



Title VI

Nondiscrimination Program & Implementation Plan FFY2017 • 2019

Office of Civil Rights

3311 W. State St. • P.O. Box 7129 • Boise, ID 83707-1129

CONTENTS

I. OVERVIEW	1
II. TITLE VI/NONDISCRIMINATION POLICY STATEMENT	3
RESPONSIBILITIES	4
III. ASSURANCES	5
IV. ORGANIZATION AND STAFFING	5
ORGANIZATION	5
<i>ITD Director</i>	5
<i>Office of Civil Rights Program Manager/Title VI/Nondiscrimination Coordinator</i>	5
<i>Program Specialist</i>	6
<i>Program Area Coordinator (PAC)</i>	6
<i>Managers and Supervisors</i>	7
<i>District Safety and Compliance Officers (SCO)</i>	7
<i>Title VI Program Guidance: FHWA Division Office Civil Rights Program Manager</i>	7
V. PROGRAM AREA REVIEWS	8
PLANNING SERVICES	8
PUBLIC INVOLVEMENT	9
ENVIRONMENTAL	10
RIGHT-OF-WAY	11
CONTRACT ADMINISTRATION	13
CONSTRUCTION/MATERIALS	14
MAINTENANCE (OPERATIONS)	14
HIGHWAY SAFETY	15
RESEARCH	15
SPECIAL EMPHASIS PROGRAM AREAS	16
LOCAL PROGRAMS	16
VI. SUBRECIPIENT REVIEW PROCEDURES	17
VII. DATA COLLECTION	20
VIII. TITLE VI NONDISCRIMINATION TRAINING	21
INTERNAL TRAINING	21
EXTERNAL TRAINING	21
IX. COMPLAINT PROCEDURES	22
PROCEDURES	22

X. DISSEMINATION OF TITLE VI INFORMATION	26
XI. LANGUAGE ACCESS PLAN (LIMITED ENGLISH PROFICIENCY)	27
XII. ENVIRONMENTAL JUSTICE (EJ) PLAN	28
XIII. REVIEW OF ITD DIRECTIVES	28
XIV. COMPLIANCE & ENFORCEMENT PROCEDURES	29
ACCESS TO RECORDS	29
DESCRIPTION OF FEDERAL-AID PROGRAMS	29
TITLE VI PROGRAM COMPLIANCE REVIEW	30
XVI. APPENDICES	31
APPENDIX A: AUTHORITIES	31
APPENDIX B: ITD OCR ORGANIZATION CHART	33
APPENDIX C: ITD-0654, ENVIRONMENTAL EVALUATION FORM	34
APPENDIX D: TITLE VI PROGRAM AREA REVIEW QUESTIONNAIRE	36
APPENDIX E: ITD TITLE VI PROGRAM DISCRIMINATION COMPLAINT FORM	39
• TITLE VI PROGRAM DISCRIMINATION COMPLAINT FORM	39
APPENDIX F: MODALITY CONTACT INFORMATION	40

This document is available online at:

[ITD Title VI/Nondiscrimination Implementation Plan](#)

I. OVERVIEW

Idaho Department of Transportation divides its operations into six geographical districts. The headquarters and aviation division are located in Boise, Idaho. The state transportation system is inextricably woven into the fabric of Idaho life. The people of Idaho use Idaho's transportation system to get to work, school, friends, and recreation.

Idaho's transportation system is the backbone of the state's economy. Safe and efficient roads, bridges, airports, railroads and ports promote the expansion of Idaho's economy. The cost of doing business is affected by how well goods and people can be moved across town, across the country and around the world. Thus, Idaho's economic performance is tied to the quality of our transportation system.

ITD receives Federal-aid from the U.S. Department of Transportation and its Operating Administrations including, Federal Highway Administration (FHWA), Federal Motor Carrier Safety Administration (FMCSA), Federal Aviation Administration (FAA), and the Federal Transit Administration (FTA). Pursuant to the United States Department of Transportation Order 1050.2A, the Idaho Transportation Department (ITD) hereby agrees, that "No person in the United States shall, on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination under any program or activity," for which ITD receives Federal financial assistance, including the Federal Highway Administration (FHWA), Federal Motor Carrier Safety Administration (FMCSA), the Federal Aviation Administration (FAA), and the Federal Transit Administration (FTA).

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements ((The Age Discrimination Act of 1975 (age), and (Section 504 of the Rehabilitation Act of 1973 (disability))), by restoring the broad, institutional-wide scope of coverage of these non-discrimination statutes and requirements to include all programs and activities of ITD, so long as any portion of the program is Federally assisted. Additionally, the Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 et seq.) prohibited discrimination based on sex. Executive Orders 12898 (Environmental Justice) and 13166 (Limited English Proficiency) provided additional clarification under Title VI (see Appendix A for a list of Authorities).

ITD will comply with the requirements of the Title VI Program in all of its activities, programs, and services.

The Director of the Idaho Transportation Department has the ultimate responsibility for complying with Title VI of the 1964 Civil Rights Act and related Non-discrimination authorities. The Director delegates the authority to develop, maintain, implement, and monitor this policy to the Office of Civil Rights Title VI Program Coordinator. To request additional information on ITD's Title VI program and nondiscrimination requirements email or write:

Diane Steiger, Office of Civil Rights Program Manager/Title VI/Nondiscrimination Coordinator diane.steiger@itd.idaho.gov;

Russ Rivera, Contract Compliance Officer russ.rivera@itd.idaho.gov;

or email Civilrights@itd.idaho.gov.

Idaho Transportation Department PO Box 7129 Boise, Idaho, 83707

Website: [ITD Office of Civil Rights](#).

II. TITLE VI/NONDISCRIMINATION POLICY STATEMENT

It is the policy of the Idaho Transportation Department (ITD) to comply with Title VI of the Civil Rights Act of 1964 and to adhere to all related Non-discrimination authorities. ITD will ensure that “no person in the United States shall, on the ground of race, color, or national origin,” sex, age, disability, low-income, and Limited English Proficiency (LEP), “be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity,” for which ITD “receives Federal financial assistance.” Accordingly, to ensure compliance with Title VI of the Civil Rights Act, ITD commits to:

1. Conducting and operating each of its programs and facilities in compliance with all requirements imposed, or pursuant to Title VI of the Civil Rights Act and related Non-discrimination authorities;
2. Providing non-discrimination methods of administration for programs and to give other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such programs, a requirement to comply with Title VI of the Civil rights Act and related Non-discrimination authorities;
3. Promptly taking any measures necessary to effect compliance with Title VI of the Civil Rights Act and related Non-discrimination authorities.

Further, ITD will take proactive efforts to prevent discrimination and will address, but is not limited to, a program’s impact upon access, benefits, participation, treatment, services, contracting opportunities, training opportunities, and/or will undertake the investigation of any complaint.

In accordance with 49 C.F.R. § 21, 49 C.F.R. § 303 and 23 C.F.R § 200, ITD developed procedures for prompt processing and disposition of Title VI complaints. Any person believing ITD or any of its subrecipients violated the provisions of Title VI in the administration of its program or activities may file a complaint with ITD’s Office of Civil Rights.

Responsibilities

The Director of the Idaho Transportation Department located at 3311 W. State Street, Boise, Idaho 83703 is responsible for this policy. The Director delegated Title VI Program responsibilities to the Office of Civil Rights Program Manager/Title VI/Nondiscrimination Coordinator and he/she must implement and continuously monitor this Title VI/Nondiscrimination Program. Additionally, the Director delegates responsibilities to all affected personnel to work with the Title VI Program Manager/Title VI/Nondiscrimination Coordinator to effectively implement the Title VI Program.

Individuals with questions or requiring additional information relating to this policy of the implementation of ITD's Title VI Program should contact the Office of Civil Rights Title VI Program Manager/Title VI/Nondiscrimination Coordinator located at the address above, or call the Office of Civil Rights at 208-334-8884.

//original signed//

08/11/2016

Brian W. Ness
Director

Date

//original signed//

08/11/2016

Diane Steiger
Title VI/Nondiscrimination Coordinator

Date

III.ASSURANCES

In accordance with USDOT, 1050.2A a copy of ITD's Title VI Nondiscrimination Assurances signed by ITD's Director is available at [USDOT Order No. 1050.2A FHWA and USDOT Order No. 10502A.FMCSA](#).

IV.ORGANIZATION AND STAFFING

ITD's Office of Civil Rights oversees the Department's Title VI plan and meets the terms of FHWA implementing guidance. The Department's Title VI responsibilities are described below (Organization Chart is located in Appendix B).

Organization

ITD Director

The Director is the head of ITD. He is responsible to the Governor, the Idaho Legislature, and the Idaho Transportation Board for ensuring implementation of the Department's Title VI plan. The Director provides leadership, guidance, direction, and support for ITD's Title VI programs. 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 ensure and meet all civil rights requirements. The Director delegates duties and/or powers to carry out the efficient operation of the department.

Office of Civil Rights Program Manager/Title VI/Nondiscrimination Coordinator

The Director delegated the Title VI Program authorities and responsibilities to the OCR Program Manager/Title VI/Nondiscrimination Coordinator. This person reports directly to the ITD Director for all Title VI matters. As such, this person is to work directly with ITD Management to implement the department-wide Title VI Program. Functionally, the OCR Program Manager/Title VI/Nondiscrimination Coordinator is responsible for managing the Office of Civil Rights and reports straight to the Chief Human Resources Office regarding daily operations. At the bidding of the Director, the OCR Program Manager/Title VI/Nondiscrimination Coordinator supervises, reviews, monitors, and evaluates the effectiveness of the implementation of the ITD Title VI Nondiscrimination Program, and other additional civil rights programs, as follows:

- Employee Nondiscrimination Program (Title VII)
- Internal Affirmative Action
- Limited English Proficiency (LEP)

- Historically Black Colleges and Universities (HBCU) and Minority Institutions of Higher Education (MIHE) programs
- The internal and external Americans with Disabilities Act (ADA) Programs
- Act as the liaison between ITD, federal, and state officials regarding any Title VI Equal Employment Opportunity (EEO) contract compliance and ADA issues or complaints

Additionally, day-to-day Title VI Program operations and responsibilities reside with the Contract Compliance Officer. The OCR Program Manager/Title VI/Nondiscrimination Coordinator tasked him/her with ensuring that ITD and its staff fully comply with the Code of Federal Regulations (49 part 21 & 23 CFR Part 200, and other related Non-discrimination authorities).

More specifically, the Contract Compliance Officer (CCO) oversees the external EEO programs, including the Title VI, EEO Contract Compliance, Training Special Provisions, Tribal Employment Rights Ordinance (TERO), and OJT Supportive Services programs. This requires that he/she frequently oversee all external highway construction projects Title VI activities, preparing and submitting EEO/contract compliance review reports and documents, and providing all annual program assessments and updates to the FHWA. The CCO, in addition, provides guidance and technical assistance for all Title VI Program matters and conducts Title VI Program training and compliance reviews of ITD's subrecipients.

Program Specialist

The Program Specialist collects data on contracts and agreements for both federally funded and state funded projects. He/she analyzes and monitors the Title VI Special Provisions and ensures the contractors comply with Title VI Program requirements. The Program Specialist furthermore serves as ITD's Disadvantaged Business Enterprises (DBE) Program Coordinator responsible for training contractors, subrecipients, and ITD employees on the DBE program, Diversity Management Software, and on any data collection requirements.

Program Area Coordinator (PAC)

Each of the designated Title VI program areas has a Program Area Coordinator (PAC) responsible for ensuring their respective programs comply with Title VI, Environmental Justice (E.O. 12898) and Limited English Proficiency (E.O. 13166) requirements. The eight divisional program areas with a designated PAC are Planning Services, Public Involvement, Environmental, Right of Way, Contract Administration, Maintenance, Safety, and Research. The PAC will provide program activity information to the OCR Program Manager on an ongoing basis.

Managers and Supervisors

Managers and supervisors must familiarize themselves with the requirements of Title VI, Environmental Justice (E.O. 12898), and Limited English Proficiency (E.O. 13166) and related Non-discrimination authorities. They must ensure compliance with the department's Title VI Program. They should promptly report issues, concerns, and complaints regarding any Title VI program matters and related issues to the OCR Office. They also must assist the Title VI Program Area Coordinators with their efforts to implement all Title VI Program requirements, internally and externally, and to coordinate with the OCR Office on any proposed changes to any ITD operating procedures, instructional memoranda, policies, and manuals, etc. especially if it relates to the Title VI program.

District Safety and Compliance Officers (SCO)

Each of the six districts has one SCO who assists the OCR Office with communicating the requirements of the Title VI program to the appropriate individuals in their respective Districts. As well, each SCO provides guidance to the District concerning Title VI compliance issues, provides an avenue for Title VI complaints to make it expeditiously to the OCR Office, and he/she assists with ensuring that the District administer the Title VI programs, services, and activities fairly and with regard to protected factors. The SCO also assists the CCO with reviewing and monitoring all highway construction activities involving Title VI Program requirements and acts as a liaison to tribal representatives as needed. The SCO meets regularly with the OCR Program Manager to help identify projects for contract compliance reviews or other audit related activities. OCR chooses reviews on projects based on scope, last compliance audit factors, special emphasis areas of concern, and/or any other previous show cause notices issued.

Title VI Program Guidance: FHWA Division Office Civil Rights Program Manager

The FHWA Division office Civil Rights Program Manager provides ITD's Office of Civil Rights guidance on Title VI Program matters. Communication between ITD and the FHWA Idaho Division Office is regular and ongoing. The FHWA Division Office is responsible for ensuring that ITD has an approved Title VI/Nondiscrimination Plan (including signed Title VI/Nondiscrimination Assurances/Agreements) and Annual Update Reports. Additionally, the Division Office ensures that ITD implements an effective monitoring program of subrecipients. This effort includes making sure they effectively implement the Title VI Program and the additional Nondiscrimination requirements. ITD provides documentation to FHWA through its website available via remote access. ITD meets regularly with FHWA and provides FHWA with quarterly, semi-annual, and annual reports, as necessary and/or required.

V.PROGRAM AREA REVIEWS

In accordance with 23 CFR 200.9 (b)(14 and 15), ITD OCR reviews and monitors internal projects, programs, policies, and procedures to ensure compliance with nondiscrimination requirements and the Department's Title VI Program obligations. Working in coordination with PACs, the OCR office conducts annual Title VI Program reviews and includes its findings in the Department's Title VI annual update to the Title VI Implementation Plan. During the annual reviews, OCR staff reviews the pertinent data and any information specifically related to the program area's administration.

The OCR office develops and implements the Department's Title VI program and establishes adequate procedures for identifying and addressing Title VI Program issues. While the OCR is the focal point for the Title VI program at the State level, it is essential that the program's implementation and monitoring activities be undertaken in a joint fashion with the PACs.

Program area reviews include analyzing data collected within each program area to evaluate and ensure nondiscrimination processes and procedures. To ensure proper oversight, the OCR Program Manager/Title VI/Nondiscrimination Coordinator meets with the PACs representing the program areas; Planning Services, Public Involvement, Environmental, Right of Way, Contract Administration, Construction, Maintenance, Highway Safety, and Research. Each program area will provide the OCR Program Manager/Title VI/Nondiscrimination Coordinator a list of annual goals and accomplishments. Annual reviews will focus on the following key elements within each program area.

Planning Services

(A section overview is located at [Statewide Projects.](#))

The Planning Services Section has the primary responsibility for delivering the state highway planning and project management process in accordance with Title VI program requirements. The annual review by OCR focuses on:

- The [Idaho Transportation Investment Program](#). It provides an overview of the process, strategies, and goals for transportation planning and project selection.
- Compliance with Environmental Justice (E.O. 12898) and Limited English Proficiency (E.O. 13166) by utilizing demographic information to identify minority, low-income and limited English proficient populations. An EJ analysis also examines the accessibility and distribution of the benefits/burdens of the transportation plans and activities on these groups.
- Service equities. OCR examines planning data, the collection process and analysis, and seeks to know if there are any impacts on the various different socio-economic groups.

- Monitoring and reporting on the Planning Services Section annual accomplishments and goals.
- Requiring all MPOs to provide annually a nondiscrimination assurance and a certification of nondiscrimination. The Department tests these certifications at least triennially or through FHWA/ITD/MPO Joint Certification Reviews. One of the primary goals of these reviews is to ensure nondiscrimination in the planning process.
- Updating an extensive handbook covering the federal and state planning requirements for LPAs ([Guidelines for Local Public Agency Projects](#)).
- The Department uses a Quality Assurance Program to perform the following oversight activities:
 - 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 Quarterly Reports searching for possible trends of discrimination in planning.
 - Interviewing District and/or MPO planning staff to identify emerging issues and needs.
 - Reviewing Annual Certifications of MPO Planning Process to ensure compliance with the Title VI Program and other related Non-discrimination authorities.

Public Involvement

(A section overview is located at [Guide to Public Involvement.](#))

ITD's Office of Communication maintains the department's website and manages public involvement for transportation projects statewide. The annual review by OCR focuses on:

- The public input process to make sure that it complied with all Title VI Program requirements and that any outreach efforts encourage and/or help to eliminate barriers to participation especially among minority and low-income populations.
- Utilization of demographic information to identify minority and low-income populations, to determine outreach strategies for these populations, and to address concerns regarding improving access to transportation and any knowledge thereof.
- Reviewing the process and approach for managing requests for ADA or LEP accommodation at public meetings.

- Monitor and report the Office of Communication Sections annual accomplishments and goals.
- The Department uses a Public Involvement process to provide early, continuous, and extensive outreach to all communities. In particular, to ensure that project selection does not subject minority, low income, disabled, and the elderly to disproportionately high and adverse effects of discrimination. More information provided at [Public Outreach Planner \(POP\)](#).

Environmental

(A section overview is located at [Environmental Process Manual](#).)

It is the mission of the Environmental Section to protect and enhance a sustainable human and natural environment while developing safe, cost effective, and efficient transportation systems for all persons. It is the responsibility of the Environmental Section to scrutinize projects to ensure they comply with Title VI requirements, evaluate the effects of projects on underserved populations, and to evaluate projects for disproportionately high or adverse effects on any E.J. populations. FHWA Order 6640.23A and 23 CFR 200.9(b)(4). The Environmental Section regularly identifies and addresses socio-economic issues as well as endorses activities to restore, enhance, and sustain natural ecological systems and their functions, while continuing to meet transportation safety and service's needs. The term "environment" includes the natural environment, the built environment, the cultural and social fabric of the community, and the quality of life of the people. The annual review by OCR focuses on:

- Overall strategies and goals of the Environmental section to ensure Title VI compliance.
- Department programs and that public involvement is the cornerstone of Title VI and Environmental Justice Compliance. The Department has a Public Involvement Program designed to provide early, continuous, and extensive outreach to all communities, but in particular, to ensure that project selection does not subject minority, low income, disabled, and elderly populations to disproportionately high and adverse effects.
- Procedures for the identifying environmental impacts on minority and low-income populations using the Department's Environmental Evaluation checklist ([Appendix C ITD Form 0654](#)) and data collection methods.
- Analysis and implementation of mitigate measures when there is the potential for disproportionate or discriminatory impacts on minority or low-income populations.
- Monitoring and reporting on the Environmental Section annual accomplishments and goals. The Department uses a detailed and comprehensive Project Development & Environmental (PD&E) Manual ([Environmental Process Manual](#)) that describes how the Department complies with environmental requirements in project development.

The Manual includes extensive chapters on both public involvement and Title VI Program compliance.

- The Department uses a Quality Assurance Program to perform the following oversight activities annually such as:
 - Sampling consultant contracts to ensure inclusion of required nondiscrimination provisions as well as diversity in selection of consulting firms.
 - Sampling project development and estimates documents to ensure appropriate nondiscrimination language, and or that project personnel translated vital documents into languages other than English, as necessary.
 - Reviewing Title VI/Nondiscrimination Reports looking for possible trends of discrimination.
 - Interviewing District staff to identify emerging issues and needs.
 - Sampling environmental documents to ensure that Community Impact Assessments appropriately identify underserved communities and discuss avoidance, minimization, and mitigation measures for disproportionately high or adverse impacts on minority and low-income populations.
 - Sampling information developed by District staff to ensure the validity of the socioeconomic data used to make decisions.

Right-Of-Way

(A section overview is located at [Right of Way Manual.](#))

The Right-of-Way Section is responsible for the acquisition of all property required for highway construction, material sources, and maintenance shed sites. The section is also responsible for the oversight of all Local Public Agencies acquiring property, who utilize federal funding for highway purposes. The acquisition of right-of-way follows the planning, design phases of the highway development process, and is one of the final phases prior to the actual award of the construction contract. The annual review by OCR focuses on:

- Overall strategies and goals of the Right-of-Way section to ensure Title VI compliance
- Ensure the inclusion of Title VI Program provisions in all realtor, fee appraiser, and negotiator contracts
- Ensure equitable treatment of all businesses and persons displaced by highway projects, regardless of race, color, national origin, sex, age, or disability
- Efforts taken to overcome language barriers in all phases of the right-of-way process

- Ensuring that internal procedures are reviewed and updated as necessary to maintain Title VI Program compliance during all phases of the right-of-way process
- Monitoring and reporting the Right of Way Section annual accomplishments and goals. The Department uses a Quality Assurance Program to perform the following oversight activities to ensure nondiscrimination and that ROW:
 - Uses interpreters and translators as necessary to ensure that those with LEP needs receive meaningful access to the Department's services.
 - Addresses the need for special accommodation for those with disabilities.
 - Staff ensures that all projects have a ROW plan and the staff makes certain compliance with the Uniform Act Relocation Assistance, the Real Property Acquisition Policies Act of 1970, and the Title VI Civil Rights Act of 1964 and related Non-discrimination authorities.
- The Title VI/Nondiscrimination CR Office VI/Nondiscrimination Coordinator issuing RFI performs desk audits, conducts an onsite visits, issues approved findings and oversees compliance with any corrective action plan. As part of the QAR process, the Coordinator examines data and items for nondiscrimination, including but not limited to:
 - Reviewing the appraisals, acquisitions, relocations, and other documentation for nondiscrimination and who reports the activities to the District Title VI/Nondiscrimination Coordinator.
 - Sampling appraisal contracts to ensure inclusion of required nondiscrimination provisions as well as diversity in selection of consulting firms.
 - Sampling the ROW public information items including information notices, relocation assistance documents, and other similar materials to ensure the appropriate nondiscrimination language is included within the documents and that any information for the public be offered in alternative languages as required by the Department's LEP Plan.
 - 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 and patterns of discrimination, in particular discrimination whether intentional or unintentional against minorities or those with low income
 - Conducting interviews with members of the public impacted by acquisition and relocation

Contract Administration

(A section overview is located at [Contract Administration Manual.](#))

The Contracting Services Section provides statewide services in the areas of bidding and awarding construction contracts; performing procurement for Design Build, Construction Manager/General Contractor contracts, Qualification Based Selection agreements, and oversight of the Local Highway Technical Assistance Council (LHTAC). This section is also responsible for management of the State Planning and Research program and statewide agreement services. The annual review by OCR focuses on:

- Examining with the overall strategies and goals of the Contract Administration section to ensure compliance with Title VI Program requirements
- Administering and enforcing the terms of the construction contracts. Ensure that contracts are delivered in a nondiscriminatory manner
- Monitoring the District residencies to ensure that subcontracts contain the appropriate Title VI Program contract provisions
- Ensuring that policies and procedures for monitoring construction activity is uniformly and applied in a nondiscriminatory manner
- Monitoring and reporting the Contract Administration Section annual accomplishments and goals.
- Monitoring how prime contractors advertise and award sub-contracting opportunities.
- Monitoring of prime and subcontracting opportunities to ensure that disadvantaged and small business opportunities receive Department work.
- Ensuring contract administration staff distributes information to stakeholders and the public, following the Department's public involvement procedures and LEP plan.
- Carefully reviewing project activities to avoid disproportionately high or adverse impacts to underserved communities during all construction phases.
- Adhering to the Department's Construction Compliance Program for DBE/EEO/OJT and Prevailing Wage Rates.
- Regularly checking all contracts and random subcontracts to ensure appropriate nondiscrimination language and required contract provision inclusions.
- Each District has a Title VI/Nondiscrimination person responsible for Construction. The person reviews documents and other project activities for nondiscrimination and reports quarterly to the Office of Civil Rights Title VI/Nondiscrimination Coordinator.
- 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 QAR, the Coordinator examines data for nondiscrimination, including but not 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 Quarterly Reports searching data for possible trends of discrimination
- Interviewing District Construction staff to identify emerging issues and needs
- Sampling Contract Compliance Reviews to ensure adequacy and consistency of the process

Construction/Materials

(A section overview is located at: [ITD Standard Specifications for Highway Construction.](#))

The Construction/Materials Section is responsible for construction administration and project inspection. This section also maintains the construction, materials, and construction specification manuals. The annual review by OCR focuses on:

- Overall strategies and goals of the Construction/Material section to ensure Title VI compliance
- Overseeing the monitoring of construction project work to ensure compliance with contract plans, specifications and civil rights special provisions
- Monitoring and reporting the Construction Section annual accomplishments and goals.

Maintenance (Operations)

(See Section Manual at: [Maintenance Operations Manual.](#))

Maintenance assumes a primary role in safeguarding the safety and efficiency of the roadway network by responding to the short-term maintenance needs on the roadway system, such as potholes, damaged guardrails, wash-outs, knocked down signs and signals, traffic accident cleanup, material and cargo spills, flood damage, landslide damage, rock falls, blizzards, wind storms, etc. Maintenance activities are conducted from the facilities at six District headquarters locations (including shops), maintenance foreman area stations, and satellite stations. The annual review by OCR focuses on:

- The project selection process to ensure the Maintenance Program is being implemented in a nondiscriminatory manner

- Reviewing the implementation of the Maintenance Program to ensure activities are performed in a nondiscriminatory manner
- Monitoring and report the Maintenance (Operations) annual accomplishments and goals.

Highway Safety

(A section overview is located at: [Strategic Highway Safety Plan.](#))

The Office of Highway Safety (OHS) programs focuses on the welfare of the traveling public. Its main purpose is to save lives through creative, highly visible, innovative, and effective highway safety programs for all modes of transportation. The critical role of OHS is to ensure safe travel on Idaho's roadways that includes developing and implementing highway safety programs aimed at saving lives, preventing injuries, and to providing appropriate safety funds that empower communities to address critical local traffic safety issues. The annual review by OCR focuses on:

- Overall strategies and goals of the Highway Safety section to ensure Title VI compliance
- Ensures subrecipients receiving federal funds include Title VI Program Assurances
- The public input process and making that it complies with Title VI Program requirements , it allows for greater outreach efforts, it is open and fair, and that it encourage participation within the minority and low-income community, and that it eliminates any barriers to participation
- Monitoring and reporting the Office of Highway Safety annual accomplishments and goals.

Research

(A section overview is located at [Research Program](#)).

The research section coordinates the development of the annual work program for federal State Planning and Research (SPR) funds. This section administers the research, development and technology transfer projects funded with SPR funds. The annual review by OCR focuses on:

- Overall strategies and goals of the Research section to ensure Title VI compliance
- Ensure that the appropriate Title VI Program provisions are contained in the terms of all research agreements
- Monitor diversification in the selection of universities and consultants

- Ensure equal opportunity for female and minority-owned consultant firms to compete for and participate in research contracts
- Monitor the utilization of female and minority students on research projects by the contract universities
- Monitor and report the Research Section annual accomplishments and goals.

Special Emphasis Program Areas

Based on the analysis conducted by the Office of Civil Rights ITD will identify Special Emphasis Program Area reviews. The OCR steps for selecting reviews are as follows:

- Step 1: Each Program Area Coordinator (PAC) completes the Program Area Review Questionnaire (Appendix D) highlighting the previous fiscal year activities and to provide the necessary data collected for the respective programs.
- Step 2: the OCR Program Manager/Title VI/Nondiscrimination Coordinator conducts Interviews with each PAC.
- Step 3: Sampling of documents, policies, procedures, and associated 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: The OCR Program Manager/Title VI/Nondiscrimination Coordinator will complete a review of the program area selected for review and issue a findings report with recommendations to achieve compliance to each PAC.
- Step 6: Should noncompliance exist, the OCR Program Manager/Title VI/Nondiscrimination Coordinator and the PAC 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.

Local Programs

(Overview of the Local Agency Program (LAP))

State and local governments may design and construct projects using FHWA and/or State funds. The Department's nondiscrimination activities for LPAs include:

- Use the Department's QAR process to review LAP activities annually to ensure nondiscrimination.
- The Office of Civil Rights Title VI Coordinator conducts Title VI/Nondiscrimination QARs by issuing an RFI, performing a desk audit, and then by conducting an onsite visit, followed with issuing a report of finding, and then overseeing compliance with

any developed corrective action plan. As part of the QAR, the Coordinator observes for nondiscrimination events, including but not limited to:

- Sampling local agency construction contracts, subcontracts, purchase orders, and lease agreements to ensure inclusion of the required nondiscrimination provisions.
- Sampling of local agency construction public involvement materials including meeting notices, project flyers, and other similar documents to ensure the documents include the appropriate nondiscrimination language.
- Interviewing ITD District LAP staff to identify emerging issues and needs.

The Department has other program areas that are either not represented in the Districts or otherwise have limited contact with the public or the manner in which Department's delivers programs, services, or activities. Thus, offices like Emergency Management do not have specific Title VI/Nondiscrimination in the Districts. Nevertheless, the Department reviews each as part of its review process and Emergency Management are reviewed triennially ensuring that staff are receiving nondiscrimination training and understand their responsibilities under Title VI and related non-discrimination authorities.

VI.SUBRECIPIENT REVIEW PROCEDURES

Each year ITD allocates a portion of its FHWA funding to five Metropolitan Planning Organizations (MPOs) and 177 Local Public Agencies (LPAs) in the form of direct funding or grants/awards to be used for transportation planning and construction projects at the metropolitan and/or local level.

Each of the five MPOs and all of the LPAs with 50 or more employees develop a Title VI Plan that describes implementation, reporting, and complaint procedures. LPA's with fewer than 50 employees will have the option to use ITD's Title VI Program process as a template and administer the Title VI program in a similar manner as resources allow.

Annually ITD establishes a schedule for Title VI Program reviews of MPOs and LPAs using the criteria below. The review may consist of a desk audit or an on-site review. ITD's annual goal is to conduct desk audits on one third of all recipients and perform onsite reviews with 30 local agencies per year.

Review Criteria and Process:

- 1) Prioritize recipients according to:
 - a. Funding amount and type,
 - b. # of complaints against an MPO or LPA,
 - c. Revisit agencies with previously identified deficiencies, and
 - d. Length of time between reviews.

- 2) Phase I-Subrecipient: Agency without an Approved Title VI Program/Plan
 - a. These agencies have up to 3 years to develop a comprehensive Title VI Program, which includes an LEP Plan, Environmental Justice Plan, and ADA Transition Plan. The ITD OCR Program Manager/Title VI/Nondiscrimination Coordinator and CCO assist the agencies with developing a Title VI Program and then they help to monitor the implementation. Once the ITD reviews the Title VI Program, and accepts the implementation plan, then ITD categorizes it as Phase II.

- 3) Phase II Subrecipient: Agency with an approved Title VI Program/Plan
 - a. ITD monitors the effectiveness of the agency's Title VI Program during the Phase II review. The recipient must submit documentation to ITD for review. The program documents should show effective implementation of the approved Title VI Program and provide evidence that the subrecipient monitors its program as outlined in its Title VI Program Plan. Deliverables submitted might include:
 - i. Vital documents translated for LEP population,
 - ii. Environmental Justice maps used in decision-making,
 - iii. Examples of training and outreach events for underutilized populations, and
 - iv. Other efforts made demonstrating that the LPA's has ensured non-discrimination in all its programs and activities.

- 4) The ITD OCR Program Manager/Title VI/Nondiscrimination Coordinator and Contract Compliance Officer (CCO) will work together to classify the subrecipient into either the "Phase I" or "Phase II" review category.

In addition, on its website ITD offers comprehensive checklists, document samples, and other pertinent information regarding the implementation of a Title VI Program to ensure that LPAs and other federal-aid recipients are actively working to prevent discrimination within their organization. Examples and checklists are online at [ITD Local Implementation](#).

LPAs are subrecipients of federal financial assistance and must implement policies and procedures prohibiting discrimination. ITD's CCO is responsible to monitor Title VI plans and program implementation. Agencies receiving federal funding must make the appropriate recommended corrections if ITD finds noncompliance. The CCO uses a combination of ITD's Pre-award Assurance Checklist, along with a 25-point review process to examine for compliance with civil rights regulations. As part of his/her regular duties, CCO will work with subrecipients to help them implement a Title VI program and will train local officials and Title VI Coordinators to help them understand the requirements of a Title VI Program and how to make effective implementation efforts.

Before receiving federal financial assistance, subrecipients will be required to complete ITD's Pre-Award Checklist that seeks to understand if the local has the necessary information for compliance (e.g., data on employee demographics, public outreach, Title VI policies and policy statements, etc.). The Pre-Award Checklist is online at <http://www.itd.idaho.gov/civil/pdf/Pre-AwardChecklist.pdf>.

The MPOs are responsible for the transportation planning process within their urbanized areas and by means of a Memorandum of Understanding relating to transportation planning with ITD and mutual agreement of Federal funding in support of metropolitan planning and project activities: As a result, each MPO must develop a:

- 3-year Transportation Improvement Program (TIP),
- Long-range transportation plan, and
- Must develop and implement an annual Unified Planning Work Program (UPWP).

ITDs Planning Section Program Area Coordinator (PAC) assists the MPOs with transportation planning activities that he/or she must require Title VI compliance. In coordination with the Civil Rights Office, the Planning PAC also provides advice to MPOs on Title VI Program issues. The PAC oversees the Metropolitan Planning Organizations by monitoring, as follows:

- a. Reviewing the Unified Planning Work Program (UPWP) approval, administration, and oversight
- b. Evaluating the Transportation Improvement Program (TIP)
- c. By providing general assistance and or any guidance
- d. Ensuring Title VI Program compliance
- e. Assisting with MPO Federal/State reviews

The following are the five MPOs for the state of Idaho:

- Community Planning Association of Southwest Idaho (COMPASS)
- Bannock Planning Organization (BPO)
- Bonneville Metropolitan Planning Organization (BMPO)
- Kootenai Metropolitan Planning Organization (KMPO)
- Lewis-Clark Valley Metropolitan Planning Organization (LCVMPO)

The Planning Services Program Area Coordinator, the Office of Civil Rights Program Manager/Title VI/ Nondiscrimination Coordinator, and the Contract Compliance Officer will monitor the MPO's overall strategies and goals of the transportation planning process to ensure Title VI Program compliance. ITD utilizes the Title VI review criteria as outlined above to decide the level of review required. A review will evaluate the outreach efforts employed by the MPO during the 3-year planning period. One of the review functions will be to compare the demographics of attendees at planning meetings, and then perform an analysis of available documents to determine if the planning process includes underserved and underutilized populations, including low-income, and those with limited English proficiency. ITD staff will, as well examine marketing and advertising samples, marketing and email communications, and check the disposition of complaints filed against the MPO during the same period. ITD will complete the analysis and provide a report on any identified deficiencies. If necessary ITD will provide corrective action plan for the planning process that will aim to improve participation of underutilized and underserved populations.

ITD's CCO will oversee, monitor, and train MPOs as follows:

- Review Limited English Proficiency (LEP, E.O. 13166) compliance to ensure utilization of demographic information. Ensure the MPOs use the data to identify potential LEP populations, and that the MPOs assess distributions of the benefits/burdens of the transportation plans and activities on these groups.
- Monitor Environmental Justice (EJ, E.O. 12898) compliance to ensure utilization of demographic information. Ensure the MPOs use the data to identify potential EJ populations, and that the MPOs assess distributions of the benefits/burdens of the transportation plans and activities on these groups.
- Monitor public involvement processes to improve effectiveness and reduce participation barriers for minority, low-income populations, and the disabled.
- Evaluate MPO annual accomplishments and goals.

Pursuant to 23 CFR 450.334, all MPOs undergo a triennial FHWA/FTA joint review, which includes a Title VI Program compliance assessment. Should the USDOT Operating Administration identify a program deficiency, within 90 days the Department will voluntarily develop an agreed upon Corrective Action Plan (CAP) with the modal agency to address the deficiencies.

VII.DATA COLLECTION

In accordance with federal regulations, ITD collects data on the race, color, national origin, sex, age, and disability of participants in and beneficiaries of its programs. ITD Office of Civil Rights works with the PAC on collecting and analyzing the data to identify trends or potential barriers to access. The Office of civil rights reports the "Program Area" data annually in the Title VI Goals and Accomplishment Report to FHWA.

The Transportation Systems section provides data collection, analysis, and systems support for a broad range of automated systems throughout the Division of Engineering Services. The ITD ProjectWise database houses and stores most of the needed data.

The Section V Program Area section herein, outlines the reviews, data collection, and analyses efforts required. ITD PACs will collect data on and evaluate it on an ongoing basis. For example, the Right of Way Area section collects data throughout the life of a project. For example, planning staff send out a request for information during community planning phase to collect demographic information and to identify specific needs. Planning staff next conduct individual interviews of property owners and provide language assistance when they identify a need. Personnel also analyze data sources to ensure nondiscrimination in the valuation of properties, during the negotiation process, and/or any during relocation activities.

Each of the PACs receives Title VI training and trainers place special emphasis on the importance of collecting data and developing tools to use to ensure nondiscrimination.

VIII.TITLE VI NONDISCRIMINATION TRAINING

ITD management requires all ITD staff to receive nondiscrimination training upon hire and annually thereafter. The OCR Office staff in coordination with the Human Resource Services (HRS) Unit designs and provides a variety of Title VI nondiscrimination training to both internal staff and external partners. ITD determines the frequency and delivery of training as follows:

- Employee, consultant, or contractor date of hire
- A request by internal unit or subrecipient
- Corrective Action mitigation
- ITD Program Area or subrecipients selected for annual review and training
- Annual refresher courses

Each year's ITD reports all Title VI Nondiscrimination training accomplishments to the FHWA as part of the annual assurances reporting.

Internal Training

The Human Resource Services conducts nondiscrimination training during new hire onboarding. The OCR staff provides Title VI Program trainings to Department staff with responsibility for contract oversight. These trainings provide a review of federal requirements for oversight, data collection, and reporting responsibilities. The goal is to provide training to all PACs and ancillary staff who provide Title VI Program oversight in their respective area of control. The OCR staff receives training through webinars and one-one sessions with the Federal Administrative Offices.

External Training

The Planning Area Coordinator and the OCR provide Title VI Program training to sub-recipients before and after award of contract. The OCR staff develops and delivers Title VI Program training to external partners and subrecipients addressing common questions and best practices surrounding Title VI Program activities such as, how to collect data, conduct complaint investigations, and satisfy reporting requirements. The OCR also provides training to subrecipients on how to develop and implement a Title VI Program Plan. The participants receive training in the following priority:

- Complaints received
- Requests by the subrecipient
- Title VI Program review scheduled with the LPA or MPO

IX.COMPLAINT PROCEDURES

Any person or any specific class of persons, by themselves or by a representative, that believe they have been subjected to discrimination or retaliation prohibited by Title VI of the Civil Rights Act of 1964 (Title VI) and related statutes, Section 504 of the Rehabilitation Act of 1973 (Section 504), or Title II of the Americans with Disabilities Act of 1990 (ADA) may file a complaint.

Procedures

1. A complaint is a written or electronic statement concerning an allegation of discrimination that contains a request for the receiving office to take action. Complaints should be in writing and signed and may be filed by mail, fax, in person, or e-mail. A complaint should contain at least the following information:
 - a. A written explanation of what has happened;
 - b. A way to contact the complainant;
 - c. The basis of the complaint, e.g., age, sex, race, color, national origin, or disability;
 - d. The identification of the respondent, e.g., agency/organization alleged to have discriminated;
 - e. Sufficient information to understand the facts that led the complainant to believe that discrimination occurred; and,
 - f. The date(s) of the alleged discriminatory act(s).
2. While the above indicates a complaint should be in writing and signed, ITD Office of Civil Rights will accept complaints in alternate formats from persons with disabilities, upon request. In addition, the following format options for filing a complaint are available:
 - a. By electronically submitting and digitally signing the Complaint Form, located at [Discrimination Complaint Form](#).
 - b. By printing out a copy of the form in Appendix E, filing it out, and signing and submitting it.
 - c. By calling the ITD OCR Program Manager/Title VI/Nondiscrimination Coordinator at (208) 334-8884. The manager will obtain the complaint information, he/she will complete the form, and subsequently ITD staff will forward the filled out complaint form to the complainant for review, signature, and then complainant must return the signed form back to ITD.
 - d. Upon request, the complaint form will be provided in additional formats such as braille or audio tape.

3. Complaints must be filed within 180 days of the last date of the alleged discrimination, unless the time for filing is extended (49 CFR 21.11 and 27.123). The filing date of the complaint is the earlier of: (1) the postmark of the complaint, or (2) the date the complaint is received by any office authorized to receive complaints. An extension may be granted under any of the following circumstances:
 - a. The complainant could not reasonably be expected to know the act was discriminatory within the 180-day period, and the complaint was filed within 60 days after the complainant became aware of the alleged discrimination;
 - b. The complainant was unable to file a complaint because of incapacitating illness or other incapacitating circumstances during the 180-day period, and the complaint was filed within 60 days after the period of incapacitation ended;
 - c. The complainant filed a complaint alleging the same discriminatory conduct within the 180-day period with another Federal, State or local civil rights enforcement agency, and filed a complaint with DOT within 60 days after the other agency had completed its investigation or notified the complainant that it would take no further action;
 - d. The complainant filed, within the 180-day period, an internal grievance alleging the same discriminatory conduct that is the subject of the DOT complaint, and the complaint is filed no later than 60 days after the internal grievance is concluded;
 - e. Unique circumstances generated by DOT action have adversely affected the complainant;
 - f. The discriminatory act is of a continuing nature; or
 - g. Some complaints will be referred to USDOT by other agencies. In the event the referring agency has possessed the complaint for an inordinately long period of time and the complainant filed his or her complaint with that agency within the 180-day timeframe DOT will automatically grant an informal extension.
4. Upon receipt of a completed complaint, the OCR Program Manager/Title VI/Nondiscrimination Coordinator will determine jurisdiction, acceptability, or need for additional information and, within five days, and afterward acknowledge receipt of the complaint and the intended course of action.

ITD has authority to investigate and adjudicate complaints filed against its subrecipients. Once ITD finishes an investigation report, staff will forward a copy of the Report of Investigation (ROI) to FHWA within 60 days for review and concurrence before issuing any final decision. For complaints filed against ITD, it has 60 days to refer the complaint to the FHWA, Idaho Division for processing.

5. For acceptance, a complaint must be:
 - Filed timely
 - Involve a covered basis (i.e., race, color, national origin, age, sex, disability, LEP, or income status)
 - Within ITD's authority and jurisdiction.
6. 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
 - ITD staff cannot reach or contact the complainant they made reasonable attempts to contact the complainant.
7. ITD OCR maintains a confidential log of all accepted and/or forwarded Title VI Program Complaints which includes:
 - 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
 - Outcome/Disposition.
8. Upon accepting a complaint, the OCR Program Manager/Title VI/Nondiscrimination Coordinator or assigned OCR investigator will:
 - Develop an investigation plan. It defines the basis(es) and issue(s). It contains information about the parties. It lists questions to ask and it outlines documents to be included in the investigation. This includes applicable law references. It includes the complainant, the accused, and any witness information. The plan should have a series of questions for the complainant, the accused, and any other witnesses.
 - Provide the accused an opportunity to respond to the allegations within 10 calendar days from the OCR's written notification to furnish a written response.

- The investigator will analyze the evidence and determine if he/she needs additional information to complete his/her report. He/she might contact the complainant another time. That person will then have an additional 10 calendar days to provide the additional information.

If an investigation indicates there has been a violation of Title VI, OCR attempts to obtain voluntary compliance. If it cannot obtain voluntary compliance within 10 calendar days, OCR will issue the final determination with any remedial action(s) required.

9. Within 45 days of accepting a complaint, an ITD Investigator will:

- Gather all relevant information in a fair and impartial manner
- Conduct interviews of all concerned parties
- Prepare the final investigative report, whereby detailing the allegations, outlining conclusions, and providing any final decisions based on logical and reasonable reflection of the factual evidence presented. Next, the final report should render the final decision by ITD. It should make recommendations to eliminate or provide corrective actions to eliminate any discriminatory practice found.

10. Upon final determination, one of two letters will be issued to the complainant:

- A letter summarizing the allegations stating that there was no Title VI Program violation and that the case will be closed, or
- A final decision including a synopsis summarizing the allegations, it will discuss the interviews regarding the alleged incident, and it will explain any remedial action, additional training(s) of staff, or describe other types of actions that will result because of the violation.

11. Complaints that fall under the jurisdiction of FHWA:

- ITD OCR Program Manager/Title VI/Nondiscrimination Coordinator will forward any Title VI complaint against ITD to FHWA-HCR within 60 days
- Once FHWA-HCR issues its final decision, it will notify ITD and, ITD will notify all parties involved.

12. 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 ITD's determination, the complainant may file a complaint directly with the appropriate USDOT modality (see contact information Appendix F):

- US Department of Transportation, Federal Highway Administration, Idaho Division
- US Department of Transportation, Federal Aviation Administration
- US Department of Transportation, Federal Motor Carriers Safety Administration

- US Department of Transportation, Federal Transit Administration
- US Department of Transportation, National Highway Traffic Safety Administration.

For questions or information on how to file a complaint, please contact ITD Office of Civil Rights:

Diane Steiger, Office of Civil Rights Program Manager/Title VI/Nondiscrimination Coordinator

Email: diane.steiger@itd.idaho.gov

Phone: (208) 334-8884

X.DISSEMINATION OF TITLE VI INFORMATION

The Department continually works to improve its communication activities in order to improve efficiency, transparency and public outreach when making transportation decisions and while developing policies that influence project selection and development as well as how the department maintains and operates highways. ITD uses a variety of methods in both print and electronic media to establish two-way communication aimed at incorporating the public's views, concerns and issues in the decision-making process.

First, ITD has a robust public involvement process used during programming, project planning and development, construction, emergency/disaster situations, or when there are other impacts to the road not associated with construction. ITD's public involvement goal is to reach informed decisions; ITD strives to meet this goal through the following objectives:

- Communicating complete, accurate, understandable and timely information to the stakeholders
- Actively gathering input from the community by providing stakeholders with meaningful opportunities to participate in processes, regardless of their race, color, national origin, sex, age, disability, economic status or limited English proficiency
- Considering and responding to stakeholder input in making decisions

Additionally, ITD consults with non-metropolitan officials and their agencies to provide outreach to address local needs and issues and to enhance public involvement. ITD participates in numerous advisory boards, committees, working groups and subcommittees to consult with local officials during transportation planning.

Each division of ITD includes the Title VI/Nondiscrimination statement in their publications and each homepage on the [ITD Website](#). In addition, The Office of Civil Rights' website ([ITD Office of Civil Rights](#)) provides information about and resources for ITD's Civil Rights

programs. The Office of Civil Rights conducts ongoing training where the Title VI/Nondiscrimination documents are reviewed.

The following Title VI policy statement is included in ITD websites and published documents:

The Idaho Transportation Department (ITD) is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related Nondiscrimination authorities. In accordance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Federal-Aid Highway Act of 1973, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act of 1990 (ADA), the Age Discrimination Act of 1975 and Executive Orders 12898 (Environmental Justice) and 13166 (Limited English Proficiency), ITD does not and will not exclude from participation in or deny the benefits of its programs or activities; or subject anyone to discrimination or treat persons unfavorably based on race, color, national origin, sex, age, disability, limited English proficiency or economic status. In addition, ITD will not retaliate against any person who complains of discrimination or who participates in an investigation of discrimination.

Further, complaints may be filed by any person who believes that he or she has been excluded from participation in, been denied the benefits of, or otherwise been subjected to discrimination under any Idaho Transportation Department (ITD) service, program or activity, and believes the discrimination is based upon disability. Complaints will be accepted in writing only, must be signed, and may be filed with ITD's Equal Employment Opportunity Office in Boise, the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), and/or the Federal Transit Administration (FTA) within 180 days of the alleged discriminatory act (or latest occurrence).

The complaint form is located at [Title VI Program Discrimination Complaint Form](#) or if you need assistance call ITD's OCR Program Manager/Title VI/Nondiscrimination Coordinator at (208)334-8884.

XI. LANGUAGE ACCESS PLAN (LIMITED ENGLISH PROFICIENCY)

The term Limited English Proficiency or LEP means an individual having a limited ability to read, write, speak, or understand English. LEP individuals might require language assistance to understanding how to access or use a particular type of program, service, or activity.

The Department ensures compliance with LEP Executive Order 13166 and related federal authorities by implementing an LEP plan throughout the Department. To develop the Plan, the Department analyzed its service population; the frequency with which it encounters LEP persons; the nature of its programs and services; and the resources available to the Department. The Plan describes how and when to extent language services to those who

are LEP. All the same, each District has the resources and flexibility to contract outside services as needed to comply with the LEP Plan. The Department provides verbal language assistance, free of charge, given reasonable notice.

A person can access ITD's LEP plan at [ITD Compliance LEP Plan](#).

XII.ENVIRONMENTAL JUSTICE (EJ) PLAN

The department must implement Executive Order 12898 and other related USDOT and FHWA Orders during the transportation design, planning, and project development phases of a project. This includes the Department to analyzing the environmental effects, together with human health, economic, and social effects, of actions, effecting minority communities and low-income communities. Likewise, the Department must implement EJ and other nondiscrimination principles and responsibilities during the course of the NEPA process (National Environmental Policy Act of 1969, 42 U.S.C. section 4321 et seq.). Any mitigation measures outlined or analyzed in an Environmental Assessment (EA), Environmental Impact Statement (EIS), or Record of Decision (ROD), whenever feasible, should address significant and adverse environmental effects of any proposed actions on minority communities and low-income communities.

Environmental Justice is the fair treatment and meaningful involvement of all people regardless of minority or income status 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 minority 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. There are three fundamental environmental justice principles:

1. Avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
2. Ensure the full and fair participation by all potentially affected populations in the transportation decision-making process.
3. Prevent the denial of, reduction in or significant delay in the receipt of benefits by minority and low-income populations.

Access the ITD Environmental Justice Plan at [ITD Compliance EJ Plan](#).

XIII.REVIEW OF ITD DIRECTIVES

Annually, the Office of Civil Rights Program Manager/Title VI/Nondiscrimination Coordinator will review all new ITD directives. Those issued by other governing bodies and state agencies, such as those issued from the governor's office, impacting program area operations will be reviewed, changes highlighted, and when there will be Title VI/Nondiscrimination implications, the Office of Civil Rights will share this information with Program Area Coordinators, executive staff, and management as deemed necessary.

XIV.COMPLIANCE & ENFORCEMENT PROCEDURES

Section VI Program Area Review Procedures outlines how the Office of Civil Rights conducts annual reviews of ITD Program Areas and subrecipients. The OCR Program Manager/Title VI/Nondiscrimination Coordinator analyzes the data from the reviews to identify trends or patterns of discrimination or deficiencies in the Title VI/Nondiscrimination Program. When deficiencies exist, OCR will provide technical assistance in the implementation of the Title VI/Nondiscrimination program and assist in developing action plans to improve implementation activities and eliminate discriminatory activities. Once the ITD establishes a corrective action plan, then ITD OCR will conduct subsequent Title VI/Nondiscrimination reviews to monitor the plan and ensure compliance.

XV. Federal Motor Carrier Safety Administration (FMCSA)

Access to Records

ITD will provide to FMCSA upon request during normal business hours Title VI Program-related documentation.

Description of Federal-Aid Programs

ITD has applied for the following FMCSA grants in FY 2016:

CVISN Install ROC application software at Inkom Southbound Port of Entry. Upgrade CVISN to advance CMV technology, \$1,000,000.00: *Awarded*

CVISN Install ROC application software at Inkom Northbound Port of Entry. Upgrade CVISN to advance CMV technology, \$1,000,000.00: *Awarded*

CDLPI Commercial Vehicle Driver knowledge and skill testing. Hardware and software purchase and maintenance, \$593,621.00: *Awarded*

CVISN Install electronic screening technology at Sage Junction POE location. Technology installed will include AVI, WIM, ROC, dynamic message signing, cameras, and vehicle signaling equipment. This request is part of a multi-year initiative to improve safety, create efficiencies, and expedite commerce at POE sites statewide in Idaho. Grant funding in FFY 16 will provide funding for the first phase of technology installation at Sage POE, \$100,000.00: *Pending*

CDLPI Continue ITD's effort to maintain and expand an automated driver's license testing system, enhancing the integrity of Idaho's commercial driver license program. Funding will be applied to the following projects: 1)software & hardware maintenance for Idaho's mobile testing stations, 2)internet connectivity charges for CDL testing stations, 3)10 touch screen CDL automated knowledge testing stations/10 first year knowledge testing software licenses, 4)CDLIS 5.3.3 Upgrade 5)FMCSA/AAMVA National Registry II Integration, 6)VOID DL/ID card punches: \$598,926.00: *Pending*

Title VI Program Compliance Review

No Federal Agency has previously conducted a Title VI Program Compliance Review of ITD.

XVI. APPENDICES

Appendix A: Authorities

Title VI of the Civil Rights Act of 1964 prohibits discrimination in Federal and Federally assisted projects and programs based upon race, color, and national origin. Since 1964, additional statutes prohibit discrimination based upon sex (Federal-aid Highway Act of 1973), age (The Age Discrimination Act of 1975), and disability (Section 504 of the Rehabilitation Act of 1973 and Americans with Disabilities Act of 1990). Collectively FHWA defines a Title VI Program to prohibit discrimination based upon race, color, national origin, sex, age, or disability. In addition, since the Executive Orders regarding Environmental Justice (Executive Order #12898) and Limited English Proficiency (Executive Order #13166) are non-discriminatory in their intent, while they are not statutes and someone cannot sue because of them, FHWA includes the E.O.s under the Title VI Program.

While Executive Orders and other guidance do not directly apply to Recipients, they do direct Federal agencies to take specific actions concerning federally assisted programs and activities of their Recipients. As a result, this requires these agencies to ensure that ITD undertake certain activities. As an example, Executive Order 12898, 3 C.F.R. 859 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” emphasizes that Federal agencies have a duty to use existing laws to achieve Environmental Justice, in particular Title VI, to ensure nondiscrimination for low-income and minority populations. Executive Order 13166, 3 C.F.R. 289 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the application of Title VI’s prohibition on national origin discrimination when providing information only in English to persons with limited English proficiency.

List of Title VI/Nondiscrimination Authorities:

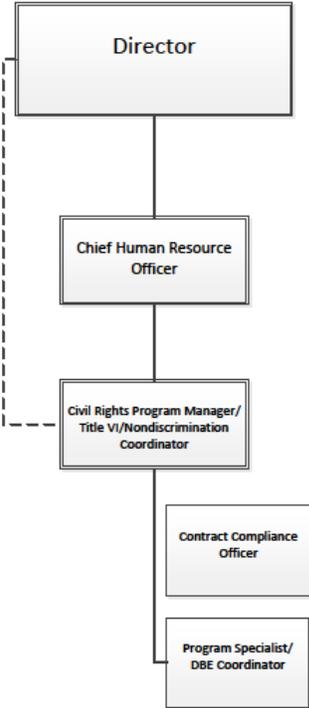
- Title VI of the Civil Rights Act of 1964 (42 USC § 2000d, 78 stat. 252) prohibits discrimination in federally funded programs on the basis of race, color, and national origin.
- Federal-Aid Highway Act of 1973 (23 USC § 324): amended Title VI to prohibit discrimination on the basis of sex in Federal-Aid highway programs.
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 USC § 4601): prohibits unfair and inequitable treatment of persons as a result of projects that are undertaken with Federal Financial Assistance.
- Age Discrimination Act of 1975, as amended (42 USC § 6101): prohibits discrimination in federally funded programs on the basis of age.
- Civil Rights Restoration Act of 1987 (Public Law 100-259 March 1988) amended Title VI of the 1964 Civil Rights Act to make clear that discrimination is prohibited

throughout all the operations of an agency if any part of the agency receives Federal assistance.

- Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- Executive Order 13166 (Limited English Proficiency): Improving Access to Services for Persons with Limited English Proficiency.
- 23 CFR Part 200: FHWA Title VI Program and Related Statutes – Implementation and Review Process
- Section 504 of the Rehabilitation Act of 1973, (29 USC § 794) as amended: prohibits discrimination on the basis of disability.
- Americans with Disabilities Act of 1990, (42 USC § 12101): prohibits discrimination on the basis of disability.
- The National Environmental Policy Act of 1969 (42 USC § 4321) prohibits disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.
- 49 CFR Part 21: Nondiscrimination in Federally-Assisted Programs of The Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964.
- 49 CFR Part 27: Nondiscrimination On the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance.
- 49 CFR Part 28: Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation.
- 49 CFR Part 37: Transportation Services for Individuals with Disabilities – ADA.
- 28 CFR Part 35: Discrimination on the Basis of Disability in State and Local Government Services.
- 28 CFR Part 50.3: Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.

Appendix B: ITD OCR Organization Chart

Idaho Transportation Department Office of Civil Rights



Appendix C: ITD-0654, Environmental Evaluation

ITD 0654 (Rev. 10-10)

Environmental Evaluation



Key Number		Project Number		Program	Project Name		Date
District	City/County		Route Number		Beginning Milepost	Ending Milepost	Program Year
Acres of New Public R/W		Acres of New Private R/W		(Discuss the existing use of R/W to be acquired, plus adjacent land use, zoning, development plans, etc. on attached Environmental Summary Sheet)			
Tribal Impact <input type="checkbox"/> Cultural <input type="checkbox"/> Archeological <input type="checkbox"/> Reservation <input type="checkbox"/> None				Public Interest Expected? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Air Quality <input type="checkbox"/> Attainment Area <input type="checkbox"/> Non-Attainment Area <input type="checkbox"/> CO <input type="checkbox"/> PM Exempt Project <input type="checkbox"/> Yes <input type="checkbox"/> No							
Type One Project (i.e., New Location, Substantial Alignment Change, Addition of a Through-Traffic Lane)						<input type="checkbox"/> Yes <input type="checkbox"/> No	
Construction Impacts Requiring Special Provisions (Enter Details on Reverse Side)						<input type="checkbox"/> Yes <input type="checkbox"/> No	
Program Year				Design Year			
ADT	DHV	% Trucks	Posted Speed	ADT	DHV	% Trucks	Posted Speed
Distance of Nearest Noise Receptor to Centerline							
Existing				Proposed			

Project Purpose and Benefits

Double mark (xx) only the item that best describes the Primary Reason for Proposing this Project

Single mark (x) all Other Relevant Items

- | | |
|--|--|
| <input type="checkbox"/> Maintain/Improve User Operating Conditions | <input type="checkbox"/> Enhance Accessibility for the Disabled/Safety |
| <input type="checkbox"/> Maintain/Improve Traffic Flow | <input type="checkbox"/> Enhance Pedestrian Safety and/or Capacity |
| <input type="checkbox"/> Time Savings | <input type="checkbox"/> Enhance Bicycle Safety and/or Capacity |
| <input type="checkbox"/> Increase Capacity | <input type="checkbox"/> Traffic Composition Enhancement (e.g., Truck Route, HOV Lane, Climbing Lane) |
| <input type="checkbox"/> Reduce Congestion | <input type="checkbox"/> Visual/Cultural Enhancement (e.g., Landscaping, Historic Preservation) |
| <input type="checkbox"/> Reduce Hazard(s) | <input type="checkbox"/> Environmental Enhancement (e.g., Air Quality, Noise Attenuation, Water Quality) |
| <input type="checkbox"/> Reduce Highway User Operating Costs | <input type="checkbox"/> Economic Prudence (e.g., Repair Less Expensive than Replacement, B/C Ratio) |
| <input type="checkbox"/> Other, List (e.g., Driver Convenience and Comfort regarding Rest Area Projects) | |

Check Any of the Following That Require Avoidance, Minimization, or Discussion (If Yes, describe in the Environmental Document or CE)

- | | Yes | No | | Yes | No |
|---|--------------------------|--------------------------|--|--------------------------|--------------------------|
| 1. Noise Criteria Impacts* | <input type="checkbox"/> | <input type="checkbox"/> | 17. Threatened/Endangered Species* | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Change in Access or Access Control | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Listed <input type="checkbox"/> Proposed | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Change in Travel Patterns | <input type="checkbox"/> | <input type="checkbox"/> | 18. Air Quality Impacts | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Neighborhood or Service Impacts | <input type="checkbox"/> | <input type="checkbox"/> | 19. Inconsistent With Air Quality Plan | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Economic Disruption | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> SIP <input type="checkbox"/> TIP | | |
| 6. Inconsistent W/Local or State Planning | <input type="checkbox"/> | <input type="checkbox"/> | 20. Stream Alteration/Encroachment** | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Minorities, Low Income Populations | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> IWDR <input type="checkbox"/> F&G <input type="checkbox"/> COE (404) | | |
| 8. Displacements* | <input type="checkbox"/> | <input type="checkbox"/> | 21. Flood Plain Encroachment* | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Section 4(f) Lands-DOT Act 1966*
(i.e., Public Parks/Rec Areas/Trails,
Wildlife/Waterfowl Refuges, Wild or
Scenic Rivers, Historic Sites/Bridges,
Archaeological Resources | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Longitudinal <input type="checkbox"/> Traverse | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. LWCF Recreation Areas/6(f) Lands* | <input type="checkbox"/> | <input type="checkbox"/> | 22. Regulatory Floodway | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Section 106-Nat. Hist. Preserv. Act* | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> PE Cert. & FEMA Approval <input type="checkbox"/> Revision | | |
| 12. FAA Airspace Intrusion** | <input type="checkbox"/> | <input type="checkbox"/> | 23. Navigable Waters** | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Visual Impacts | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> CG (Sec 9) <input type="checkbox"/> COE (Sec 10) <input type="checkbox"/> Dept. Lands | | |
| 14. Prime Farmland*, Parcel Splits | <input type="checkbox"/> | <input type="checkbox"/> | 24. Wetlands* | <input type="checkbox"/> | <input type="checkbox"/> |
| 15. Known/Suspected "Hazmat" Risks | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Jurisdictional** (404) <input type="checkbox"/> Non-Jurisdictional | | |
| 16. Wildlife/Fish Resources/Habitat** | <input type="checkbox"/> | <input type="checkbox"/> | 25. Sole Source Aquifer | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> Exempt Project <input type="checkbox"/> Non-Exempt** | | |
| | | | 26. Water Quality, Runoff Impacts | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | 27. NPDES-General Permit | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | (If no, complete sediment-erosion control plan) | | |

*If yes to these items, supplemental reports or documentation are required (e.g., Relocation Report; Wetlands Determination/Finding; Fish and Wildlife Species List Update; SCS Form AD-1006, *Biological Assessment*, etc.)

**If yes to these items, a letter of input is required from the appropriate agency.

Recommendation

<input type="checkbox"/> A. The project does not individually or cumulatively have a significant adverse effect on the human environment (Categorical Exclusion) <input type="checkbox"/> 23 CFR 771.117(c), i.e., Type 1 - ITD Approval <input type="checkbox"/> 23 CFR 771.117(d), i.e., Type 2 - Programmatic - ITD Approval <input type="checkbox"/> 23 CFR 771.117(d), i.e., Type 3 - FHWA Approval
<input type="checkbox"/> B. There is insufficient information to support A above or no precedent exists. (Environmental Assessment)
<input type="checkbox"/> C. The project will result in a significant effect on the human environment. (Environmental Impact Statement)

Prepared By (Consultant, District Environmental Planner, or LHTAC Signature*)	Date
Reviewed By (District Environmental Planner, Project Development Engineer, or LHTAC Signature*)	Date

*One Signature by a Planner and one by Engineer or Consultant

Construction Impacts Requiring Special Provisions

Project Description (if not attached)

Appendix D: Title VI Program Area Review Questionnaire

TITLE VI PROGRAM AREA REVIEW QUESTIONNAIRE FY() Planning/Program Management Section

The information requested is for the reporting period July 1, 20XX through June 30, 20XX. Reviewing actual documentation of your activities may be necessary in determining compliance, in addition to your narrative responses to the questions below. You may provide electronic documents or a link to your website for documents and materials as an alternative to providing a paper copy.

If you believe that a question does not pertain to your activities during the previous year, please state and provide the reason why it does not pertain. Please do not use 'not applicable' or 'N/A'. Do not leave questions blank.

INTERNSHIP PROGRAM

1. Please list the number of interns hired during this reporting period and indicate their race and gender.
2. What efforts are made to ensure that the internship program provides equal opportunity to minority and female students?

CONSULTANT AGREEMENTS

3. On the table below, list all the firms with whom you have agreements. Identify whether the firm is an ITD-certified DBE, and indicate what work was performed along with the dollar amount of the agreement.

Firm	DBE	Female	Minority	Work Performed	Amount

4. What is the process for selecting consultants for planning work?
5. What methods are used to provide female and minority consultants/subs with an equal opportunity for participation?

METROPOLITAN PLANNING ORGANIZATIONS

6. What was the amount and type of federal (MPO) money passed through ITD?

Fund Category	COMPASS	BPO	BMPO	KMPO	LCVMPO

STRATEGIES/SERVICE EQUITIES

- 7. What strategies are used to ensure that all components of the transportation planning process comply with Title VI?
- 8. How is Planning using demographic data in conducting transportation equity analyses, origin-destination studies, corridor studies, or other assessments regarding determining transportation needs?
- 9. With respect to minority and low-income populations, how do you use demographic information to assess the distribution of benefits/burdens across various community groups?
- 10. What data source and tools do you use to support the analysis?

COORDINATION WITH TRIBAL GOVERNMENTS

- 11. What process do you have in place that will help ensure that ITD provides opportunities for active involvement of Indian tribal governments in statewide and metropolitan planning and programming?
- 12. How is participation solicited?
- 13. What specific involvement activities are taking place at the local level by district planners?

ACCOMPLISHMENTS

14. During this past year, were there any instances where Title VI issues were identified and discrimination prevented? Yes No

If yes, describe action taken.

15. What efforts were made to take Environmental Justice concerns into consideration in the transportation planning process?

TRAINING

16. Did anyone from Planning receive any Title VI or Environmental Justice training during this reporting period?

Yes No

Employee Name	Course Attended	Date Attended

COMPLAINTS

17. Did Transportation Planning receive any Title VI-related complaints during this reporting period? Yes No

If yes, please detail and describe action taken.

COMPLIANCE

18. List individual responsible within the Planning/Program Management Section (2PM) for Title VI monitoring and compliance.

Appendix E: ITD Title VI Program Discrimination Complaint Form

. Title VI Program Discrimination Complaint Form

- What is your Name? *

First Name Last Name

- Please Include Your Address *

Street Address

Street Address Line 2

City

State / Province

Postal / Zip Code

Country

- What is Your Phone Number *

- What is the Name of the Person(s) or Entity that Discriminated Against You *

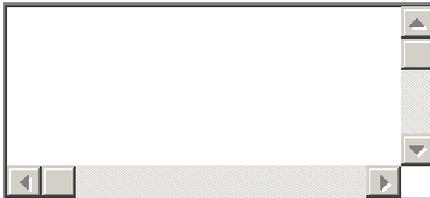
- Date of Alleged Incident *

- Month - Day Year 

- Please Select the Basis for the Discrimination *

Race Color National Origin Sex Age Disability Income Status Limited English Proficiency

- Explain as briefly and clearly as possible what happened and how you were discriminated against. Indicate who was involved and describe the corrective action you are seeking. *



- Please attach any supporting documents .

- By clicking the signature button below, you certify that the information you provided is both factual and accurate. *

Electronic Signature

- Submit

Appendix F: Modality Contact Information

US Department of Transportation, Federal Highway Administration, Idaho Division

3050 Lakeharbor Lane, #126
Boise, ID 83703
Phone: (208) 334-1843
Website: <https://www.fhwa.dot.gov/iddiv/>

US Department of Transportation, Federal Aviation Administration

800 Independence Avenue, SW
Washington, DC 20591
Phone: 1-866-TELL-FAA (1-866-835-5322)
Website: <http://www.faa.gov/>

US Department of Transportation, Federal Motor Carrier Safety Administration

1200 New Jersey Ave. SE
Washington, DC 20590
Phone: 202-366-8810
Website: <https://www.fmcsa.dot.gov/>

US Department of Transportation, Federal Transit Administration

1200 New Jersey Avenue, SE
Washington, DC 20590
Phone: 202-366-4043
Website: <https://www.transit.dot.gov/>

US Department of Transportation, National Highway Traffic Safety Administration

1200 New Jersey Ave. SE,
Washington, DC 20590
Phone: 1-888-327-4236
TTY: 1-800-424-9153
Website: <http://www.nhtsa.gov/>