; and
  - v. Provide investigative reports to NDOT CRO within 60 days of receipt of the complaint.

g. Annual Goals and Accomplishment Reports

- i. Number of program area reviews conducted, results of the review, actions taken and actions planned;
- ii. Number and type of compliance reviews conducted for subcontractors/consultants;
- iii. Title VI related training provided for agency staff and Subcontractors/consultants;
- iv. Summary of Title VI complaints filed with the agency;
- v. Number of compliance reviews planned for the upcoming year; and
- vi. Outcome of analyzed data for each department reviewed.

h. Complying with Limited English Proficiency Requirements

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

i. Environmental Justice

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

j. Training Procedures

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

**Title VI Requirements for LPAs and other Agencies of Federal Highway Funds (FHWA) and Federal Transit Funds (FTA)**

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

- a. Signed Title VI Nondiscrimination Agreement which incorporates the following:
  - i. Express commitment to Title VI nondiscrimination program;
  - ii. Specific programs and activities covered by Title VI;
  - iii. The Agency Title VI Program Coordinator;
  - iv. Policy signed by the Chief Administrative Officer;
  - v. Policy statement made available to organization and the public;

- vi. Provide the “Notice to the Public” including a list of locations where it is posted; and
  - vii. Complaint Procedures.
- b. Title VI Standard Assurances and Appendices (USDOT Order 1050.2)
  - c. Training Procedures
    - i. Describe how and when members of the agency are trained on Title VI program requirements and responsibilities; and
    - ii. Include procedures as to how and when training will be conducted for 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 will implement a Title VI/Nondiscrimination Training Program for NDOT’s internal staff. The Civil Rights Office will also implement an External Training Program for subrecipients.

### Internal Training

Liaison/Division - This training will be conducted annually 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**

Subrecipients will be chosen by the CRO to receive a review, which will be followed by training. The content of the training is developed specifically to address the issues/challenges facing each subrecipient as communicated through the subrecipient annual 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:

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

### Notification

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

### Onsite Review

- a. A Title VI staff member will review:
  - i. Subrecipient data collection methods;
  - ii. Subrecipient methods for analyzing Title VI data;
  - iii. Environmental justice efforts;

- iv. LEP efforts; and
  - v. Leadership changes.
- 
- b. Training efforts and number of complaints received in the required subrecipient annual goals and accomplishment report; and
  - c. 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:

- a. Within 30 days of the onsite review, deficiencies will be documented in a report provided to agency director, NDOT's LPA Section and the NDOT Civil Rights Administrator;
- b. By expectation the LPA should correct all deficiencies within a reasonable time period, not to exceed 90 days of receipt of the report;
- c. Within 30 days of report mailing, a meeting must be scheduled to discuss possible technical assistance and action plan towards full compliance;
- d. Outstanding high priority vital items, such as signed Title VI assurances, will be submitted within 30 days of report mailing;
- e. LPA will be asked to submit a formal action plan within 45 days of report mailing;
- f. Within 90 days the subrecipient MUST be fully compliant on outstanding deficiencies; and
- g. 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. A formal letter of full compliance will be provided within 30 days of onsite review along with a report of findings; and
- b. 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.

### Procedures

- a. 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, national origin, sex, age, disability, or income status may file a formal complaint with NDOT's Civil Rights Office. A copy of the Complaint Form may be accessed electronically at:

[http://nevadadbe.com/website/files/NDOT Title VI Complaint Procedure and Form REV9-12.pdf](http://nevadadbe.com/website/files/NDOT_Title_VI_Complaint_Procedure_and_Form_REV9-12.pdf)

- b. 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.
- c. 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.



- d. 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 faxing 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.
- e. Upon receipt of a completed complaint, the CRO will determine jurisdiction, acceptability or need for additional information and, within five days, acknowledge receipt of the complaint and the intended course of action
- NDOT has sole authority for and will adjudicate all complaints filed against NDOT FHWA subrecipients;
  - Complaints against NDOT 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.
- f. 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.
- g. 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.
- h. 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
- i. 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.
- j. 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.
- k. 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.
- l. Complaints that fall under the jurisdiction of FHWA – NDOT CRO, will forward a copy of the complaint and preliminary finding to FHWA-HCR within 60 days. Once FHWA-HCR issues its final decision, it will notify NDOT and, NDOT will notify all parties involved.
- m. 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)  
**600 S. Grand Central Pkwy**  
**Las Vegas, NV 89106**

If information is needed in another language, please contact NDOT's Civil Rights Office at 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, each District has the resources and flexibility to contract outside services as needed to comply with the LEP Plan.

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 divisions 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 languages were listed with the greatest number of speakers who spoke English less than “very well” in Nevada according to a 2015 census report were as follows: Spanish, Chinese, and Tagalog.

#### **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:

- Communications;
- 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:

- Communications;
- Environmental Services;
- 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 public accessed areas; 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 Clark, Elko, Washoe, Carson and Lyon Counties. Spanish-speaking persons with limited English proficiency utilize transit and 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.

## **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 – Delegation of Authority  
Attachment: 4 – Organizational Chart  
Attachment: 5 – LEP Area Map

This report was written on behalf of the  
Nevada Department of Transportation  
by the External Civil Rights Division  
600 S. Grand Central Pkwy.  
Las Vegas, NV 89106  
[www.nevadNDOT.com](http://www.nevadNDOT.com)



**ATTACHMENT: 1**



## NONDISCRIMINATION POLICY STATEMENT

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

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

External Civil Rights Officer  
Nevada Department of Transportation  
600 S. Grand Central Parkway  
Las Vegas, Nevada 89106  
Telephone: (702) 730-3301  
Fax: (702) 486-0487

NDOT's Title VI Program is managed by its External Civil Rights Officer, who reports directly to the Director on Title VI issues. The External Civil Rights Officer will work with an Interdisciplinary Committee of Division Heads to perform routine data collection/data analysis and process reviews required under Title VI.

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

A handwritten signature in blue ink that reads "Rudy Malfabon".

\_\_\_\_\_  
Rudy Malfabon, P.E., Director

12-14-16

\_\_\_\_\_  
Date

**ATTACHMENT: 2**



BRIAN SANDOVAL  
Governor

STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION  
1263 S. Stewart Street  
Carson City, Nevada 89712

RUDY MALFABON, P.E., Director  
In Reply Refer to:

**NEVADA DEPARTMENT OF TRANSPORTATION  
TITLE VI ASSURANCES**

The Nevada Department of Transportation (NDOT), hereinafter referred to as the ("Recipient") hereby agrees that as a condition of receiving any federal financial assistance from the U.S. Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity from which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration.

The Recipient further assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. This assurance is required by subsection 21.7(a)(1) of the Regulations. The Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be conducted, or will be operated in compliance with all the requirements imposed by, or pursuant to, the Regulations.

For information or guidance on how to file a complaint based on the grounds of race, color, national origin, sex, age, or disability, please visit the following web page: [www.nevadadbe.com](http://www.nevadadbe.com).

If you need this information in an alternate format, such as in Braille or in a language other English, please contact the Nevada Department of Transportation, Division of Civil Rights, 600 S. Grand Central Parkway, Las Vegas, Nevada 89106. Telephone: (702) 730-3301.

  
Rudy Malfabon, P.E., Director

12-14-16  
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 shall comply with the Acts and the Regulations relative to Nondiscrimination in federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference as part of this contract.
- 2. Nondiscrimination:** The contractor with regard to the work performed by it during the contract shall not discriminate on the grounds of race, color, national origin, sex, age, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by the Acts and Regulations, including employment practices when the contract covers a 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 shall be notified by the contractor of the contractor’s obligations under this contract and Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, or disability.
- 4. Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the contractor is in the exclusive possession of another who fails or refuses to furnish its information the contractor shall so certify to the Recipient or the FHWA as appropriate and shall set forth what efforts it has made to obtain the information.
- 5. Sanctions for Noncompliance:** In the event of the contractor’s noncompliance with nondiscrimination provisions of this contract, the Recipient shall impose contract sanctions as it or the FHWA may determine appropriate, including, but not limited to:
  - a. Withholding of payments to the contractor under the contract until the contractor complies and/or
  - b. Cancellation, termination, or suspension of the contract, in whole or in part.

**6. Incorporation of Provisions:** The contractor shall include the provisions of paragraph (1) through (6) in every contract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to to any subcontract or procurement as the Recipient or the FHWA may direct as means of enforcing such provisions including sanctions for noncompliance: provided, however, that in the event a contractor becomes involved in, or is threatened with litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Recipient to enter into such litigation to protect the interests of the Recipient, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

## **APPENDIX B**

The following clause shall be included in any and all deeds effecting or recording the transfer of real property structures or improvements thereon, or interest therein from the United States.

**GRANTING CLAUSE:** NOW, THEREFORE, the U.S. DOT, as authorized by law, and upon the condition that the Recipient 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 on the above statute, and the policies and procedures prescribed by the FHWA of the U.S. DOT and, also in accordance with and in compliance will all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. DOT subtitle A Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the U.S. DOT (hereinafter referred to as the Regulations) pertaining to 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 Recipient all the right, title and interest of the U.S. DOT 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 Recipient 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 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 shall be binding on the Recipient, its successors and assigns.

The Recipient, in consideration of 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 shall on the grounds of race, color, national origin, sex, age, or disability 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 Recipient shall 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. DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the U.S. DOT – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and
3. that in the event of any breach of any of the above-mentioned nondiscrimination conditions, the U.S. DOT shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the U.S. DOT and its assigns as such interest existed prior to this instruction.

## **APPENDIX C**

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments into by the Recipient, pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her heirs, personal representatives, successors in interest, and assigns, as 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 in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. DOT program or activity is extended or for another purpose involving the provision of similar services or benefits the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, U.S. DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination of Federally-Assisted Programs of the U.S. DOT – Effectuation of Title VI of the Civil Rights Acts of 1964, and as said Regulations may be amended.

### **INCLUDE IN LICENSES, LEASES, PERMITS, ETC.**

That in the event of a breach of any of the above nondiscrimination covenants, Nevada Department of Transportation (the Recipient) shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities therein, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

### **INCLUDE IN DEEDS**

That in the event of a breach of any of the above nondiscrimination covenants, the Recipient shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall hereupon revert to and vest in and become the absolute property of the Recipients and its assigns.



## APPENDIX D

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments/ agreements entered into by Nevada Department of Transportation pursuant to the provisions of Assurance 9(b):

- (A) The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as 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 (equates to minority), color, national origin, sex, age, disability, low-income, or LEP will be excluded from participation in, denied the benefits of, or 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 ground of race, color, or national origin, sex, age, disability, low-income, or LEP 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 will all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- (B) With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Nondiscrimination covenants, State of Nevada will have the right to terminate the (license, permit, etc., as appropriate) and to 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 Nondiscrimination covenants, State of Nevada will thereupon revert to and vest in and become the absolute property of the State of Nevada and its assigns. \*

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate 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:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 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. Section 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal–aids programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. Section 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act OF 1973, (29 U.S.C. Section 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. Section 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. Section 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 term “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);
- Title II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operations of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. Sections 12131—12189) as implemented by the Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Nondiscrimination statute (49 U.S.C. Section 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 make every 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.*).

## **PUBLIC NOTIFICATION**

NDOT will provide the public with information that will create awareness about its program and activity.

**ATTACHMENT: 3**



## **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.).



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Rudy Malfabon, P.E., Director

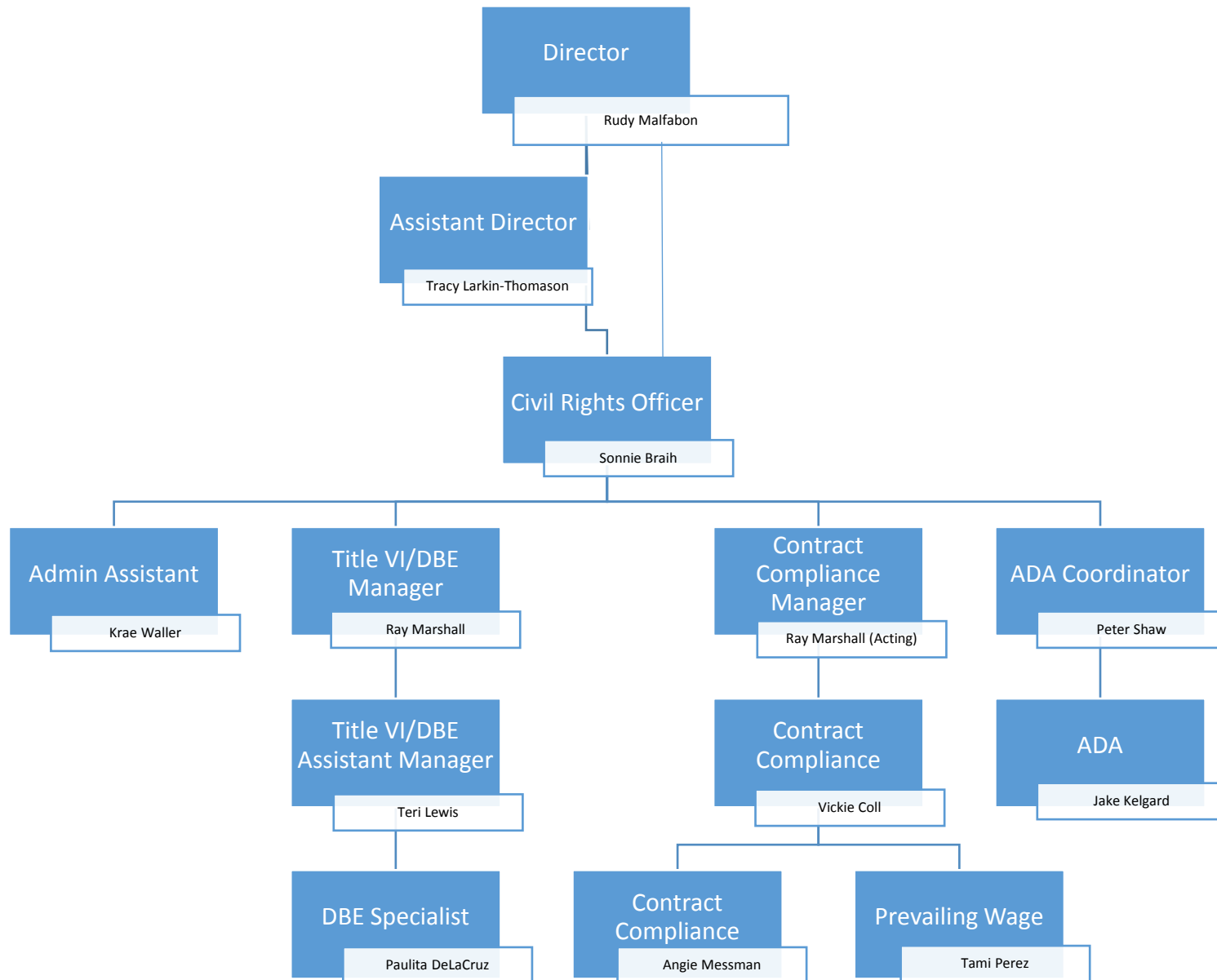
12-14-16

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Date

**ATTACHMENT: 4**

# NDOT EXTERNAL CIVIL RIGHTS ORGANIZATIONAL CHART





**ATTACHMENT: 5**

# Percent Speaks Spanish and Speaks English Less than "Very Well"



## Nevada Title VI Assessment

### Legend

#### Census Tracts

- 0% - 12.5%
- 12.51% - 51.48%
- Counties
- Cities/Towns

The Nevada statewide average for LEP is 12.5%

