

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
DEPARTMENT OF TRANSPORTATION



## **TITLE VI IMPLEMENTATION PLAN**

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Prepared by:

**Office of Civil Rights**  
**District Department of Transportation**

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Washington, D.C. 20009

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## I. INTRODUCTION

The District Department of Transportation (DDOT) mission is to develop and maintain a cohesive and sustainable transportation system that delivers safe, affordable, and convenient ways to move people and goods—while protecting and enhancing the natural, environmental, and cultural resources of the District.

DDOT manages and maintains transportation infrastructure. The agency:

- Plans, designs, constructs, and maintains 1,100 miles of streets , 241 bridges, 1,600 miles of sidewalk, 453 miles of alleys , and 144,000 city street trees.
- Manages and makes improvements to the street system to facilitate traffic flow through the District of Columbia.
- Manages, with the Department of Public Works, the removal of snow and ice from the streets.
- Coordinates the District's mass transit services, including the reduced-fare program for students using MetroBus and MetroRail.

DDOT also coordinates with the Washington Metropolitan Area Transportation Association (WMATA), to develop policy for the management of the mass transit system, represents the District on the Metropolitan Washington Council of Governments' (COG) regional transportation planning and policy committees, and develops bicycle and pedestrian transportation facilities and policy.

### **Vision & Core Values**

DDOT is committed to achieving an exceptional quality of life in the nation's capital through more sustainable travel practices, safer streets and increased access to goods and services.

Central to this vision is improving energy efficiency and modern mobility by providing next generation alternatives to single occupancy driving in the city.

DDOT's five core values and functions:

1. Safe Passages: Safety is paramount for DDOT. DC is proud to have the lowest fatality rates among all state DOTs and the highest highway safety rating in the United States. DC also enjoys a 93% seat belt usage rate, one of the highest in the country. We are committed to retaining that rank and improving overall safety for all users of the system, regardless of mode and inclusive of all ages and abilities.
2. Sustainable Living: At DDOT “sustainability” equates to creating great spaces and moving people and goods in ways that preserve, protect, or even restore our human and natural environments, minimizing waste and consumption, and making the most of the transportation assets.

3. Capital Assets: Investing in the maintenance of our transportation system is vital to asset preservation and good stewardship of the public infrastructure. Prioritizing the maintenance of infrastructure not only protects the public, but also means lower costs and improved safety in the future.
4. Prosperous Places: Streets are the living rooms of communities. DDOT knows that well designed public rights-of-way mean good access to businesses, safe and efficient operations, and attractive spaces and places.
5. Firm Foundation: DDOT can help create a better Washington by continually improving the excellence of our agency through investment in our workforce via education and training, enhanced communications, cutting-edge technology, and outstanding customer service.

## **Title VI Compliance**

Title VI of the Civil Rights Act of 1964 is a federal law that prohibits discrimination on the basis of race, color or national origin in federally assisted programs. It is codified at 42 U.S.C. § 2000d, *et. seq.*, and states, “[n]o person in the United States, shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any program or activity receiving Federal financial assistance.” Moreover, several related statutes contain additional prohibitions that fall under the purview of the Title VI program, including prohibitions on discrimination based on age, sex and disability.

The District of Columbia Department of Transportation (DDOT) is a recipient of federal financial assistance. As a recipient of federal funding, DDOT is required to comply with various non-discrimination laws and regulations, including Title VI of the Civil Rights Act of 1964.

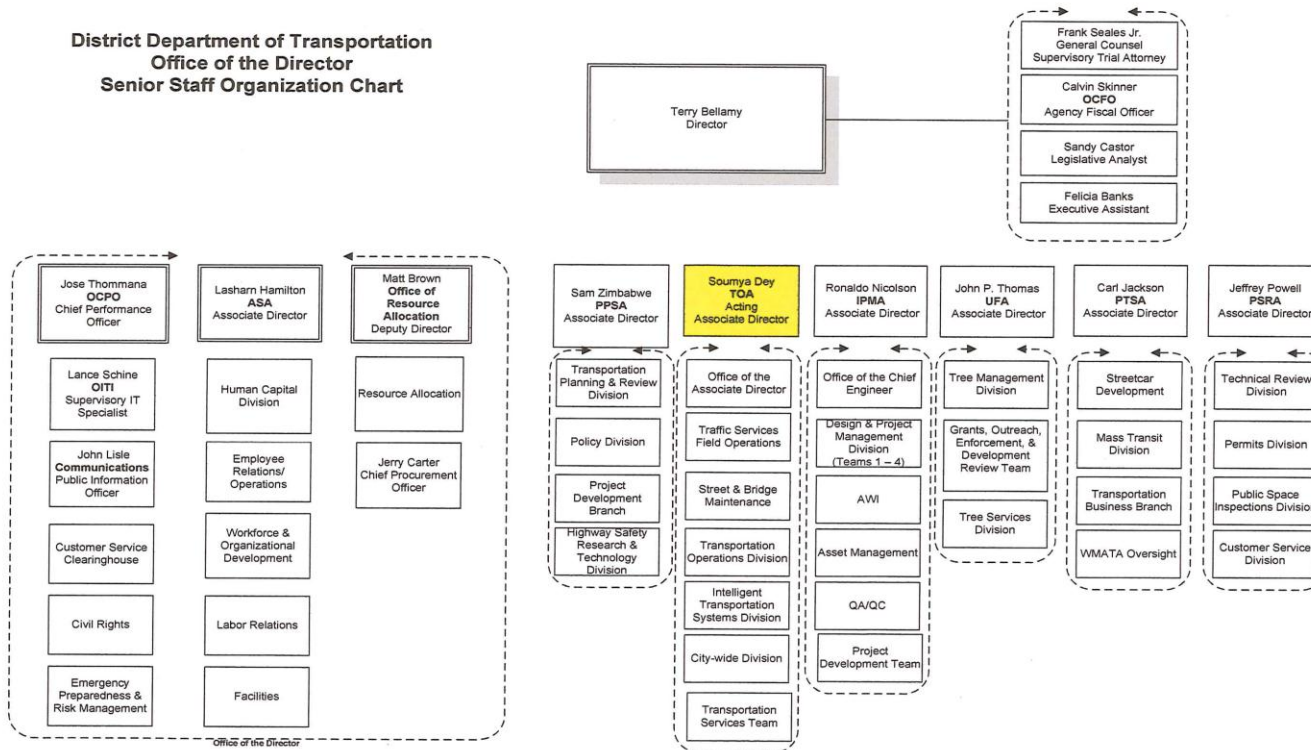
The Federal Highway Administration, in accordance with Title 23 of the Code of Federal Regulations (CFR) 23 CFR 200.9, requires the District of Columbia Department of Transportation (DDOT), as a recipient of federal funding, to prepare a Title VI Plan, clarifying the roles, responsibilities and procedures for assuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives.

The Federal Transit Administration, in accordance with Title VI of the Civil Rights Act of 1964; Title 49, Chapter 53, Section 5332 of the United States Code; and the Federal Transit Administration’s Circular 4702.1A, requires the District of Columbia Department of Transportation (DDOT), as a recipient of federal funding, to prepare a Title VI Program, clarifying the roles, responsibilities and procedures for assuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives.

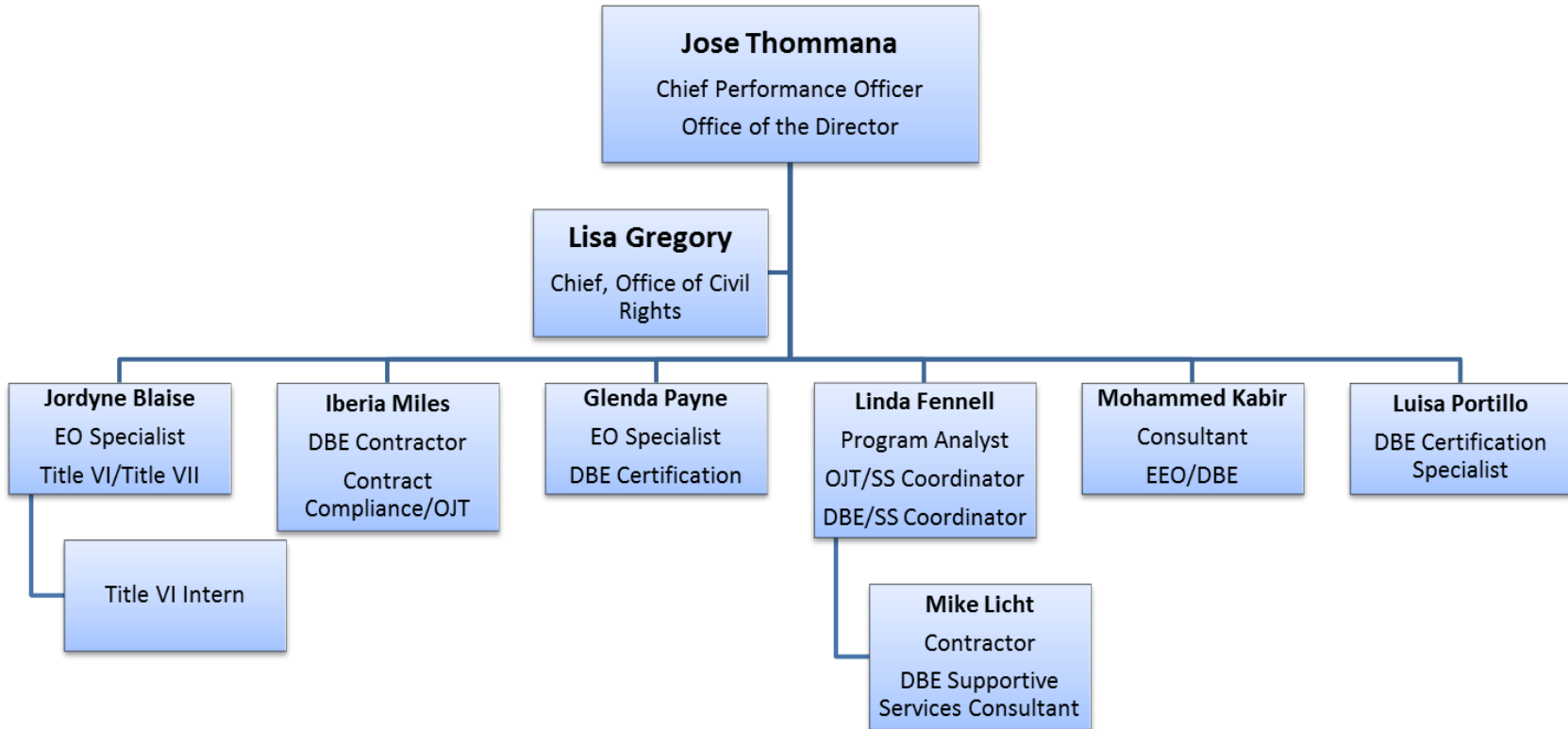
# DDOT Organizational Chart

Updated October 2012

## District Department of Transportation Office of the Director Senior Staff Organization Chart



# DDOT Office of Civil Rights Organizational Chart



## II. TITLE VI POLICY STATEMENT

### GOVERNMENT OF THE DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION



Office of Civil Rights

#### Title VI Nondiscrimination Policy

District of Columbia Department of Transportation (DDOT) policy is to assure that no person shall on the grounds of race, color, national origin, gender, age, or disability as provided in Title VI of the Civil Rights Act of 1964 and related statutes (implementation through 23 CFR 200.9), be excluded from participation in, or be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which DDOT received federal financial assistance. Specific discriminatory practices that are prohibited include, but are not limited to: denying an individual any service, financial aid or benefit provided under the program to which he or she might otherwise be entitled; making distinctions in the quality, quantity, or manner in which the service or benefit is provided; or segregating or separately treating individuals in any matter related to the receipt of any service aid or benefit on the basis of race, color, national origin, gender, age, or disability.

To the greatest extent allowed by law, DDOT ensures equity in its administration, programs and policies that affect human health and the environment so as to identify and avoid disproportionately high and adverse impacts on minority and low-income populations. In addition, DDOT promotes meaningful access to services for persons with limited-English proficiency.

DDOT further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs are federally funded or not. Furthermore, in the event that DDOT distributes Federal-aid funds to another entity, DDOT will include Title VI language in all written agreements and will monitor for compliance.

Title VI compliance is a condition of receipt for Federal funds. DDOT Administrators and the Title VI Coordinator are authorized to ensure compliance with the provisions of this policy and the law, including the requirements imposed by or pursuant to 23 CFR 200.9 and 49 CFR 21.

  
\_\_\_\_\_  
Terry Bellamy, Director

  
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Date



**III. TITLE VI ASSURANCES**

**(See signed document, attached.)**

## **IV. AUTHORITIES**

### **A. Nondiscrimination Statutes**

1. Title VI of the 1964 Civil Rights Act provides that: “No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance.” (42 USC Chapter 21, Section 2000d)
2. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibits unfair treatment of persons displaced or whose property has been acquired because of federal and federal-aid programs and projects. (42 USC 4601)
3. The Federal-Aid Highway Act of 1973 provides that: “No person shall on the grounds of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title.” (23 USC 324)<sup>1</sup>
4. Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.).
5. Section 504 of the Rehabilitation Act of 1973 provides that: “No qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied benefits of, be subjected to discrimination under any program or activity that receives benefits from Federal financial assistance.” (29 USC 790)
6. The Age Discrimination Act of 1975, as amended, provides that: “No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” (42 USC 76, Section 6101)
7. The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not. (PL 100-209)
8. Title II of the Americans with Disabilities Act of 1990 provides that “No qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a State or local government.” (PL 101-336)

### **B. Nondiscrimination Executive Orders**

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<sup>1</sup> Does not apply to the FTA Title VI program.

1. EO 12250 (November 2, 1980) mandates that U.S. Department of Justice (DOJ) will provide leadership and coordination of nondiscrimination laws.
2. EO 12898 (February 11, 1994) mandates that "Each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.
3. EO 13166 (August 16, 2000) improves access to services for persons with Limited English Proficiency (LEP).

### **C. Nondiscrimination Regulations**

1. 23 CFR 200 – FHWA Title VI regulation.
2. 23 CFR 450 and 49 CFR 613 - Joint FTA/FHWA regulation, “Planning Assistance and Standards.”
3. 23 CFR 771 - Joint FTA/FHWA regulation, “Environmental Impact and Related Procedures.”
4. 23 CFR 1235 – FHWA and NHTSA joint regulation governing Uniform System for Parking for People with Disabilities.
5. 28 CFR 35 – DOJ regulations governing nondiscrimination on the basis of disability in State and local government services.
6. 28 CFR 36 – DOJ regulations government nondiscrimination on the basis of disability in public accommodations and commercial facilities.
7. 28 CFR 41 – Implementation of Executive Order 12250.
8. 28 CFR 42, Subpart C – DOJ’s regulation implementing Title VI of the Civil Rights Act of 1964.
9. 28 CFR 42, Subpart F – DOJ’s regulation, “Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs.”
10. 28 CFR 50.3 – DOJ’s guidelines for the enforcement of Title VI of the Civil Rights Act of 1964.
11. 49 CFR 21 – U.S. Department of Transportation (USDOT) Title VI regulation.

12. 29 CFR 27 – USDOT’s regulation implementing Section 504 of the Rehabilitation Act of 1973.

**D. Nondiscrimination Directives**

1. DOT Order 1000.12 – Implementation of the DOT Title VI Program.
2. DOT Order 1050.2 – Standard Title VI Assurances.
3. DOT Order 5610.2 – Environmental Justice Order (April 15, 1997).
4. FHWA Order 4710.1 – Right-of- Way Title VI Review Program.
5. FHWA Order 4710.2 – Civil Rights Compliance Review of Location.
6. FHWA Order 6640.23 – Actions to address Environmental Justice.
7. Joint FHWA/FTA Memo dated May 9, 2000 – Guidance on implementing Title VI in Metropolitan Planning.
8. DOT Policy Guidance Document – Clarifying responsibilities of Federal-aid with respect to Limited English Proficiencies populations.

**E. Local Authorities**

1. District of Columbia Human Rights Act of 1977, (Amended)
2. District of Columbia Language Access Act of 2004

**V. OFFICE OF CIVIL RIGHTS: ORGANIZATION AND STAFFING**

**A. Organization**

The DDOT Office of Civil Rights (OCR) administers the agency’s civil rights compliance and monitoring programs. The regulations at 23 CFR 200.9 provide for the structure and organizational placement of the civil rights office. OCR is contained within DDOT’s Office of the Director.

DDOT’s Office of Civil Rights is primarily responsible for ensuring that DDOT complies with non-discrimination laws and regulations. OCR contains a staff member who serves as the agency’s Title VI Coordinator (Coordinator) and is responsible for Title VI program development, coordination of compliance activities across program areas, complaint processing and compliance monitoring. The Coordinator reports directly to the Director, OCR.

**B. Staffing**

OCR contains seven full-time staff members responsible for ensuring compliance with various federal and local nondiscrimination authorities.

The Title VI Coordinator (Coordinator) is authorized to ensure compliance with the provisions of DDOT’s non-discrimination policy and with the law. The Coordinator has direct contact with the Director, OCR and coordinates implementation and compliance with all Title VI program requirements. To ensure direct involvement and maximum participation from the agency’s functional program areas, a Title VI Advisory Taskforce (Taskforce) was formed in 2008, consisting of representatives who work in each of the agency’s functional program areas.

**Office of Civil Rights**

<b>Name</b>	<b>Position</b>	<b>Responsibilities</b>
Lisa Gregory	Director, OCR	Oversees and Manages Division activities.
Jordyne Blaise	Equal Opportunity Specialist	Title VI Program, Language Access Program, Title VII Internal EEO Program
Glenda Payne	Equal Opportunity Specialist	DBE Program / DBE Certification
Mohammed Kabir	Consultant	EO and DBE
Linda Fennel	Program Analyst	BOWDC Program / DBE & OJT Supportive Services
Mike Licht	Contractor	DBE Supportive Services Consultant
Luisa Portillo	Equal Opportunity Specialist	DBE Program / DBE Certification
Iberia Miles	Contractor	Contractor Compliance

## Title VI Advisory Taskforce

To ensure compliance across the functional program areas, DDOT's Associate Directors have identified key staff members from each program area to serve on the Title VI Advisory Taskforce. The following chart identifies the key members of the Title VI Advisory Taskforce within each program area. The Title VI Coordinator coordinates the Title VI program agency-wide and conducts regular meetings with the Taskforce. The Title VI Coordinator, with the support of the Title VI Advisory Taskforce, is responsible for initiating, monitoring and facilitating DDOT's compliance with Title VI requirements.

### Title VI Advisory Taskforce

<b>Name</b>	<b>Position</b>	<b>Administration</b>
Jordyne Blaise	Equal Opportunity Specialist	OD, Office of Civil Rights
Linda Fennel	Program Analyst	OD, Office of Civil Rights
Faisal Hameed	Program Manager, Project Development and Environment	IPMA, Project Development Branch
Chris Delfs	Transportation Systems Planning Branch Manager	PPSA, Transportation Systems Planning Branch
Bill Carr	Research and Technology Development Project Manager	TPPA, Research & Technology Development Branch
Karina Ricks	Road Asset Program Manager	TPPA, Right-of-Way Asset Management
Gabrielle Schenck	Customer Service Specialist	OD, Customer Service Clearinghouse
Bernadette Edwards	Customer Service Manager	PSRA
Ian Leahy	Community Outreach Specialist	UFA
Soumya Dey	Deputy Associate Director	TOA
Steve Strauss	Special Advisor	PTSA

## **VI. AFFECTED PROGRAM AREAS & COMPLIANCE RESPONSIBILITIES**

### **A. Office of the Director**

The Office of the Director (OD) is responsible for the oversight and management of the entire agency. OD is broken down into the following functional areas: Office of the General Counsel, Office of the Associate Chief Financial Officer, Deputy Director for Strategic Planning, Office of Contracting and Procurement, Office of Information Technology and Innovation, Deputy Director for Resource Management, and the Chief Performance Officer, which contains the Office of Civil Rights.

The Office of Civil Rights administers the agency's nondiscrimination programs, and monitors program areas and sub-recipients for compliance with applicable civil rights statutes. A team of civil rights specialists administer the following programs:

- A. Title VI Compliance
- B. Title VII Compliance / Affirmative Action
- C. ADA Program
- D. Disadvantaged Business Enterprise Program (DBE)
- E. On-the-Job Training Program
- F. Business and Workforce Development Program

### **Title VI Responsibilities:**

1. Coordinate Title VI Program, provide technical assistance to program areas and work collaboratively with Title VI Advisory Committee and key program managers to implement Title VI requirements.
2. Manage Title VI data collection process.
3. Review program directives, policies, and manuals for compliance with Title VI. Incorporate applicable language or guidance as needed.
4. Conduct annual reviews of program areas for compliance with Title VI.
5. Conduct periodic reviews of sub-recipients (contractors, subcontractors, sub-grantees), including pre and post award reviews, for compliance with Title VI.
6. Maintain Title VI complaint procedures and process or redirect complaints as appropriate.
7. Disseminate Title VI information and resources to the public.
8. Maintain partnerships with Mayor's outreach offices to ensure effective engagement of minority and limited-English-proficient populations.

9. Monitor implementation of mitigating measures.
10. Identify and eliminate Title VI violations and deficiencies according to established guidelines.
11. Develop annual accomplishments report and work plan.

**B. Policy, Planning, and Sustainability Administration**

The Policy, Planning and Sustainability Administration (PPSA) establishes broad strategic goals to guide multi-modal program development, the policies necessary to implement these goals, and ensure compliance with these goals and policies through plan review and permitting. PPSA is comprised of the following divisions:

- Policy Development Division.
- Strategic Transportation Planning Division
- Plan Review and Compliance Division

**Title VI Responsibilities:**

*Planning*

1. Analyze and assess the regional distribution of benefits and burdens of transportation system investments included in the TIP and other major planning documents for different socio-economic groups.
2. Collect demographic, socio-economic, and other pertinent data on program beneficiaries and the metropolitan area to support impact-distribution analysis (data to be collected may include community boundaries, racial and ethnic makeup, income levels, property taxes, community services, schools, hospitals, shopping areas, existing transportation assets, etc.)
3. Participate in activities with the MPO regarding identifying and responding to needs of minority populations and low-income populations. Make recommendations or undertake endeavors to ensure that the views of these populations and others facing barriers to access are solicited and addressed.
4. Conduct outreach among minority populations and low-income populations to ensure effective engagement in the transportation planning process. Document targeted strategies and methods utilized to engage these populations, including but not limited to:
  - i. Advertising public meetings, etc. in diverse media resources
  - ii. Making technical information available in user-friendly format
  - iii. Making information available electronically



- iv. Contacting minority groups or leaders to identify information needs and issues of concerns
  - v. Utilizing citizen advisory committees
  - vi. Holding meetings at accessible locations/convenient dates/times
  - vii. Utilizing non-traditional meeting formats
5. Provide and document special accommodations for disabled individuals/groups and limited-English-proficient individuals/groups to ensure these individuals/groups are afforded equal opportunities to participate in the transportation planning process.
  6. Document input received from minority populations, low-income populations and others facing barriers to access. Maintain records of agency responses.
  7. Evaluate public involvement activities

#### *Project Development*

1. During project development, identify and address disproportionately high or adverse human health and environmental effects on minority populations and low-income populations per EO12898 (EJ) requirements.
2. Ensure that potential effects of a project on minority populations and low-income populations are identified and considered regardless of the project's level of NEPA documentation (Categorical Exclusion, Environmental Assessment, Environmental Impact Assessment)
3. Collect data on program beneficiaries and develop community profiles to support effects analysis (data to be collected may include community boundaries, racial and ethnic makeup, income levels, property taxes, community services, schools, hospitals, shopping areas, existing transportation assets, etc.)
4. Conduct outreach among minority populations and low-income populations to ensure effective public engagement during project development. Document targeted strategies and methods utilized to engage these populations, including but not limited to:
  - i. Advertising public meetings, etc. in diverse media resources
  - ii. Making technical information available in user-friendly format
  - iii. Making information available electronically
  - iv. Contacting minority groups or leaders to identify information needs and issues of concerns
  - v. Utilizing citizen advisory committees
  - vi. Holding meetings at accessible locations/convenient dates/times

- vii. Utilizing non-traditional meeting formats
- 5. Provide and document special accommodations for disabled individuals/groups and limited-English-proficient individuals/groups to ensure these individuals/groups are afforded equal opportunities to participate in decision-making.
- 6. Engage affected communities in the development of avoidance, minimization, and mitigation and enhancement strategies.
- 7. Document input received from minority, low-income and other populations facing barriers to access. Maintain records of agency responses.
- 8. Evaluate public involvement activities

*Right-of-Way*

- 1. Work collaboratively with the Office of Contracting and Procurement to encourage diversification in the use of appraisers.
- 2. Ensure that appraisal reviews meet quality standards and are in compliance with nondiscrimination statutes (this can be accomplished through training, standards for selection of fee/staff appraisers, quality assurance process, etc.)
- 3. Review appraisal process and associated reports for compliance with Title VI and related nondiscrimination statutes.
- 4. Ensure that every effort is made to negotiate for required property before filing condemnation.
- 5. Fully inform property owners of their rights to receive just compensation of their property before any donation of such property.
- 6. Review negotiation procedures for compliance with Title VI and other nondiscrimination provisions (i.e. whether the offer was made for the full amount of the review appraiser's determination of compensation).
- 7. Review application of minimum payment policy for compliance with Title VI.
- 8. Reviews procedures and practices relating to relocation advisory assistance to ensure compliance with Title VI and other nondiscrimination provisions (encourage diversification of relocation staff, obtain feedback from displaced individuals, conduct appropriate needs assessment, conduct self evaluations, etc.)
- 9. Review application of inspection standards for decent, safe and sanitary inspections for compliance with Title VI and nondiscrimination provisions.

*Property Management*

- 1. Review procedures relating to the determination of rent amounts for compliance with Title VI.

2. Reviews procedures for the procurement of bids for compliance with Title VI.
3. Review procedures and practices for maintenance of rental properties for compliance with Title VI.

#### *Research*

1. Consider Title VI considerations and the needs of low-income populations, minority populations and other facing barriers to access in the selection and prioritization of problem statements.
2. Encourage diversification in the selection of consultants/universities. Take efforts to ensure that minority universities or universities with significant minority student representation are afforded equitable opportunities to participate in DDOT's research projects.

### **C. Progressive Transportation Services Administration**

The Progressive Transportation Services Administration (PTSA) is responsible for providing the public with efficient, affordable and diverse means of travel by providing transit services, funding, policy recommendations, and coordination services to the Washington Metropolitan Area Transit Authority (WMATA). DDOT receives funding through the Federal Transit Administration (FTA) to implement a variety of initiatives that seek to address services gaps and respond to the unique needs of minority, low-income, and other groups facing challenges to mobility, including the Section 5310 Capital Grant Program for Transportation for the Elderly and Persons with Disabilities.

Any FTA funds received by DDOT and PTSA under the Transportation for Elderly Individuals and Individuals with Disabilities, Rural and Small Urban Area Formula Funding, JARC, or New Freedom grant programs and provided as a pass-through to DDOT's sub-recipients, is provided without regard to race, color, or national origin and that minority populations are not being denied the benefits of or excluded from participation in these programs.

#### **Equitable Distribution of Financial Assistance**

In addition to its own transit programs and initiatives, DDOT is responsible for administering the District's funds under the FTA S.5310 program. These funds are granted by DDOT to private-non-profit agencies in the District that serve elderly and persons with disabilities and DDOT has established procedures to "pass through" this FTA financial assistance in a non-discriminatory manner. Public, private, and paratransit operators are offered a chance to participate to the maximum extent feasible in the development of the transportation program, in the provision of any expanded special transportation services for elderly persons and persons with disabilities, and are afforded an opportunity to provide the same type of service that is proposed in an agency's Section 5310 application. The criteria distribution of funds is not discriminatory, thus they have been designed to be fair and equitable, especially to agencies representing low-income and minority populations. This is accomplished through the sign-off process for expansion vehicles.

During this process, emphasis is placed on ensuring equitable distribution of funds to subrecipients that serve predominantly minority populations. To this purpose, DDOT:

- Records all funding requests received from private-non-profit agencies (and identify applicants that would use grant funds to provide assistance to primarily minority populations) along with records of which were accepted and rejected.
- Reaches out to diverse stakeholders regarding the availability of funds
- Provides assistance to potential subrecipients applying for funding, including efforts to assist applicants that would service predominantly minority populations.

DDOT-PTSA prepares and submits an annual grant application to FTA for each of the federal grant programs. The local transit projects are identified through an annual process in which PTSA develops its Program of Projects (POP).

### **Technical Assistance and Outreach**

As part of its established procedures to pass through FTA financial assistance in a non-discriminatory manner, DDOT makes extra efforts to reach out and engage agencies that serve minorities, low income and LEP populations; providing technical assistance throughout the planning and application process. Each year DDOT publishes an early planning notification to reach out and provide assistance to agencies that are considering applying for S.5310 grants. DDOT does this to ensure that each applicant meets the application requirements. This pre-application outreach and technical assistance is offered and provided to all agencies that express an interest in applying for S.5310 grants, including those that serve minorities, low income and LEP populations.

Maintenance of the mailing list used to distribute the S.5310 early planning notification and application package is an ongoing process throughout the year. Changes in agency name, contact name, and mailing address are frequent, as are inquiries and additions from potential new applicants. The size of the mailing list continues to increase. In addition to the mailing list, through the DDOT Office of Civil Rights, DDOT seeks to assist minority applicants and those serving minority communities, conducting outreach through the Mayor's Office on African Affairs, the Mayor's Office on Asian and Pacific Islander Affairs, the Mayor's Office on Latino Affairs, and the Office of Human Rights. The PTSA has also developed relationships with both the COG Access for All committee and individual Community Based Organizations (CBOs) that serve minority, low income and LEP populations. These groups are essential to engage low income, minority and LEP populations in the transit planning and project programming efforts. Translation services and application assistance are both available by request.

In addition, DDOT maintains a record of which agencies apply, whether they are predominantly serving low-income minorities and which were awarded vehicles to monitor the equitable distribution of funds.

The local Section 5310 grant application process is primarily the responsibility of PTSA, with funding decisions made by a selection committee. A Request for Applications (RFA) sets forth eligibility criteria and the weight given to each, and analyzes:

- The Project's relevance and consistency with other government funded and private transit and paratransit programs
- The transportation needs to be met by the proposed project
- The urgency of these transportation needs and the benefits that will accrue to elderly persons and/or persons with disabilities because of the project
- Experience and past performance of the proposed subrecipient in similar activities
- The degree to which applications reflect cooperative planning and coordination of several organizations, so as to make the most efficient use of available funds
- The financial capability of the applicant to assume full responsibility of the operation, maintenance, and liability insurance coverage of the vehicle(s) provided by the agreement as determined by a signed Project Assurances and Certifications included in the RFA
- The applicant's reasonable assurance of the existence of funds for the required matching share of the agreement and the subrecipient's ability to maintain and operate the equipment as well as the ability to provide proper amounts of insurance, as included in the Project Assurances and Certifications
- The qualifications and technical capacity of the applicant to provide efficient service. Technical capacity is measured by criteria such as staffing levels, staff training and experience, level of documentation of procedures, ability to submit required reports correctly and on time, ability to maintain project equipment, and ability to comply with FTA state requirements.

Review, evaluation, and selection of private, non-profit organizations for funding under the Section 5310 program are conducted by the selection committee. This committee is comprised of departmental personnel who will be involved with the grant program and persons from other District Agencies and the Metropolitan Council of Governments (COG) who are knowledgeable of the Section 5310 grant program. PTSA is responsible for the development of criteria and establishment of the process for candidate projects.

The committee conducts a review of the applications for consistency with the grant program, any ranking and selection criteria established in the RFA, and recommends an agreed upon list of best qualified applications for approval by the Director or the Director's designee.

Each committee member reviews and evaluates the completed applications. Each application is then scored on a scale for each criteria established by PTSA. The criteria examine:

- Extent and Urgency of Local Needs
- Coordination and Cooperation

- Vehicle Utilization
- Fiscal and Managerial Capability

After each member of the review committee has individually reviewed and scored each application, the PTSA holds a meeting to review and discuss each application. Each application is then scored and ranked as a group. Using the rank order, PTSA proceeds to award vehicles and other equipment starting with the highest-ranked organization.

### **Public Participation**

Public and private providers of transit and paratransit services; regional, county and local governments; citizen and consumer groups or individuals, including minorities, the economically disadvantaged, persons with disabilities; and labor organizations are given a fair and timely opportunity to participate in the development of all proposed expanded transportation service. Through the DDOT Office of Civil Rights, DDOT seeks to assist minority applicants and those serving minority communities, conducting outreach through the Mayor's Office on African Affairs, the Mayor's Office on Asian and Pacific Islander Affairs, the Mayor's Office on Latino Affairs, and the Office of Human Rights.

### **Title VI Responsibilities:**

1. Collect demographic, socio-economic, and other pertinent data on program beneficiaries and the metropolitan area and assess potential impacts, the distribution of benefits/burdens of transportation activities on low-income, minority populations, and other protected populations.
2. Document changes to service features of fare rates and assess effect of these changes on minority transit users, low-income transit users, etc.
3. Conduct outreach among minority populations and low-income populations to ensure effective public engagement during project development, including changes to services features or fare rates. Document targeted strategies and methods utilized to engage these populations, including but not limited to:
  - i. Advertising public meetings, etc. in diverse media resources
  - ii. Making technical information available in user-friendly format
  - iii. Making information available electronically
  - iv. Contacting minority groups or leaders to identify information needs and issues of concerns
  - v. Utilizing citizen advisory committees
  - vi. Holding meetings at accessible locations/convenient dates/times
  - vii. Utilizing non-traditional meeting formats.

4. Provide and document special accommodations for disabled individuals/groups and limited-English-proficient individuals/groups to ensure these individuals/groups receive meaningful access to services and are afforded equal opportunities to participate in decision-making.
5. Document input received from minority, low-income and other populations facing barriers to access. Maintain records of agency responses.
6. Evaluate public involvement activities
7. Ensure mitigating measures identified during project development are effectively implemented
8. Ensure FTA funding provided to sub-recipients as a ‘pass-through’ is done so in a nondiscriminatory manner.
  - i. Document competitive selection process that ensures the equitable distribution of funds to sub-recipients that serve predominantly minority and low-income populations, including Native American tribes, where present.
  - ii. Document criteria for selecting transit providers to participate in any FTA grant program.
  - iii. Document requests for Elderly Individuals and Individuals with Disabilities, Rural and Small Urban Area Formula Funding, JARC, and New Freedom funding. Identify those applicants that would use grant program funds to provide assistance to predominantly minority and low-income populations. Indicate whether those applicants were accepted or rejected for funding.
  - iv. Document procedures to assist potential sub-recipients in applying for Elderly Individuals and Individuals with Disabilities, Rural and Small Urban Area Formula Funding, JARC, and New Freedom funding, including any efforts to assist applicants that would serve predominantly minority and low-income populations.
9. Work collaboratively with Office of Civil Rights to conduct compliance reviews of sub-recipients.
  - i. Provide technical assistance to sub-recipients including sample Title VI outreach information, sample complaint procedures, demographic information, sample analyses, tools for engaging limited and non-English proficient populations, etc.

#### **D. Infrastructure Project Management Administration**

The Infrastructure Project Management Administration (IPMA) is responsible for the design, engineering and construction of roadways, bridges, traffic signals and alley projects in the District of Columbia. IPMA also manages special construction projects and all roadway assets. IPMA is comprised of the following divisions:

- Design & Project Management Division
- Anacostia Waterfront Initiative/Special Projects Division
- Asset Management Analysis Division
- Safety, Standards and Quality Control Division
- Transportation Safety Engineering Branch

**Title VI Responsibilities:**

1. Collect demographic, socio-economic, and other pertinent data on program beneficiaries and the metropolitan area and identify and address potential impacts of transportation activities on low-income, minority populations, etc., not previously identified in project development.
2. Conduct outreach among minority and low-income populations to ensure effective public engagement during planning and project development. Document targeted strategies and methods utilized to engage these populations, including but not limited to:
  - i. Advertising public meetings, etc. in diverse media resources
  - ii. Making technical information available in user-friendly format
  - iii. Making information available electronically
  - iv. Contacting minority groups or leaders to identify information needs and issues of concerns
  - v. Utilizing citizen advisory committees
  - vi. Holding meetings at accessible locations/convenient dates/times
  - vii. Utilizing non-traditional meeting formats.
3. Provide and document special accommodations for disabled individuals/groups and limited-English-proficient individuals/groups to ensure these individuals/groups receive meaningful access to services and are afforded equal opportunities to participate in decision-making.
4. Document input received from minority, low-income and other populations facing barriers to access. Maintain records of agency responses.
5. Evaluate public involvement activities
6. Ensure mitigating measures identified during project development are effectively implemented (i.e. safety through construction zones, noise and air impacts, ADA compliant facilities etc.)
7. Review monitoring/inspection activities to ensure procedures/practices do not result in disparate treatment of protected groups.



## **E. Urban Forestry Administration**

The Urban Forestry Administration (UFA) manages and increases the District's street trees to maintain healthy trees that provide: improved air quality; increased ground water retention that minimizes runoff and flooding; temperature moderation; aesthetics; and other benefits to the community

### **Title VI Responsibilities:**

1. Collect demographic, socio-economic, and other pertinent data on program beneficiaries and the metropolitan area and assess potential impacts, the distribution of benefits/burdens of transportation activities on low-income, minority populations, etc.
2. Conduct outreach among minority and low-income populations to ensure effective public engagement during project development. Document targeted strategies and methods utilized to engage these populations, including but not limited to:
  - i. Advertising public meetings, etc. in diverse media resources
  - ii. Making technical information available in user-friendly format
  - iii. Making information available electronically
  - iv. Contacting minority groups or leaders to identify information needs and issues of concerns
  - v. Utilizing citizen advisory committees
  - vi. Holding meetings at accessible locations/convenient dates/times
  - vii. Utilizing non-traditional public meeting formats.
3. Provide and document special accommodations for disabled individuals/groups and limited-English-proficient individuals/groups to ensure these individuals/groups receive meaningful access to services and are afforded equal opportunities to participate in decision-making.
4. Document input received from minority, low-income and other populations facing barriers to access. Maintain records of agency responses.
5. Evaluate public involvement activities
6. Ensure mitigating measures identified during project development are effectively implemented (runoff minimization, storm water, air quality, etc.).

## **F. Transportation Operations Administration**

The Transportation Operations Administration (TOA) seeks to effectively maintain the integrity of public assets, such as roadways, sidewalks, traffic calming devices, streetlights, parking meters, and ensure a safe and user-friendly transportation

environment. TOA is comprised of the following divisions:

- Transportation Operations Division
- Citywide Programs Support Division
- Transportation System Maintenance Division
- System Inspection and Oversight Division

**Title VI Responsibilities:**

1. Review procedures relating to the fulfillment of service requests for compliance with Title VI and to identify and eliminate barriers to access.
2. Provide and document special accommodations for disabled individuals/groups and limited-English-proficient individuals/groups to ensure these individuals/groups receive meaningful access to services and are afforded equal opportunities to participate in decision-making
3. Collect data demographic data on program beneficiaries (i.e. individuals submitting service requests).
4. Document input received from minority, low-income and other populations facing barriers to access. Maintain records of agency responses.
5. Ensure mitigating measures identified during project development are effectively implemented (i.e. safety through construction zones, noise and air impacts, traffic calming, ADA compliant facilities, etc.)
6. Review monitoring/inspection activities to ensure procedures/practices do not result in disparate treatment of protected groups.

**G. Public Space Regulations Administration**

The Public Space Regulations Administration (PSRA) is responsible for enforcing public space laws and regulations and inspecting all work in public space completed under a public space permit to ensure the work is completed by DDOT standards.

PSRA is comprised of the following divisions:

- Public Space Inspections Division
- Public Space Permits Division
- Plan Review Division
- Customer Service Division

**Title VI Responsibilities:**

1. Review procedures relating to the fulfillment of customer service requests for compliance with Title VI and to identify and eliminate barriers to access.

2. Provide and document special accommodations for disabled individuals/groups and limited-English-proficient individuals/groups to ensure these individuals/groups receive meaningful access to services and are afforded equal opportunities to participate in decision-making
3. Provide special accommodations for LEP/NEP individuals when inspections are completed, and increase access for individuals seeking applications for public space permits.
4. Collect data demographic data on program beneficiaries (i.e. individuals submitting service requests).
5. Document input received from minority, low-income and other populations facing barriers to access. Maintain records of agency responses.

## **VII. INTEGRATING TITLE VI IN THE PLANNING PROCESS**

### **Overview**

DDOT plans, prioritizes and develops transportation related projects for the District of Columbia in conjunction with local, regional, and federal authorities. The agency's planning process produces both long-range inter-modal transportation plans and short-range program or projects. Plan development is coordinated with the National Capital Region Transportation Planning Board (TPB), which is the designated metropolitan planning organization (MPO) for the Washington region. FHWA and FTA jointly oversee the transportation planning process and are authorized to approve state and regional transportation plans.

DDOT strives to address Title VI concerns in its strategic transportation planning at both the local and regional levels. To this aim, DDOT and its regional partners utilize a cooperative process centered around public participation, improving the human environment, and avoiding disproportionately high or adverse effects on minority populations and low-income populations.

FHWA and FTA have issued joint guidance on implementing Title VI in local and regional planning. Based on this guidance, DDOT has identified its primary responsibilities in order to fully comply with Title VI in the agency's short-term and long-range transportation planning.

The Office of Civil Rights in coordination with the Title VI Coordinator will work collaboratively with program area officials to integrate the following actions into the planning process.

### **Primary Responsibilities**

- Ensure that public involvement efforts provide for the full inclusion and meaningful participation of minority and low-income groups in the agency's transportation planning processes and related initiatives.
  1. Develop and formalize strategies for engaging minority and low-income populations in transportation planning;
  2. Develop strategies to reduce participation barriers for minority and low-income populations;
  3. Routinely evaluate effectiveness of public involvement strategies to engage different population groups;
  4. Develop mechanisms to ensure that issues and concerns raised by low-income and minority populations are appropriately considered in the decision-making process; and

5. Conduct outreach to and partner with local organizations representing low income and minority populations to enable their participation in planning processes.
- Continually assess the needs of, and analyze the potential impacts of transportation activities on different population groups; particularly minority and low-income groups, and tie analyses to short-term and long-range transportation planning activities.
    1. Develop data collection activities to support the assessment of the distributional impacts of transportation activities and investments.
      - Data collection should reflect the metropolitan area and address:
        - community boundaries;
        - racial and ethnic makeup;
        - income levels, property taxes, etc.;
        - community services, schools, hospitals, shopping areas, etc.
      - Data collection on public participation efforts
      - Complaints re: Planning
      - Federal funding streams
- Ensure that TIP/STIP development and the overall planning process satisfy the letter and intent of Title VI requirements and environmental justice principles.
  - Demonstrate commitment to improving the natural and human environments for low-income and minority groups
  - Establish policy and procedures centered on EJ principals for developing transportation projects that fit harmoniously into communities without sacrificing safety or mobility.

Recently, several federal authorities have been updated to reflect the nation's commitment to the principals of Title VI and environmental justice in transportation planning. Notably, the implementation regulations for statewide transportation planning as described in 23 CFR 450, now require transportation agencies to explicitly consider, analyze as appropriate and reflect in planning process products the overall social, economic, energy, and environmental effects of transportation decisions (including housing and community development effects and effects on the human, natural and manmade environments) in conducting its continuing transportation planning process.

**Authorities (specific to transportation planning)**

- SAFETEA-LU;

- 23 CFR Parts 450 and 771;
- 49 CFR Parts 619 and 622;
- Joint FHWA/FTA Memo re: Implementing Title VI in Metropolitan and Statewide Planning;
- Executive Order 12898 on Environmental Justice;
- National Environmental Policy Act (NEPA) of 1969; and
- The American with Disabilities Act of 1990

### **Procedures for Ensuring Statewide Planning is Nondiscriminatory**

DDOT has developed strategies for ensuring, demonstrating, and substantiating compliance with Title VI. These strategies include consideration of demographic information in the transportation planning and service process. To achieve that goal, DDOT has developed a demographic profile of the District of Columbia that includes identification of the locations of socio-economic groups, including low-income and minority populations as required by the Executive Order on Environmental Justice and Title VI. This data is developed using numerous sources including the most recent United States Census and American City Survey.

The planning process seeks to recognize the needs of minority populations as well as low-income populations. In addition to using the demographic profile of the District of Columbia, DDOT's transportation planning process requires regular public involvement. The Public Participation Process, which is explained in greater detail in Section XII, involves outreach, notice, and the opportunity to provide comment. DDOT works diligently to ensure that the public has notice of transportation planning and services by partnering with community groups, posting public notices along the effected service routes, translating notices if the demographic data shows that the NEP/LEP population will be impacted by the transportation planning.

### **STIP Development Process**

DDOT is responsible for developing its own State Transportation Improvement Program (STIP). The STIP is a list of federally funded transportation projects proposed for funding under Title 23 USC 135 and 49 USC 5304 which covers a period of at least four years. Federal regulations 23 USC 135 and 49 USC 5304 require each State to carry out a continuous, cooperative and comprehensive statewide multimodal process, including development of a Long Range Transportation Plan and a STIP which shall facilitate the safe and efficient management, operation and development of the surface transportation system. The STIP also includes regionally significant projects that may not be federally funded.

The STIP development process includes:

- ***Development of Long Range Plan/Inputs for the Development of the District's STIP*** – The development of the DDOT Long Range Plan encapsulates future projects and priorities of the District; however existing commitments, initiatives

and recommendations from systems plans and studies will continue to be used as inputs for determining which projects are to be included in the District STIP.

- ***Project Identification*** – Project Identification consists of developing a list of STIP project candidates from the above mentioned inputs including the Long Range Plan, existing commitments and initiatives and recommendations from systems plans and studies. This phase includes adjusting the schedule for internal call for projects to improve project selection and vetting; including more comprehensive information on the project call sheet; and enhancing project by project evaluation and vetting.
- ***DDOT Internal Call for Projects*** – DDOT’s annual call for projects begins in June. A new project development form is used to capture the necessary information for CLRP submission, TIP/STIP and obligation plan.
- ***Initial Prioritization/Ranking*** – Representatives from across DDOT, including Executive Staff, Senior Management and Project Managers participate in this initial round of project prioritization/ranking of projects based on established criteria. Project ranking is based on the following criteria: Safety and Security, Mobility (including maximizes operational efficiency and expands traveler choice/improves quality of alternative modes), Environmental Quality, Asset Preservation/Conditions; and Livability/Prosperous Places. Each project evaluation criteria has a unique definition, rating scale and weight.
- ***Draft Project List*** – The draft project list includes projects programmed for implementation over a six-year period with the expectation of receiving federal funding.
- ***Public Participation*** – Before entering into the STIP development process, the public is given an opportunity to provide recommendations for projects to be considered for the STIP. This stage of public involvement recognizes community concerns and solicits feedback that will assist with the prioritization of projects. Once the internal call for projects has occurred and after the projects have been vetted, a draft project list is developed which contains all projects that will be a part of the STIP. The draft project list is shared with the public to receive feedback of the variety of different projects. DDOT documents relevant comments; and prepares and posts for public review responses to comments received to ensure that full public participation throughout the STIP development process is achieved. (See DDOT’s Public Participation Plan process below).
- ***Final Prioritization/Ranking*** – Representatives from across DDOT, including Executive Staff, Senior Management and Project Managers participate in this second of two phases of project prioritization/ranking of projects based on established criteria. Project ranking is based on the following criteria: Safety and Security, Mobility (including maximizes operational efficiency and expands traveler choice/improves quality of alternative modes), Environmental Quality,

Asset Preservation/Conditions; and Livability/Prosperous Places. Each project evaluation criteria has a unique definition, rating scale and weight. The purpose of this phase is to ensure that comments received from the public are incorporated into the final list of projects.

- **Programming** – Programming is identifying funding for projects in the STIP/TIP that cover a six year period. Programming includes providing project-related information such as a description; an approximate cost, phasing and proposed source of funding of the project. Most projects follow a logical phased sequence (e.g.: study, followed by design, followed by construction).
- **Final Project List** – The final project list is sent to the MPO in response to its call for projects. Projects are submitted in two stages. The first project submission occurs in December and includes which affect air quality conformity; the second project submission is for those projects that do not affect air quality conformity.

### **Public Participation**

DDOT supports a proactive public involvement at all stages of planning and project development. Its performance standard for proactive public involvement process include early and continuous involvement, reasonable public availability of technical and other information, collaborative input on alternatives, evaluation criteria and mitigation needs, open public meetings where matters related to federal-aid highway programs are being considered, and open access to decision making processes prior to closure. In this regard, DDOT adheres to a fairly planned involvement process ensuring continuity of equity for all of its citizens, with a focus on Environmental Justice, such that it requires DDOT to take care to ensure that particular communities are not overlooked, especially low-income and minority populations when it comes to the benefits of transportation improvements. DDOT takes reasonable measures to ensure that these populations are not subject to disproportionately high and adverse effects that are sometimes associated with transportation projects.

DDOT's Public Involvement Plan (PIP) provides a process that ensures opportunities for the public to be involved in all phases of the transportation process, from planning to implementation. Effective public involvement in the planning process and project development can alert DDOT about Environmental Justice concerns so that they do not result in surprises during the project development stage. Continuous interaction between community members and DDOT staff is critical to successfully identify and resolve potential Environmental Justice and other community concerns.

When transportation projects have the potential for creating adverse impacts on minority and low-income populations, special efforts are made to involve representatives from affected groups on citizen advisory groups. Various techniques may be required to provide effective notice to such groups of informational meetings and public hearings. DDOT has long been committed to ensuring the opportunity for public involvement in



the transportation planning and decision-making process. DDOT public involvement process involves the following:

- Providing complete information about DDOT's activities
- Timely public notification
- Full access to key decision-makers
- Early and continuing involvement in the development of transportation plans and programs
- Outreach programs for all stakeholders
- Addressing Title VI and Environmental Justice provisions
- Continuous interaction with ANC's and other community organizations regarding DDOT's project plans

The demographic information is used to examine the distributions across these groups of the benefits and burdens of the transportation improvements. This information is included in the Transportation Improvement Plan (TIP), which DDOT uses in lieu of a State Transportation Improvement Plan (STIP). Imbalances are determined by reviewing the economic impact, value of services provided to the effected community, environmental impact, and community input. DDOT uses this information and reviews it to ensure "service equity" for any group covered by Title VI or the Executive Order on Environmental Justice. DDOT receives support achieving these goals from District Agencies such of the District Department of Environment.

Furthermore, all DDOT staff involved in the planning and review process for the TIP are required to review FTA's and FHWA's guidance on ensuring non-discriminatory action/impact in the transportation planning process. The guidance includes:

- Title VI and Title VI- Dependent Guidelines for Federal Transit Administration Recipients" (FTA C 4702.1A, May 13, 2007);
- U.S. Department of Transportation's Title VI regulations (49 CFR part 21);
- Policy Guidance related to Limited English Proficient ("LEP") Persons (70 FR 74087, December 14, 2005); and
- FHWA Desk Reference: Title VI Nondiscrimination in the Federal Aid Highway Program

## **VIII. COMPLIANCE MONITORING AND REVIEWS**

### **A. Internal Reviews of Program Areas**

#### **Annual Compliance Reviews**

DDOT maintain procedures for the annual review of the key program areas in accordance with 23 CFR 200.9.

In compliance with Title VI program requirements, DDOT conducts internal reviews of each of the key program areas on an annual basis:

- A. Office of the Director
  - a. Contracting and Procurement
- B. Policy, Planning and Sustainability Administration
  - i. Planning
  - ii. Environment
  - iii. Right-of-Way
  - iv. Research
- C. Progressive Transportation Services Administration
- D. Infrastructure Project Management Administration
- E. Urban Forestry Administration
- F. Public Space Regulation Administration

#### **Annual Review Procedures**

OCR utilizes an online compliance questionnaire (via [www.surveymonkey.com](http://www.surveymonkey.com)) as the primary compliance tool for conducting the annual reviews. In September of each year, OCR emails the Title VI Advisory Taskforce members a link to a program-area specific questionnaire. Program area staffs have two weeks to complete the online survey and submit results to OCR.

Once the survey has been submitted, the Title VI Coordinator reviews the questionnaires and supporting data to ascertain the program area's compliance with Title VI requirements. Each program receives an annual score based on fulfillment of applicable requirements.

The scorecards are emailed to the Associate Directors and Title VI Advisory Taskforce members in October of each year. The Title VI Coordinator meets jointly with the Taskforce members and Associate Directors to review the results, discuss findings, identify deficiencies and make recommendations to improve and enhance compliance

activities.

If deficiencies or potential violations are found to exist, the Title VI Coordinator will notify the Chief, OCR and the program area will have 90 days to address the deficiencies; during with time the Title VI Coordinator will provide technical assistance and work collaboratively with program area staff to achieve voluntary compliance.

If the program area fails or refuses to voluntarily comply within the allotted timeframe, then the Title VI Coordinator will notify the Chief, OCR and the DDOT Director as needed, and make recommendations to bring the program area into compliance, including allocating additional resources or providing other directions and guidance. If the program area is unable to correct its deficiencies following action(s) taken by the Chief, OCR and/or the DDOT Director, the Title VI Coordinator will indicate the deficiencies in the annual Title VI Program Report submitted to FHWA.

## **B. Sub-recipient reviews**

Title VI sub-recipient compliance reviews are performed by the agency's Title VI Coordinator and OCR staff in coordination with DDOT program-area staff. The purpose of a Title VI compliance review is to determine whether sub-recipients (entities that receive federal assistance through DDOT, including 'pass-through' assistance) are in compliance with requirements under applicable federal and state regulations.

The Title VI sub-recipient compliance reviews are the principal vehicle used for determining whether sub-recipients are meeting their obligations to ensure nondiscrimination and not operating in a discriminatory manner. In accordance with Federal regulations, DDOT must ensure that DDOT's sub-recipients do not discriminate in the selection and retention of contractors, including those whose services are retained for, or incidental to, construction, planning, research, highway safety, engineering, property management, fee contracts and other commitments with person for services and expenses incidental to the acquisition of right-of-way.

The Title VI Coordinator ensures sub-recipient compliance with Title VI by conducting pre-award reviews, post-award reviews, and complaint investigations. Pre-award and post-award reviews may take the form of a desk-audit and/or an on-site review. The information gathered during the review is used to evaluate the sub-recipient's efforts to comply with program requirements and to identify deficiencies or violations that require the agency to take further action. When deficiencies or violations are found to exist as a result of a pre-award or post-award review, the first priority is to secure voluntary compliance. The Title VI Coordinator may recommend that the applicant take preventive measures to ensure that discrimination will not occur in their program as a condition of receiving federal funds. The Title VI Coordinator and OCR staff will also identify and provide technical assistance to sub-recipients as part of a proactive approach to achieve voluntary compliance.

### **Deficiencies, remedies and sanctions**

When voluntary compliance procedures have been unsuccessful in bringing a sub-recipient into compliance, DDOT is authorized to impose sanctions, up to and including refusal to grant or termination of funds.

### **Complaint Investigations**

In addition to pre-award and post-award reviews, OCR staff investigate sub-recipients against whom they have received complaints alleging violations of Title VI or other Federal civil rights statutes. Depending on the nature of the complaint, the investigation may take the form of an on-site review(s), and will be based on current judicial, administrative, and legislative interpretations of Title VI. The Chief, OCR will submit a written report on each complaint and its investigation to FHWA.

For more information on DDOT's complaint procedures, please refer to section IX.

### **Outreach and education**

OCR staff provides outreach and education to inform its sub-recipients of their obligations and rights under Title VI. These outreach efforts include:

- Summarizing the requirements of Title VI
- Noting the availability of Title VI information from the recipient and the Federal funding agency
- Explaining the procedures for filing a complaint
- Using other forms of public distribution, such as pamphlets, handbooks, manuals, and the use of the print or broadcast media to disseminate Title VI and civil rights information.
- Providing information on the recipient's program in non-English languages as needed

### **Technical assistance**

OCR staff provides technical assistance to its sub-recipients in an effort to meet general reporting requirements and prevent or correct discriminatory practices and activities. The provision of technical assistance is integral to the voluntary compliance process.

Technical assistance may include:

- Providing sample Title VI outreach materials, including sample notices to the public informing beneficiaries of their rights under Title VI and procedures for filing a complaint
- Providing sample Title VI complaint procedures
- Explaining procedures for data collection and resources for obtaining demographic information
- Providing sample grant applications
- Helping sub-recipients establish an advisory board
- Conducting trainings, workshops and conferences for both sub-recipients and beneficiaries

## **Example of information provided to sub-recipients:**

### **DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION (DDOT) TITLE VI COMPLIANCE PROCESS FOR SUB-RECIPIENTS**

#### **A. Overview**

DDOT is a recipient of federal financial assistance. As a recipient, DDOT is required to comply with Title VI of the Civil Rights Act of 1964, as amended and other nondiscrimination laws and authorities. Title VI of the Civil Rights Act of 1964, and other directives prohibit agencies receiving federal funds from discriminating against anyone or any group in the United States on grounds of race, color, national origin, sex, age or disability. The Civil Rights Restoration Act of 1987 defined the word “program” to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal financial assistance, rather than just the particular programs or activities that receive the funds. The United States Department of Transportation and Federal Highway Administration Regulations 49 CFR, Part 21 and 23 CFR, Part 200, respectively, and other applicable orders and authorities provide guidelines, actions and responsibilities for DDOT’s implementation of the Title VI program. These laws and regulations include but are not limited to the following:

- The 1970 Uniform Act (42 U.S.C. 4601)
- Section 504 of the 1973 Rehabilitation Act (29 U.S.C. 790)
- The Federal-Aid Highway Act of 1973 (23 U.S.C. 324)
- The 1975 Age Discrimination Act (42 U.S.C. 6101)
- Executive Order 12898 on Environmental Justice (EJ)
- Executive Order 13166 on Limited English Proficiency (LEP)

In brief, these laws and regulations prohibit discrimination in federally assisted programs and activities. Title VI of the Civil Rights Act of 1964 states that:

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

#### **B. Monitoring of Sub-recipient Activities**

Sub-recipients must submit a Title VI Plan to the DDOT Office of Civil Rights (OCR) within thirty (30) days of notification of selection. Firms that do not have a current report on file with DDOT, will also be required to submit a Title VI Plan within thirty (30) days of this notification. You have the option of submitting these document electronically to [Jordyne.Blaise@dc.gov](mailto:Jordyne.Blaise@dc.gov), or by mail at the address indicated on page five (5) of this notice. The Title VI Coordinator will review the information provided and contact you regarding your compliance status. An on-site review may be scheduled within the same

time frame to confirm information provided in the Title VI Plan. The applicable DDOT program manager will also receive a copy of your Title VI Plan.

The Title VI Coordinator may request additional information and/or recommend corrective actions to secure the sub-recipient's voluntary compliance with applicable laws and regulations. The VI Coordinator may also randomly schedule an onsite compliance review at the sub-recipient's office or worksite. If deficiencies are identified, the sub-recipient will have 90 days from receipt of the letter of deficiency to voluntarily bring their program into full compliance. If compliance cannot be achieved within the allotted time frame, the sub-recipient may be found in noncompliance and DDOT is authorized to cease negotiations, withhold payments, cancel, terminate, or suspend the contract or agreement in whole or part.

**What your Title VI Plan should include:**

The Title VI Plan should give an overview of the sub-recipients policies and procedures in place to ensure nondiscrimination. At a minimum, the sub-recipient's Title VI Plan should include the following requirements from Chapter IV of the Title VI circular:

- **General information** about the company/organization, including contact information, mission statement and description of services provided.
- **A nondiscrimination policy statement**, including specific discriminatory practices that are prohibited. The policy statement should be signed by the top official or designee.
- **Requirement to Provide an Annual Title VI Certification and Assurance.** Applicants must submit their annual Title VI assurance as part of their annual Certification and Assurance submission to FTA. DDOT collects Title VI assurances from subrecipients prior to passing through FTA funds.
- **A description of organization and staffing**, including the civil rights unit. Smaller entities may not have a civil rights unit but may designate an individual to perform this function. Provide the name, title, and contact information regarding the individual(s) responsible for Title VI compliance. Also, include a description of your organization's staffing structure, including the name, race, gender, title and description of each employee. Provide an organizational chart.
- **A description of Title VI training provided and/or attended, or planned.** Please indicate the purpose of the training and list the participants. If the organization has not attended Title VI training and/or needs assistance in providing training to its sub-recipients, please contact the DDOT Office of Civil Rights for available training options.
- **Data Collection.** Data collection is the primary means by which DDOT can monitor whether its program funds are reaching the communities that need assistance. Please describe what types of data are collected on your program(s)

and program beneficiaries, the processes in place to collect this data, and how this data is used to ensure nondiscrimination and promote equity in your program(s).

Types of data include (as applicable), but are not limited to:

- Demographic on the population served or eligible to be served
  - Primary language(s) spoken by population(s) served or likely to be served, and the number of interactions with limited and non-English proficient persons.
  - The race, color, and national origin of the members of any planning or advisory body that is an integral part of the program.
  - Number and type of civil rights complaints received.
- ***Requirement to Develop Title VI Complaint Procedures.*** In order to comply with 49 CFR Section 21.9(b), DDOT and subrecipients must develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public upon request.
    - **Complaint procedures.** Sub-recipients must have a process to handle Title VI complaints of discrimination. These procedures apply to complaints filed pursuant to Title VI of the Civil Rights Act of 1964. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited by Title VI may file a written complaint with your organization. A complaint must be filed within one hundred eighty (180) days of the alleged occurrence, or when the alleged discrimination became known to the complainant. Attached is a Title VI brochure to assist in outlining your procedures for complaints. These procedures should be incorporated into your program and documentation should be maintained. **All complaints should be acknowledged upon receipt and submitted to the DDOT Office of Civil Rights within five days of receipt for processing.** A copy of the complaint should be maintained for your files. Information regarding complaint procedures should be readily available when requested.
  - ***Requirement to Record Title VI Investigations, Complaints, and Lawsuits.*** In order to comply with 49 CFR Section 21.9(b), DDOT and subrecipients must prepare and maintain a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipient and/or subrecipient that allege discrimination on the basis of race, color, or national origin. This list shall include the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by DDOT or subrecipient in response to the investigation, lawsuit, or complaint.
  - ***Requirement to Provide Meaningful Access to LEP Persons.*** Title VI and its implementing regulations require that FTA recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other

important portions of their programs and activities for individuals who are Limited English Proficient (LEP). DDOT and subrecipients can ensure the LEP persons have meaningful access to their programs and activities by developing and carrying out a language implementation plan.

- ***Requirement to Notify Beneficiaries of Protection Under Title VI.*** In order to comply with 49 CFR Section 21.9(d), DDOT and subrecipients must provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. DDOT and subrecipients that provide transit service shall disseminate this information to the public through measures that can include but shall not be limited to a posting on the agency's Web site.
- ***Requirement to Provide Additional Information Upon Request.*** At the discretion of FTA, information may be requested, in writing, from DDOT or subrecipient to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.
- ***Requirement to Prepare and Submit a Title VI Program.*** FTA requires DDOT to report certain general information to determine compliance with Title VI. The collection and reporting of this program constitute DDOT's Title VI Program. To ensure compliance with 49 CFR Section 21.9(b), FTA requires that DDOT document its compliance by submitting a Title VI Program to FTA's regional civil rights officer once every three years.
- ***Guidance on Promoting Inclusive Public Participation.*** In order to integrate, into community outreach activities, considerations expressed in the DOT Order on Environmental Justice, and the DOT LEP Guidance, DDOT and subrecipients must seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities. Each agency's public participation strategy must offer early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions.
  - ***Public Involvement.*** Describe what efforts are made to notify the public of your programs and services, as well as their rights under Title VI. Include efforts made to ensure protected populations (minorities, low-income groups, limited and non-English proficient communities, disabled person, etc.) are afforded meaningful opportunities to participate in your programs and obtain services. Also, specifically describe what services and accommodations are provided to ensure meaningful access to your programs and services by limited and non-English proficient individuals and individuals with disabilities.
- ***Requirement to Prepare and Submit a Title VI Program.*** FTA requires DDOT to report certain general information to determine compliance with Title VI. The collection and reporting of this program constitute DDOT's Title VI Program. To ensure compliance with 49 CFR Section 21.9(b), FTA requires that DDOT



document its compliance by submitting a Title VI Program to FTA’s regional civil rights officer once every three years.

- **Minority Representation on Planning and Advisory Bodies.** Title 49 CFR Section 21.5(b)(1)(vii) states that DDOT and subrecipients may not, on the grounds of race, color, or national origin, “deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.” Subrecipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which is selected by the subrecipient, must provide a table depicting the racial breakdown of the membership of those committees, and a description of efforts made to encourage the participation of minorities on such committees.
- **Requirement to Prepare and Submit a Title VI Program.** FTA requires that DDOT and its subrecipients document their compliance with DOT’s Title VI regulations by submitting a Title VI Program to their FTA regional civil rights officer once every three years or as otherwise directed by FTA. The Title VI Program for DDOT and its subrecipients must be approved by the subrecipient’s board of directors or appropriate governing entity or official(s) responsible for policy decisions prior to submission to FTA. Subrecipients must submit a copy of the board resolution, meeting minutes, or similar documentation with the Title VI Program as evidence that the board of directors or appropriate governing entity or official(s) has approved the Title VI Program.

## **B. PRE-AWARD AND POST-AWARD REVIEWS**

Compliance reviews are the principle vehicle used for determining whether you are meeting your obligations to ensure nondiscrimination. OCR will conduct compliance reviews on annual basis or immediately following receipt of a complaint. The reviews may take the form of either a desk-audit or an on-site review. The information gathered during the review process is used to evaluate the sub-recipient’s efforts to comply with program requirements and to identify deficiencies or violations that require DDOT to take further action. Each year, OCR in coordination with the applicable DDOT program office will develop annual schedules for conducting reviews. Priority will be given to reviews specifically requested by Federal Highway Administration.

There are two types of reviews:

### **1. Pre-award Review**

The following information will be requested from all potential sub-recipients. **NOTE: If you have not previously submitted this information to DDOT as part of a pre-award review, please submit along with your Title VI Plan within thirty (30) days of this notification.**

- A profile of current workforce by race and sex, using the EEO-4 job groups.
- A profile of projected personnel, by race and sex, to be used for this contract or agreement, including those that will not be reimbursed directly from federal funds. Use the EEO-4 job categories that have been provided.
- All pending and closed discrimination complaints for the past year.
- Statement describing any civil rights compliance reviews conducted in the past two years.
- If available, a copy of an affirmative action plan pertaining to the applicant's employment practices.
- Brief description of any pending applications for federal financial assistance.

**The Job Narratives Description and Forms 3 and 4 should be used in conjunction with the requirements stated above.**

2. Post-award Review

Once a sub-recipient has received federal funds, OCR will review the sub-recipient periodically, at minimum once yearly, to review compliance with Title VI. Post-award reviews may also arise from deficiencies, violations identified during pre-award reviews and/or complaints filed.

The Title VI Coordinator will give notice to the sub-recipient in writing, at least two (2) weeks prior to an on-site compliance review. Once the review has been completed, the sub-recipient will be informed in writing of the outcome of the review. If the Title VI Coordinator identifies deficiencies, OCR will make every effort to secure voluntary compliance through an informal resolution process.

When voluntary compliance procedures have been unsuccessful in bringing a sub-recipient into compliance, DDOT is authorized to impose sanctions, up to and including refusal to grant or termination of funds.

**D. Construction Projects Using FTA Funds**

No construction projects have commenced during the reporting period. One project is planned, but may not take place. Because the project has not commenced, DDOT has not applied the analysis established in Chapter IV, Section 8 of FTA's Title VI Circular. DDOT will update the plan if the project does commence.

1. Project number: DC-03-0044-00  
 Project Area: Columbus Circle Renovation  
 Projected Duration: FY2012

## IX. TITLE VI COMPLAINT PROCEDURES

### Overview

These procedures apply to complaints filed pursuant to Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (implementation through 23 C.F.R. 200.9) by DDOT's beneficiaries and sub-recipients, including but not limited to the public, contractors, subcontractors, consultants and other sub-recipients of Federal and State funds. Title VI complaints filed against a DDOT sub-recipient(s) are processed and investigated by the District Department of Transportation, Office of Civil Rights, 55 M Street SE, Third Floor, Washington, D.C. 20003. Non transit related Title VI complaints that identify DDOT as the respondent will be forward to the Federal Highway Administration for processing and investigation; transit related complaints filed against DDOT will be forwarded to the Federal Transit Administration.

The DDOT Office of Civil Rights (OCR) will make every effort to resolve the complaint within DDOT; however, these procedures do not deny or limit the right of a Complainant to file a formal complaint with an outside enforcement agency (U.S. Department of Transportation, FHWA or FTA) or to seek private counsel for complaints alleging discrimination based on race, color, or national origin sex, age or disability. Retaliation is also prohibited. Please note however, FTA only accepts complaints based on race, color, and national origin under Title VI. FTA accepts disability complaints under a separate program.

- Race is defined as an individual belonging to one of the accepted anthropological racial groups; or perception, based usually on physical characteristics that a person is a member of a racial group.
- Color is defined as the color of the skin, including shade of skin within a racial group.
- National Origin is one's birth site. Citizenship is not a factor. Discrimination based on language or a person's accent is also covered.
- Sex includes gender, sexual harassment and pregnancy. Sex applies to both women and men.
- Age covers person of any age.
- Disability covers physical or mental impairment, permanent or temporary, or perceived.
- Intimidation or retaliation includes threats, coercion, or discrimination against any individual for the purpose of interfering with any rights or privilege because he/she made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing pursuant to Title VI

The identity of every Complainant will be kept confidential, except to the extent necessary to carry out the purpose of 49 CFR 21.11. Every effort will be made to obtain early resolution of complaints at the lowest possible level. The option of informal mediation between the affected parties and the investigator may be utilized at any stage

of the process. The investigator will make every effort to pursue a resolution of the complaint. Information regarding requested relief and settlement opportunities will be sought during the initial interviews with Complainant and Respondent.

The following processing procedures will outline appropriate steps for both transit and non-transit related complaints. Transit related complaints are any complaints alleging discrimination that are directly related to any local public transit systems.

### **Transit Related Complaint Processing Procedures**

1. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited by Title VI may file a written complaint with OCR. A formal complaint must be filed within **one hundred eighty (180) days** of the alleged occurrence, or when the alleged discrimination became known to the Complainant. The Complainant must meet the following requirements:
  - i. Complaint should be in writing and signed by Complainant(s);
  - ii. Identify the date of the alleged act of denial or refusal to provide information or access to DDOT's beneficiaries' programs and services (date when Complainant(s) became aware of the alleged discrimination or the date on which that conduct was discontinued or the latest instance of the conduct);
  - iii. Present a detailed description of the issues, including the names and job titles of those individuals perceived as parties of the alleged incident;
  - iv. Allegations received by fax or e-mail will be acknowledged and processed;
  - v. Allegations received by phone will be reduced to writing and provided to Complainant for him/her to complete, sign and return to OCR for processing.
  - vi. Alleged discrimination must be based on race, color, or national, origin.
2. A complaint can be received in person, in writing or over the telephone by OCR. Complaints received over the telephone will be reduced to a written description and must be signed by the Complainant prior to taking further action.
3. OCR will determine jurisdiction, acceptability, need for additional information, and the investigative merits of the complaint.
4. Acceptance of complaints will be determined by the following:
  - i. Whether the complaint is timely filed;
  - ii. Whether the allegations involve a covered basis, such as race, color, or national origin;
  - iii. Whether the allegations involve a program or activity of DDOT;
  - iv. Whether the allegations involve a DDOT beneficiary, i.e., sub-recipient or contractor, and,

- v. Complainant(s)'s acceptance of a reasonable resolution consistent the DDOT's administrative authority.
5. A complaint may be dismissed for the following reasons.
  - i. Complainant requests the withdrawal of the complaint.
  - ii. Complainant fails to respond to repeated attempts for additional information needed to process the complaint.
  - iii. Complainant cannot be located after reasonable attempts, and
  - iv. A mutually agreed upon informal resolution and/or settlement of all claims.
6. Complaints filed against DDOT will be forwarded to the Federal Transit Administration for processing and investigation.
7. OCR staff will pursue informal resolution of complaints whenever practicable. Therefore, OCR staff will discuss offers by recipients to reach informal resolution, and will, to the extent appropriate, endeavor to facilitate an informal resolution process that actively involves the stakeholders.
8. Upon receipt of the signed complaint, the Title VI Coordinator (hereinafter "Coordinator") will log the complaint, determine the basis of the complaint, the authority and jurisdiction that the complaint would fall under, and who should conduct the investigation.
9. Title VI complaints will be processed and investigated by the Coordinator or other staff trained in investigations.
10. The first step in conducting the investigation will be the preparation of an investigation plan, identifying the below-mentioned process.
  - Basis of the complaint
  - Issues to be addressed
  - Information needed to answer the questions posed by the issues (what actually happened, who was involved, past practices, etc.)
  - Sources from which the information will be obtained (witnesses, written documents, etc.)
  - How the information will be obtained (telephone interviews, travel to other offices, review of records, etc.)
  - Projected timeline for completion
11. The Complainant within five (5) working days of the receipt of a signed original complaint will be notified and provided with a notice of investigatory use form, outlining his/her rights, a consent form for release of information about Complainant's identity, the name of the individual conducting the investigation, and the anticipated deadline for completion.

12. One of the first steps in the investigation will be to meet with Complainant to clarify the issues, obtain additional information and determine if informal resolution might be possible.
13. The Complainant will be informed that he/she has a right to have a representative present during the interview and can submit any documentation relevant to proving the allegations in his/her complaint, including the names of witnesses to the alleged incidents.
14. The Chief, OCR, will be notified about the complaint.
15. The Respondent (individual or entity alleged to have discriminated) will be notified of the complaint within **ten (10) calendar days** of the receipt of a complaint and will be informed regarding his/her right to representation and provided an opportunity to provide any relevant rebuttal evidence within **fifteen (15) calendar days** from the receipt of the notice of a complaint.
16. An attempt will be made to resolve the complaint informally or through mediation within the **first thirty (30) days of the receipt date**. When feasible or necessary, the resolution will provide a means for monitoring for compliance. The parties are also notified that OCR may reopen a complaint if it is learned that a party has not complied with the terms of the settlement agreement.
17. If it is determined that an informal resolution is not feasible, the investigator will proceed with the steps outlined in the investigation plan (interview witnesses, obtain written documentation, etc.)
18. After completing the investigation, information will be evaluated and a written report prepared, if appropriate. The report shall contain the following elements:
  - A description of the allegation(s);
  - A summary of the investigation;
  - Relevant facts (findings); and
  - Supporting documents attached, when appropriate.
19. The written investigation report will be submitted to the Chief, OCR and/or DDOT's Performance Officer (reports on employment related complaints will be sent to both the Civil Rights Chief and the Chief Performance Officer) within forty (40) days of the time that the complaint was received (if circumstances require additional time, a status report will be submitted).
20. The investigator will meet with the Chief, OCR to discuss the findings and what further action may be appropriate.
21. The Complainant and Respondent shall be notified in writing of the results of the

investigation.

22. If the decision is adverse to Complainant, he/she shall be notified of the right to file a complaint directly with FTA, Office of Civil Rights, 1200 New Jersey Ave SE, Washington, DC 20590.
23. OCR shall maintain Title VI complaint files for a minimum of **three (3) years from the date of initial filing.**

For additional information regarding these procedures or to file a complaint, please contact the DDOT Title VI Coordinator, Jordyne Blaise, by phone at 202-671-5117 or email: [Jordyne.Blaise@dc.gov](mailto:Jordyne.Blaise@dc.gov). You may also contact the office via mail:

District Department of Transportation  
Attn: Title VI Coordinator  
Office of Civil Rights  
55 M Street SE, 3<sup>rd</sup> Floor  
Washington, D.C. 20003.

### **Non-Transit Related Complaint Processing Procedures**

1. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited by Title VI may file a written complaint with OCR. A formal complaint must be filed within **one hundred eighty (180) days** of the alleged occurrence, or when the alleged discrimination became known to the Complainant. The Complainant must meet the following requirements:
  - i. Complaint should be in writing and signed by Complainant(s);
  - ii. Identify the date of the alleged act of denial or refusal to provide information or access to DDOT's beneficiaries' programs and services (date when Complainant(s) became aware of the alleged discrimination or the date on which that conduct was discontinued or the latest instance of the conduct);
  - iii. Present a detailed description of the issues, including the names and job titles of those individuals perceived as parties of the alleged incident;
  - iv. Allegations received by fax or e-mail will be acknowledged and processed;
  - v. Allegations received by phone will be reduced to writing and provided to Complainant for him/her to complete, sign and return to OCR for processing.
2. A complaint can be received in person, in writing or over the telephone by OCR. Complaints received over the telephone will be reduced to a written description and must be signed by the Complainant prior to taking further action.

3. OCR will determine jurisdiction, acceptability, need for additional information, and the investigative merits of the complaint.
4. Acceptance of complaints will be determined by the following:
  - vi. Whether the complaint is timely filed;
  - vii. Whether the allegations involve a covered basis, such as race, color, or national origin;
  - viii. Whether the allegations involve a program or activity of DDOT;
  - ix. Whether the allegations involve a DDOT beneficiary, i.e., sub-recipient or contractor, and,
  - x. Complainant(s)'s acceptance of a reasonable resolution consistent the DDOT's administrative authority.
5. A complaint may be dismissed for the following reasons.
  - v. Complainant requests the withdrawal of the complaint.
  - vi. Complainant fails to respond to repeated attempts for additional information needed to process the complaint.
  - vii. Complainant cannot be located after reasonable attempts, and
  - viii. A mutually agreed upon informal resolution and/or settlement of all claims.
6. Complaints filed against DDOT will be forwarded to Federal Highway Administration for processing and investigation. Transit related complaints filed against DDOT will be forwarded to the Federal Transit Administration for processing and investigation.
7. OCR staff will pursue informal resolution of complaints whenever practicable. Therefore, OCR staff will discuss offers by recipients to reach informal resolution, and will, to the extent appropriate, endeavor to facilitate an informal resolution process that actively involves the stakeholders.
8. Upon receipt of the signed complaint, the Title VI Coordinator (hereinafter "Coordinator") will log the complaint, determine the basis of the complaint, the authority and jurisdiction that the complaint would fall under, and who should conduct the investigation.
9. Title VI complaints will be processed and investigated by the Coordinator or other staff trained in investigations.
10. The first step in conducting the investigation will be the preparation of an investigation plan, identifying the below-mentioned process.
  - o Basis of the complaint
  - o Issues to be addressed



- Information needed to answer the questions posed by the issues (what actually happened, who was involved, past practices, etc.)
  - Sources from which the information will be obtained (witnesses, written documents, etc.)
  - How the information will be obtained (telephone interviews, travel to other offices, review of records, etc.)
  - Projected timeline for completion
11. The Complainant within five (5) working days of the receipt of a signed original complaint will be notified and provided with a notice of investigatory use form, outlining his/her rights, a consent form for release of information about Complainant's identity, the name of the individual conducting the investigation, and the anticipated deadline for completion.
  12. One of the first steps in the investigation will be to meet with Complainant to clarify the issues, obtain additional information and determine if informal resolution might be possible.
  13. The Complainant will be informed that he/she has a right to have a representative present during the interview and can submit any documentation relevant to proving the allegations in his/her complaint, including the names of witnesses to the alleged incidents.
  14. The Chief, OCR, will be notified about the complaint.
  15. The Respondent (individual or entity alleged to have discriminated) will be notified of the complaint within **ten (10) calendar days** of the receipt of a complaint and will be informed regarding his/her right to representation and provided an opportunity to provide any relevant rebuttal evidence within **fifteen (15) calendar days** from the receipt of the notice of a complaint.
  16. An attempt will be made to resolve the complaint informally or through mediation within the **first thirty (30) days of the receipt date**. When feasible or necessary, the resolution will provide a means for monitoring for compliance. The parties are also notified that OCR may reopen a complaint if it is learned that a party has not complied with the terms of the settlement agreement.
  17. If it is determined that an informal resolution is not feasible, the investigator will proceed with the steps outlined in the investigation plan (interview witnesses, obtain written documentation, etc.)
  18. After completing the investigation, information will be evaluated and a written report prepared, if appropriate. The report shall contain the following elements:
    - A description of the allegation(s);
    - A summary of the investigation;

- Relevant facts (findings); and
  - Supporting documents attached, when appropriate.
19. The written investigation report will be submitted to the Chief, OCR and/or DDOT's Performance Officer (reports on employment related complaints will be sent to both the Civil Rights Chief and the Chief Performance Officer) within forty (40) days of the time that the complaint was received (if circumstances require additional time, a status report will be submitted).
  20. The investigator will meet with the Chief, OCR to discuss the findings and what further action may be appropriate.
  21. The Complainant and Respondent shall be notified in writing of the results of the investigation.
  22. If the decision is adverse to Complainant, he/she shall be notified of the right to file an appeal with the FHWA. Appeals filed under Title VI and Section 504 may be made to either the U.S. Department of Transportation or the Federal Highway Administration.
  23. The appeal notice must be made to the Chief of the Civil Rights Office at DOT, within fourteen (14) days of the receipt of OCR's final report.
  24. The appeal must specifically cite the portion(s) of the finding with which the Complainant disagrees and his/her reasons for the disagreement.
  25. Copies of all Title VI complaints and investigative reports will be sent to the FHWA DC Division Office within sixty (60) days of receipt of the complaint. If, for some reason, the investigation cannot be completed within this timeframe, a status report shall be submitted to FHWA at this stage and the report shall follow upon completion.
  26. OCR shall maintain Title VI complaint files for a minimum of **three (3) years from the date of initial filing.**

For additional information regarding these procedures or to file a complaint, please contact the DDOT Title VI Coordinator, Jordyne Blaise, by phone at 202-671-5117 or email: [Jordyne.Blaise@dc.gov](mailto:Jordyne.Blaise@dc.gov). You may also contact the office via mail:

District Department of Transportation  
Attn: Title VI Coordinator  
Office of Civil Rights  
55 M Street SE, 3<sup>rd</sup> Floor  
Washington, D.C. 20003



Date Received \_\_\_\_\_  
 Received By \_\_\_\_\_

**THE GOVERNMENT OF THE DISTRICT OF COLUMBIA  
 DEPARTMENT OF TRANSPORTATION**



**TITLE VI COMPLAINT FORM**

The District of Columbia Department of Transportation is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964, as amended.

Title VI complaints must be filed within 180 days from the date of the alleged discrimination. The following information is necessary to assist us in processing your complaint. If you require any assistance in completing this form, please contact the Title VI Coordinator by calling (202) 671-5117. The completed form must be returned to DDOT Office of Civil Rights, Title VI Coordinator, 55 M St. SE, 3<sup>rd</sup> Floor, Washington, DC 20003.

<b>COMPLAINANT INFORMATION</b>		
<b>First Name:</b>	<b>Last Name:</b>	<b>Mid. Initial:</b>
<b>Race:</b>	<b>Sex:</b>	
<b>Address:</b>		
<b>City/State/Zip:</b>		
<b>Tele (Home):</b>	<b>Tele (Work):</b>	<b>Email</b>
<b>REPRESENTATIVE (if applicable)*</b>		
<small>*OCR will accept third-party discrimination complaints on behalf of individuals who are either unable or reluctant to file a claim on their own behalf.</small>		
<b>First Name:</b>	<b>Last Name:</b>	<b>Mid. Initial:</b>
<b>Address:</b>		
<b>City/State/Zip:</b>		<b>Telephone/Fax:</b>
<input type="checkbox"/> <b>Attorney</b> <span style="margin-left: 200px;"><input type="checkbox"/> <b>Other</b> _____</span>		

**BASIS OF COMPLAINT\***

Please check all that apply:

- Race       Color       National Origin       Sex       Age       Disability       Retaliation

\*FTA only accepts claims based on race, color, or national origin under Title VI. Disability claims may be filed separately.

**DATE OF INCIDENT**

Date(s) of Incident(s):

**DESCRIPTION OF COMPLAINT**  
(Please attach a sheet if additional space is required)

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**Have you filed a complaint with any other federal, state or local agencies?**  Yes /  No  
 If yes, list agency / agencies and contact information below:

<b>Agency:</b>	<b>Contact Name:</b>
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<b>Address:</b>
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<b>City/State/Zip:</b>	<b>Telephone:</b>
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<b>Agency:</b>	<b>Contact Name:</b>
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<b>Address:</b>
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<b>City/State/Zip:</b>	<b>Telephone:</b>
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I affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

**Complainant's Signature** \_\_\_\_\_ **Date:** \_\_\_\_\_

## **List of Active Investigations or complaints alleging discrimination by recipient**

There are no active investigations conducted by entities other than FTA, lawsuit, or complaints naming the recipient and/or sub-recipient that allege discrimination on the basis of race, color, or national origin

In the last three years, there has been one complaint under Title VI. The complaint was forwarded to FHWA and later dismissed. DDOT has had no transit related complaints in the past three years.

## **Summary of all civil rights compliance reviews conducted by other state, local, or Federal agencies during the last 3 years**

The S.5310 Program underwent a State Management Review by FTA in May 2012.

### **X. TITLE VI TRAINING**

#### **A. Office of Civil Rights Staff**

OCR staff participate in training activities related to Title VI compliance requirements, enforcement policies and procedures, related civil rights statutes, and targeted program area trainings.

During FY08-FY10, staff participated in the following Title VI training courses:

1. The Title VI Coordinator and Chief, OCR completed the National Transit Institutes course: Equity Considerations, April 30 – May 1, 2008
2. The Title VI Coordinator completed the DOJ sponsored course: Conducting Title VI and LEP Investigations, June 24-25, 2008
3. The Title VI Coordinator completed the Federal Highway Administration course: Investigating External Complaints of Discrimination, July 14-17, 2008
4. The Title VI Coordinator attended the DOJ National LEP Conference, September 3, 2008
5. The Title VI Coordinator completed the NHI course: Context Sensitive Solutions Nov 5-7, 2008.
6. The Title VI Coordinator participated in the District's Language Access Policy Forum, July 15, 2009.
7. The Title VI Coordinator and the External EEO Compliance Manager attended the Southern Transportation Civil Rights Training Symposium and National Title VI Forum in Birmingham Alabama, Aug 18-20, 2009.

8. The Title VI Coordinator completed the National Highway Institute's course: Public Involvement.
9. The Title VI Coordinator completed the NHI's online course: Effective Communications in Public Involvement.
10. Title VI Coordinator and Chief, Office of Civil Rights attended NHI course: Project Development and NEPA Training, April 7-8, 2010.
11. Eight staff members in the Civil Rights attended the 2010 AASHTO National Civil Rights Training Symposium in Norfolk, VA, September 2010.

Staff are encouraged to seek out training opportunities provided by federal and local agencies, community organizations, etc. and make recommendations to the Chief, OCR.

## **B. Title VI Advisory Taskforce**

OCR developed a Title VI Briefing Presentation to provide basic training for members of the Title VI Advisory Taskforce (see Power Point slides following this section) The training included information on Environmental Justice and Limited-English-Proficiency program requirements. The Title VI Coordinators in conjunction with the Title VI Counselors facilitate this training.

The Title VI Coordinator facilitates regularly monthly meetings with the Taskforce. Briefings or trainings on specific components of Title VI program administration are incorporated into these meetings. Topics may include, but are not limited to:

- Integrating Equity Considerations into Planning
- Data collection strategies
- Environmental Justice Considerations
- Effective engagement of LEP individuals

## **C. Agency-wide Training**

OCR utilized the Title VI Briefing Presentation to train DDOT's Associate Directors and key program managers on Title VI compliance requirements. The training is tailored for specific program areas.

The Title VI Coordinator and Title VI Advisory Taskforce will continue to train DDOT staff in basic Title VI requirements each month over the course of the next twelve months. Program officials and key program managers not previously trained will be prioritized for upcoming sessions each year.



## **D. Program Area Training**

The Title VI Coordinator in conjunction with other OCR staff and the DDOT Training Office will provide targeted training for each program area as needed. The purpose of program area specific training is to increase staff awareness on Title VI and related requirements as it pertains to the more technical aspects of their programs and activities. Program area training may arise from needs specifically expressed by the program area, or as identified by the Title VI Coordinator. As appropriate and taking into consideration the availability of resources, external training vendors, individuals and consultants may be utilized to facilitate program specific trainings. Topics may include, but are not limited to:

- Conducting equitable relocation activities
- Assessing adverse and disproportionate impacts to EJ populations during the NEPA process
- Conducting community impact assessments

## **XI. DATA COLLECTION**

Statistical data on program beneficiaries (e.g., relocates, affected populations, participants, sub-recipients) will be gathered and maintained by DDOT. Data collection is the primary means by which DDOT can monitor whether its program funds are reaching the communities that need the assistance. Each of DDOT's program areas will be required to collect and maintain such data as it relates to their program and activities. OCR will work collaboratively with the Title VI Advisory Taskforce to manage the data collection process and identify strategies for integrating these requirements into existing activities and procedures. At a minimum the following data will be collected on program beneficiaries:

- Race
- Color
- National Origin
- Sex
- Disability
- English proficiency
- Income level

In analyzing the relative distribution of benefits and burdens of the transportation program on minority populations and low-income populations, the Policy, Planning and Sustainability Administration (PPSA), in conjunction with OCR and applicable program areas will collect the following data:

- community boundaries
- racial and ethnic make up
- income levels
- property taxes
- community services
- schools

- hospitals
- shopping areas
- existing transportation assets
- ADA compliant facilities

In addition to the categories of data described above, each program area is responsible for reporting:

- The manner in which services are provided by the program.
- Data regarding covered employment, including the use of bilingual employees to work with beneficiaries have limited English proficiency.
- The location of existing or proposed facilities and information regarding whether the location will have the effect of denying access to any person on the basis of prohibited discrimination.
- The race, color, and national origin of the members of any planning or advisory body that is an integral part of the program.
- Requirements and procedures designed to guard against unnecessary impact on persons on the basis of race, color, or national origin when relocation is involved.
- Number and nature of discrimination complaints received.

#### *Data Sources*

Data will be obtained from a variety of sources, including

- i. Surveys/accounts from public meetings
- ii. Data received from public comments
- iii. Data received from discrimination complaint form
- iv. Census bureau/American Community Survey Data
- v. DC Office of Planning data
- vi. GIS overlays
- vii. Community/neighborhood profiles
- viii. Data from Mayor’s outreach office (Office on Latino Affairs, Office on African Affairs, and Office on Asian and Pacific Islander Affairs)
- ix. Data from local school and school district boundaries
- x. Data and information from community leaders/organizations/local contacts
- xi. Data and information from public/social service agencies.

**For additional information on data collected by DDOT’s functional program areas, please see the DDOT Data Collection Matrix.**

#### *Sub-recipients*

OCR, in coordination with the Office of Contracting and Procurement and applicable program areas will collect data on DDOT’s contractors, subcontractors, and grantees.

Data to be collected includes, but is not limited to:

- Type of entity
- Grant Type
- Affirmative Action Plan
- Workforce Utilization Analyses
- Title VI Policy Statement and Assurances
- Complaints
- Summaries of applicable compliance reviews
- DBE participation
- Recruitment activities
- Civil Rights training activities
- Summary of Title VI violations, deficiencies

Data will be collected from sub-recipient during pre and post-award reviews, and during applicable civil rights compliance investigations. Each year, OCR will determine an annual schedule for reviewing sub-recipients' compliance with Title VI. Program areas with existing procedures for reviewing sub-recipient/sub-grantees that are independent of OCR activities, will report such data to OCR on an annual basis.

**DDOT Title VI Compliance Program  
Data Collection Matrix**

**Policy, Planning and Sustainability Administration (PPSA)**

<b>Title VI Compliance Areas</b>	<b>Data Collected by Program Area</b>	<b>Method of Reporting</b>	<b>Reporting Period</b>
<ul style="list-style-type: none"> <li>• Planning</li> <li>• Project Development</li> <li>• Environmental Justice</li> <li>• Public Space Permitting</li> <li>• Right-of-Way</li> <li>• Research</li> </ul>	Ethnic/Racial Makeup of Communities	<ul style="list-style-type: none"> <li>• GIS Demographic &amp; Project Maps</li> <li>• Census &amp; Office of Planning Data</li> </ul>	<ul style="list-style-type: none"> <li>• Annually/Biannually</li> <li>• Annually/Biannually</li> </ul>
	Demographic data on program beneficiaries	<ul style="list-style-type: none"> <li>• Title VI Public Event Form</li> <li>• Title VI Public Involvement Form for Meeting Attendees</li> <li>• Census &amp; Office of Planning Data</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly</li> <li>• Monthly</li> <li>• Annually/Biannually</li> </ul>
	Public Involvement data	<ul style="list-style-type: none"> <li>• Title VI Public Event Form</li> <li>• Title VI Public Involvement Form for Meeting Attendees</li> <li>• Meeting Evaluation Forms/Comment Cards</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly</li> <li>• Monthly</li> </ul>
	Language access data on program beneficiaries	<ul style="list-style-type: none"> <li>• Title VI Public Event Form</li> <li>• Title VI Public Involvement Form for Meeting Attendees</li> <li>• Language Line Data</li> <li>• Census &amp; Office of Planning Data</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly</li> <li>• Monthly</li> <li>• Quarterly</li> <li>• Annually/Biannually</li> </ul>
	Environmental Justice Impacts	<ul style="list-style-type: none"> <li>• Environmental Evaluation Screening Forms</li> <li>• EA/EIS Documentation</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly</li> <li>• Monthly</li> </ul>
	Public Space Permitting Activities	<ul style="list-style-type: none"> <li>• Public Space Permits Report</li> </ul>	<ul style="list-style-type: none"> <li>• Quarterly</li> <li>• Quarterly</li> </ul>
	Right-of-Way Acquisition Activities	<ul style="list-style-type: none"> <li>• Right-of-Way Acquisition Report</li> </ul>	<ul style="list-style-type: none"> <li>• Quarterly</li> </ul>
	Research Activities	<ul style="list-style-type: none"> <li>• Research Activities Report</li> </ul>	<ul style="list-style-type: none"> <li>• Quarterly</li> </ul>

**Progressive Transportation Services Administration (PTSA)**

<b>Title VI Compliance Areas</b>	<b>Data Collected by Program Area</b>	<b>Method of Reporting</b>	<b>Reporting Period</b>
<ul style="list-style-type: none"> <li>• Project Development</li> </ul>	Demographic data on program beneficiaries	<ul style="list-style-type: none"> <li>• Title VI Public Event Form</li> <li>• Title VI Public Involvement Form for Meeting Attendees</li> <li>• Census &amp; Office of Planning Data</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly</li> <li>• Monthly</li> <li>• Annually/Biannually</li> </ul>
	Public Involvement data	<ul style="list-style-type: none"> <li>• Title VI Public Event Form</li> <li>• Title VI Public Involvement Form for Meeting Attendees</li> <li>• Meeting Evaluation Forms/Comment Cards</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly</li> <li>• Monthly</li> <li>• Monthly</li> </ul>
	Language access data on program beneficiaries	<ul style="list-style-type: none"> <li>• Title VI Public Event Form</li> <li>• Title VI Public Involvement Form for Meeting Attendees</li> <li>• Language Line Data</li> <li>• Census &amp; Office of Planning Data</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly</li> <li>• Monthly</li> <li>• Quarterly</li> <li>• Annually</li> </ul>

**Transportation Operations Administration (TOA)**

<b>Title VI Compliance Areas</b>	<b>Data Collection</b>	<b>Methods</b>	<b>Reporting Period</b>
<ul style="list-style-type: none"> <li>• Service/Maintenance</li> <li>• Inspections</li> </ul>	Customer Service Requests	<ul style="list-style-type: none"> <li>• Service Request Performance Report</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly</li> </ul>
	Public Space Inspection Activities	<ul style="list-style-type: none"> <li>• Monthly Inspection Activities Report (Notice of Violation/Stop Work Order)</li> </ul>	<ul style="list-style-type: none"> <li>• Quarterly</li> </ul>

**Infrastructure Project Management Administration (IPMA)**

<b>Title VI Compliance Areas</b>	<b>Data Collected by Program Area</b>	<b>Method of Reporting</b>	<b>Reporting Period</b>
<ul style="list-style-type: none"> <li>• Project Development</li> <li>• Construction</li> </ul>	Demographic data on program beneficiaries	<ul style="list-style-type: none"> <li>• Title VI Public Event Form</li> <li>• Title VI Public Involvement Form for Meeting Attendees</li> <li>• Census &amp; Office of Planning Data</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly</li> <li>• Monthly</li> <li>• Annually/Biannually</li> </ul>
	Public Involvement data	<ul style="list-style-type: none"> <li>• Title VI Public Event Form</li> <li>• Title VI Public Involvement Form for Meeting Attendees</li> <li>• Meeting Evaluation Forms/Comment Cards</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly</li> <li>• Monthly</li> </ul>
	Language access data on program beneficiaries	<ul style="list-style-type: none"> <li>• Title VI Public Event Form</li> <li>• Title VI Public Involvement Form for Meeting Attendees</li> <li>• Language Line Data</li> <li>• Census &amp; Office of Planning Data</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly</li> <li>• Monthly</li> <li>• Quarterly</li> <li>• Annually</li> </ul>

**Urban Forestry Administration (UFA)**

<b>Title VI Compliance Areas</b>	<b>Data Collected by Program Area</b>	<b>Method of Reporting</b>	<b>Reporting Period</b>
<ul style="list-style-type: none"> <li>• Project Development</li> <li>• Service/Maintenance</li> </ul>	Demographic data on program beneficiaries	<ul style="list-style-type: none"> <li>• Title VI Public Event Form</li> <li>• Title VI Public Involvement Form for Meeting Attendees</li> <li>• Census &amp; Office of Planning Data</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly</li> <li>• Monthly</li> <li>• Annually/Biannually</li> </ul>
	Public Involvement data	<ul style="list-style-type: none"> <li>• Title VI Public Event Form</li> <li>• Title VI Public Involvement Form for Meeting Attendees</li> <li>• Meeting Evaluation Forms/Comment Cards</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly</li> <li>• Monthly</li> </ul>
	Language access data on program beneficiaries	<ul style="list-style-type: none"> <li>• Title VI Public Event Form</li> <li>• Title VI Public Involvement Form for Meeting Attendees</li> <li>• Language Line Data</li> <li>• Census &amp; Office of Planning Data</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly</li> <li>• Monthly</li> <li>• Quarterly</li> <li>• Annually</li> </ul>
	Customer Service Requests	<ul style="list-style-type: none"> <li>• Service Request Performance Report</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly</li> </ul>



**Office of Civil Rights (OCR)**

<b>Title VI Compliance Areas</b>	<b>Data Collection</b>	<b>Methods</b>	<b>Reporting Period</b>
<ul style="list-style-type: none"> <li>• Title VI Program Administration</li> </ul>	Title VI Complaints	<ul style="list-style-type: none"> <li>• Complaint Log</li> </ul>	<ul style="list-style-type: none"> <li>• Updated Continuously</li> </ul>
	Sub-recipient Data	<ul style="list-style-type: none"> <li>• Sub-recipient Title VI Plan</li> <li>• Pre-award Reviews</li> <li>• Post-award Reviews</li> </ul>	<ul style="list-style-type: none"> <li>• Annually</li> <li>• Prior to award</li> <li>• Annually or following receipt of complaint</li> </ul>

## **XII. PUBLIC PARTICIPATION PLAN**

DDOT supports a proactive public involvement at all stages of planning and project development. Its performance standard for proactive public involvement process include early and continuous involvement, reasonable public availability of technical and other information, collaborative input on alternatives, evaluation criteria and mitigation needs, open public meetings where matters related to federal-aid highway programs are being considered, and open access to decision making processes prior to closure. In this regard, DDOT adheres to a fairly planned involvement process ensuring continuity of equity for all of its citizens, with a focus on Environmental Justice, such that it requires DDOT to take care to ensure that particular communities are not overlooked, especially low-income and minority populations when it comes to the benefits of transportation improvements. DDOT takes reasonable measures to ensure that these populations are not subject to disproportionately high and adverse effects that are sometimes associated with transportation projects.

### **Purpose**

DDOT's Public Involvement Plan (PIP) provides a process that ensures opportunities for the public to be involved in all phases of the transportation process, from planning to implementation. Effective public involvement in the planning process and project development can alert DDOT about Environmental Justice concerns so that they do not result in surprises during the project development stage. Continuous interaction between community members and DDOT staff is critical to successfully identify and resolve potential Environmental Justice and other community concerns.

Moreover, when transportation projects have the potential for creating adverse impacts on minority and low-income populations, special efforts are made to involve representatives from affected groups on citizen advisory groups. Various techniques may be required to effectively notify such groups of informational meetings and public hearings. DDOT has long been committed to ensuring the opportunity for public involvement in the transportation planning and decision-making process. DDOT public involvement process involves the following.

- Providing complete information about DDOT's activities
- Timely public notification
- Full access to key decision-makers
- Early and continuing involvement in the development of transportation plans and programs
- Outreach programs for all stakeholders
- Addressing Title VI and Environmental Justice provisions
- Continuous interaction with ANC's and other community organizations regarding DDOT's project plans

### **Method and Aspects of Public Participation**

Public participation means participation in planning by people (public) outside of DDOT staff, committees, and board members; by citizens of the District of Columbia area, including low-income and minority populations. It is a process of taking part in transportation planning and decision-making that affects the community.

DDOT's efforts to secure participation are targeted to individuals and entities that could be significantly affected by transportation plan recommendations or could significantly influence implementation. Stakeholders include, but are not limited to: the general public; low-income, minority and disabled communities; ANC's and other neighborhood representatives; special transportation interest groups, and local officials.

Why does DDOT need to involve the public in the Transportation planning process?

- The public has the right to have a strong voice in all matters of public policy, including planning.
- Planning staff, consultants and local officials need comments from those who know the community best: the people who live and work there.
- Involvement informs and educates the public about transportation planning and creates an informed community, which in turn leads to better planning.
- Participation gives the public a sense of ownership of the plan. It fosters cooperation among the public and between them and DDOT.
- Participation by the public minimizes adverse impacts.

DDOT's Public Involvement Plan contains the following elements:

Involvement Opportunities: Provides the opportunity for the public to be involved in phases of the planning process.

Communication: Establish mechanisms for maintaining communications between the public and local officials via methods including mailings, listservs, legal ads, displays, website/webpages, newsletters and mass and diverse media outlets. DDOT's website and related project websites are an easy way for the public to quickly obtain information about ongoing project and activities in their community, ask questions and voice comments and concerns.

Information: Ensures that technical information is available and in simplified user-friendly formats. Vital information and documents may be translated into a variety of foreign languages depending on the area of distribution and intended audience.

Response to Public input: Public comments are promptly responded to through phone calls and letters. The names of individuals and groups are placed on DDOT's listserv(s)

in order to receive follow-up information or documentation on specific projects and activities.

Advisory Committees: DDOT utilizes ANCs, Citizen and Technical Advisory Committees to engage stakeholders during planning and project development and ensure concerns are seriously considered in the decision-making process.

### **Section I: Public Participation Process**

DDOT has a proactive public involvement process; DDOT provides a public comment period prior to the adoption of key transportation plans and programs. The comment periods vary depending on DDOT's projects. DDOT has procedures in place to inform the public about how, when, and where they may participate. Public notification is described in greater detail in Section II.

### **Section II: Public Education**

DDOT continually educates the public on the existence of its resources and what it means for them. Without this education the other activities mentioned within the context of this Public Involvement Plan (PIP) would be less effective. The following are ongoing activities used by the DDOT staff to educate the citizens of the District of Columbia.

- Compilation of education packets/brochures for distribution at public meetings, public offices, agencies and posted on DDOT's and the District of Columbia's websites.
- DDOT staff attends community and ward-based meeting to make presentations on DDOT's ongoing and upcoming activities and projects.
- Distribution of "I Speak" cards for limited-English or non-English speaking citizen.
- Language Access Line.
- Public Meeting Calendar posted on DDOT's and the District of Columbia's websites.
- DDOT's project related websites/webpages

Official notification of meetings, hearings or other significant events is provided in the following manner:

- Newspaper publication notifying the public of the opportunity to review documents and provide input will be posted at least 20 days prior to a public hearing related to adopting a transportation plan or program. The time frames for certain public notifications may vary depending on the project. The public notice

explains where the public can view information on a particular proposed transportation plan or program and how they can provide input. For public meetings, as much advance notice as possible is provided with a minimum of 30 days for most projects, however, some time frames may vary depending on the construction project.

- All public notices are published as a block advertisement in the legal section of the Washington Times, the Informer and other minority papers.
- Notification of Technical Advisory Committee and ANC meetings run in local or community newspapers.
- DDOT's website and Mayor's Citywide Calendar.

In addition to the public notices published in the newspaper, DDOT also uses the following techniques to disseminate the information to the public:

- Information regarding meetings and events as well as current document releases is placed on DDOT's and the District of Columbia websites and project related websites/webpages.
- DDOT uses listservs to disseminate information to individuals and groups
- An email listing is used to send direct mailing to individuals and groups.
- Public service announcements and interviews on radio and cable television local community channels to explain the subject matter and promote public participation.
- Articles and press releases for newspapers, community papers, minority papers and other widely circulated publications.
- Use of ANCs and other interest groups for citizen outreach and community involvement.
- Informal presentations at opens houses, neighborhood sites, and other community forums.
- Mailings to select individuals, groups or organizations that have expressed interest or made comments at meetings.
- Distributions of brochures and flyers.

## DDOTs Public Involvement 2010-2012

### Public Meetings/Events by Host/Attend

Host or Attend	# Mtgs/Events
Total Hosted	54
Total Attended	76
Total Reported	130

### Public Meetings/Events by Ward

Ward	Total
1	18
2	38
3	2
4	14
5	8
6	28
7	14
8	8

### DDOT Hosted Meeting/Events by Methods used to Advertise

Methods to Advertise	# Mtgs/Events Used
Listserv	50
Fliers	46
DDOT Website	44
Newspaper	30
Minority Newspaper	28
Project Website	8
Mayor Constituency Offices (Off. Latino Affairs, etc.)	8
Other	6
ANC Commissioners	4
Phone bank	4
WMATA Website	2
Community Mtgs	2
Press Release	2
Multiple Methods	56

### DDOT Hosted Meetings/Events by Attendee Race/Ethnicity\*

Race/Ethnicity	# Attendees	% Attendees	% of Population**
Black / African American			54%
White / Caucasian			40%
Hispanic			9%
Asian			3%

American Indian / Alaskan Native			<
Native Hawaiian / Pacific Islander			

\*Demographic statistics were reported for 34 of the 39 DDOT hosted mtgs/events.

\*\* US Census Bureau, 2008 Populations Estimates, District of Columbia

**DDOT Hosted Meetings/Events by Language Services Provided**

<b>Language Service</b>	<b>Number of Meetings Provided</b>	<b>Languages</b>
Written Translation	16	2
Oral Interpretation	36	2

## **Title VI Nondiscrimination Policy**

District of Columbia Department of Transportation (DDOT) policy is to assure that no person shall on the grounds of race, color, national origin, age, sex, or disability as provided in Title VI of the Civil Rights Act of 1964 and other related statutes (implementation through 23 CFR 200.9 and/or 49 CFR 21), be excluded from participation in, or be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which DDOT received federal financial assistance. Specific discriminatory practices that are prohibited include, but are not limited to: denying an individual any service, financial aid or benefit provided under the program to which he or she might otherwise be entitled; making distinctions in the quality, quantity, or manner in which the service or benefit is provided; or segregating or separately treating individuals in any matter related to the receipt of any service aid or benefit on the basis of race, color, national origin, age, sex, or disability.

To the greatest extent allowed by law, DDOT ensures equity in its administration, programs and policies that affect human health and the environment so as to identify and avoid disproportionately high and adverse impacts on minority and low-income populations. In addition, DDOT promotes meaningful access to services for persons with limited-English proficiency.

DDOT further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs are federally funded or not. Furthermore, in the event that DDOT distributes Federal-aid funds to another entity, DDOT will include Title VI language in all written agreements and will monitor for compliance.

Title VI compliance is a condition of receipt for Federal funds. DDOT Administrators and the Title VI Coordinator are authorized to ensure compliance with the provisions of this policy and the law, including the requirements imposed by or pursuant to 23 CFR 200.9 and/or 49 CFR 21.

For more information about your rights under Title VI and other related statutes or to file a complaint, please contact DDOT's Office of Civil Rights at (202) 671-5117.

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Terry Bellamy, Director  
District Department of Transportation

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Date



### **Section III: Access to Information**

DDOT provides the public with reasonable and timely access to technical and policy information relating to the data or content used in the development of transportation plans, programs and projects. Documents are available for public inspection at DDOT headquarters, DDOT's website and project related websites/webpages, and at the project site office (is applicable).

### **Section IV: Public Meetings**

DDOT holds public meetings for planning activities, corridor studies, Environmental Assessments and Environmental Impact Statements, and during all phases of project development. Public meetings are held in every ward in the District of Columbia for the purpose of engaging the public in the decision-making process, soliciting ideas, input and feedback. Meetings are held at locations that are accessible and convenient for community members and individuals facing barriers to access, some examples include schools, churches and community centers. The intent of holding public meetings at diversified locations is to solicit broad public comment.

In addition to hosting public meetings, DDOT program managers and other staff members attend ANC meetings, community events, and citywide events across the city in order to expand outreach to community members and effectively target hard-to-reach groups and individuals.

Notice of public hearings and public informational meetings will be disseminated as listed in Section II. Notices are provided to ANCs and other groups representing minority and low-income populations and DDOT makes requests that they provide their members with meeting notice and information.

Special arrangements are made to accommodate persons with disabilities, low-income, and people who do not speak English. For meetings with individuals without transportation and the disabled, DDOT will schedule meetings during the times when public transit and para-transit services are operating or will make special arrangements to ensure that individuals have an opportunity to access transportation to the meetings. Interpreters will be provided at public meetings as needed. Office of Civil Rights maintains a blanket purchase order to enable use of interpreters on short notice and on an as needed basis.

### **Section V: Opportunities for Participation**

DDOT takes a proactive approach for providing the opportunity to the public to be involved early, with continuing involvement in all phases of the planning process. Extensive public notice will be undertaken for public meetings and hearings as listed in Section II and access to information as listed in Section III. Prior to the beginning of the

public participation process, a list of names and organizations will be developed from DDOT's listservs and ANC contacts. These individual and organizations will be contacted on a continuing basis to serve as a base of interested citizens for input and comment. The public get access information about all of DDOT's planning and project development activities, including the development of the TIP, on DDOT's website and projected related websites/webpages. The public also has the opportunity to send comments and questions directly to DDOT program staff via the website.

### **Section VI: Response to Public Input**

Responses to questions and comments from the public concerning the public participation process, draft transportation plans, programs, or public agency consultation process will be made a part of the final plan. Rationale for policy decisions will be made available to the public in writing if requested. The public can send comments to DDOT program staff and receive responses via DDOT's website and project related websites/webpages.

### **Section VII: Title VI Advisory Task Force**

Title VI Advisory Taskforce has been developed to advise program managers and staff in preparation and review of program participation plans, transportation plans, programs and related matters.

### **Section VIII: Title VI Requirements**

As part of the transportation planning process to meet the requirements of Title VI, and to better serve the community, DDOT reaches out to members of the low-income, minority, and disadvantaged communities to ensure participation. Localized meetings to discuss transportation issues will be held periodically to encourage participation. The public can easily access information and comment on the TIP and other planning and project development activities via DDOT's website and project related websites/webpages. Public notifications outlined in Section II will be conducted in an attempt to get the word out about upcoming meetings and hearings via a number of methods. Citizens that make comments or express interest at a public meeting will be put on a mailing list to be notified of other meetings and any proposed actions. For those without transportation and the disabled, DDOT will hold meetings and public hearings during times when public transit and para-transit service is available. A reasonable attempt will be made to notify organizations representing minority and disabled people and a request will be made that they provide their members with meeting notice and information.

### **Section IX: Follow-up and continuing efforts through Planning to Development**

The public involvement process starts at the planning stage and continues through development, efforts encompass:

- Outreach to the public to inform the community about DDOT's plan
- Efforts to seek community comments and suggestions
- Advertisements- in newspapers, websites, fliers

- Community Meetings
- Grass roots efforts, door to door notices
- Survey Form/Public Comments (Reports)
- Public access to drawings, plans, etc.
- Efforts to accommodate the community (Mitigation Efforts)

DDOT's public involvement plan establishes the basic techniques for disseminating information and documents to the public and engaging its citizens in interactive discussions about the transportation process. Office of Civil Rights will begin to quantify the results of the public involvement efforts and make that information available in the future. In addition, DDOT staff will continue to research new and innovative ways to further involve the public in its transportation process.

### **XIII. LIMITED ENGLISH PROFICIENCY PLAN**

DDOT is committed to engaging individuals from diverse backgrounds, cultures and languages in its transportation process. According to the 2000 Census, the Washington Metropolitan area is ranked 7<sup>th</sup> out of the top 10 metropolitan areas with the largest foreign-born population. The top 5 LEP groups within the District are (in order): Spanish, French, Chinese, Vietnamese, and Amharic. While the Korean community is not listed within the aforesaid groups, the District has a large community of Korean businesses. In consideration, DDOT's transportation objectives focus on the top 6 LEP groups, including the Korean population to ensure effective access, outreach and quality.

#### **Definition**

Limited-English-Proficient (LEP) individuals are individuals who do not speak English as their primary language AND who have a limited ability to read, speak, write or understand English. Similarly, Non-English-Proficient (NEP) individuals are individuals who cannot speak, read, write or understand English at all.

#### **Authority**

Executive Order (EO) 13166-Improving Access to Services for Persons with Limited English Proficiency is directed at implementing the protections afforded by Title VI of the Civil Rights Act of 1964 and related statutes. Accordingly, it prohibits recipients of Federal financial assistance from discriminating based on national origin, or by failing to provide meaningful access to individuals that are LEP. This protection requires that LEP persons be provided an equal opportunity to benefit or have access to services that are normally provided in English. Moreover, the District of Columbia enacted the D.C. Language Act in 2004, to give greater access and participation in public services, programs, and activities for its LEP and NEP individuals. In accordance with this Act, DDOT is required to appoint an agency Language Access Coordinator, develop and submit a Biennial Language Access Plan and quarterly compliance reports to the DC Office of Human Rights.

## Determining when Language Assistance Services are Required

Federal and local guidance on LEP requirements recommend a Four Factor Analysis to determine if and to what extent language assistance services should be provided. The following criteria should be considered as part of this analysis:

1. The number and proportion of LEP person in the eligible service area;
2. The frequency with which LEP persons come into contact with the program;
3. The importance of the service provided by the program; and
4. The resources available to the recipient.

The Title VI Coordinator (also the agency's Language Access Coordinator) had conducted a Title VI Four Factor Analysis in accordance with FTA's publication "Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, A Handbook for Public Transportation Providers Prepared by: The Federal Transit Administration Office of Civil Rights April 13, 2007"

## XIV. FOUR FACTOR ANALYSIS

### **Factor 1: Identify the NEP/LEP Population in the Geographic Area Served**

DDOT has identified the NEP/LEP population within its geographic boundaries using the 2006-2008 American City Survey data.

According to the languages spoken data provided in the 2006-2008 American City Survey data, the languages spoken by the population 5 years and over is:

<b>LANGUAGE</b>	<b>NUMBER</b>	<b>PERCENT</b>
<b>Population 5 years and over</b>	<b>552,746</b>	<b>100.0</b>
Speak only English	472,111	83.2
Speak a language other than English	80,635	16.8
<b>Speak a language other than English</b>	<b>80,635</b>	<b>16.8</b>
Spanish or Spanish Creole	40,766	9.2
French (incl. Patois, Cajun)	8,036	1.7
African languages <sup>2</sup>	6,606	1.0
Chinese	2,675	0.5
German	2,354	0.5
Arabic	1,175	0.4

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<sup>2</sup> The category "African languages" includes Ibo, Twi, Yoruba, Bantu, Swahili, Amharic, and Somali.

<b>LANGUAGE</b>	<b>NUMBER</b>	<b>PERCENT</b>
Italian	1,417	0.3
Vietnamese	1,059	0.3
Tagalog	1,087	0.3
Russian	969	0.2
Portuguese or Portuguese Creole	1,318	0.2

**Linguistically isolated population for the District of Columbia**

Total:	248,590
English	201,324
Spanish:	22,498
Linguistically isolated	5,999
Not linguistically isolated	16,499
Other Indo-European languages:	15,321
Linguistically isolated	1,940
Not linguistically isolated	13,381
Asian and Pacific Island languages:	5,031
Linguistically isolated	1,512
Not linguistically isolated	3,519
Other languages:	4,416
Linguistically isolated	854
Not linguistically isolated	3,562

According to the 2006-2008 American City Survey data, 95.8% of the population of the District of Columbia is considered English proficient. 4.2% of the population is either NEP/LEP. Using data from the 2006-2008 American City Survey data, DDOT has identified various concentrations of NEP/LEP and/or linguistically isolated population areas within its geographic boundaries. DDOT works closely with community groups to ensure that the NEP/LEP population is serviced in their spoken language. DDOT is aware that the NEP/LEP population in the District of Columbia is growing.

**Factor 2: The Frequency with Which NEP/LEP Individuals Come into Contact with DDOT’s programs, activities, and services**

A. Record of contacts with the NEP/LEP population

DDOT is required to provide the District of Columbia Executive Office of the Mayor with a report on its contacts with the NEP/LEP population on a biennial basis. Contact with the NEP/LEP population includes but is not limited to:

- Contact with transit vehicle operators;
- Calls to the agency’s customer service telephone line;
- Visits to the agency’s headquarters;
- Access to the agency’s website;
- Attendance at community meetings or public hearings hosted by your agency;
- Contact with DDOT’s ADA complementary paratransit system (including applying for eligibility, making reservations, and communicating with drivers); and
- Requests from the NEP/LEP population for translation of essential documents

For the FY11-FY12 period, DDOT experiences with the LEP/NEP population was as follows:

Languages	Number of LEP/NEP served in FY09				Total Number of LEP/NEP constituents served in FY11
	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	
Spanish	13	16	22	17	68
Korean			8		8
Arabic		1	6	1	8
Mandarin			1		1
French Canadian	1				1
Urdu		2			2
Amharic		1		1	1

Languages	Number of LEP/NEP served in FY10				Total Number of LEP/NEP constituents served in FY12
	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	
Spanish	6	7	5	1	19
Korean	1				1
Mandarin			1		1
French			1		1
Amharic		1	1		2
Russian			2		2

**B. Plan for providing services to the NEP/LEP population**

According to DDOT’s reporting data, DDOT has infrequent contacts with the NEP/LEP population. There were no instances of daily contact with the NEP/LEP population during the FY11 and FY12 period. Based on the frequency of contact with the NEP/LEP population, DDOT has identified a plan for ensuring that members of the NEP/LEP

population are able to receive services in their spoken language. DDOT has a contract for live translation services through Language Line Services. DDOT has identified the employees most likely to experience contact with the NEP/LEP population are trained in how to make use of translation services.

DDOT also provides “I speak cards” during public meetings in areas identified as having an above average number of linguistically isolated households. According to ACS data (2006-2008), of the 26,321 persons in DC that spoke English less than “very well,” 16,912 spoke Spanish, 1,393 spoke French, 1,236 spoke Chinese, and 1,366 spoke Amharic. Other languages had less than 1,000 LEP and NEP individuals. The “I speak cards” provided to LEP/NEP individuals are available in Spanish, French, Korean, Vietnamese, Amharic and Chinese. These cards instruct the NEP/LEP population that free translation services are available upon request. DDOT has also identified a list of essential documents that have been translated into the non-English languages most frequently encountered in the District of Columbia.

DDOT updates its Language Access Plan on a biennial basis. The most recent Biennial Language Access Plan provides a detailed approach to ensuring that the NEP/LEP population receives the same level of service as the English speaking population. Though the detailed plan is not a required element of the Four Factor analysis, DDOT has included a copy of the Biennial Language Access Plan for your edification.

#### C. The programs, activities, and services with which LEP persons most frequently come in contact

According to the data collected on contacts with the NEP/LEP population, DDOT most frequently encounters the NEP/LEP population while providing the following programs, services, and activities:

1. School Transit Subsidy Program
2. Public Planning Meetings
3. Public Space Permitting
4. Public Transportation Services
5. Transportation Safety Projects (bicycle safety, child seat subsidy program)
6. Office of the Director

DDOT uses the information gathered from its contacts with the NEP/LEP population, including interview and surveys from NEP/LEP community groups to determine how frequently LEP persons use transit service, and what modes of service or particular routes are used most frequently. DDOT’s detailed plan for community outreach and interviews with the NEP/LEP population can found in the Biennial Language Access Plan.

### **Factor 3: The Importance of Your Program, Activities and Services to LEP Persons**

#### A. Identification of DDOT’s most critical services

DDOT's core Title VI services are identified in section VI of this document beginning on page 15. DDOT has identified the following critical services which would have serious consequences for the NEP/LEP population if language barriers prevent a person from benefiting from the activity.

### 1. Policy, Planning, and Sustainability Administration (PPSA).

PPSA administers the DDOT public safety outreach programs including pedestrian safety programs, bicycles safety programs, seatbelt usage, driving under the influence, districted driving, and child safety seat usage. DDOT's review of its contacts with the NEP/LEP population shows that the NEP/LEP population does take advantage of many of the public safety programs available particularly the bicycle safety and free child seat programs. If language barriers prevent a person from participating in these transportation safety programs, members of the NEP/LEP population may be at increased risk of harm while making use of the transportation infrastructure.

PPSA also conducts public meetings to share information and gather input from the community on proposed transportation and development projects. DDOT uses the community meetings to best determine how to provide services and what the potential impacts of construction/development will be on the community. If language barriers prevent a person from participating in community meetings, DDOT may lose access to information that may help remain in compliance with Title VI.

PPSA administers the public space permitting operations. Persons who wish to make use of the public right of way, must submit an application for such use. If language became a barrier to services, then members of the NEP/LEP population would face great difficulty in gaining a permit to operate a business in public space, begin construction or renovations on a structure, or make use of public space for association or demonstrations.

### 2. Progressive Transportation Services Administration (PTSA).

PTSA is responsible for planning the District's public transportation services. This includes identifying bus routes, train routes, providing transportation subsidies, and assisting PPSA in planning transportation infrastructure. The majority of DDOT's NEP/LEP contacts with the NEP/LEP population is related to PTSA's school transportation subsidy program. If language barriers prevent a person from participating in PTSA's services, those individuals may be without access to public transportation. This could result in geographic isolation from health services, employment opportunities, and education.

### 3. Transportation Operations Administration (TOA).

TOA maintains the public transportation infrastructure and manages the majority of the agency's public contact positions. TOA administers the Roadway Operations Crew, which assists motorists who are dealing with mechanical issues related to their means of transportation. TOA administers the School Crossing Guard program, and the Traffic



Control Officer program. Each of the aforementioned programs provide transportation safety services to the general public including the NEP/LEP population.

4. Office of the Director (OD)

OD is responsible for the oversight and management of DDOT. OD receives, tracks, and responds to service requests, answers FIOA requests, and responds to requests for general information. OD is responsible for all press releases and notices of transportation service interruptions. OD is also responsible for creating and advising the population of the Emergency Evacuation Plan. If language barriers prevent a person from participating in OD services the NEP/LEP population would lose access to valuable information and resources to assist them in the exercise of their rights under Title VI. If traffic advisory of emergency evacuation planning information is not accessible to the NEP/LEP population, or if language services in these areas are delayed, the consequences to these individuals could be life threatening.

**Factor 4: The Resources Available to the Recipient and Costs**

Relative to other State DOTs, the District of Columbia is relatively small geographically<sup>3</sup> and in terms of total population.<sup>4</sup> As a result, the District of Columbia’s heterogeneous population is fairly close to the language resources. This removes the geographic hurdle many larger states face in getting language services to those in need.

DDOT keeps record of the contacts it has with the NEP/LEP population on an annual basis. As discussed in the analysis for Factor 2, DDOT had only 119 total NEP/LEP contacts during Fiscal Years 2009 and 2010.

Estimated cost of providing Language Assistance Services the NEP/LEP Population

Fiscal Year	Live Translation Services	Document Translation Services	Staff (Title VI Coordinator)	Misc Administrative costs (supplies)	Total
2009	410.93	189.85	56246.00	500 budgeted	57,346.78
2010	235.98	241.36	56246.00	500 budgeted	57,223.34

DDOT is fortunate to have many resources at its disposal to assist with language access. DDOT has partnered with community groups, embassies, and various District of Columbia Government Agency’s to meets its language access goals. DDOT receives tremendous support from the Office on Latino Affairs, the Office on Asian and Pacific Islander Affairs, the Office on African Affairs, and the Office of Human Rights in conducting outreach programs and providing translation services to the NEP/LEP community.

<sup>3</sup> The District of Columbia is 68.3 square miles.

<sup>4</sup> Total population of 552,746 according to the 2006-2008 American City Survey data.

As noted in Factor 2, DDOT recognizes that the NEP/LEP population in the District of Columbia is growing. However, there is no reason to believe that DDOT lacks the necessary resources to continue to provide language access service to the NEP/LEP population. The agency budget has not been a hindrance to providing services and there is no reason to think that will change. DDOT's position is that the cost of providing language access services to the NEP/LEP population is reasonable and can be attained with the current budget and resources available.

## **XV. ENVIRONMENTAL JUSTICE**

### **A. Introduction**

On February 11, 1994, President Clinton signed Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The Executive Order requires Federal agencies to achieve environmental justice (EJ) by identifying and addressing disproportionately high and adverse human health and environmental effects, including the interrelated social and economic effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EO 12898 and related DOT and FHWA Orders on EJ, expound upon the principles of Title VI of the Civil Rights Act of 1964 (Title VI) and related statutes emphasizing non-discrimination and equity considerations in the environmental and transportation decision-making processes. The nondiscrimination requirements of Title VI extend to all programs and activities of District Department of Transportation (DDOT) and its respective sub-recipients and contractors, therefore EJ requirements apply to all DDOT projects, including those which do not involve Federal-aid funds.

There are three fundamental environmental justice principles:

- To 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.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

### **B. Integrating EJ in the NEPA Process**

The identification and analysis of disproportionately high and adverse human health or environmental effects on minority populations and low-income populations should occur throughout the NEPA process, from the initial phases of the screening analysis through the consideration and communication of all alternatives and associated mitigation

measures. Potential impacts to the human environment should drive the processing option decision as much as potential impacts to the natural environment. Impacts to both the natural and human environment are to be given comparable consideration throughout transportation decision-making.

Specific actions to integrate EJ considerations into the NEPA process include:

- Analyzing environmental effects, including human health, economic, and social effects on minority populations and low-income populations when such analysis is required by NEPA;
- Ensuring that mitigation measures outlined or analyzed in Environmental Assessments (EAs), Environmental Impact Statements (EISs), and Record of Decisions (RODs), whenever feasible, address disproportionately high and adverse environmental effects or proposed actions on minority populations and low-income populations; and
- Providing opportunities for community input in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving accessibility to public meetings, official documents, and notices to affected communities.

It is critical to note that while EO 12898 on Environmental Justice specifically identifies minority populations and low-income populations as the focus of consideration, Title VI and related non-discrimination statutes also prohibit discrimination on the basis of race, color, national origin (includes limited English proficiency), sex, disability, and age. Throughout the NEPA process, special efforts must be taken to ensure that project impacts do not adversely affect individuals and populations belonging to any of the aforementioned protected categories.

### **C. General methodology**

The following section provides guidance for identifying and addressing EJ impacts throughout the NEPA process.

#### **Incorporating Environmental Justice into NEPA's Scoping Process**

The identification of EJ concerns and the incorporation of these concerns into the scoping analysis can help to ensure that the NEPA process is fully utilized to address concerns and enhance protections for EJ populations.

Scoping consists of identifying and defining the range of actions, alternatives and impacts which will be considered in an environmental impact statement. During the scoping phase of the EIS process, DDOT must consider connected, cumulative and similar actions to the proposed action, identify alternatives to the proposed action that may mitigate or avoid potential environmental consequences, and assess potential impacts (direct, indirect, and cumulative.) A similar planning process is used for EAs.

### *Environmental Justice Screening Process*

The objective of an environmental justice analysis is to assess the extent to which the benefits and costs of a proposed transportation system change would be experienced differentially by protected populations and other member of society.

A 2-step screening analysis is the first step in identifying environmental justice concerns by determining the existence of a low-income and/or minority population, and should occur as soon as the proposed action is well understood; around the time planning for scoping begins for EISs and planning begins for EAs. The 1<sup>st</sup> step in the analysis is to determine if the potentially affected community includes minority and/or low-income populations. The 2<sup>nd</sup> step in the analysis is to determine if the human health and environmental impacts are likely to fall disproportionately on minority and low-income members of the community and/or tribal resources.

#### **Determine Characteristics of the General Population**

Using the most recent U.S. Census data, determine the demographic and income characteristics of the general population. For projects without a major impact on regional transportation (for example: bridge reconstruction), an acceptable “general population” could be defined by geopolitical boundaries such as a city or county. However, for major projects (those with a sizable influence on regional transportation, such as a new corridor), it is best to define a project-specific general population—that is, the total population that would be affected, positively or negatively, by the project. For example, for commuter routes, one may use the project’s “travelshed,” the area in which the majority of the facility’s users reside, as the general population. Key data for this analysis include racial characteristics and median household income. This data are best presented in a table or other delineated format, or illustrated by a GIS graphic.

#### **Determine the Project’s Area of Influence**

Impacts within the project’s area of influence can include human health impacts such as noise and air quality, environmental degradation, impacts on community cohesion, or displacement and relocation impacts. The impact area can be determined using the project area or “footprint” of the project (this will determine the displacements and right-of-way acquisition associated with the project). Other relevant areas of influence include the 67-dB noise contour (noise impacts) or the project “viewshed” (the area visually impacted by the project). The area of influence is project specific and based on that project’s associated impacts. For example, in the case of major roadway construction through a residential area, one of the major impacts of concern would likely be noise; thus, using defined noise contours to determine the population that would be subjected to noise levels above the 67-dB contour would be a reasonable “area of influence.”

In limited instances, particularly on large or urban projects, environmental justice (EJ) impacts could affect an entire community rather than just the immediate project area. This would occur when the impacts to a low-income community or minority group adjacent to a project damage the area as a whole (e.g., removal of

a large enough number of affordable housing units so that there is no longer a sufficient amount of affordable, community-wide housing).

### **Determine the Impacted Population's Characteristics**

To determine the presence of an EJ population, first determine the impacted population's (i.e., population within the area of influence) characteristics. Using U.S. Census data available for block groups or other small geographic areas such as quarter-sections, determine the impacted population's racial/ethnic and income characteristics. Other social program participation, such as school lunch programs, can be helpful in determining income characteristics of a defined population. Determine if the incomes in the area fall below the poverty levels established by the U.S. Department of Health and Human Services (DHHS).

In addition to data derived from the U.S. Census and social program participation, also consider the use of local knowledge, public input, field surveys, and customer surveys in your analysis. These methods can assist in better defining small or emerging populations as well as lend new perspectives on how impacts may be experienced by different segments of the populations.

### **Compare Impacted Population to General Population**

Compare the characteristics of the general population to those of the impacted population to determine whether there is a disproportionate impact. A table listing the two populations' appropriate demographic characteristics is the clearest way to compare the populations. A GIS graphic should also be considered to represent the comparison.

### **Addressing and Mitigating Impacts to EJ populations**

If the environmental justice screening analysis does not identify minority communities or low-income communities, and suggest no disproportionately high and adverse effects on those communities, then the EA and FONSI should describe the analysis and note the conclusion.

If the initial screening identifies an effected community that is minority and/or low-income or identifies a disproportionately high and adverse effect upon a minority and/or low-income community, then a smaller scale scoping analysis (than that undertaken for an EIS) should be conducted and some level of public participation should be designed and implemented to solicit community involvement and input, and to develop alternatives and mitigation methods. Mitigations measures should be developed and alternatives should be crafted so as to allow an evaluation of the relative disproportionate nature of impacts across reasonable alternatives. The EA should also include a comparative socioeconomic analysis that is scaled and tailored to evaluate the potential effects to the minority and/or low-income community (i.e. in the case of environmental justice concerns, the EA should include socioeconomic analyses scaled according to the severity of the impacts.)

All reasonably foreseeable adverse social, economic, and environmental effects on minority populations and low-income populations must be identified and addressed. As defined in DOT Order 5610.2 on Environmental Justice, adverse effects include, but are not limited to:

- Bodily impairment, infirmity, illness, or death.
- Air, noise, and water pollution and soil contamination.
- Destruction or disruption of man-made or natural resources.
- Destruction or diminution of aesthetic values.
- Destruction or disruption of community cohesion or a community's economic vitality.
- Destruction or disruption of the availability of public and private facilities and services.
- Vibration.
- Adverse employment effects.
- Displacement of persons, businesses, farms, or nonprofit organizations.
- Increased traffic congestion, isolation, exclusion, or separation of minority or low-income individuals within a given community or from the broader community.
- The denial of, reduction in, or significant delay in the receipt of benefits of DDOT programs, policies, or activities.

If the environmental effects of a project are deemed significant, the scoping notices (including the notice of intent for EIS) should include a description of the results of the environmental justice screening analysis. If the results of the screening analysis is not a minority community or low-income community and the effects are not likely to fall disproportionately on a minority community and/or low income community, then the scoping notice should state this finding and request additional information on whether there may be disproportionately high and adverse effects that were overlooked during the screening analysis.

If the environmental justice screening analysis concludes that there is a potential for disproportionately high and adverse effects, then DDOT staff should ensure that the EIS scoping process raises environmental justice concerns and that sufficient data and information are generated to evaluate the potential effects. Prior to the full-scale scoping process, public outreach strategies should be developed.

In the event that a disproportionately high and/or adverse effect has been identified, and impact avoiding measures are not reasonable, consider mitigation measures. Working with community agencies and relevant not-for-profit groups can help determine

appropriate mitigation strategies. Mitigation measures include enhancements or offsetting benefits and opportunities that are reasonable in cost and scope and help the project fit more harmoniously into the community. (Examples may range from landscaping/green space, sidewalks or other pedestrian accommodations, and lighting features to the creation of community programs or advisory groups.)

#### **D. Public involvement**

A proactive and ongoing public involvement program should be implemented to provide meaningful opportunities for EJ populations to participate in the decision-making process. Special efforts may need to be made to ensure that minority and low-income populations are aware of the public involvement process and are able to participate.

Targeted public involvement strategies include, but are not limited to:

- Communicating and seeking the assistance with members of the community and community based organizations who are able to identify minority and/or low income communities that are affected by the proposed action;
- Forming community advisory taskforces, and ensuring that representatives from minority, low-income and limited-English proficient communities are included, as applicable;
- Utilizing the Mayor's Offices on Latino Affairs, Asian and Pacific Islander Affairs and African Affairs and the DC Language Access Coalition to distribute information to limited-English proficient communities;
- Using oral interpreters at public meetings at events and translating project information into other languages;
- Selecting meeting locations and times that are accessible for low-income groups.
- Soliciting information from the local community on environmental issues through nontraditional methods (i.e., survey community hot spots where the locals gathered information, barbershops, and popular restaurants); and
- Soliciting public comments on environmental issues through formal/informal public notice and comment procedures tailored to the community.

If the proposed activity is deemed significant to warrant the development of an EIS, or if the community has raised significant concerns to be addressed in an EA, DDOT should establish a community advisory board to work with its staff in the development of its NEPA documents.

The public participation plan designed as part of a scoping effort for an EA or EIS should clearly describe any environmental justice concerns identified by DDOT, and should include opportunities for the public to suggest and comment on alternatives and mitigation measures aimed at reducing or avoiding disproportionately high and adverse effects on EJ populations.

For additional information regarding public involvement requirements and strategies, see Chapter 12.

### **Limited English Proficient Populations**

A limited English Proficient (LEP) person does not speak English as their primary language and has a limited ability to read, speak, write or understand English. Executive Order 13166 requires recipients of Federal assistance to ensure that LEP persons are provided an equal opportunity to benefit or have access to services that are normally provided in English. Discrimination against LEP persons qualifies as national origin discrimination, and is a violation of Title VI. As such, DDOT must provide LEP populations with a meaningful level of access to environmental decision-making processes. In deciding to what extent access must be provided, the following four factors should be considered: 1) the number and proportion of affected LEP persons; 2) the frequency with which LEP persons are affected by the program or activity; 3) the importance of the effect of the program on the LEP persons; and 4) available resources

Useful strategies to engage LEP populations include, but are not limited to:

- Translating vital documents, such as public meeting notices and posting in foreign language newspapers;
- Using oral interpreters and/or hiring bilingual project staff;
- Coordinating with community organizations targeting LEP populations; and
- Use of visual displays or symbols to notify and engage LEP populations in project activities.

For more information on translation and interpretation resources, please contact the DDOT Office of Civil Rights.

### **E. Additional information**

FHWA/FTA Website on Environmental Justice  
<http://www.fhwa.dot.gov/environment/ej2000.htm>

Final Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses (1998)  
[http://www.epa.gov/compliance/resources/policies/ej/ej\\_guidance\\_nepa\\_epa0498.pdf](http://www.epa.gov/compliance/resources/policies/ej/ej_guidance_nepa_epa0498.pdf)

NCHRP Report 532: Effective Methods for Environmental Justice Assessment (2004)



[http://onlinepubs.trb.org/Onlinepubs/nchrp/nchrp\\_rpt\\_532.pdf](http://onlinepubs.trb.org/Onlinepubs/nchrp/nchrp_rpt_532.pdf)

US DOT/FHWA: How to Engage Low-Literacy and Limited-English-Proficiency Populations in Transportation Decision making (2006)

<http://www.fhwa.dot.gov/hep/lowlim/index.htm>

## **XVI – NOTICES TO BENEFICIARIES UNDER TITLE VI AND INFORMATION DISSEMINATION**

DDOT provides information to the public regarding its Title VI obligations and apprises members of the public of the protections against discrimination afforded to them by Title VI. The DDOT notification of rights under Title VI is provided in the DDOT Title VI policy statement, on the DDOT websites, and on posters displayed in public locations. It also is contained in the DDOT Title VI brochure “*Your Rights Under Title VI of the Civil Rights Act of 1964*”. The notifications includes a statement that the agency operates without regard to race, color or national origin, a description of the procedures that members of the public should follow to request additional information, and a description of the procedures the public can follow to file a Title VI complaint. In addition to English version, the brochure has been translated into Spanish, French, Korean, Vietnamese, Chinese, French and Amharic. As described in the notifications, members of the public follow the same procedures to request additional information as they follow to file a complaint (by contacting the Office of Civil Rights); contact information is included on the notifications/brochures.

OCR manages the process for dissemination of Title VI notices and information to the public. The Title VI policy and notification of rights are distributed to DDOT employees and to the public via DDOT’s Title VI Program Webpage, and the Office of Civil Rights. The Title VI Policy and notification of rights also are posted in prominent locations at DDOT’s facilities and available in hardcopy at the physical site of OCR.

### **DDOT Website and Internal Webpage**

DDOT’s Title VI Program webpage is located on DDOT’s external website and is fully accessible to the public. The webpage contains the Title VI Policy Statement and notifications, Title VI Brochure, Discrimination Compliant Form, and contact information for filing complaints and requesting additional information.

### **Posters**

Title VI posters with notices of rights under Title VI are displayed in prominent locations throughout DDOT facilities. The Title VI Coordinator is responsible for ensuring that posters are visibly displayed at the following locations:

- DDOT Headquarters, 55 M Street S.E.
- IPMA, 64 New York Avenue N.E.,
- MTA and UFA Offices, 2217 14<sup>th</sup> Street N.W.
- TOA, Street and Bridge Maintenance, W Street N.E.
- TOA Sign Shop, G Street S.E.
- BOWDC, 2311 Martin Luther King Jr. Avenue, S.E.

### **Title VI Brochure**

The Title VI “*Know Your Rights*” Brochure is disseminated to the public via OCR, the Title VI Advisory Taskforce, and program area staff. DDOT staff is encouraged to distribute the brochure during public meetings and hearings, ANC meetings, community events and city-wide

events. Additionally, a copy of the brochure is posted on DDOT's Title VI Program webpage and is available in hard copy at OCR physical office and at the BOWDC.

In order to effectively inform LEP communities of their rights under Title VI, The Title VI Coordinator and program staff distribute translated copies of the brochure at events and activities targeting LEP/NEP communities. Some examples include Latino Health Fairs and DC Night Out.

### **Title Complaint Procedures & Discrimination Complaint Form**

The Title VI Complaint Procedures and Discrimination Complaint Forms are available to the public and to DDOT employees via DDOT's Title VI Program webpage, and OCR's internal webpage. DDOT's Title VI Brochure also contains information on complaint procedures and is disseminated as identified above. The complaint form is translated into Spanish, French, Korean, Vietnamese, Chinese and Amharic languages.

### **Dissemination in Non-English Languages**

The Title VI Coordinator facilitates the process for the translation of Title VI information to the public. Title VI notifications and outreach materials are considered vital documents with a city-wide distribution. As such the Title VI outreach materials identified in this section are translated into Spanish, French, Korean, Vietnamese, Chinese and Amharic languages.

OCR has partnered with the Mayor's Outreach Office on Latino Affairs and LEP representatives to effectively target LEP/NEP communities. OCR staff will participate in targeted outreach activities throughout the year in order to build partnerships with LEP/NEP communities and ensure that equitable public involvement opportunities are afforded to all individuals, regardless of their level of English proficiency.

## What is Title VI?

Title VI of the Civil Rights Act of 1964 (Title VI) is the Federal law that protects individuals from discrimination on the basis of race, color or national origin in any program receiving Federal assistance.

### What Discrimination Does Title VI Prohibit?

There are many forms of discrimination based on race, color, or national origin that can limit the opportunities of individuals and groups to gain equal access to services, aid or benefits.

In operating a federally assisted program, a recipient (DDOT or its contractors) cannot, on the basis of race, color, or national origin either directly or through contractual means:

- Deny an individual any service, financial aid or benefit provided under the program to which he or she might otherwise be entitled;
- Make distinctions in the quality, quantity, or manner in which the service or benefit is provided; and
- Segregate or separately treat individuals in any matter related to the receipt of any service, aid or benefit.

### Who Must Comply with Title VI?

DDOT staff, contractors, consultants, suppliers, and other recipients of Federal funds must comply with Title VI. Federal-aid contracts must include standard provisions that require compliance with Title VI. DDOT's contractors and subcontractors are prohibited from discriminating in the selection and retention of subcontractors, as well as in their employment practices in connection with Federal-aid highway construction projects or other Federally assisted projects.

## DDOT's Title VI Policy and Assurances

DDOT assures that no person shall on the grounds of race, color, national origin, or gender, as provided in Title VI of the Civil Rights Act of 1964 and related statutes be excluded from participation in, or be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which DDOT received Federal financial assistance.



(picture of bicycle lane)



(picture of sidewalk)

### Public Involvement

DDOT strongly supports ongoing and proactive public involvement at all stages of planning and project development; continuously improving access to information and providing all stakeholders meaningful opportunities for inclusion.

Title VI, along with key environmental and transportation legislation, emphasize the need for early engagement of affected parties during the transportation decision-making process. Special consideration is given to reaching and involving the traditionally underserved, such as minority, low-income, disabled, limited English proficient and other populations facing barriers to access.



(picture of group of African American youths looking at street map)

d.

## Title VI & Environmental Justice

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, focused attention on Title VI by requiring that agencies achieve environmental justice by identifying and addressing disproportionately high or adverse human health and environmental effects of its programs, policies, and activities on minority populations and low-income populations.

DDOT incorporates the principles of environmental justice into its policies, planning and project development activities to ensure that there are no inequitable impacts on minority groups and low-income groups throughout the city.

### Who is a Limited English Proficient Person?

A Limited English Proficient (LEP) person does not speak English as their primary language and has a limited ability to read, speak, write or understand English.

Executive Order 13166 requires recipients of Federal assistance to ensure that LEP persons are provided meaningful access to services that are normally provided in English.

DDOT provides language assistance services, such as translation and interpretation services, to ensure that all individuals receive access to critical services and benefits regardless of their level of proficiency.



(picture of trail by river)



(picture of streetscape)

## How Can I File a Complaint?

If you believe that you have been subjected to discrimination prohibited by Title VI nondiscrimination provisions, you may file a written complaint within 180 days of the date of the alleged discrimination. The complaint should include:

- Your name, address, and telephone number. If you are filing on behalf of another person, include their name, address, telephone number and your relation to that person (e.g., friend, attorney, parent, etc.);
- The name and address of the agency, institution or office you believe discriminated against you;
- Your signature;
- A description of how, why, when you believe that you were subjected to discrimination. Include as much background information as possible about the alleged act(s) of discrimination;
- The names of individuals whom you allege discriminated against you, if you know them;
- The names of any persons, if known, that DDOT could contact for additional information to support or clarify your allegations.

Please send complaint to DDOT at the address on the back of this brochure.

### What will DDOT do with My Complaint?

Once a complaint is filed, DDOT will determine whether the agency has jurisdiction to investigate the issues raised. If DDOT does have jurisdiction, the allegations will be investigated and an attempt will be made to resolve the violations found. If negotiations to correct a violation are unsuccessful, enforcement proceedings may be instituted.

These procedures do not limit or deny your right to file a formal complaint with an outside enforcement agency (US Department of Transportation) or to seek private counsel.

## What if I'm Subjected to Retaliation for Asserting My Rights?

DDOT and its funding recipients are prohibited from retaliating against you or any person because he or she opposed an unlawful policy or practice, or made charges, testified, or participated in any complaint action under Title VI.

If you believe that you have been retaliated against, you should immediately contact DDOT's Office of Civil Rights.



(picture of Lady Justice)

For more information or to file a complaint, please contact:

Office of Civil Rights  
District Department of Transportation  
2000 14th St, NW, 5th FL  
Washington, DC 20009

Phone: (202) 671-2384  
ddot.dc.gov

*Simple Justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination.*

- President John F. Kennedy

## Your Rights Under Title VI of the Civil Rights Act of 1964



(picture of group of diverse individuals)

**"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."**

(42 U.S.C. 2000d)

**d.**  
District Department of Transportation

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Government of the District of Columbia  
Adrian M. Fenty, Mayor

## Your Rights Under Title VI District Department of Transportation

- The District Department of Transportation (DDOT) operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with DDOT.
- For more information on DDOT's civil rights program, and the procedures to file a complaint, contact 202-671-5117; email [Jordyne.Blaise@dc.gov](mailto:Jordyne.Blaise@dc.gov); or visit our administrative office at 55 M Street, SE Washington, DC 20003. For more information, visit [www.ddot.dc.gov](http://www.ddot.dc.gov)
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5<sup>th</sup> Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590
- If information is needed in another language, contact 202-727-4559.

## **XVI. Language Access and Assistance Plan**

The purpose of DDOT's Language Access and Assistance Plan is to (1) identify NEP and LEP persons who need language assistance; (2) provide language assistance to the population in need; (3) develop a plan to training staff; (4) provide notice of services to LEP persons; and (5) develop a plan to monitor/update the plan. On a Biennial basis, DDOT develops a Language Access Plan (BLAP), which is based on the same criteria established in FTA's publication "Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons A Handbook for Public Transportation Providers Prepared by: The Federal Transit Administration Office of Civil Rights April 13, 2007."

DDOT has attached the BLAP to this document. DDOT is satisfied that the BLAP meets the standard set by FTA for a state DOT's Language Access and Assistance Plan.