

Alabama Department of Transportation

2020
UPDATE



TITLE VI IMPLEMENTATION PLAN

TABLE OF CONTENTS

<i>Introduction</i>	1
<i>Title VI Policy Statement</i>	2
<i>ALDOT Standard USDOT Title VI Assurances</i>	3
<i>Title VI Civil Rights Act of 1964</i>	13
<i>Organizational Charts</i>	16
<i>Title VI Designees</i>	18
<i>Program Area Review Procedures</i>	19
<i>Special Emphasis</i>	35
<i>Sub-recipient Review Procedures</i>	36
<i>Data Collection</i>	41
<i>Training</i>	42
<i>Title VI Complaint Procedure</i>	43
<i>Dissemination of Title VI Information</i>	46
<i>Limited English Proficiency Plan</i>	47
<i>Title VI Brochures English & Spanish</i>	61
<i>Environmental Justice</i>	66
<i>Review of State Directives</i>	90
<i>Compliance and Enforcement Procedures</i>	91
<i>Appendix</i>	92
<i>Title VI Policy (Spanish)</i>	93
<i>Title VI Complaint Procedure (Spanish)</i>	94
<i>Complaint Forms English & Spanish</i>	97

The entire content of this report is available on ALDOT's website at www.dot.state.al.us.

INTRODUCTION

Alabama Department of Transportation (ALDOT)

Title VI Program

Fiscal Year 2020 Implementation Plan

As a recipient of federal funding, the Alabama Department of Transportation (ALDOT) must comply with Title VI of the Civil Rights Act of 1964, as amended. ALDOT must also comply with all related rules and regulations. This report is submitted in response to 23 CFR Part 200.9 4(b) (11), which requires the State to prepare an annual Title VI Implementation Plan for the next fiscal year. This report will follow the format outlined in the Table of Contents.

Cornell L. Tatum, Sr.
Title VI Coordinator
Alabama Department of Transportation
Compliance and Business Opportunities Bureau
1409 Coliseum Boulevard
Montgomery, Alabama 36110
Email: tatumcl@dot.state.al.us
Telephone: (334) 242-6658
Fax: (334) 263-7586

State of Alabama

Alabama Department of Transportation

1409 Coliseum Boulevard
Montgomery, AL 36110

April 8, 2011


TITLE VI POLICY STATEMENT

The Alabama Department of Transportation (ALDOT) also referred to as "Recipient" assures that no person shall on the grounds of race, color, national origin, disability, age or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination or retaliation under any program or activity administered by ALDOT. ALDOT further assures every effort will be made to ensure nondiscrimination in all of its programs and activities whether those programs and activities are federally funded or not.

Federal financial assistance means the award or grant of money. Federal financial assistance, however, also may be in nonmonetary form such as: use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and other arrangement with the intention of providing assistance.

Recipient means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any private agency, institution, or organization, or other entity or any individual, in any State, to whom Federal Financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

Sub-Recipient means any entity or person that indirectly receives Federal financial assistance in order to implement a program or activity which subjects them to Title VI compliance responsibilities. A sub-recipient may include, but is not limited to, a city county, metropolitan planning organization, college/university, contractor or sub-grantee.



John R. Cooper
Transportation Director

04/08/11

Date

State of Alabama

Alabama Department of Transportation

1409 Coliseum Boulevard
Montgomery, AL 36110

April 8, 2011

THE UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) STANDARD TITLE VI / NON-DISCRIMINATION ASSURANCES DOT ORDER NO. 1050.2A

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

Statutory/Regulatory Authorities

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

Modal Operating Administration may include additional Statutory/Regulatory Authorities here.

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

General Assurances

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

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

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

Modal Operating Administration may include additional General Assurances in this section, or reference an addendum here.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its federally assisted programs:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§21.23 (b) and 21.23 (e) of 49 C.F.R. §21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and Regulations made in connection with all *Federal Highway Programs* and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Alabama Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient received Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to the rights to space on, over, or under such property,
7. That the Recipient will include the clauses as set forth in Appendix C and Appendix D of this Assurance as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

- a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurances.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.


Modal Operating Administration may include additional Specific Assurances in this section.

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

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

ALABAMA DEPARTMENT OF TRANSPORTATION

(Name of Recipient)

By 
(Signature of Authorized Official)

DATE 07/14/15

Attachments: Appendices A, B, C, D, and E

APPENDIX A

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

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

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

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

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

(HABENDUM CLAUSE)

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

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

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

APPENDIX C

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

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

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

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

APPENDIX D

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

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

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

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

APPENDIX E

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

Pertinent Non-Discrimination Authorities:

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

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

42 U.S.C. 2000D ET SEQ.

Title VI, 42 U.S.C. 2000d et seq., was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. As President John F. Kennedy said in 1963:

Simple justice requires that public funds, to which all taxpayers of all races (colors and national origins) contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial (color or national origin) discrimination.

If a recipient of federal assistance is found to have discriminated and voluntary compliance cannot be achieved, the federal agency providing the assistance should either initiate fund termination proceedings or refer the matter to the Department of Justice for appropriate legal action. Aggrieved individuals may file administrative complaints with the federal agency that provides funds to a recipient, or the individuals may file suit for appropriate relief in federal court. Title VI itself prohibits intentional discrimination. However, most funding agencies have regulations implementing Title VI that prohibits recipient practices that have the effect of discrimination on the basis of race, color, or national origin.

IMPACT OF THE CIVIL RIGHTS ACT OF 1987 ON FHWA PROGRAMS

The Civil Rights Restoration Act of 1987 clarified the intent of Congress to include all programs and activities of Federal-aid recipients, sub-recipients, and contractors. This statute clarified the intent of Congress as it relates nondiscrimination statutes.

Nondiscrimination programs require recipients, sub-recipients, and contractors to prevent discrimination and ensure nondiscrimination in all of their programs and activities, whether those programs and activities are federally funded or not. The factors prohibited from serving as a basis for action or inaction, include race, color, national origin, sex, age, and handicap/disability. The efforts to prevent discrimination must address, but not be limited to a program's impacts, access, benefits, and opportunities, investigation of complaints, allocation of funds, prioritization of projects, and the function of right-of-way, research, and design.

Authorities for nondiscrimination include, but are not limited to:

Title VI of the Civil Rights Act of 1964,

The Age Discrimination Acts of 1967 and 1975,

Section 540 of the Rehabilitation Act of 1973,

The Americans with Disabilities Act of 1990,

Title IX of the Education Amendments of 1972, and

Title 23, United States Code, Section 124.

The Civil Rights Restoration Act of 1987 amended each of the affected statutes by adding a section defining the word "program" to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives Federal financial assistance. "If a unit of a State or local government is extended Federal aid and distributes such aid to another government entity, all of the operations of the entity which distributes the funds and all the operations of the department or agency to which the funds are distributed are covered."

AUTHORITIES

This section is a reference source for the applicable authorities related to Title VI. It is intended for use by both civil rights and program area personnel.

A. Federal Law

1. 42 USC 2000d-4 Title VI – Nondiscrimination in Federally Assisted Programs (Civil Rights Act of 1964)
2. P.L. 100-259 Civil Rights Restoration Act of 1987
3. Executive Order 12250, November 2, 1990, Leadership and Coordination of Nondiscrimination Laws

B. U.S. Department of Justice Regulations

28 CFR 42.401-415 – Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs

C. U.S. Department of Transportation Regulations

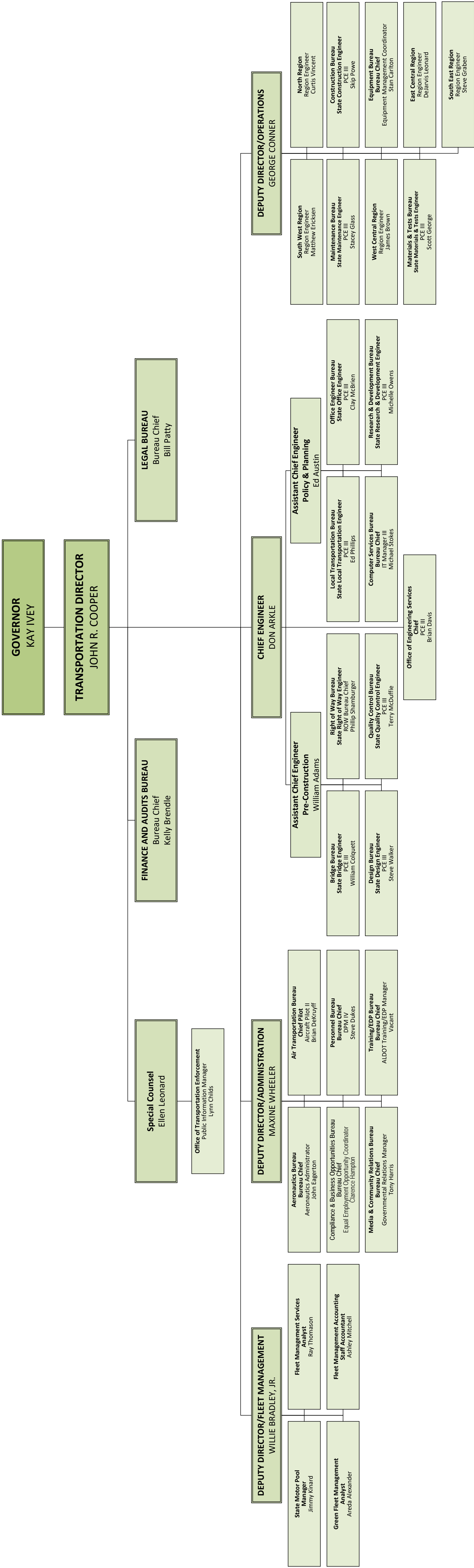
49 CFR 21 – Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964

D. Federal Highway Administration Regulations/Directives

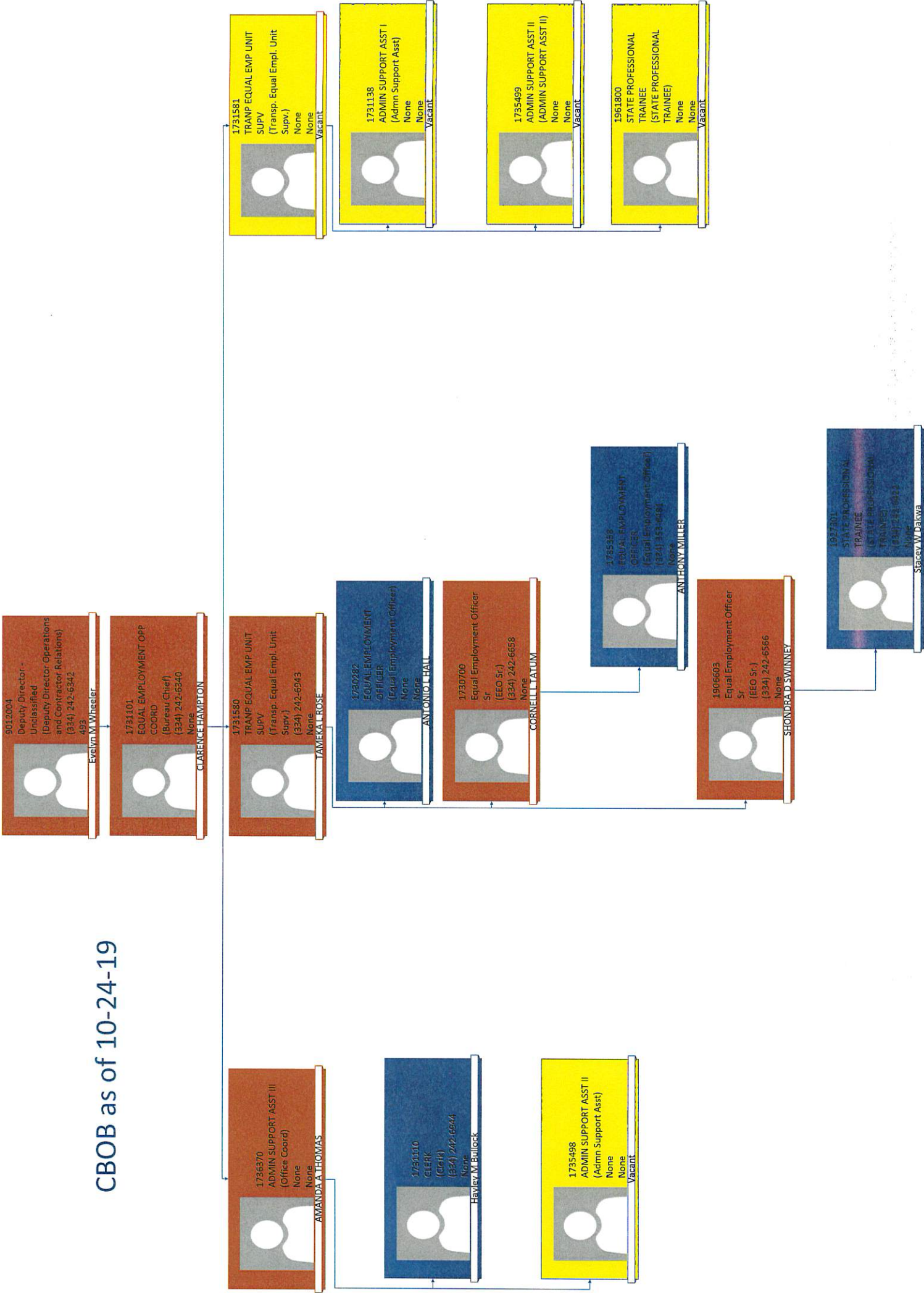
1. Civil Rights
 - a. 23 USC 324, Prohibits Sex Discrimination in Federal-Aid Highway Programs
 - b. 23 CFR 200 – Title VI Program and Related Statutes, Implementation and Review Procedures
2. Planning CFR Parts 420, 450, 771
Project Development – 23 CFR Part 771 – Environment Impact and Related Procedures
3. Construction – 23 CFR Part 635
4. Consultant Contract – 23 CFR Part 172
5. Research – 23 CFR Part 420

The Alabama Department of Transportation

February 16, 2019



CBOB as of 10-24-19



TITLE VI DESIGNEES

The following personnel serve as the Title VI Designee for their respective Region/Bureau. The designees assist the Central Office Title VI Coordinator with coordinating the annual Title VI Reviews.

Region Designees	
North Region	Keairra Green
East Central Region	Latanga Kennedy
West Central Region	Angela Dunstan
Southeast Region	Undrea Campbell
Southwest Region	
• Mobile Area	Leon Malone
• Grove Hill Area	Sheila Ford

Bureau Designees	
Design	Natasha Clay
Local Transportation	Bryan Fair
Research and Development	Michelle Owens
Right-of-Way	Jeff Jones
Construction	Winston Powe
Maintenance	Elizabeth Musick

PROGRAM AREA REVIEW PROCEDURES

TITLE VI IMPLEMENTATION PLAN

Title VI Programs Administration Fiscal Year 2020

<u>Activities</u>	<u>Description</u>	<u>Involved Staff</u>	<u>Projected Time Line</u>
<u>Regions:</u> North Region, West Central Region, East Central Region, Southeast Region, and Southwest Region	Conduct annual desk audit review of Title VI activities in the Regions. Title VI activities in the Regions consist of reviewing Right-of-Way, Public Involvement, and Environmental information received, and writing a report.	Title VI Coordinator	The desk audit letters to the Regions will go out August 1 st , and are expected back in the Title VI office by August 30 th .
<u>Bureaus:</u> Design, Planning/Safety, Right-of-Way (ROW), Construction, Research & Development (R&D), and Maintenance	Review of the annual activities in these program areas. Assessment of total dollar amount, public benefits and service, statistical data, and the process used, which gives an overview of departmental compliance and accomplishments.	Title VI Coordinator	The review period for Bureaus will begin in the month of August.
<u>Metropolitan Planning Organizations:</u> Auburn-Opelika; Birmingham; Calhoun; Columbus-Phenix City; Decatur; Southeast Wiregrass (Dothan); Eastern Shore; Florida-Alabama; Gadsden/Etowah; Huntsville; Mobile; Montgomery; Shoals; Tuscaloosa	Review of the fourteen Planning organizations that have direct responsibilities for implementing State projects. Review of staffing, Federal funds utilization, minority participation, and public involvement activities. This will include random annual on-site reviews of the MPOs.	Title VI Coordinator	The onsite review will be conducted in August. The desk audit letters will go out August 1 st , to be received back in the Title VI office by August 30 th .

<u>Activities</u>	<u>Description</u>	<u>Involved Staff</u>	<u>Projected Time Line</u>
<u>Public Involvement/Hearings</u>	Review Public Involvement documents (i.e. environmental impact, categorical exclusions, etc.). Document and make note of any Title VI issues. Attend any Public Involvement meeting that have major Title VI concerns. Title VI Brochures are available in English and Spanish.	Title VI Coordinator	The review of these documents is ongoing. The Title VI staff will attend Public Involvement meetings based on Title VI issues.
<u>Title VI Training</u>	Identify Title VI training that is needed for department personnel that have Title VI responsibilities (i.e. Right of Way, Planning, Environmental, Construction, Design, Maintenance, and Safety as well as any sub recipient that may want to participant.	Title VI Coordinator	Title VI training will be provided annually to internal staff and subrecipients.

STRATEGIC PLAN – REGIONS

<u>Objectives</u>	<u>Tasks/Activities</u>	<u>Responsible Employee</u>	<u>Projected Time Line</u>
To review program activities in the five Regions for Title VI requirements and compliance.	<p>Utilize the FHWA tool kit to review and assess compliance with Title VI requirements in all program areas.</p> <p>*Please refer to the attached questionnaires for each referenced Region.</p> <p>**The questionnaires have been approved by FHWA. The utilization of the questionnaire gives Title VI Staff adequate information on the Regions' operations.</p>	Title VI Coordinator	Completed by September 1 st (each fiscal year).

REGIONS' QUESTIONNAIRE

RIGHT-OF-WAY

1. Were there any formal or informal complaints filed during this period? If yes, please explain.
2. During this reporting period, were any relocations completed? If yes, please provide Form 11.
3. Can these relocates be contacted for comment? If not, please explain.
4. How many relocations involved minorities?
5. Were there any complaints from minority relocates? If yes, please explain.
6. During this reporting period, were any relocation appeals filed? If yes, how many and what were the resolutions?
7. Were there any minority appraisers used this past reporting period? If no, please explain. If yes, please list.

REGIONS' QUESTIONNAIRE

PRE-CONSTRUCTION

1. Were there any formal or informal complaints during the last reporting period? If yes, please explain.
2. How many public involvement (PI) meetings were held during this reporting period? Please provide documentation of any meetings hosted.
3. Were the PI meetings adequately staffed? If not, please explain.
4. Were there any Limited English Proficiency (LEP) issues or concerns during this reporting period? If yes, please explain.
5. Were there any Title VI issues raised during this reporting period? If yes, please explain.
6. What forms of advertisement, if any, were used? Please provide documentation.

STRATEGIC PLAN – BUREAUS

<u>Objectives</u>	<u>Tasks/Activities</u>	<u>Responsible Employee</u>	<u>Projected Time Line</u>
<p>To review program activities in the Bureaus (referenced below) for Title VI compliance requirements.</p> <ul style="list-style-type: none">• Construction• Design/Safety• Right-of-Way• Planning• Research & Development• Maintenance	<p>Utilize the FHWA tool kit to review and assess compliance with Title VI requirements in all program areas.</p> <p>*Please refer to the attached questionnaires for each referenced Bureau.</p>	<p>Title VI Coordinator</p>	<p>Completed by September 15th (each fiscal year).</p>

CONSTURCTION BUREAU QUESTIONNAIRE

1. Was there diversification of staff used in the monitoring/inspection of work by the State, which resulted in equal and fair treatment of protected groups? If no, please explain.
2. Were the required mitigation measures effectively implemented (e.g., safety through construction zones, air/noise impact, employment and contracting goals, etc.)?
3. Were there inspections of the mitigation measures during the construction period?
4. Was there coordination with public interest groups when necessary? Please explain.
5. Was there a survey that subcontractors used to express their concerns? Please explain.
6. How did Supportive Services assist in the meeting of contractual goals?
7. Does an assurance of uniformity exist in the approval of plan changes and supplemental agreements? Please explain.
8. How was the uniformity monitored and maintained (e.g., processing reviews, training, feedback from contractors/subcontractors, supportive services, etc.)?
9. Were there any formal or informal complaints during this reporting period? If yes, please list and indicate how each was processed and resolved.

DESIGN BUREAU QUESTIONNAIRE

ENVIRONMENTAL SECTION

1. Whether public involvement was adequately solicited?
 - A. Does the public involvement program fit all of the needs for a particular community?
 - I. In accordance with EO 13166, have there been steps taken to ensure the LEP communities are adequately serviced?
 - B. Does it utilize all of the forms of media necessary to be consistent with the flow of project information throughout all stages of development?
 - C. Does DOT provide for public involvement when all environmental documents are approved?
 - D. Does DOT focus outreach on appropriate communities to ensure involvement?
 - E. Does DOT use informal contact with the public versus the formal meeting to ensure the best public hearings?
 - I. (The use of an informal/formal allows for one-on-one communication.)
2. Is there an assurance that the social, economic, and environmental (SEE) impacts have been adequately addressed? If so, what is the assurance?
 - A. How are you determining the appropriate uses of the SEE impacts?
3. Is the potential for disproportionate or discriminatory impacts being addressed adequately?
4. Was there a demographic analysis that would show a profile of impacted/or not on population? (i.e., minority concentration or not)
5. Is there a history of impacts by governmental projects in the project area?
6. Are there any complaints or assertions of disproportionate impacts that are unveiled during the public involvement activities? If so, what are they and how were they resolved?
7. In the selection of consultants, what would be the process, and does it ensure compliance with Title VI? Why or why not?

DESIGN BUREAU QUESTIONNAIRE

SAFETY SECTION

1. How is the Highway Safety Improvement Program developed and graded (HSIP)?
2. How does the STA procedure ensure participation of all Title VI Program related populations (i.e. EJ and LEP populations) in the development of Safety environmental documentation and project plans?
3. Does Safety periodically evaluate these procedures to determine if the process and how they are being implemented are Title VI Program compliant?
4. How does Safety monitor Sub-Recipients that receive Federal funds for HISP?

RIGHT-OF-WAY BUREAU QUESTIONNAIRE

Appraiser Review; Negotiations/Acquisition; Relocation Assistance and Payment; Property Management

APPRAISER REVIEW

1. Is there diversification in the use of appraisers?
 - A. How aggressive are the outreach programs?
2. Is there an assurance that the selection or adjustment of comparable sales and rentals (properties) reflects discrimination and stereotypes?
 - A. How is the State maximizing the quality of appraisal reviews? (i.e., training, selection of fee/staff appraisers, qualified review appraisers, etc.)
 - B. How does the State ensure that appraisal activity complies with Title VI? (inclusive of compliance with EO 13166, LEP requirements)
 - C. How does the state ensure the information gathering, analysis, and reporting must be objective in nature?
3. Does the state have a measure of the consistency in the determination of severance/consequential damages?

NEGOTIATIONS/ACQUISITION

4. Has every effort been made to negotiate for required property before filing condemnation?
 - A. What were the steps taken to ensure compliance with regulatory requirements prior to instituting of condemnation proceedings?
5. Were the property owners fully informed of their rights to receive just compensation for their property before any donation of such property was made?
 - A. Were provisions made for the need for the translation of the contracts and other necessary documentation, if the land owner or tenant speaks another language other than English?
 - B. What are the procedures utilized to ensure the parcel record documents the basis for donations and notification of entitlement to just compensation?
6. Was the offer made for the full amount of the appraiser's determination of compensation?
 - A. What is in place to ensure consistency in the implementation of negotiation procedures?
7. Is there a consistency in the application of the minimum payment policy?
 - A. What process ensures the policy is applied uniformly from project to project?

RELOCATION ASSISTANCE AND PAYMENT

8. Was the relocation advisory assistance provided equitably and without discrimination to displaced individuals?
 - A. Does the State have diversification of the relocation staff?
 - B. Does the State obtain feedback from the displaced individuals? If so, how is it monitored?
 - C. Does the State conduct a needs assessment?
 - D. Does the State conduct self-evaluations of its staff members?
9. Is the selection of comparable replacement housing fair, consistent, and without discrimination? What is in place to ensure that these activities remain in compliance with Title VI?
10. Are the standard measures of decent, safe, and sanitary inspections consistently applied?
11. Are there adequate personal contacts? Does the State utilize sensitivity training?

PROPERTY MANAGEMENT

12. What is the measure used to determine rent? Is it applied equitably?
13. What is the process for the procurement of bids? Is it a process that allows for equal opportunity for all parties interested? Is there an aggressive outreach program in place? Have the barriers, if any, been removed?
14. Is the maintenance of rental property on projects adequately and consistently performed for all renters?
 - A. Does the State use referral services?
 - B. Does the State obtain tenant feedback?

LOCAL TRANSPORTATION PLANNING QUESTIONNAIRE

Statewide Planning/MPO

(Under SAFETEA-LU (PL-109-59§6001(135) (d)) the planning factors for statewide and metropolitan planning have been combined.)

What are your processes and procedures for complying with Title VI Guidelines for the following STA planning/ MPO functions?

OVERALL STRATEGIES AND GOALS

1. What strategies and efforts has the planning process developed for ensuring, demonstrating, and substantiating compliance with Title VI?
2. Has the planning process developed a demographic profile of the metropolitan planning area or State that includes identification of the locations of socio- economic groups, including low-income and minority populations as covered by the EO and EJ (12989) and Title VI provisions?
3. Does the process (planning) seek to identify the needs of low-income and minority populations?
 - A. Have there been provisions made to ensure compliance with EO 13166, Limited English Proficiency, within the planning process?

SERVICES EQUITY

1. Does the planning process have an analytical process in place for assessing the regional benefits and burdens of the transportation system investments for different socio-economic groups?
2. What strategies, if any, have been implemented to reduce participation barriers?
 - A. Is there routine coordination with Indian Tribal Governments in statewide metropolitan transportation planning?
3. Have efforts been undertaken to improve performance, especially with regard to low-income and minority populations?
4. What efforts by MPO's have been made to engage low-income and minority populations in the certification review process? What were public outreach efforts?
5. Does the public outreach effort utilize media to target the low-income and minority populations?

6. During public forums, what issues have been raised, how are their concerns documented, and how do they reflect on the performance of the planning process in relation to Title VI requirements?
7. Are the social, economic, and environmental (SEE) impacts being identified and described consistently?
8. Are there contracting opportunities for planning studies, corridor studies, or other work being provided to minorities and women? What efforts, if any? Please describe in detail.
9. Are minority and diverse language media appropriately included in all notification processes for public meetings or public review of agency documents?
10. Has there been appropriate contact with minority groups or leaders to identify information needs and planning/programming issues of concern?
11. Is technical information available in formats and in places and times conducive to review by the public? (This may require provision of information to people with visual impairments, non-English and LEP speakers, or to persons without extensive formal schooling.)
 - A. Do meeting formats encourage participation by minorities or people with disabilities?
12. Are persons traditionally underserved by transportation systems such as low-income, minorities, or LEP persons actively sought out for involvement?

RESEARCH AND DEVELOPMENT BUREAU QUESTIONNAIRE

1. Was there an assurance of diversification in the selection of universities?
2. Was there an aggressive outreach plan? Please explain.
3. Were there any barriers, and was the ALDOT successful in removing those barriers? Please explain.
4. Was a proposal statement utilized for solicitation? Please explain.
5. What forms of media utilized?
6. How were contacts made with consul colleges, and universities?
7. During this reporting period, how many universities or colleges were used for research and what dollar amount was paid to each?
8. What-minority universities or colleges were used for research, and what was the dollar amount each minority university or college received during this reporting period?
9. What was the participation level for this reporting period, and how did it compare to the participation level of the past year(s)?
10. Is there anything that you would like to see the ALDOT or FHWA do to increase participation and improve the success rate of the program?

MAINTENANCE BUREAU QUESTIONNAIRE

1. What process is used to ensure that the implementation of the Maintenance Bureau is compliant with Title VI Program requirements?
2. How is a periodic review implemented of the actual process that ensures the Maintenance Bureau projects are being implemented in a non-discriminatory manner?
3. How do the Maintenance Bureau monitor Sub-recipients (i.e. Local Public Agencies (LPA's) that receive Federal funds? If applicable?

SPECIAL EMPHASIS PROGRAM AREA

There were no specific Special Emphasis Areas identified for the upcoming year.

SUB-RECIPIENT REVIEW PROCEDURES

STRATEGIC PLAN – METROPOLITAN PLANNING ORGANIZATIONS (MPO)

<u>Objectives</u>	<u>Tasks/Activities</u>	<u>Responsible Employee</u>	<u>Projected Time Line</u>
<p>To review fourteen (14) MPO Programs for Title VI compliance.</p> <p>To ensure a signed Title VI Assurance is in place.</p> <p>To ensure there is an active Title VI Plan that includes a Public Involvement Process.</p>	<p>Utilize the questionnaire (attached) to assess the annual activities with reference to the following areas of Title VI interest:</p> <ul style="list-style-type: none"> • Monitoring implementation of projects • Utilization of Federal funds • Staffing • Minority Participation • Public involvement and outreach <p>Attendance of MPO meetings that have bearing on Title VI concerns and issues in each of the fourteen (14) areas covered statewide.</p> <p>Conduct six (6) random on-site reviews of MPOs during current reporting period.</p>	<p>Title VI Coordinator</p>	<p>Completed by September 15th (each fiscal year).</p>

**METROPOLITAN PLANNING ORGANIZATION (MPO)
REVIEW & EVALUATION FORM**

(Under SAFETEA-LU (PL-109-59 § 6001(135) (d)) the planning factors for statewide and metropolitan planning have been combined.)

Name of the MPO: _____ Date: _____

1. List the members of your MPO and indicate the percentage of minority representation.
2. Indicate the percentage of representation of minorities on your Technical & Citizen Committees.
3. How are the MPO members selected?
4. Are minorities and females included in this process?
5. What is the total dollar amount received from the DOT?
6. Are dollars designated for special project(s) or at the discretion of your MPO?
7. What is the total number of contracts awarded?
8. What is the process by which contractors are selected?
9. How many contracts are awarded to minorities?
10. What is the total dollar amount awarded to minorities?
11. What type of contracts were awarded?
12. Does your MPO maintain an active list of contractors? _____ If so, please list.
13. What type of programs or projects are placed on the MPO bid list?
14. What strategies and efforts has the planning process developed for ensuring, demonstrating, and substantiating compliance with Title VI?
15. Has the planning process developed a demographic profile of the metropolitan planning area or State that includes identification of the locations of socio-economic groups, including low-income and minority populations as covered by the EO on EJ (12989) and Title VI provisions?

16. Have there been provisions made to ensure compliance with EO 13166, Limited English Proficiency (LEP), within the planning process?
17. What strategies, if any, have been implemented to reduce participation barriers?
18. Is there routine coordination with Indian Tribal Governments in statewide metropolitan transportation planning?
19. What effort by the MPO has been made to engage low-income and minority populations in the certification review process?
20. What were the public outreach efforts?
21. During public forums, what issues have been raised, how are their concerns documented, and how do they reflect on the performance of the planning process in relation to Title VI requirements?
22. Are the social, economic, and environmental (SEE) impacts being identified and described consistently?
23. Are there contracting opportunities for planning studies, corridor studies, or other work being provided to minorities and women?
 - a. What efforts, if any? Describe in detail.
24. Are minority and diverse language media appropriately included in all notification processes for public meetings or public review of agency documents?
25. Is technical information available in formats and in places and times conducive to review by the public? (This may require provision of information to people with visual impairments, non-English and LEP speakers, or to persons without extensive formal schooling.)
26. Do meeting formats encourage participation by minorities or people with disabilities?
27. Are persons traditionally underserved by transportation systems such as low-income, minorities, or LEP persons actively sought out for involvement?
28. Does the planning process seek to utilize demographic information to examine the distributions across these groups of the benefits and burdens of the transportation investments included in the plan and TIP (or STIP)?
 - a. If imbalances are identified, how does the planning process respond?

(NOTE: Please answer questions using bold, underline or different font color.)

CERTIFICATION

The MPO assures that no persons or disadvantaged business enterprise shall on the grounds of race, color, sex, disability, or national origin be excluded from participation, be denied the benefits of or be otherwise subjected to discrimination under the project in Federally-assisted programs. It also assures that the project, when formulated, was designed to pay particular attention to the existence, composition, and distribution of minority population groups and disadvantaged business enterprises in the project service area.

Name of Applicant Agency

Signature and Title of Authorized Official

Date

DATA COLLECTION

ALDOT is responsible for collecting statistical data on race, color and national origin in program or service areas for beneficiaries. The Title VI Coordinator works with the Program Area Representatives to analyze this data. The following data is collected and analyzed by ALDOT:

- Data on Active Consultant Contracts - ([Design/Consultant Management](#)).
- Data on Minority Consultants - ([Design/Consultant Management](#)).
- Data on Appraisal/Relocation activities and Right-of Way Acquisition assessment through the use of Geographical Information Systems (GIS) - ([Right-of-Way Bureau](#)).
- Data is collected on 5303 Fund Allocation by Urbanized Area and the (GIS) demographic profile data is used for Planning area analysis - ([Local Transportation Bureau](#)).
- Highway Safety Improvement Plan (HSIP) data is collected on, Highway Safety Trends, Fatality/Serious Injury Rate, Number of Older Drivers and Pedestrian Fatality Rate - ([Design/Safety Section](#)).
- Road Maintenance data is collected, on Road Condition Rates and Level of Service (LOS) - ([Maintenance Bureau](#)).
- Public Involvement data includes, a community demographic profile through the use of Geographical Information Systems (GIS), On the Map Census and American Community Survey - ([Design/Environmental Section](#)).
- Limited English Proficiency data includes the use of, US Census, State Demographic profile, American Community Surveys and On the Map Census - ([Design/Environmental Section](#)).
- Data is collected on Board members representation, Boards appointment by elections, minority and female inclusions, minority contracts, dollar amounts awarded, ADA Transition Plans, LEP Plan, Public Involvement Plan, Title VI, Complaints, Demographic Data collection, etc. - ([14 Metropolitan Planning Organizations](#)).

TRAINING PROCEDURES

Title VI Coordinator

The Title VI Coordinator is responsible for providing annual training internally and externally on Title VI related issues. The training provided may be conducted individually, via webinars, teleconference, or on-site.

Title VI Liaison/Other Employee Training

The Title VI Coordinator will provide annual training to ALDOT's Title VI staff, Region liaisons and personnel from the major Program Bureaus. The training may include Title VI enforcement, requirements, compliance, Limited English Proficiency, Environmental Justice and general updates on related issues.

Sub-recipients

The Title VI Coordinator works closely with the sub-recipient/stakeholders to provide Title VI training annually. In addition, the Title VI Coordinator monitors their public involvement process, provide guidance and assistance with Title VI issues and with the annual update report. ALDOT's Title VI training is always extended to Metropolitan Planning Organizations.

State of Alabama

Alabama Department of Transportation

1409 Coliseum Boulevard
Montgomery, AL 36110

April 8, 2011

TITLE VI DISCRIMINATION COMPLAINT PROCEDURES

General

The Title VI discrimination complaint procedure is intended to provide aggrieved individuals a process to bring forth complaints of discrimination regarding federal financial assisted programs, activities and/or services administered by ALDOT or its sub-recipients, consultants and contractors. Title VI of the Civil Rights Act of 1964 states that: "No person in the United States shall, on the grounds of race, color, national origin, disability, age or sex, be excluded from participation in be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Purpose

The purpose is to describe the procedure used by ALDOT for processing complaints of discrimination under the Title VI of the 1964 Civil Rights Act as amended, while ensuring due process for complaints. This process does not preclude ALDOT from attempting to informally resolve complaints. This process does not deny the right of a complainant to file formal complaints with other federal agencies or seek private counsel for complaints alleging discrimination.

Authorities

Title VI and Title VII of the Civil Rights Act of 1964, State EEO and Nondiscrimination Assurances required by the Federal –Aid Highway Act of 1968, Section 22, the Civil Rights Act of 1987; the Age Discrimination Act of 1975; 23 U.S.C 140, 23 CFR Part 230; 23 CFR 635.117(d) and (e); FHWA 1273; FHWA Orders 4710.8 and FHWA Notice 4720.7(g) and the Americans with Disabilities Act (ADA) of 1990.

Investigation of Complaints

ALDOT's Title VI staff will investigate Title VI complaints filed against sub-recipients, consultants, and contractors. The Compliance and Business Opportunities Bureau Chief will designate an investigator to evaluate the complaint.

Complaints in which ALDOT is named as the respondent shall be forwarded to FHWA. Complainants may also file a complaint at the Headquarters of Civil Rights Office (HCRO); Department of Justice (DOJ); or United States Department of Transportation (USDOT). The final decision of a violation or not is a Federal decision that cannot be delegated.

Complaints that do not constitute discrimination (i.e., based on race, color, national origin, sex, age or disability) or violation of environmental justice issues will be dismissed.

Procedures

- A. Allegations of discrimination must be based on race, color, religion, national origin, sex, age, or disability. Any persons who feel that they have been retaliated against for participating in a discrimination complaint process may also file a complaint.
- B. The complaint may be filed by the complainant or representative and must be submitted in writing no later than one-hundred eighty (180) days after the date of alleged act of discrimination; or knowledge of alleged discrimination; or where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.
- C. Title VI complaints must be submitted in writing and signed by the aggrieved person or representative. The complaint should include the complainant name, address and telephone number, basis of the complaint, the sub-recipient, consultant or contractor involved and location. Complaints may be submitted by fax, e-mail or telephone.

Mailing Address: Alabama Department of Transportation
Compliance and Business Opportunities Bureau
1409 Coliseum Boulevard, Room N-101
Montgomery, AL 36110

Fax Number: 334-263-7586

E-mail: hamptonc@dot.state.al.us

- D. Within ten days (10) of the receipt of the complaint, ALDOT will acknowledge the receipt of the complaint by certified mail to the complainant. The notice will include the name of the investigator and advise the person of their rights under any related statutes.
- E. Within sixty days (60) of receiving the complaint, ALDOT will complete the investigation and forward a copy of the complaint, the investigative report, and ALDOT's decision to FHWA. If additional time is needed for the investigation, ALDOT can request for such time from FHWA.
- F. Upon completion of the investigation by the assigned investigator, the Compliance and Business Opportunities Bureau Chief will review the finding(s) of the report and make other requests for information if necessary. The Compliance and Business Opportunities Bureau Chief will prepare an investigation summary and present it to the Director of ALDOT. The Director of ALDOT will prepare a statement reflecting ALDOT's recommended finding(s). The Director will forward copies of its proposed disposition to FHWA for Final Agency Decision.

Dismissals

ALDOT will recommend, in writing, to FHWA the dismissal of complaints for the following reasons:

- (1) The complaint is untimely filed;
- (2) The complaint does not allege a basis covered by the statutory authorities;
- (3) The complaint does not allege any harm with regard to covered programs or statutes;
- (4) The complainant requests the withdrawal of the complaint;

- (5) The complainant fails to respond to repeated requests for additional information needed to process the complaint;
- (6) The complainant cannot be located after reasonable attempts;
- (7) The complainant has failed to accept a reasonable resolution. Note: FHWA or other appropriate federal agency determine reasonable;
- (8) The complainant has filed legal action in Federal District Court with the same basis and issue involved in the complaint;
- (9) The same complaint allegation has been filed with another Federal, State or local agency.

If additional information is needed, please feel free to contact 334-242-6659.



John R. Cooper
Transportation Director

09/13/12

Date

DISSEMINATION OF TITLE VI INFORMATION

ALDOT uses an interdisciplinary approach to disseminate Title VI information by way of staff in the Bureaus of Design and Right-of-Way, and EEO Officers in the Regions as well as Metropolitan Planning Organizations (MPO). The Title VI staff monitors the implementation process of all federally funded program recipients, sub-recipients and public meetings held across the State of Alabama. The Design Bureau's Environmental Section documentation log of public meetings outcome assists the Title VI staff in assessing, monitoring and responding to Title VI issues.

The monitoring process is outlined in the following items and considered by ALDOT's Environmental Technical Section (ETS) in planning and implementing public involvement activities:

1. Early opportunities for participation
2. Public meetings at convenient and accessible locations and times
3. Timely information on transportation issues, processes and procedures
4. Reasonable access to technical and policy information
5. Electronically accessible and available public information via the World Wide Web
6. Adequate notice for participation opportunities at key decision points
7. Methods for considering and responding to public input
8. Seeking and considering the needs of traditionally under-served groups (minorities, low income, elderly, etc.)
9. Periodic review and evaluation of the participation process

The Title VI staff will conduct reviews of preliminary project information, (i.e. memo or email notification of public meetings), that is received by the Title VI Coordinator from the Regions and Design Bureau personnel. The Title VI Coordinator will be concerned only with projects that have direct Title VI implications and will determine if further actions are necessary. If an investigation is warranted, the Internal Programs Supervisor and Compliance Bureau Chief will be notified in writing by the Title VI Coordinator. The Title VI Coordinator will then proceed with the investigations. The final findings will be reviewed by ALDOT's Legal Bureau. After Legal's review, the findings and recommendations will be forwarded to FHWA for final approval.

The Title VI staff will review information from the Regions, personnel from the major Program Bureaus, and MPO representatives regarding a Title VI issue and if necessary make personal on-site visits. The utilization of supplementary information, (i. e., summaries, attendees' comment forms, etc.), regarding the public meetings on the specific projects will be reviewed by the Title VI staff to determine if compliance guidelines were followed.

LIMITED ENGLISH PROFICIENCY PLAN

Table of Contents

Assurance.....	2
Introduction.....	3
Elements of an Effective LEP Policy.....	4
Methodology for Assessing Needs.....	4
The Four Factor Analysis.....	5
Factor 1:The Proportion, Numbers, and Distribution of LEP Person.....	5
Top 10 Counties of Hispanic Ethnicity.....	6
American Community Survey of Alabama Counties.....	7
Factor 2: Frequency of Contact with LEP.....	9
Factor 3: Nature and Importance of the Program.....	9
Factor 4: Resources Available to ALDOT.....	10
Safe Harbor Stipulation.....	10
Providing Notice to LEP Persons.....	10
Options and Proposed Actions.....	11
Proactive Measures for ALDOT.....	12
ALDOT Staff Training.....	12
Inclusion in Public Participation Plan.....	12
LEP Plan Access.....	12
APPENDIX A.....	13-17

The entire content of this plan is available on ALDOTs website at www.dot.state.al.us

Assurance

An Assurance of the Alabama Department of Transportation Adopting the Limited English Proficiency Plan

WHEREAS, in accordance with Title VI non-discrimination laws in regard to providing appropriate access to services and activities provided by federal agencies and recipients of federal assistance, the Limited English Proficiency Plan was drafted to define how ALDOT will accommodate persons with Limited English Proficiency; and

WHEREAS, individuals who do not speak English well and who have a limited ability to read, write, speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter; and

WHEREAS, the plan has been developed in accordance with requirements of the Federal Highway Administration and the Federal Transit Administration; and

NOW, THEREFORE, BE IT RESOLVED that the Director of the Alabama Department of Transportation has hereby approved and adopted the Limited English Proficiency Plan for the Alabama Department of Transportation.

Adopted this 16th day of 2015



Director, of the Alabama Department of Transportation

Introduction

On August 11, 2000 President William J. Clinton, signed Executive Order 13166, to improve access of services available to persons with Limited English Proficiency. The Order clarifies the “national origin” segment of Title VI of the Civil Rights Act of 1964.

The executive order states that individuals who do not speak English well and who have a limited ability to read, write, or understand English clearly; are entitled to language assistance and the same services and benefits of other groups that are similarly situated, under Title VI of the Civil Rights Act of 1964 as amended. These individuals are referred to as Limited English Proficient persons, or “LEP”.

Each Federal agency and its recipients shall prepare a plan to improve access to its federal financial assisted programs and activities for eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities. Federal financial assistance includes grants, training, equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and other organizations. Title VI covers a recipient’s entire program or activity.

Simply put, organizations that receive any federal financial assistance are required to follow this Executive Order.

The Alabama Department of Transportation (ALDOT), receives planning funds from the US Department of Transportation (USDOT), via the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). ALDOT is committed to this mandate and will take proactive measures to assist, include and encourage the participation of LEP individuals in the planning process of activities and projects where LEP individuals may be affected.

Elements of an Effective LEP Policy

The US Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing an LEP policy or plan. These elements include:

1. Identifying LEP persons who need language assistance
2. Identifying ways in which language assistance will be provided
3. Training staff
4. Providing notice to LEP persons
5. The recommended method of evaluating accessibility to available transportation services is the Four Factor Analysis identified by the USDOT.

Methodology of Assessing Needs for an Effective LEP

The USDOT guidance outlines **four factors** that should apply to the various kinds of contacts the recipients have with the public, to assess language needs in deciding what reasonable steps should be taken, to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons in a particular area.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or services.
4. What resources are available to ALDOT and the overall cost.

The greater the number or proportion of eligible LEP persons; the greater the frequency of contact with a program, activity, or service; and the greater the importance of that program, activity, or service, the more likely an enhanced language services will be needed. The intent of USDOT's guidance is to suggest a balance, which ensures meaningful access by LEP persons to critical services, while not imposing undue burdens on small organizations and local governments. Smaller recipients with limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets. The USDOT guidance is modeled after the Department of Justice's guidance and requires recipients and sub recipients to take steps to ensure meaningful access to their programs and activities to LEP persons.

The Four Factor Analysis

The following factors are examined to determine the level and extent of language assistance measures required, to sufficiently ensure meaningful access to public transit services within the Metropolitan Planning Organization (MPO) area. Recommendations are based on the results of the analysis.

Factor 1: The Proportion, Numbers, and Distribution of LEP Persons

The Census Bureau has a range of four classifications of how well people speak English. The classifications are ‘very well’, ‘well’, ‘not well’, and ‘not at all’. For our planning purposes, we are considering people that speak English ‘not well’ or ‘not at all’ as Limited English Proficient persons.

Table 1 shows the number and percent of persons in regards to their English Language skills for the ALDOT Service Area. As seen in Table 1, over twenty percent of ALDOT’s service area speaks English ‘not well’ or ‘not at all’.

Table 1: Limited English Proficient Persons in the ALDOT Service Area.

Language Ability	Population of 5 years and over	Percent of Limited English Proficient Persons
Speak English “very well”	49,430	55.1
Speak English “well”	15,793	17.6
Speak English “not well”	17,987	20.0
Speak English “not at all”	6,519	7.3

Source: American Community Survey Census

GCT1601

**PERCENT OF PEOPLE 5 YEARS AND OVER WHO SPEAK A LANGUAGE
OTHER THAN ENGLISH AT HOME - State -- County / County Equivalent**
Universe: Population 5 years and over
2013-2017 American Community Survey 5-Year Estimates

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the [Technical Documentation](#) section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the [Methodology](#) section.

Versions of this table are available for the following years:

2017
[2016](#)
[2015](#)
[2014](#)
[2013](#)
[2012](#)
[2011](#)
[2010](#)
[2009](#)

Geography: Alabama ▼

	Geographic Area	Percent	Margin of Error
1	Alabama	5.1	+/-0.1
68	Autauga County	3.8	+/-0.7
of	Baldwin County	5.5	+/-0.7
68	Barbour County	5.7	+/-0.7
	Bibb County	2.2	+/-0.7
	Blount County	7.7	+/-0.5
	Bullock County	2.8	+/-1.7
	Butler County	1.5	+/-0.4
	Calhoun County	4.1	+/-0.4
	Chambers County	1.4	+/-0.4
	Cherokee County	1.0	+/-0.5
	Chilton County	7.7	+/-0.5
	Choctaw County	1.1	+/-0.7
	Clarke County	1.2	+/-0.9
	Clay County	2.8	+/-1.1
	Cleburne County	3.0	+/-1.0
	Coffee County	6.4	+/-0.7
	Colbert County	2.7	+/-0.6
	Conecuh County	1.8	+/-1.8
	Coosa County	1.4	+/-1.1
	Covington County	1.4	+/-0.4
	Crenshaw County	3.0	+/-1.0
	Cullman County	4.4	+/-0.3
	Dale County	4.9	+/-0.7
	Dallas County	1.8	+/-0.6
	DeKalb County	12.4	+/-0.7
	Elmore County	3.3	+/-0.6
	Escambia County	1.9	+/-0.7
	Etowah County	3.6	+/-0.5
	Fayette County	0.6	+/-0.4
	Franklin County	16.0	+/-1.4
	Geneva County	3.4	+/-0.9
	Greene County	0.6	+/-0.6
	Hale County	1.8	+/-0.7
	Henry County	2.1	+/-0.8

Geographic Area	Percent	Margin of Error
Houston County	3.8	+/-0.3
Jackson County	1.8	+/-0.5
Jefferson County	5.9	+/-0.2
Lamar County	0.8	+/-0.6
Lauderdale County	3.0	+/-0.4
Lawrence County	1.2	+/-0.6
Lee County	7.5	+/-0.6
Limestone County	5.8	+/-0.5
Lowndes County	1.0	+/-0.6
Macon County	3.2	+/-0.7
Madison County	6.5	+/-0.4
Marengo County	1.1	+/-0.7
Marion County	3.4	+/-0.6
Marshall County	11.6	+/-0.8
Mobile County	4.8	+/-0.3
Monroe County	0.9	+/-0.4
Montgomery County	5.6	+/-0.3
Morgan County	7.6	+/-0.5
Perry County	0.9	+/-0.7
Pickens County	3.9	+/-0.7
Pike County	4.3	+/-1.0
Randolph County	1.9	+/-1.0
Russell County	5.2	+/-1.0
St. Clair County	2.7	+/-0.4
Shelby County	7.9	+/-0.4
Sumter County	3.6	+/-1.8
Talladega County	2.7	+/-0.3
Tallapoosa County	1.9	+/-0.8
Tuscaloosa County	5.6	+/-0.4
Walker County	2.0	+/-0.4
Washington County	1.8	+/-1.4
Wilcox County	0.8	+/-0.6
Winston County	2.5	+/-0.6

Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

Explanation of Symbols:

An '***' entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.

An 'L' entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.

An 'L' following a median estimate means the median falls in the lowest interval of an open-ended distribution.

An 'U' following a median estimate means the median falls in the upper interval of an open-ended distribution.

An '****' entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.

An '*****' entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.

An 'N' entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

An '(X)' means that the estimate is not applicable or not available.

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper

American FactFinder - Results

Subject	Alabama	
	Number	Percent
Population 5 years and over	4,152,278	100.0
Same house in 1995	2,384,847	57.4
Different house in the U.S. in 1995	1,718,719	41.4
Same county	1,026,668	24.7
Different county	692,051	16.7
Same state	365,839	8.8
Different state	326,212	7.9
Elsewhere in 1995	48,712	1.2
NATIVITY AND PLACE OF BIRTH		
Total population	4,447,100	100.0
Native	4,359,328	98.0
Born in United States	4,328,395	97.3
State of residence	3,262,053	73.4
Different state	1,066,342	24.0
Born outside United States	30,933	0.7
Foreign born	87,772	2.0
Entered 1990 to March 2000	46,520	1.0
Naturalized citizen	32,200	0.7
Not a citizen	55,572	1.2
REGION OF BIRTH OF FOREIGN BORN		
Total (excluding born at sea)	87,767	100.0
Europe	18,415	21.0
Asia	26,235	29.9
Africa	3,662	4.2
Oceania	529	0.6
Latin America	35,574	40.5
Northern America	3,352	3.8
LANGUAGE SPOKEN AT HOME		
Population 5 years and over	4,152,278	100.0
English only	3,989,795	96.1
Language other than English	162,483	3.9
Speak English less than 'very well	63,917	1.5
Spanish	89,729	2.2
Speak English less than "very well"	40,299	1.0
Other Indo-European languages	43,812	1.1
Speak English less than "very well"	11,225	0.3
Asian and Pacific Island languages	22,122	0.5
Speak English less than "very well"	10,546	0.3
ANCESTRY (single or multiple)		
Total population	4,447,100	100.0
Total ancestries reported	3,553,063	79.9
Arab	6,730	0.2
Czech[1]	5,720	0.1
Danish	4,461	0.1
Dutch	41,722	0.9
English	344,735	7.8
French (except Basque)[1]	65,235	1.5
French Canadian[1]	10,378	0.2
German	254,166	5.7
Greek	6,481	0.1
Hungarian	3,977	0.1
Irish[1]	343,254	7.7

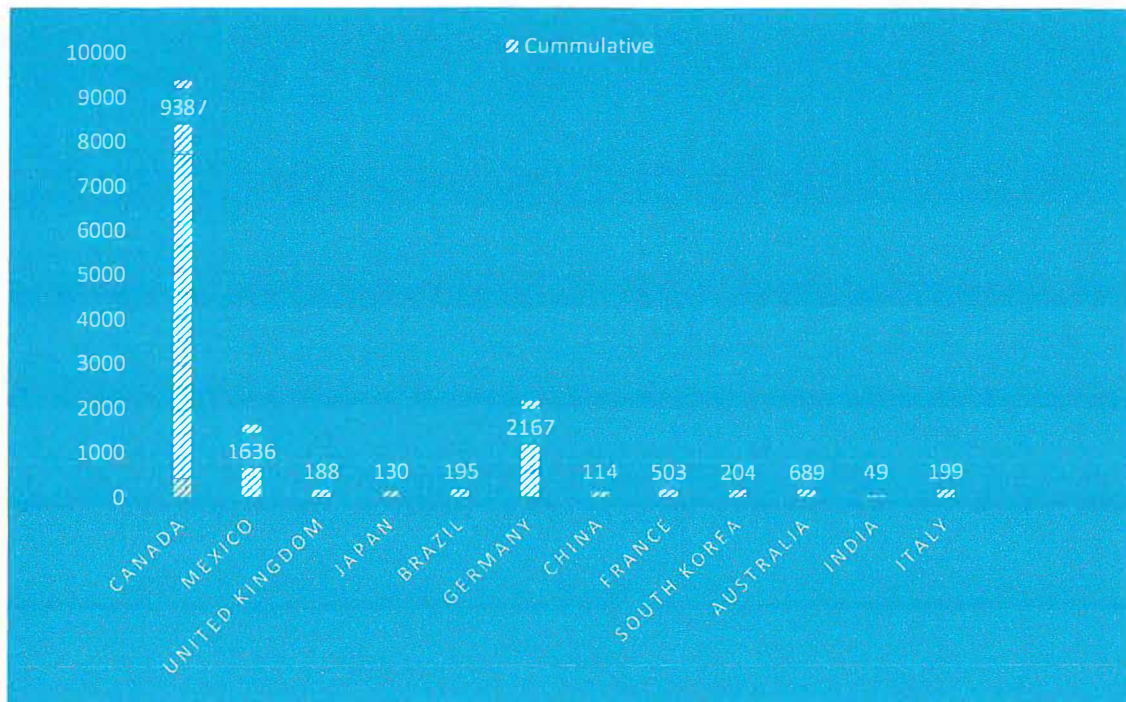
American FactFinder - Results

Subject	Alabama	
	Number	Percent
Italian	56,220	1.3
Lithuanian	1,600	0.0
Norwegian	13,779	0.3
Polish	22,979	0.5
Portuguese	1,529	0.0
Russian	5,379	0.1
Scotch-Irish	88,181	2.0
Scottish	69,037	1.6
Slovak	1,554	0.0
Subsaharan African	28,867	0.6
Swedish	13,092	0.3
Swiss	3,607	0.1
Ukrainian	1,799	0.0
United States or American	756,375	17.0
Welsh	15,086	0.3
West Indian (excluding Hispanic groups)	4,923	0.1
Other ancestries	1,382,197	31.1

Factor 2: Frequency of Contact with LEP Individuals

The rate of contact with transit LEP individuals received at eight (8) State of Alabama “Welcome Centers” is reflected in the tourism data survey, which collects the names and countries of origin. The table below shows the **annual transit frequency** of contact with possible LEP individuals.

Table 4: Top 12 Countries represented at “Welcome Centers”



Source: Alabama Department of Tourism

Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP Community

Currently, the frequency of contact with **LEP individuals** within the State has increased, but frequency with **LEP groups** within **ALDOT construction project areas** has been minimal if any; and has not affected a concentrated segment of LEP individuals as a whole. Thus, the need for “Safe Harbor” translation at this time has not manifested in a particular ALDOT project area in the State. However, ALDOT will make sure that all segments of the population, including LEP persons, are involved or have the opportunity to be involved, with the planning process when segments of their community are affected. The impact of proposed transportation investments on the underserved and underrepresented population groups is part of the evaluation process. ALDOT will provide oversight and help to ensure that LEP and other protected classes of persons are not overlooked or excluded in the transportation planning process.

Factor 4: The Resources Available to ALDOT and Overall Cost

It has been determined that the current demographic trends indicate the number of LEP persons is significant within the ALDOT service area, but has not reach the threshold of 5% or 1,000, whichever is less of the population as a whole. Recently, USDOT has taken a position to discourage the use of a percentage or number, and is encouraging agencies to be proactive in their approach to accommodate LEP individuals at any level of representation. When the need arise for special services and LEP funding, they will be identified in ALDOT operating budget in conjunction with resources provided by Federal Highway Administration (FHWA) to address specific program activities.

Safe Harbor Stipulation

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

The failure to provide written translations under certain circumstances does not mean there is noncompliance. For example, even if a safe harbor is not used, and the written translation of certain document(s) would be so burdensome; as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

The threshold for “Safe Harbor” is 5% or 1,000 whichever is less of population, and the provision applies to translation of written documents only. Compliance with the recipient’s written-translation obligations under “safe harbor” includes providing written translations of vital documents, (i.e. letters requiring response from customer, informing customer of free services, complaint forms and notice of rights). The provision does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Providing Notice to LEP Persons

USDOT LEP guidance says:

“Once an agency has decided, based on the four factors that it will provide language service, it is important that the recipient notify LEP persons of services available. Recipients should provide this notice in languages LEP persons would understand.”

Examples of notification including:

1. Signage when free language assistance is available with advance notice.
2. Stating in outreach documents that language services are available from the agency.
3. Working with community-based organizations to inform LEP individuals.
4. Utilization of telephone LEP services to include statements regarding ALDOT services such as highway conditions, evacuation routes, construction, etc.
5. Including notices in local newspapers in languages other than English.
6. Providing notices on non-English-language radio and television about the available of language assistance services and how to get them.
7. Providing outreach activities at schools and religious organizations.

ALDOT will provide statements in public information and public notices, as outlined in our Public Participation Plan, that persons requiring language assistance or special accommodations will be provided, with reasonable advance notice to the ALDOT.

Options & Proposed Actions

Federal fund recipients have two ways to provide language services; 1) oral interpretation in person or via telephone interpretation service, 2) or through written translation. The correct mix should be based on what is necessary and reasonable in light of the four-factor analysis.

ALDOT is defining an interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language and a translator as person who transfers meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.

Considering the limited financial resources for the ALDOT service area, it is necessary to limit language aid to the most basic and cost-effective services. The following are options that may be considered;

- Identify existing staff at ALDOT to be used as translators and interpreters. ALDOT employs over 4,000 people. It is assumed that some staff would be proficient in a second language, particularly Spanish, and would be available. A survey of staff and their language skills would need to be conducted and formal procedure/policy put in place.
- Utilize community volunteers, at University/College Foreign Language Department, for help in this area, and develop a list of volunteers.
- Develop a translator and oral interpreter service database.
- Ensure that ALDOT employees are aware of the USDOT LEP guidance and support their LEP planning activities, as appropriate.
- Revisit the plan when events (indication of increase of LEP persons) warrant.

Proactive Measures for ALDOT

Based upon the resources available to ALDOT, it will develop a data base of translators and interpreters for the provision of such services. ALDOT will place into public notices, and publications that such services will be available for public meetings when necessary. The notice of the availability of such services shall be placed in an advance seven day notice in collaboration with the public notices from ALDOT's Bureaus and Regions.

- **ALDOT Staff Training**

ALDOT staff will be provided training via Federal Highway Administration (FHWA) on the requirements for providing meaningful access to services for LEP persons.

- **Inclusion in Public Participation Plan**

ALDOT will include a Limited English Proficiency policy in the updates of the Public Participation Plan.

- **LEP Plan Access**

ALDOT will post the LEP plan on its website separately, and it will also be included in the **"Title VI Annual Update Plan."**

Any person, including social service, non-profit, and law enforcement agencies and other community partners with internet access will be able to access the plan. For those without personal internet service, Alabama Public Libraries offer free internet access. Upon a written request, a copy of the LEP will be provided to any person or agency.

**ALABAMA
DEPARTMENT
OF
TRANSPORTATION**



**TITULO VI
DEL ACTO DE DERECHOS
CIVILES DE 1964**

**ALABAMA
DEPARTMENT
OF
TRANSPORTATION**



**TITLE VI
CIVIL RIGHTS ACT OF 1964**

TÍTULO VI

DEL ACTO DE DERECHOS CIVILES DE 1964

como fuera enmendado

“Ninguna persona en los Estados Unidos debido a su raza, color, religión, origen nacional, sexo, edad, discapacidad, o estado socio economic, sera excluída de participar o negado de recibir beneficios o sujeta a discriminación bajo cualquier programa o actividad que reciba asistencia financiera federal de Departamento de Transporte.”

El Título VI no cubre el empleo, excepto cuando las actividades del empleo puedan resultar en discriminación de los beneficiarios del un programa donde el propósito de la ayuda financiera es de proveer empleos.

DECLARACIÓN SOBRE LA MISIÓN

REFERENTE AL ACTO DE DERECHOS CIVILES DE 1964

TÍTULO VI

El Departamento de Transporte de Alabama Título VI programa está diseñado para informar, asistir y supervisar las actividades de los beneficiarios de programas financiados con fondos federales, en relación con el conocimiento y la aplicación de la Ley de Título VI Derechos Civiles de 1964, modificado.

En cumplimiento con los requerimientos del Título VI, nuestro empleados esta listo a asistir de cualquier modo y como sea possible, en proveer al público con las últimas reglas y regulaciones que gobiernan este programa, también como proveer asistencia técnica, consulta, y recursos cuando sean disponibles. Estos servicios asegurará comunicación efectiva, entendimiento y confianza hacía el público.

TITLE VI

OF THE CIVIL RIGHTS ACT OF 1964

as amended

“No person in the United States shall, on the grounds of race, color, religion, national origin, sex, age disability, or socioeconomic status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under a program or activity receiving federal financial assistance from the Department of Transportation.”

Title VI does not cover employment, except where employment activities may result in the discrimination of beneficiaries of a program where the purpose of the federal assistance is to provide employment.

MISSION STATEMENT

ABOUT THE CIVIL RIGHTS ACT OF 1964

TITLE VI

The Alabama Department of Transportation Title VI program is designed to inform, assist and monitor the activities of recipients of federally funded programs, in their knowledge and implementation, of the Title VI Civil Rights Act of 1964 as amended.

In complying with the requirements of Title VI, our staff is ready to assist in any way possible, to provide information on the latest rules and regulations governing this program, as well as provide technical assistance, consultation and resources when available. These services ensure effective communication, understanding and trust to the public.

SE PROHIBE LA DISCRIMINACIÓN

Hay varias formas de discriminación ilegal en base a raza, color, sexo, religión, edad, origen nacional o discapacidad, que limitan la oportunidad a las personas de bajos ingresos o en grupos minoritarios de ganar igualdad o de participar en programas o actividades financiados con fondos federales.

Algunos ejemplos son los siguientes:

- Proporcionar servicios, ayuda y beneficios diferentes a la que se proporciona a otras personas.
- Negando servicios de programas, ayuda, o beneficios a un recipiente calificado.
- Segregando o dando un trato diferente a cualquier persona en relación a la recibimiento de algún servicio, ayuda o beneficio.

ACTIVIDADES MONITORADO

Hay varias actividades públicas y programas en ALDOT que son monitorado bajo el Título VI.

Estas actividades y programas incluyen, pero no están limitados a lo siguiente:

- | | |
|---------------------------------------|--|
| • Contratos de Consultantes | • Construcción |
| • Estudios y Diseños Ambientales | • Multi Modal |
| • Adquisiciones de Derecho de Caminos | • Mantenimiento |
| • Entrenamiento | • Investigación y Desarrollo |
| • Planificación | • Reuniones Públicas |
| • Planeamiento Metropolitano | • Diseño |
| | • DBE (Empresas de Negocios con Desventajas) |

DISCRIMINATION IS PROHIBITED

There are several forms of illegal discrimination based on race, color, sex, religion, age, national origin or disability, that limit the opportunity of low-income and minority people to have equitable access or participation in federally funded programs and activities.

Some examples are as follows:

- Providing different services, assistance and benefits that which is provided to other people.
- Denying services, assistance or benefits to a duly qualified recipient.
- Segregating or treating people separately in the receipt of services, aid or benefits.

MONITORED ACTIVITIES

There are several public activities and programs at ALDOT that are monitored under Title VI.

These activities and programs include, but are not limited to the following:

- | | |
|-------------------------------------|--|
| • Construction | • Consultant Contracts |
| • Design | • DBE (Disadvantaged Business Enterprises) |
| • Environmental Studies and Designs | • Maintenance |
| • Metropolitan Planning | • Multi Modal |
| • Public Meetings | • Planning |
| • Right Away Acquisitions | • Research and Development |
| | • Training |

LEP

Como medida para mejorar el acceso a servicios para las personas con *Conocimientos Limitados del Idioma Inglés* (LEP), Orden Ejecutiva No. 13166 firmada por el presidente Clinton en agosto de 2000. LEP que pertenecen a las personas que escriben, leen y hablan otros idiomas aparte del Inglés, y no utilizar el Inglés como su idioma principal o primero. En cooperación con el Título VI, el transporte y otros beneficiarios del DOT se encargan de proporcionar servicios equitativos a los que cumplen con los requisitos LEP. Con este Orden Ejecutiva, todos los servicios de ayuda federal se debe aplicar a todas las personas de manera justa que incluya la asistencia lingüística con respecto a un tipo específico de servicio, beneficio, o reunión.

MPO

La Organización Metropolitana de Planificación (MPO) tiene la responsabilidad, tal como fuera designado por la Administración Federal de Carreteras, a planificar, programa, y coordinar todas las inversiones en proyectos de carreteras y tránsito. Es la política de ALDOT de asegurarse de que todos los recipientes de fondos federales incluyendo la MPO estén en cumplimiento del Título VI del Acto de Derechos Civiles de 1964. Dentro de la MPO hay dos comités, el Comité de Coordinación Técnica (Technical Coordinating Committee) (TCC), y el Comité de Asesoría de Ciudadanos (Citizens Advisory Committee) (CAC). Los fondos utilizados por el MPO y aprobados por el TCC provienen de la combinación de entidades federales, estatales y locales. La MPO esta compuesta de oficiales de la comunidad y aquellos que son elegidos que hacen decisiones con respecto al sistema de tranportación a nivel regional. Estos grupos existen en areas con comunidades de 50,000 o más personas en su totalidad.

LEP

As a measure to improve access to service for persons with Limited English Proficiency (LEP), Executive Order No.13166 was signed by President Clinton in August of 2000. LEP would pertain to those persons who write, read, and speak another language other than English as their primary, or first, language. In cooperation with Title VI, transportation and other DOT recipients are tasked with providing equitable services to those meeting LEP requirements. With this Executive Order, all federally aided services must be applied to all persons in a fair manner which would include language assistance with respect to a specific type of service, benefit, or meeting.

MPO

A Metropolitan Planning Organizations (MPO) has the responsibility, as designated by the Federal Highway Administration, to plan, program and coordinate all federal highway and transit investments projects.

It is the policy of ALDOT for all recipients of federal funds, including the MPO and sub-recipients to ensure they are in compliance with Title VI of the Civil Rights Act of 1964.

Within the MPO, there are two committees - the Technical Coordinating Committee (TCC) and the Citizen's Advisory Committee (CAC). The funding utilized by the MPO and approved by the TCC comes from a combination of federal, state, and local entities. The MPO is made up of community and elected officials who make decisions regarding transportation on a regional level. These groups exist in community areas of 50,000 or more in total population.

CÓMO PRESENTAR UNA QUEJA

Puede presentar una queja firmada y por escrito hasta 180 días después de la fecha de la supuesta discriminación.

La queja deberá incluir:

- Su nombre, la dirección, y número de teléfono.
- El nombre y dirección de la agencia, de la institución, o del Departamento que usted cree que la discriminó.
- Cómo, por qué, y cuando usted cree que fue discriminada. Incluya tanta información detallada como fuese posible acerca de los supuestos actos de discriminación y cualquier otra información pertinente.
- Los nombres de cualquier persona(s), si lo conoce, a quien la División de ALDOT encargada del Título VI pueda contactar para clarificación de sus alegaciones.

Su queja debe ser firmada y fechada.



Por favor presentar su queja a la dirección abajo señalada:

Atención: Title VI Coordinator
Alabama Department of Transportation
Compliance and Business Opportunities Bureau
1409 Coliseum Boulevard, Room N-101
Montgomery, Alabama 36110
Telephone: 334-242-6659
Fax: 334-263-7586
Toll Free: 1-866-869-3291
www.dot.state.al.us

Revised May 2017

HOW TO FILE A COMPLAINT

You may file a signed, written complaint 180 days from the date of the alleged discrimination.

The complaint should include:

- Your name, address, and telephone number.
- The name and address of the agency, institution, or department you believe discriminated against you.
- How, why and when you believe you were discriminated against. Include as much specific, detailed information as possible about the alleged acts of discrimination, and other relevant information.
- The names of any persons, if known, who the ALDOT Title VI Division could contact for clarity of your allegations.

Your complaint must be signed and dated.



Please submit complaints to the address below:

Attention: Title VI Coordinator
Alabama Department of Transportation
Compliance and Business Opportunities Bureau
1409 Coliseum Boulevard, Room N-101
Montgomery, AL 36110
Telephone: 334-242-6659
Toll Free: 1-866-869-3291
Fax: 334-263-7586
www.dot.state.al.us

Brochure available in Spanish
(también está disponible en español)

Revised March 2017

ENVIRONMENTAL JUSTICE

TABLE OF CONTENTS

I. Public Involvement Plan for the Environmental Process	1
II. Overview	1
1. Why Public Involvement Is Necessary.....	1
2. Laws, Legislation and Executive Orders	2
III. Levels of Public Involvement	3
1. Level I.....	3
2. Level II.....	4
3. Level III.....	4
4. Level IV	4
<i>Summary of Four-Level Approach to Public Involvement</i>	5
IV. Coordination Plan	5
V. Types of Meetings.....	5
1. Public Involvement Meetings.....	5
2. Public Hearings.....	6
3. Additional Public Involvement/Hearing Opportunities.....	9
Appendices	
A. Code of Federal Regulations: 23 CFR 771	
B. Coordination Plan Example	
C. Public Involvement Meeting (PIM) Procedures	
D. Public Hearing (PH) Procedures	
E. Public Forum Procedures	

I. PUBLIC INVOLVEMENT PLAN FOR THE ENVIRONMENTAL PROCESS

Public involvement is an essential part of the National Environmental Policy Act (NEPA) process for proposed transportation projects. Coordination with stakeholders (persons or groups with a specific interest in the project) and the public continues throughout the environmental process and preliminary design stages of proposed improvements to ensure that local interests and needs are considered by decision makers.

This document serves as the Alabama Department of Transportation's (ALDOT's) Public Involvement Plan (the Plan) for the Environmental Process. It has been developed in accordance with 23 CFR 771—Environmental Impact and Related Procedures. This Plan guides the public involvement process for all ALDOT projects under Environmental Technical Section (ETS) purview, including those that may be sponsored by cities and counties as appropriate. It may also be useful to Department staff not directly involved in scoping and design, as well as for municipalities and other transportation partners. The following items are considered by ALDOT ETS in planning and implementing public involvement activities:

- Early opportunities for participation
- Public meetings at convenient and accessible locations and times
- Timely information on transportation issues, processes and procedures
- Reasonable access to technical and policy information
- Electronically accessible and available public information via the World Wide Web
- Adequate notice for participation opportunities at key decision points
- Methods for considering and responding to public input
- Seeking and considering the needs of traditionally underserved groups (minorities, low income, elderly, etc.)
- Periodic review and evaluation of the participation process

The Plan may be updated or revised in response to changes in laws or policies, or as required to satisfy legal opinions or findings.

II. OVERVIEW

1. Why Public Involvement Is Necessary

Public involvement allows the public input to the decision-making process. It promotes two-way communication between governing agencies and the public. The public is encouraged to participate, solicited for input, and provided the opportunity to become informed about the project as it develops. Public involvement is important in making a proposed transportation improvement responsive to the community's concerns and needs. As such, it should be tailored to the specific project, with consideration given to appropriate strategies for reaching communities within a project area. Comments received from the public during the NEPA process are made a part of the project's administrative record. ALDOT accepts comments by email, fax and mail.

2. Laws, Legislation and Executive Orders

The following are the major laws, regulations and executive orders that impact public involvement. These requirements are normally addressed under ALDOT's standard NEPA public meetings.

- The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and its 1998 successor, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), emphasize public participation in the transportation planning process. MAP-21, the Moving Ahead for Progress in the 21st Century Act (P.L. 112-141), was signed into law on July 6, 2012, which utilizes NEPA to promote improved transparency and accountability to the public.
- Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500-1508) require that agencies make a diligent effort to involve the public in preparing and implementing NEPA procedures. They also require that agencies provide public notice of NEPA-related hearings, public meetings, and environmental document availability so as to inform persons and agencies that may be interested or affected.
- Environmental regulations of the FHWA and FTA can be found in 23 CFR 771. In accordance with CEQ requirements, these regulations were adopted to implement NEPA requirements for transportation projects. Under 23 CFR 771.105(b), agencies involved with federally funded transportation activities must make decisions in the overall public interest.
- The Americans with Disabilities Act (ADA) encourages the involvement of people with disabilities in the development and improvement of transportation and paratransit plans and services. All meeting sites must be ADA accessible.
- Executive Order on Environmental Justice (EJ) (EO 12898) emphasizes the need for the full and fair participation of minority and low-income communities in public involvement and the decision-making process. If environmental justice appears to be an issue for the project, additional outreach may be needed for the environmental justice community.
- Section 4(f) of the Department of Transportation Act of 1966 requires transportation agencies to avoid public parks, wildlife refuges, and significant cultural resources when a feasible and prudent alternative is available. For a project where one or more public meetings or hearings are held, information on the proposed use of the Section 4(f) property shall be communicated at the public involvement meeting(s) or public hearing(s).
- Executive Order on Wetlands (EO 11990) requires federally funded project developers to avoid wetlands where practicable and to minimize and compensate for impacts to wetlands that cannot be avoided. Agencies shall provide early public review of any plans or proposals for new construction located in wetlands.
- Executive Order on Floodplains (EO 11988) requires federally funded project developers to avoid floodplains where practicable. Each agency shall also provide opportunity for early public review of any plans or proposals for actions in floodplains
- US Army Corps of Engineers' Section 404 (b)(1) guidelines restrict the placement of dredge and fill material in the waters of the United States. The Corps' NEPA regulations require the Corps to

proceed along a defined path in making its decision, including (where appropriate) public involvement.

- Section 106 of the National Historic Preservation Act (NHPA) requires agencies to develop alternatives that would avoid or minimize impacts to cultural resources. If Section 106 involvement appears to be an issue for the project, the public must be provided with information about a project's effects on historic properties, and be given the opportunity to provide input into the Section 106 process.

III. LEVELS OF PUBLIC INVOLVEMENT¹

Public involvement for a given project can be broadly categorized into one of four levels of public involvement² based on the potential degree of project impact(s). ALDOT ETS, in conjunction with the appropriate ALDOT Region and FHWA, determines the level for a given project.

The table at the end of this section identifies typical activities associated with each level of involvement.

1. Level I

Projects anticipated to have minimal impact require virtually no public involvement. Some temporary change on or adjacent to the project (e.g., temporary construction detours) could require notification to nearby property owners or the general public. Level I projects are typically Programmatic Categorical Exclusions covered under 23 CFR 771.117(c).³ These projects include no or only limited amounts of right-of-way, no relocations, and no individual permits. They do not involve use of Section 4(f) resources nor changes in access control. Typical examples are lighting, resurfacing, drainage control, striping, some bridge replacement projects, etc.

2. Level II

Projects with anticipated minor impact typically require notification to local residents and property owners by newspaper advertisement. A public meeting may be held if determined to be necessary by the Environmental Team.⁴ Level II projects are typically Categorical Exclusions covered under 23 CFR 771.117(d).⁵ These projects may require some additional right-of-way, relocations, individual permits, etc. Typical projects are widening projects with limited impacts, larger intersection improvements, etc.

¹The requirements of NEPA in regard to public involvement are outlined in 40 CFR 1506.6. FHWA also has regulations for implementing NEPA. Those for public involvement are outlined in 23 USC 128 and 23 CFR 771. As stated in 23 CFR 771.105, it is the policy of FHWA that "public involvement and a systematic interdisciplinary approach be essential parts of the development process for proposed actions."

² Identification of levels of public involvement has been current practice at ALDOT since 1973 and the development of the original Environmental Action Plan (EAP) Manual in 1976.

³ Excerpts of the applicable regulations are provided in Appendix A.

⁴ ALDOT's "Environmental Team" includes the Project Leader, assigned ETS Project Manager and Region Area Environmental Coordinator working together.

⁵ Excerpts of the applicable regulations are provided in Appendix A.

3. Level III

Projects with anticipated moderate impact typically require notification to local residents and property owners through the media and newspaper advertisement. This level of involvement necessitates active identification of local groups likely to have an interest in the project (e.g., homeowner associations, conservation groups). Once identified, the ALDOT Region Environmental Coordinator will send a letter notifying the local groups of the project and inquiring into any particular area of concern. An early public involvement meeting is typically held before any preliminary plans are initiated and well before any required public hearing. Individual and group meetings will be held on request. Level III projects are typically Environmental Assessments covered under 23 CFR 771.119.⁶ These projects normally require additional right-of-way, relocations, individual permits, etc. Such projects usually involve adding lanes for capacity, smaller projects on new location, larger interchange proposals, and unknown environmental impacts.

4. Level IV

Projects with anticipated major impact typically require considerable effort to involve people who may be affected, including development of an inventory of social groups within the project area and their leaders. Extensive media exposure is sought, and public meetings on project progress may be held in more than one location and at multiple times. Individual or group meetings may also be held if requested. Written and/or phone contact with affected and interested individuals or groups is maintained throughout the process. Options for gathering public opinion and comments may include surveys and questionnaires.

ALDOT's Region Environmental Coordinator, in coordination with ETS, determines and arranges the method of notification to the general public, interested groups, and others. For projects requiring mass media notification, ETS determines the appropriate time for such a release. The Region Environmental Coordinator prepares a draft news release and forwards it to ETS. After review, ETS forwards the draft to ALDOT's Media and Community Relations Bureau for release, as appropriate.

Level IV projects are typically Environmental Assessments covered under 23 CFR 771.119 or Environmental Impact Statements covered under 23 CFR 771.123 and 23 CFR 771.125.⁷ These projects typically require larger amounts of right-of-way, relocations, individual permits, etc., and may include substantially increased capacity, major environmental impacts, etc.

⁶ Excerpts of the applicable regulations are provided in Appendix A.

⁷ Excerpts of the applicable regulations are provided in Appendix A.

Summary of Four-Level Approach to Public Involvement

Examples of PI Activities Typically Associated with PI Levels	Level of Involvement			
	Level I	Level II	Level III	Level IV
(Individual) Notification to <u>affected</u> property owners	X	X	X	X
Public Meetings		X	X	X
Notice to local residents by newspaper ad and ALDOT website		X	X	X
Identification of and letter to local groups			X	X
Continuing contact with groups by internet/mail/telephone			X	X
Public info meetings on project progress			X	X
Public hearing(s)			X	X
Mass media notification				X
Possible use of surveys/questionnaires				X
Inventory of social groups				X
Progress reports via mass media				X

IV. COORDINATION PLAN

For projects determined to require an Environmental Impact Statement (EIS), a written Coordination Plan is prepared and filed with the Federal Highway Administration (FHWA) early in the project development process. It is prepared by ALDOT, sometimes in coordination with other government agencies, and approved by the FHWA⁸. The plan helps to organize and guide the public involvement effort through the project development process. An example is provided in Appendix B.

V. TYPES OF MEETINGS

ALDOT utilizes two different types of meetings to inform the public about projects and solicit input. The first type is called public involvement meetings (PIMs). The purpose of PIMs is to both inform citizens and receive their input on a developing project. PIMs should be open to the public, relevant, timely, and appropriate. The second type of meeting is a public hearing. Although similar in purpose to PIMs, public hearings follow detailed requirements for notification, content, comment opportunity and transcripts.

More information on these two meetings is provided in the following paragraphs.

1. Public Involvement Meetings

Public involvement meetings (PIMs) are information sharing meetings held early in the development of the initial environmental document. These meetings are usually informal in nature and utilize an “open house format.” PIMs are designed to provide the public with adequate opportunity to learn about and provide input into the purpose and need for a proposed project, alternate courses of action, alternative

⁸For federally funded transportation projects, the US Department of Transportation (USDOT/FHWA Alabama Division) acts as the lead federal agency. Therefore, it manages the NEPA process and exercises final approval of NEPA documents.

project locations, major design features, social/economic/environmental/other effects of the alternatives, and project consistency with local planning goals and objectives.

It is important to consider an initial PIM as soon as the project has been identified. The purpose of this meeting is to provide an opportunity for an open dialogue with potential project stakeholders as a means to discuss not only identified transportation issues and needs, but to identify for further exploration community and environmental issues. The aim of early meetings is to fully recognize the extent of problems to be solved before refining possible solutions.

To allow maximum participation by the public, PIMs are held at a convenient time and place and at a location that meets ADA requirements. The meeting should preferably be held at a facility on or near the project site. The generally preferred meeting time is weekdays (excluding holidays). Clear and easily understood project exhibits are made available for review. The public is encouraged to view the displays and speak with ALDOT personnel or consultants for explanation of the project. The public is furnished handouts which describe the project and include comment sheets. Participants are encouraged to complete the comment sheet and return it to ALDOT representatives at the meeting, by mail or email within ten (10) days after the meeting. All written and recorded comments become part of the administrative record.

The Region Environmental Coordinator or project sponsor prepares a written summary of the public meeting, which includes written and verbal comments made by the public. Following the close of the comment period, the Region prepares a public meeting report that includes a summary and a copy of all comments received. All comments and responses including any that are received after the comment period are submitted to ETS for inclusion in the environmental document. Appendix C includes a step-by-step process for planning and conducting a public involvement meeting.

2. Public Hearings

In contrast to PIMs, public hearings typically occur after a draft EIS or EA has been circulated for public comment, and before finalizing the NEPA environmental process. A public hearing, or opportunity for one, is typically offered for federal EIS/EA projects and any project for which FHWA determines that a public hearing is in the public interest.

Conducting a public hearing follows a process similar to the PIMs; however, federal regulations stipulate specific details pertaining to hearing advertisement and format. These include:

- A notice of public hearing must be advertised at least 30 days prior to the hearing.
- The ad must also include an explanation of the informal and formal portions of the meeting, as well as the procedures for registering to speak during the formal portion.
- Project maps must present all alternates, including the preferred if determined, and right-of-way details/information.

Appendix D includes a step-by-step process for planning and conducting a public hearing.

When significant amounts of right-of-way substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, or otherwise has a significant social, economic, environmental or other effect, a formal type of meeting offering the public an opportunity to be heard is incorporated into the meeting. This formal portion of the meeting is referred to as a Public Forum. This allows the project sponsors to address the audience in a formal setting followed by an opportunity for participants to have their comments heard and recorded.

Procedures for conducting a Public Forum are included in Appendix E.

On some occasions, the public's questions about a particular project are fully satisfied during the PIM held earlier in the process. In these cases, a notice of the opportunity for a public hearing will be advertised. A public hearing will then be held when anyone with a substantial social, economic, or environmental interest in the matter requests one, unless their concerns are subsequently addressed through consultation with ALDOT. If no requests are received, a public hearing may then be deemed unnecessary.

3. Additional Public Involvement/Hearing Opportunities

As part of the ongoing public involvement process, additional opportunities for involvement may be offered under any of the following conditions:

- Reevaluation due to substantial change in the project design or unanticipated development in the area affected by the project
- Unusually long lapse of time since the last public outreach meeting
- Identification of substantial social, economic or environmental effects not previously considered during earlier public outreach meetings

On some occasions, ALDOT receives comments and questions from concerned citizens, interested groups, environmental groups, and other agencies about proposed projects. It is ALDOT's policy to respond to comments received throughout as well as after the NEPA documentation process.

Comments received by the Region offices should be sent to the ETS project manager to ensure that all comments are received and that responses are provided by the appropriate ALDOT personnel or project sponsor. When a comment is received prior to the completion of the NEPA documentation, the comment and appropriate response will be included in the NEPA document. Any comments received after the completion of the NEPA document should also be forwarded to the ETS project manager. The comment will be addressed by the appropriate personnel and the ETS will keep a copy of comments and responses on file.

APPENDIX A – CODE OF FEDERAL REGULATIONS: 23 CFR 771

I. CODE OF FEDERAL REGULATIONS

Title 23 - Highways

Volume: 1 Date: 2002-04-01 Original Date: 2002-04-01 Title: Section 771.111 - Early coordination, public involvement, and project development.

Context: Title 23 - Highways. CHAPTER I - FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION. SUBCHAPTER H - RIGHT-OF-WAY AND ENVIRONMENT. PART 771 - ENVIRONMENTAL IMPACT AND RELATED PROCEDURES.

§ 771.111 Early coordination, public involvement, and project development. (a) Early coordination with appropriate agencies and the public aids in determining the type of environmental document an action requires, the scope of the document, the level of analysis, and related environmental requirements. This involves the exchange of information from the inception of a proposal for action to preparation of the environmental document. Applicants intending to apply for funds should notify the Administration at the time that a project concept is identified. When requested, the Administration will advise the applicant, insofar as possible, of the probable class of action and related environmental laws and requirements and of the need for specific studies and findings which would normally be developed concurrently with the environmental document. (b) The Administration will identify the probable class of action as soon as sufficient information is available to identify the probable impacts of the action. For UMTA, this is normally no later than the review of the transportation improvement program (TIP) and for FHWA, the approval of the 105 program (23 U.S.C. 105). (c) When FHWA and UMTA are involved in the development of joint projects, or when FHWA or UMTA acts as a joint lead agency with another Federal agency, a mutually acceptable process will be established on a case-by-case basis. (d) During the early coordination process, the Administration, in cooperation with the applicant, may request other agencies having special interest or expertise to become cooperating agencies. Agencies with jurisdiction by law must be requested to become cooperating agencies. (e) Other States, and Federal land management entities, that may be significantly affected by the action or by any of the alternatives shall be notified early and their views solicited by the applicant in cooperation with the Administration. The Administration will prepare a written evaluation of any significant unresolved issues and furnish it to the applicant for incorporation into the environmental assessment (EA) or draft EIS. (f) In order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated in each EIS or finding of no significant impact (FONSI) shall: (1) Connect logical termini and be of sufficient length to address environmental matters on a broad scope; (2) Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and (3) Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements. (g) For major transportation actions, the tiering of EISs as discussed in the CEQ regulation (40 CFR 1502.20) may be appropriate. The first tier EIS would focus on broad issues such as general location, mode choice, and area wide air quality and land use implications of the major alternatives. The second tier would address site-specific details on project impacts, costs, and mitigation measures. (h) For the Federal-aid highway program: (1) Each State must have procedures approved by the FHWA to carry out a public involvement/public hearing program pursuant to 23 U.S.C. 128 and 40 CFR parts 1500 through 1508.

(2) State public involvement/public hearing procedures must provide for: (i) Coordination of public involvement activities and public hearings with the entire NEPA process. (ii) Early and continuing opportunities during project development for the public to be involved in the identification of social, economic, and environmental impacts, as well as impacts associated with relocation of individuals, groups, or institutions. (iii) One or more public hearings or the opportunity for hearing(s) to be held by the State highway agency at a convenient time and place for any Federal-aid project which requires significant amounts of right-of-way, substantially changes the layout or functions of connecting roadways or of the facility being improved, has a substantial adverse impact on abutting property, otherwise has a significant social, economic, environmental or other effect, or for which the FHWA determines that a public hearing is in the public interest. (iv) Reasonable notice to the public of either a public hearing or the opportunity for a public hearing. Such notice will indicate the availability of explanatory information. The notice shall also provide information required to comply with public involvement requirements of other laws, Executive orders, and regulations. (v) Explanation at the public hearing of the following information, as appropriate: (A) The project's purpose, need, and consistency with the goals and objectives of any local urban planning, (B) The project's alternatives, and major design features, (C) The social, economic, environmental, and other impacts of the project, (D) The relocation assistance program and the right-of-way acquisition process. (E) The State highway agency's procedures for receiving both oral and written statements from the public. (vi) Submission to the FHWA of a transcript of each public hearing and a certification that a required hearing or hearing opportunity was offered. The transcript will be accompanied by copies of all written statements from the public, both submitted at the public hearing or during an announced period after the public hearing. (3) Based on the reevaluation of project environmental documents required by § 771.129, the FHWA and the State highway agency will determine whether changes in the project or new information warrant additional public involvement. (4) Approvals or acceptances of public involvement/public hearing procedures prior to the publication date of this regulation remain valid. (i) Applicants for capital assistance in the UMTA program achieve public participation on proposed projects by holding public hearings and seeking input from the public through the scoping process for environmental documents. For projects requiring EISs, a public hearing will be held during the circulation period of the draft EIS. For all other projects, an opportunity for public hearings will be afforded with adequate prior notice pursuant to 49 U.S.C. 1602(d), 1604(i), 1607a(f) and 1607a-1(d), and such hearings will be held when anyone with a significant social, economic, or environmental interest in the matter requests it. Any hearing on the action must be coordinated with the NEPA process to the fullest extent possible. (j) Information on the UMTA environmental process may be obtained from: Director, Office of Planning Assistance, Urban Mass Transportation Administration, Washington, DC 20590. Information on the FHWA environmental process may be obtained from: Director, Office of Environmental Policy, Federal Highway Administration, Washington, DC 20590.

APPENDIX B – COORDINATION PLAN EXAMPLE

COORDINATION PLAN

For

**PROJECT: ST-059-261-004
HELENA BYPASS
SHELBY COUNTY**

Purpose(s):

The purposes of the coordination plan are to facilitate and document the lead agencies' structured interaction with the public and other agencies and to inform the public and other agencies of how the coordination will be accomplished.

I. PROJECT DESCRIPTION:

The proposed project is to provide a bypass around the historic downtown area of Helena (Shelby County) Alabama. The project will begin southwest of the downtown area on Shelby County Road 52 (CR-52) approximately 6,600 feet west of the existing intersection of CR-52 and State Route 261 (SR-261) and traverse northeasterly approximately four miles to a terminus with SR-261 near Bearden Road. The total cost for the project is estimated to be \$22 Million.

II. IMPACTS:

a. **Human Environment:** Studies will commence in August 2006 and continue through August 2007.

i. Historic & Archaeological Preservation

A Historical Building Survey and a Phase I Cultural Resource Assessment (CRA), and later, if needed, a Phase II CRA, will be conducted on all project alternatives in accordance with the requirements of the Alabama Historical Commission (AHC) and Section 106 of the National Historic Preservation Act. The Phase I surveys will be conducted by Southeastern Anthropological Institute under the supervision of Mr. Hunter Johnson. Coordination with AHC on the initial survey and Phase I CRA results is expected to occur between October-December 2006.

Should a National Register of Historic Places (NRHP) eligible site be identified as impacted, ALDOT will promptly inform FHWA. FHWA, in turn, will notify the Advisory Council on Historic Preservation (ACHP) by letter that they have a project which negatively impacts a NRHP eligible site. A Memorandum of Agreement and additional cultural resource documentation necessary will be accomplished, in accordance with AHC and Section 106. The MOA will be submitted to the ACHP by FHWA.

Initial tribal coordination was accomplished by letters that were mailed on August 4, 2006 during the Scoping Phase of the project. ALDOT will provide additional information or details per any tribal request. Depending on tribal responses or the types of historic sites identified, additional coordination may occur. FHWA will handle any coordination beyond initial contact and providing supplementary data. If any issues or problems with tribal coordination arise, FHWA should be informed immediately.

- ii. All other social impacts will be conducted in accordance with FHWA's Technical Advisory 6640.8A and ALDOT's policy.
 - 1. Relocations
 - 2. Environmental Justice. ALDOT will promptly inform FHWA if it appears environmental justice will be an issue.
 - 3. Noise
 - 4. Air Quality
 - 5. Economic
- b. **NATURAL ENVIRONMENTAL:** Studies will begin in August 2006 and continue through August 2007. Environmental impacts will be conducted in accordance with existing regulations and guidance of the various resource agencies. These studies will be performed by either Solid Civil Design or Gallet and Associates and include the following:
 - i. **Wetlands:** Wetlands will be delineated on all project alternatives in accordance with the Corps of Engineers guidelines. Permit requirements will be determined and commitments will be made during the NEPA process. A Wetlands Finding will be included in the FEIS.
 - ii. **Water Quality:** Water quality will be assessed and coordinated with the Alabama Department of Environmental Management. Permit requirements will be determined and commitments will be made during the NEPA process.
 - iii. **Floodplains:** A risk assessment will be performed in order to evaluate the potential for work below the 100 year flood. Coordination with FEMA will be accomplished and the necessary studies will be conducted throughout the NEPA process and prior to any construction activities.
 - iv. **Endangered Species:** Initial contact will be made with the US Fish and Wildlife Service (USFWS) to identify species of concern. A survey will be conducted for all species noted by the USFWS. These surveys will be conducted by a well-qualified and experienced individual that meets USFWS standards. The results of the surveys will be submitted to USFWS for their concurrence. Further coordination will occur if any endangered or threatened species is in proximity to the project.
 - v. **Hazardous Materials:** A survey will be conducted to identify possible hazardous materials sites and to assess the associated risks. The survey will be coordinated with the ALDOT's Environmental Technical Section and Hazardous Materials Section. For any low risk hazardous materials sites, drilling will be deferred until the FEIS. For any other risk level of hazardous materials sites, drilling to assess the clean-up costs will be completed prior to DEIS approval.
 - vi. **Public Park, Recreation Area or Wildlife Refuge:** ALDOT will promptly inform FHWA if it appears that a Section 4(f) Resource will be impacted.
- c. **CULMULATIVE AND SECONDARY IMPACTS** will be identified and if appropriate, mitigation measures.

III. COORDINATION POINTS:

NOTICE TO PROCEED

A Notice to Proceed (NTP) was issued on June 8, 2006. Upon receiving this NTP, initial coordination efforts began.

NOTICE OF INTENT

In order to inform a broad spectrum of the Public, the FHWA has published a Notice of Intent (NOI) in the Federal Register. This NOI was published on August 1, 2006.

SCOPING MEETING

Pursuant to publishing the NOI, a Scoping Meeting was planned. The Scoping Meeting Invitation Letters along with a map of the study area were mailed on August 4, 2006 in order to provide sufficient time for attendees to schedule their attendance. The meeting was scheduled for September 7, 2006.

Attendance at the scoping meeting is by invitation only and is focused on obtaining input from public agencies. Invitees for the Scoping Meeting were identified using ALDOT's list of invitees which included the local elected officials, regulatory agencies, and Native American contacts.

Comments were solicited regarding the purpose and need for the project, the alternatives to be studied and on known or potential concerns needing to be addressed in the EIS. Comments were received at the scoping meeting and will be received for 30 days following the meeting.

PUBLIC INVOLVEMENT MEETINGS

A Public Involvement Meeting (PIM) was held on September 14, 2006. Prior to this meeting, advertisements of the meeting were published in both the Birmingham News and the Shelby County Reporter. In addition, ALDOT mailed invitations to citizens who registered their attendance at the PIM's held for adjacent projects. Comments were requested via comment forms regarding the purpose and need for the project, the alternatives to be studied and on known or potential concerns needing to be addressed in the EIS. Participants were able to provide their comments at the meeting or mail them in within 10 days as provided in the ALDOT Public Involvement and Public Hearing Procedures.

A second PIM was held on July 17, 2007. This meeting was held to present an alternate intersection tie of the bypass on the South/West end of the corridor. Prior to this meeting, advertisements of the meeting were published in both the Birmingham News and the Shelby County Reporter. In addition, ALDOT mailed invitations to citizens who registered their attendance at the PIM's held for adjacent projects. Comments were requested via comment forms regarding the purpose and need for the project, the alternatives to be studied and on known or potential concerns needing to be addressed in the EIS. Participants were able to provide their comments at the meeting or mail them in within 10 days as provided in the ALDOT Public Involvement and Public Hearing Procedures.

PURPOSE AND NEED and RANGE OF ALTERNATIVES

After the comments from the Scoping Meeting and Public Involvement Meeting have been received and reviewed, a final statement of purpose and need and range of alternatives will be drafted by ALDOT for FHWA approval. This is scheduled for Oct 2007. A preferred alternative may be selected during preparation of the DEIS.

DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)

Upon completion of the DEIS, copies will be distributed to Cooperating Agencies, Participating Agencies, and others who requested to be included in the distribution. A comment period of 45 days has been established. This comment period will be communicated to the recipients in the cover letter distributing the DEIS. The DEIS comment period begins on the date that EPA publishes the notice of availability of the DEIS in the *Federal Register*. This is scheduled for April 2007.

PUBLIC HEARING

A Corridor/Design Public Hearing will be held after approval of the DEIS. Prior to this meeting, advertisements of the meeting will be published in both the Birmingham News and the Shelby County Reporter. In addition, ALDOT plans to mail invitations to citizens who registered their attendance at the PIM. Comments will be requested via comment forms regarding the DEIS. Participants will be able to provide their comments at the meeting or mail them in within the 45 day comment period. This is scheduled for July 2007.

IDENTIFICATION OF THE SELECTED ALTERNATIVE

After the comments from the Public Hearing have been received and reviewed, an alternative will be selected and any additional studies or conceptual design required will be accomplished. This is scheduled for September 2007.

FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)

Upon completion of the FEIS, copies will be distributed to Cooperating Agencies, Participating Agencies, and others who requested to be included in the distribution. A 30 day waiting period is provided between the FEIS notice in the Federal Register and the signing of the ROD. This period is required by CEQ regulations [40 CFR 1506.10(b)] provides time for other Federal agencies that find the project environmentally unsatisfactory to refer the decision to CEQ [40 CFR 1504]. The FEIS comment period begins on the date that EPA publishes the notice of availability of the FEIS in the Federal Register. This is scheduled for Jan 2008.

Occasionally, the FHWA will seek comment on a specific unresolved issue discussed in the FEIS. In those cases, the comment deadline provisions of SAFETEA-LU apply and the comment period will run concurrently with the required 30-day waiting period. Even if the lead agencies do not request comments on a FEIS, they will address any new and substantive comments submitted during the 30 days following the FEIS publication.

After the FEIS, comments typically should focus on commitments discussed in the FEIS and on conditions that parties want the lead agencies to include in the ROD. The process should avoid duplication, and the lead agencies are not required to re-address comments that present issues specifically raised during the DEIS comment period and addressed in the FEIS. Comments to which the lead agencies respond would be addressed in the ROD or in an attachment to the ROD.

ROD

SAFETEA-LU requires USDOT to report to Congress when project decisions by other Federal agencies are not completed within 180 days after the later of two statutory milestones. The first milestone is the completion of decision-making by the USDOT agency, for this project the FHWA, which occurs with the signing of the NEPA ROD. The second milestone is the date of submission of a complete application to the Federal agency for a permit, license, or approval for the project. The completeness of the application will be determined by the FHWA. This is scheduled for March 2008.

COMPLETION OF PERMITS, LICENSES, OR APPROVALS AFTER THE ROD

It is anticipated that the following permits, licenses and approvals will be required prior to construction. Because funding for construction has not been appropriated, an estimated construction start date has not been determined.

National Pollutant Discharge Elimination System (NPDES) Permit from ADEM: This permit will be applied for by the ALDOT approximately one year prior to the construction start date.

Section 404 Permit from the US COE: This permit will be applied for by the ALDOT approximately one year prior to the construction start date.

No other permits, licenses or approvals are currently anticipated for this project.

The FHWA Division Office, in cooperation with the City of Helena and ALDOT, are responsible for tracking these decision-making timelines as a part of their management of the project. The FHWA Division Office will address schedule problems as soon as they occur. If it appears likely that project decisions will not be completed by the 180-day deadlines, then the FHWA Division Office will comply with the requirements established by SAFETEA-LU, Section 6002, codified in Subchapter I of chapter 1 of title 23, United States Code.

IV. Designated Groups

LEAD AGENCIES: The FHWA and ALDOT are joint leads for this project.

PARTICIPATING AGENCIES: ALDOT will send invitations to potential participating agencies. FHWA will review and approve the invitations. The invitation should request a response either accepting or declining the role of participating agency. Per SAFETEA-LU, a Federal agency invited to participate shall be designated as a participating agency unless the agency declines the invitation by the specified deadline. If a Federal agency chooses to decline, their response letter must state that the agency (1) has no jurisdiction or authority with respect to the project, (2) has no expertise or information relevant to the project, and (3) does not intend to submit comments on the project. If the Federal agency's response does not state the agency's position in these terms, then the agency will be treated as participating agency.

A State, tribal, or local agency must respond affirmatively to the invitation to be designated as a participating agency. If the State, tribal, or local agency fails to respond or declines the invitation, regardless of the reasons for declining, the agency will not be considered a participating agency.

The project sponsor and the FHWA will be responsible for determining who will be invited as a participating agency. The following agencies have been identified as potential participating agencies:

- i. **County of Shelby**, Engineering
- ii. **Alabama Historical Commission**, Cultural Resources
- iii. **Alabama Department of Environmental Management**, Water Quality
- iv. **U.S. Fish and Wildlife Service**, Rare and Endangered Species and/or Critical Habitat

Each participating agency will be asked to provide information and guidance for matters related to their area of special expertise. The invitations will be issued in September 2006.

COOPERATING AGENCIES: Cooperating agencies have a slightly higher degree of authority, responsibility, and involvement in the environmental review process. Cooperating agencies are, by definition in [40 CFR 1508.5](#), agencies with jurisdiction by law or special expertise.

The U.S. Army Corps of Engineers is the only cooperating agency expected for this project.

PROJECT SPONSOR: This is the City of Helena. The project sponsor has the same responsibilities as the participating agencies.

PUBLIC: Anyone with an interest in the project. Opportunities for input occur at the PIM and the public hearing.

APPENDIX C – PUBLIC INVOLVEMENT MEETING (PIM) PROCEDURES

I. Public Notification

- ☐ The Region Environmental Coordinator (REC) prepares the newspaper advertisement. (Example ads are located in Exhibit D of the Toolkit.) **No small legal ads will be used.**
- ☐ The REC coordinates with the Environmental Technical Section (ETS) on the ad prior to publishing it.
- ☐ The ad specifies the date, time and location of the PIM and contains a description of the proposed project.
- ☐ Procedures for the submission of written statements following the PIM are also described in the notice.
- ☐ The ad should be published in local newspapers 30 calendar days prior to the PIM and at minimum 15 days prior to the PIM. When practical, the meeting is also announced on local radio stations.
- ☐ The ETS Project Manager is responsible for arranging updates to ALDOT's website to announce the date, time, and location of the meeting.
- ☐ The REC arranges for the placement of physical signs advertising the meeting in the project area (i.e. local businesses, churches, etc.) approximately 15 days prior to the PIM.
- ☐ The ETS Project Manager notifies FHWA and the Title VI Coordinator of the PIM a minimum of 10 days in advance.

II. Facility Requirements

- ☐ Americans with Disabilities Act (ADA) compliant
- ☐ Facility on project site or in close proximity
- ☐ Ample parking in close proximity
- ☐ Audio/visual compatibility (2 microphones, including one that can be turned on/off as needed, projector, screen, etc.)
- ☐ Adequate availability of tables and adult-sized chairs

III. Staffing Requirements/Preferences (arranged by REC in coordination with ETS)

- ☐ Sign-in table staff

- ☐ Region representatives
- ☐ FHWA representative(s)
- ☐ ETS representative(s)
- ☐ Project sponsor representatives
- ☐ Right-of-way representatives
- ☐ Title VI representative
- ☐ Law enforcement presence or availability is arranged by the REC
- ☐ Recording device (audio and/or video) operator(s)

IV. PIM Specifics

- ☐ The PIM is usually held from 5:00 PM to 7:00 PM, with consideration given for the work hours of the affected population. The PIM is usually held on Tuesday or Thursday evenings to encourage maximum attendance.
- ☐ Typical time allotment for the entire PIM is approximately two (2) hours.
- ☐ Citizens can view the displays and talk with ALDOT representatives.
- ☐ Directional signs for parking and identification of entrance are used.
- ☐ Staff attending the PIM is fully briefed about the project particulars and are clearly identifiable with name badges (pre-meeting).
- ☐ Sign-in sheets are provided and a list of all attendees is included in the meeting summary.
- ☐ Handouts must be provided, and include:
 - ☐ Project purpose and need
 - ☐ Project location map
 - ☐ Comment sheet to be completed and returned at the meeting or by mail or email
- ☐ Display(s) will be available for public viewing. Adequate personnel will manage the displays and answer questions from the public on an informal basis.
- ☐ A recording device is provided by the REC to record verbal comments.
- ☐ The following applies to organizations not affiliated with ALDOT:

- ☐ If an outside organization requests a presence, they must be separated from the ALDOT meeting.
- ☐ Organizations must clearly identify themselves as a group that is not affiliated with ALDOT or the project.
- ☐ The REC, in coordination with the site manager, is responsible for designating the location for these organizations at the PIM and providing a sign that indicates that they are not affiliated with ALDOT.
- ☐ Comments received at the PIM and during the comment period following the PIM (10 working days) become part of the administrative record. All comments are taken into consideration when evaluating project alternatives.
- ☐ The Public Involvement Meeting Summary is prepared by the REC in cooperation with the Environmental Team, and includes:
 - ☐ Description of the advertisement process utilized to notify the public, including copies of newspaper ads and signs
 - ☐ Copy of handouts given to attendees
 - ☐ Completed sign-in sheet
 - ☐ Description of displays
 - ☐ Copies of completed comment sheets, letters, recorded oral comments and emails received during the meeting and the comment period after the meeting
 - ☐ Summary of comments
 - ☐ Response to substantive comments (prepared by ALDOT Project Leader or City/County sponsor)

**NOTE: On occasion the public forum may be conducted during a Public Involvement Meeting or Hearing on a project for which ALDOT anticipates potential controversy. See Public Forum in Appendix E*

APPENDIX D – PUBLIC HEARING (PH) PROCEDURES

I. Public Notification

- ☐ The Region Environmental Coordinator (REC) prepares the newspaper ad. (Example ads are located in Exhibit D of the Toolkit.) **No small legal ads will be used.**
- ☐ The REC coordinates with the Environmental Technical Section (ETS) on the ad prior to publishing it.
- ☐ The ad specifies the date, time and location of the PH, and contains a description of the proposed project. The notice specifies that maps and drawings, engineering, social, economic and/or environmental studies, and other pertinent information (such as alternatives being considered, environmental impact statements, noise and air quality studies, relocation programs, and tentative schedules for right-of-way acquisition and construction) will be available for public inspection, and explains where this information is available.
- ☐ Procedures for the submission of written statements following the PH are also described in the notice.
- ☐ The first newspaper ad is published in local newspapers and, when practical, announced on local radio stations 30 days prior to the PH. The second ad is published in local newspapers 5 to 12 days prior to the PH. For noncontroversial projects, only one notice may be run at least 15 days prior to the PH.
- ☐ The ETS Project Manager is responsible for arranging updates to ALDOT's website to announce the date, time, and location of the meeting.
- ☐ The REC arranges for the placement of physical signs advertising the meeting in the project area approximately 15 days prior to the PH.
- ☐ The ETS Project Manager notifies FHWA and the Title VI Coordinator of the PH a minimum of 10 days in advance.
- ☐ The environmental document must be available for public review during the entire public comment period. Hard copies of the document are maintained in the ALDOT Central Office and the appropriate Region office.

II. Facility Requirements

- ☐ Americans with Disabilities Act (ADA) compliant
- ☐ Facility on project site or in close proximity
- ☐ Ample parking in close proximity

- ☐ Audio/visual compatibility (2 microphones, including one that can be turned on/off as needed, projector, screen, etc.)
- ☐ Adequate availability of tables and adult-sized chairs

III. Staffing Requirements (arranged by REC in coordination with ETS)

- ☐ Sign-in table staff
- ☐ Region representatives
- ☐ FHWA representative(s)
- ☐ ETS representative(s)
- ☐ Project sponsor representatives
- ☐ Right-of-Way representatives
- ☐ Title VI representative
- ☐ Law enforcement presence or availability is arranged by the REC.
- ☐ Recording device (audio and/or video) operator(s)
- ☐ A court reporter, arranged by the REC, may be used for controversial projects.

IV. Public Hearing Specifics

- ☐ The PH is usually held from 5:00 PM to 7:00 PM, with consideration given for the work hours of the affected population. The PH is usually held on Tuesday or Thursday evenings to encourage maximum attendance.
- ☐ Typical time allotment for the entire PH is approximately two (2) hours.
- ☐ Citizens can view the displays and talk with ALDOT representatives.
- ☐ Directional signs for parking and identification of entrance are used.
- ☐ Staff attending the PH is fully briefed about the project particulars and are clearly identifiable with name badges (pre-meeting).
- ☐ Sign-in sheets are provided and a list of all attendees is included in the meeting summary.
- ☐ Handouts must be provided, and include:
 - ☐ Project purpose and need
 - ☐ Project location map identifying alternatives, with preferred alternative indicated (if chosen)

- ☐ Summary of impacts presented in EA
- ☐ Comment sheet to be completed and returned to ALDOT at the meeting or by mail or email
- ☐ Display(s) will be available for public viewing. The preferred alternative and other alternatives are depicted on the display maps. Adequate personnel will manage the displays and answer questions from the public on an informal basis.
- ☐ A recording device is provided by the REC to record verbal comments.
- ☐ The following applies to organizations not affiliated with ALDOT:
 - ☐ If an outside organization requests a presence, they must be separated from the ALDOT meeting.
 - ☐ Organizations must clearly identify themselves as a group that is not affiliated with ALDOT or the project.
 - ☐ The REC, in coordination with the site manager, is responsible for designating the location for these organizations at the PH and providing a sign that indicates that they are not affiliated with ALDOT.
- ☐ Comments received at the PH and during the comment period following the PH (10 working days) become part of the administrative record. All comments are taken into consideration when evaluating project alternatives.
- ☐ The Public Hearing Summary is prepared by the REC in cooperation with the Environmental Team, and includes:
 - ☐ Description of the advertisement process utilized to notify the public, including copies of newspaper ads and signs
 - ☐ Copy of handouts given to attendees
 - ☐ Completed sign-in sheet
 - ☐ Description of displays
 - ☐ Copies of completed comment sheets, letters, recorded oral comments and emails received during the meeting and the comment period, 30 days after the hearing
 - ☐ Summary of comments
 - ☐ Response to substantive comments (prepared by ALDOT Project Leader or City/County sponsor)

**NOTE: On occasion the public forum may be conducted during a Public Involvement Meeting or Hearing on a project for which ALDOT anticipates potential controversy. See Public Forum in Appendix E*

APPENDIX E – PUBLIC FORUM PROCEDURES

*A Public Forum is the formal portion of a Public Involvement Meeting or Hearing.

Public Notification

- ☐ The ad must also include an explanation of the public forum when included in the meeting, as well as the procedures for registering to speak during the public forum. Procedures for the submission of written statements following the PIM/PH are also described in the notice.
- ☐ The public forum will begin approximately one (1) hour after the beginning of the PIM/PH. Prospective speakers must register at the sign-in table prior to speaking.
 - ☐ Two (2) sign-in tables are required at the entrance to the PIM/PH facility.
 - ☐ The first table records participant names, addresses, and phone numbers along with organizations with which a citizen is affiliated.
 - ☐ The second table records the names of those wishing to make formal verbal comments during the formal portion of the PIM/PH
 - ☐ Staff is needed for both the sign-in table and formal comment sign-in table
- ☐ A recording device (audio and/or video) is provided by the REC to record the public forum. A court reporter is recommended for use for controversial projects.
- ☐ Preferably, the public forum will be held in an area separate from the informal portion of the hearing.
- ☐ When practical, the informal portion continues during the public forum.
- ☐ The formal presentation takes place even if no citizens sign up to provide verbal comments.
- ☐ The Moderator is designated by the ETS Environmental Coordinator, and is in charge of the public forum.
- ☐ The Moderator starts the public forum on time, using the following format:
 - ☐ Introduce him/herself as the Moderator. Inform the audience that this is not a question and answer session, and that this portion is being recorded for inclusion in the public comment record along with any other written or recorded comments.
 - ☐ Introduce any government elected officials and allow those who desire to make a brief statement about the project. If they do not want to speak, ask if they would like to be recognized.
 - ☐ Introduce the REC and have him or his representative give a brief overview of the project (no more than ten (10) minutes).
 - ☐ Introduce the audience speakers and remind them of the ground rules by which they agreed to abide:

- ☐ The public forum is being recorded
- ☐ There is a two (2) minute time limit for each speaker. Moderator will keep time for each speaker to keep the meeting moving.
- ☐ The time is not transferrable
- ☐ No profanity or personal attacks
- ☐ Speaker must state his/her name, address, and any group affiliation
- ☐ If a citizen agrees with a previous formal verbal comment, he/she may forfeit his/her time by simply recognizing his/her agreement with the previous citizen
- ☐ Only those citizens who sign up will be allowed to speak
- ☐ After the last speaker has finished, thank the speakers and the audience for their participation.
- ☐ Remind the audience of the other opportunities to provide comments, and explain how their comments are included in the project record and taken into consideration when evaluating the preferred alternative or design features.

REVIEW OF STATE DIRECTIVES

The procedure for reviewing State Directives (in coordination with the major program areas representatives) includes the review of Title VI and related requirements. Examples of compliance with this requirement is the review of directives, contracts and the language therein to ensure that the appropriate nondiscrimination terminology is included in each contract.

Directives and procedures that may be reviewed include, but are not limited to:

- Procedures for dissemination of information on opportunities of inclusion to participate in bidding of contract for minorities
- Procedures for prequalification of minority contractors and contractor selection
- Procedures for selection of University research contracts
- Procedures for consultant selection and the monitoring of Title VI compliance
- Procedures for advertising, identifying and selection of fee appraiser/attorneys for nondiscrimination.

When the Title VI Coordinator recognizes a failure to meet the requirements of Title VI and/or other related statutes, the respective program area administrator is notified of the deficiency and provided recommendations that will ensure Title VI compliance.

COMPLIANCE AND ENFORCEMENT PROCEDURES

The Title VI Program is required to conduct compliance reviews of Department programs and its sub-recipients. The purpose of the compliance review process is to determine if the Department's Emphasis Programs and Other Services Programs and sub-recipients are meeting Title VI compliance requirements.

The Corrective Action regulations 23 CFR 200.9 (4) (b) (15); 23 CFR 200.11; 49 CFR 21.13 states that a proactive compliance of Title VI requires the Department to take prompt action to achieve voluntary compliance.

When the Department program or sub-recipients is found in non-compliance, the Department has three remedies.

1. When voluntary acknowledgment of non-compliance is determined, an agreement to acquire assistance is initiated.
2. When voluntary compliance efforts are unsuccessful, a refusal to grant or continue the assistance is initiated.
3. When voluntary compliance efforts are unsuccessful, the violation is referred to FHWA and FTA, who will forward the violation(s) to the U.S. Department of Justice for judicial recommendation.

When entering into contract with ALDOT, if an applicant fails to file an adequate assurance or exhibits a breach in contract, notice should be given on the nature of non-compliance area and identify the possible harm and an immediate action made to secure voluntary corrections.

APPENDIX

Departamento de Transporte de Alabama

Declaración de Política del Título VI

El Departamento de Transporte de Alabama (Alabama Department of Transportation, ALDOT), también conocido como “Destinatario”, garantiza que por motivos de raza, color, país de origen, discapacidad, edad o sexo, ninguna persona quedará excluida de participar en, ni se le negarán los beneficios de, ni será objeto de ninguna manera de discriminación ni represalias de conformidad con cualquier programa o actividad administrada por el ALDOT, tal como se establece en el Título VI de la Ley de Derechos Civiles de 1964 y la Ley de Restablecimiento de los Derechos Civiles de 1987. El ALDOT se asegura además de que se hará todo lo posible por garantizar la no discriminación en todos sus programas y actividades, independientemente de si tienen financiamiento federal o no.

Asistencia financiera federal significa la subvención o subsidio de dinero. Sin embargo, la asistencia financiera federal también puede ser de una manera no monetaria, por ejemplo: uso o alquiler de terrenos o bienes federales por debajo del valor del mercado, capacitación federal, préstamo de personal federal, subsidios y otros acuerdos con la intención de brindar asistencia.

Destinatario significa cualquier estado, subdivisión política de cualquier estado, instrumento de cualquier estado o subdivisión política, cualquier agencia privada, institución u organización, u otro ente o cualquier persona, en cualquier estado, a quien se otorga asistencia financiera federal, directamente o a través de otro destinatario, por cualquier programa, incluido cualquier sucesor, designado o cesionario de dicha persona, pero dicho término no incluye algún beneficiario final de conformidad con cualquiera de esos programas.

Subdestinatario significa cualquier ente o persona que recibe de manera indirecta asistencia financiera federal con el fin de implementar algún programa o actividad que los somete a las obligaciones de cumplimiento del Título VI. Un subdestinatario puede ser, entre otros, algún condado municipal, organización de planificación metropolitana, instituto universitario o universidad, contratista o subadjudicatario.

[Firma ilegible]
John R. Cooper
Director de Transporte

08 abr 2011
Fecha

Estado de Alabama

Departamento de Transporte de Alabama

1409 Coliseum Boulevard
Montgomery, AL 36110

8 de abril de 2011

PROCEDIMIENTOS DE QUEJA CONTRA DISCRIMINACIÓN DEL TÍTULO VI

General

El procedimiento de queja contra discriminación del Título VI tiene el propósito de brindar a las personas agraviadas un proceso para presentar quejas de discriminación relacionadas con los programas, actividades o servicios con asistencia financiera federal administrados por el Departamento de Transporte de Alabama (Alabama Department of Transportation, ALDOT) o sus subdestinatarios, asesores y contratistas. El Título VI de la Ley de Derechos Civiles de 1964 establece que: "Ninguna persona en los Estados Unidos, por motivo de raza, color, origen nacional, discapacidad, edad o sexo, quedará excluida de participar en, ni le negarán los beneficios de, ni será objeto de discriminación a través de ningún programa o actividad que reciba asistencia financiera federal".

Propósito

El propósito es describir el procedimiento utilizado por el ALDOT para tramitar quejas de discriminación de conformidad con el Título VI de la Ley de Derechos Civiles de 1964, en su forma enmendada, a la vez que garantiza el debido proceso para las quejas. Este proceso no le impide al ALDOT intentar resolver las quejas de manera informal. Este proceso no niega el derecho del reclamante para presentar quejas formales ante otras agencias federales o a contratar un abogado particular por quejas que alegan discriminación.

Autoridades

El Título VI y el Título VII de la Ley de Derechos Civiles de 1964, la Oficina de Igualdad Laboral (Equal Employment Office, EEO) estatal y Garantías de no discriminación exigidas por la Ley Federal de Ayuda en las Carreteras de 1968, Sección 22, la Ley de Derechos Civiles de 1987; la Ley de Discriminación por Edad de 1975; 23 Código de Estados Unidos (United States Code, USC) 140, 23 Código de Reglamentos Federales (Code of Federal Regulations, CFR) Parte 230; 23 CFR 635.117(d) y (e); la Administración Federal de Carreteras (Federal Highway Administration, FHWA) 1273; las órdenes 4710.8 de la FHWA y la Notificación 4720.7(g) de la FHWA, así como la Ley de Estadounidenses con Discapacidades (Americans with Disabilities Act, ADA) de 1990.

Investigación de quejas

El personal del Título VI de ALDOT investigará las quejas del Título VI presentadas contra los subdestinatarios, asesores y contratistas. El Jefe de la Oficina de Cumplimiento y Oportunidades Comerciales designará a un investigador para evaluar la queja.

Las quejas en las que se nombre al ALDOT como el demandado deberán enviarse a la FHWA. Los demandantes también pueden presentar una queja en la Oficina Central de Derechos Civiles (Headquarters of Civil Rights Office, HCRO), el Departamento de Justicia (Department of Justice, DOJ), o el Departamento de Transporte de Estados Unidos (United States Department of Transportation, USDOT). La decisión definitiva sobre algún incumplimiento o no es una decisión federal que no puede ser delegada.

Las quejas que no constituyan alguna discriminación (es decir, de raza, color, origen nacional, sexo, edad o discapacidad) o incumplimiento de asuntos de justicia ambiental serán rechazadas.

Procedimientos

- A.** Los alegatos de discriminación deben basarse en la raza, color, religión, origen nacional, sexo, edad o discapacidad. Cualquier persona que considere que ha sido objeto de represalias por participar en un proceso de queja por discriminación también puede presentar una queja.
- B.** El demandante o representante pueden presentar la queja y debe entregarse por escrito a más tardar ciento ochenta (180) días después de la fecha del presunto acto de discriminación, o conocimiento de la presunta discriminación, o donde se ha producido una línea continua de conducta, la fecha en la que cesó esa conducta o el caso más reciente de la conducta.
- C.** Las quejas del Título VI deben entregarse por escrito y llevar la firma de la persona agraviada o su representante. La queja debe incluir el nombre, dirección y número telefónico del demandante, así como el motivo de la queja, el subdestinatario, asesor o contratista implicado y el lugar. Las quejas pueden ser enviadas por fax, correo electrónico o vía telefónica.

Dirección postal: Alabama Department of Transportation
Compliance and Business Opportunities Bureau
1409 Coliseum Boulevard, Room N-101
Montgomery, AL 36110

Número de fax: 334-263-7586

Correo electrónico: hamptonc@dot.state.al.us

- D.** En un plazo de diez (10) días después de recibir la queja, el ALDOT acusará el recibo de dicha queja al enviar un correo certificado al demandante. La notificación incluirá el nombre del investigador y le informará a la persona sobre sus derechos de conformidad con cualquier estatuto relacionado.
- E.** En un plazo de sesenta (60) días después de recibir la queja, el ALDOT llevará a cabo la investigación y enviará una copia de la queja, el informe de la investigación y la decisión del ALDOT a la FHWA. Si se necesita más tiempo para la investigación, el ALDOT puede solicitarlo a la FHWA.

F. Después de que el investigador designado finalice la investigación, el Jefe de la Oficina de Cumplimiento y Oportunidades Comerciales evaluará el(los) resultado(s) del informe solicitará información adicional, si es necesario. El Jefe de la Oficina de Cumplimiento y Oportunidades Comerciales elaborará un resumen de la investigación y lo presentará ante el Director del ALDOT. El Director del ALDOT elaborará una declaración que muestre el(los) resultado(s) recomendado(s) del ALDOT. El Director enviará copias de su decisión propuesta a la FHWA para la decisión definitiva de la agencia.

Rechazos

El ALDOT recomendará, por escrito, a la FHWA el rechazo de las quejas por los siguientes motivos:

- (1) Se presenta la queja a destiempo;
- (2) La queja no alega un motivo cubierto por las autoridades legales;
- (3) La queja no alega ningún perjuicio con respecto a los programas o estatutos cubiertos;
- (4) El demandante solicita el retiro de la queja;
- (5) El demandante no responde a las solicitudes reiteradas de información adicional necesaria para tramitar la queja;
- (6) No es posible localizar al demandante después de realizar intentos razonables;
- (7) El demandante no acepta una solución razonable. Nota: la FHWA u otra agencia federal adecuada determinan lo que es razonable;
- (8) El demandante emprendió medidas legales en algún Tribunal Federal de Distrito con el mismo fundamento y asunto implicados en la queja;
- (9) El mismo alegato de queja fue presentado ante otra agencia federal, estatal o local.

Si se necesita información adicional, no dude en comunicarse a través del 334-242-6659.

[Firma ilegible]

13 sep 2012

John R. Cooper

Fecha

Director de Transporte

Alabama Department of Transportation

Title VI Complaint Form

Available in the following locations:

Agency website;
 Hard copy in the Central office and Region offices;
 Available in appropriate language for LEP populations, meeting the Safe Harbor Threshold.

Section I:		
Name:		
Address:		
Telephone (Home):	Telephone (Work):	
Email Address:		
Section II:		
Are you filing this complaint on your own behalf?	Yes*	No
*If you answered "yes" to this question, go to Section III.		
If not, please supply the name and relationship of the person for whom you are complaining:		
Please explain why you have filed for a third party:		
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.	Yes	No
Section III:		
I believe the discrimination I experienced was based on (check all that apply):		
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Other _____		
Date of Alleged Discrimination (Month, Day, Year): _____		
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.		
Section IV		
Have you previously filed a Title VI complaint with this agency?	Yes	No
Section V		
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?		
<input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, check all that apply:		
<input type="checkbox"/> Federal Agency: _____		
<input type="checkbox"/> Federal Court _____	<input type="checkbox"/> State Agency _____	
<input type="checkbox"/> State Court _____	<input type="checkbox"/> Local Agency _____	

Please provide information about a contact person at the agency/court where the complaint was filed.
Name:
Title:
Agency:
Address:
Telephone:
Section VI
Name of person, company or agency the complaint is against:
Contact person:
Title:
Telephone number:

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below:

Signature	Date

Please submit this form to address below, or email this form to:

Attn: Title VI Coordinator
Alabama Department of Transportation
Compliance and Business Opportunities Bureau
1409 Coliseum Blvd.
Montgomery, Alabama 36011
hamptonc@dot.state.al.us

Departamento de Transporte de Alabama
Formulario de Queja del Título VI

Disponible en los siguientes lugares:

Sitio web de la agencia;
 Copia impresa en la oficina central y las oficinas regionales;
 Disponible en el idioma adecuado para las poblaciones con nivel limitado de inglés
 (Limited English Proficiency, LEP), cumpliendo con el Umbral de Puerto Seguro.

Sección I:		
Nombre:		
Dirección:		
Teléfono (hogar):	Teléfono (oficina):	
Dirección de correo electrónico:		
Sección II:		
¿Usted presenta esta queja por su cuenta?	Sí*	No
*Si respondió de manera afirmativa esta pregunta, vaya a la Sección III.		
En caso negativo, suministre el nombre y la relación de la persona sobre quien presenta la queja:		
Explique por qué presenta la queja en representación de un tercero:		
Confirme que obtuvo autorización de la parte agraviada si está presentando la queja en representación de un tercero.	Sí	No
Sección III:		
Creo que la discriminación de la que fui objeto se basó en (marque todas las opciones que correspondan): <input type="checkbox"/> Raza <input type="checkbox"/> Color <input type="checkbox"/> Origen nacional <input type="checkbox"/> Otro: _____		
Fecha de la presunta discriminación (mes, día, año): _____ Explique con la mayor claridad posible lo que sucedió y por qué cree que fue objeto de discriminación. Describa a todas las personas implicadas. Incluya el nombre y la información de contacto de la(s) persona(s) que lo discriminaron (si los conoce), así como los nombres e información de contacto de cualquier testigo. Si necesita más espacio, use el dorso del presente formulario. _____ _____		
Sección IV:		
¿Ha presentado anteriormente una queja del Título VI ante esta agencia?	Sí	No

Sección V:	
¿Presentó esta queja ante cualquier otra agencia federal, estatal o local, o ante cualquier tribunal federal o estatal?	
<input type="checkbox"/> Sí	<input type="checkbox"/> No
En caso afirmativo, marque todas las opciones que correspondan:	
<input type="checkbox"/> Agencia federal: _____	<input type="checkbox"/> Agencia estatal: _____
<input type="checkbox"/> Tribunal federal: _____	<input type="checkbox"/> Agencia local: _____
<input type="checkbox"/> Tribunal estatal: _____	<input type="checkbox"/> Agencia local: _____
Suministre información sobre la persona de contacto en la agencia/tribunal donde presentó la queja.	
Nombre: _____	
Cargo: _____	
Agencia: _____	
Dirección: _____	
Teléfono: _____	
Sección VI:	
Nombre de la persona, empresa o agencia objeto de la queja: _____	
Persona de contacto: _____	
Cargo: _____	
Número telefónico: _____	

Usted puede adjuntar cualquier documento u otra información que considere pertinente para su queja.

Firma y fecha obligatorias a continuación:

Firma

Fecha

Entregue este formulario a la dirección a continuación o envíelo por correo electrónico a:

Attn: Title VI Coordinator
Alabama Department of Transportation
Compliance and Business Opportunities Bureau
1409 Coliseum Blvd.
Montgomery, Alabama 36011
hamptonc@dot.state.al.us