

*MaineDOT*

*Integrity • Competence • Service*

**Maine Department of Transportation**

**TITLE VI/NONDISCRIMINATION**

**ANNUAL WORK PLAN**

**& ACCOMPLISHMENT REPORT**

**2014**

**Submitted by Theresa Savoy, Director, Civil Rights Office**

**November 1, 2014**

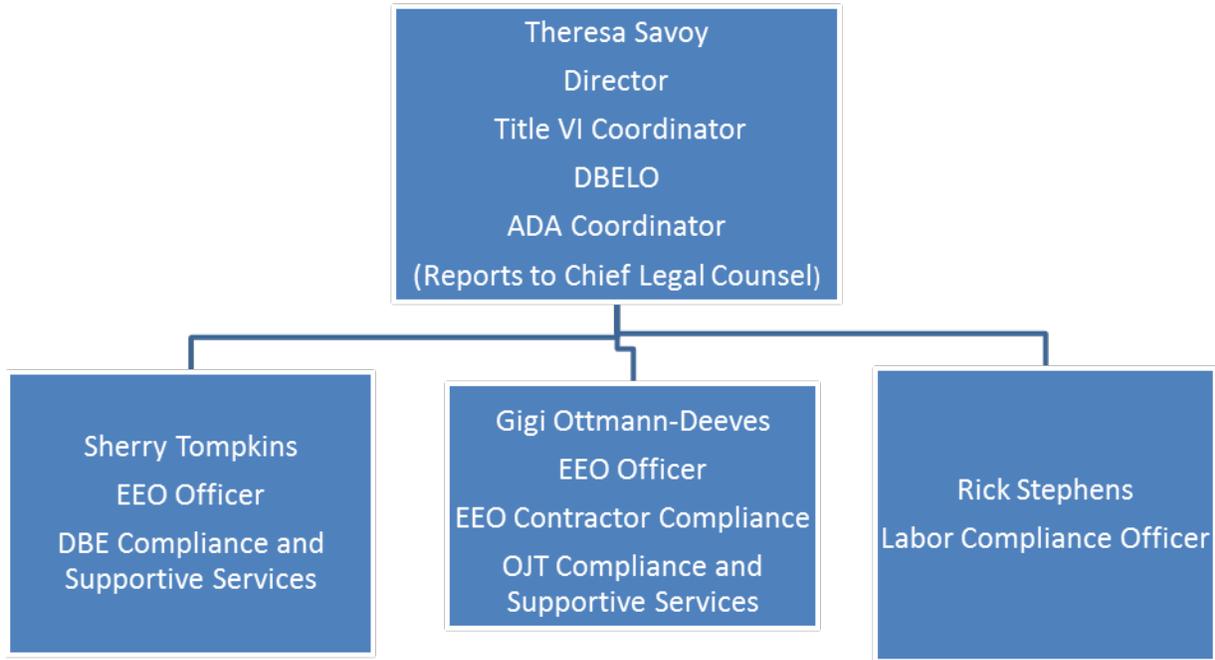
**October 1, 2013 – September 30, 2014**

**TABLE OF CONTENTS**

**Page #**

- **Civil Rights Office Organization: Title VI/Nondiscrimination Component... 3**
- **Internal Monitoring Program..... 4**
- **External Monitoring Program..... 6**
- **Title VI/Nondiscrimination Training Summary..... 8**
- **Title VI/Nondiscrimination Complaints Summary..... 9**
- **Special Emphasis Areas..... 9**
- **Environmental Justice..... 9**
- **Limited English Proficiency..... 9**
- **Goals for FFY 2015 ..... 10**

**CIVIL RIGHTS OFFICE ORGANIZATION:**



Commissioner	David Bernhardt, PE	624-3003	<a href="mailto:david.bernhardt@maine.gov">david.bernhardt@maine.gov</a>
Chief Legal Counsel	Toni Kemmerle	624-3020	<a href="mailto:Toni.kemmerle@maine.gov">Toni.kemmerle@maine.gov</a>
Director, Civil Rights Office Title VI Coordinator DBELO ADA Coordinator	Theresa Savoy	624-3042	<a href="mailto:Theresa.savoy@maine.gov">Theresa.savoy@maine.gov</a>
EEO Officer DBE Program Administrator	Sherry Tompkins	624-3066	<a href="mailto:sherry.tompkins@maine.gov">sherry.tompkins@maine.gov</a>
EEO Officer Contractor Compliance OJT Program Administrator Title VI Specialist	Gigi Ottmann-Deeves	624-3036	<a href="mailto:Gigi.ottmann-deeves@maine.gov">Gigi.ottmann-deeves@maine.gov</a>
Davis Bacon Compliance Officer	Richard Stephens	624-3056	<a href="mailto:Richard.w.stephens@maine.gov">Richard.w.stephens@maine.gov</a>

## **INTERNAL MONITORING PROGRAM**

The Internal Monitoring Program is the MaineDOT’s approach to annually review processes of the Federal Program Areas to identify any trends/patterns of discrimination. The Internal Monitoring Program is composed of three principal elements: (1) data collection/analysis/reporting; (2.) process reviews; and (3.) subrecipient reviews:

- The Maine DOT will develop a process to gather data on public participating in the Project Development process impacted by a proposed FHWA-funded project, or benefiting from an FHWA-funded Program will be identified according to their race, color, national origin, sex, age, and disability (as well as low-income and whether a person speaks English as his/her primary language.)
- The Office of Civil Rights, in coordination with each Federal Program Area, will gather this data;
- Representatives from the Property Office may collect this data through personal contacts with property owners and tenants (in-person or via telephone);
- Where applicable, program areas will annually develop a list of subrecipients.
- The MaineDOT has mapped these populations statewide using the most recent Census data through GIS technology and these maps are available to all MaineDOT personnel via the Intranet. That information can be found at:  
<http://www.maine.gov/mdot/civilrights/minoritypopbycounty.htm>

Each Federal Program Area will be responsible for annually reviewing a segment of process related to the Area’s function. Title VI/Nondiscrimination Liaisons will become subject matter experts that perform Federal Program Area-related duties and that have been designated to represent the Program Area with respect to Title VI/Nondiscrimination-related functions. These functions may include data collection, data analysis, data reporting, process reviews and subrecipient reviews. Title VI/Nondiscrimination Liaisons will develop Review Reports in coordination with the Title VI/Nondiscrimination Specialist. If a trend or pattern of discrimination is identified during the Review, the Federal Program Area develops corrective actions to address the identified trend/pattern. The Title VI/Nondiscrimination Specialist monitors how the Federal Program Area implements the corrective actions.

The following is MaineDOT’s revised Liaison List.

### **Title VI Liaisons**

The current assignments for Title VI Liaisons are:

<b>Program Area</b>	<b>Details</b>	<b>Title VI Liaison</b>	<b>Phone# / e-mail</b>
Civil Rights Office	DBE ADA OJT Contract	Theresa Savoy Director	207-624-3042 <a href="mailto:Theresa.savoy@maine.gov">Theresa.savoy@maine.gov</a>

	Compliance Title VI/EJ Labor Compliance		
Bureau Planning	Statewide Planning, MPO, EIS/EA	Scott Rollins, Deputy Director, BTSP	207-624-3557 <a href="mailto:Scott.rollins@maine.gov">Scott.rollins@maine.gov</a>
Project Development	Highway, Bridge	Richard Crawford, Assistant Director	207- 624-3437 <a href="mailto:Richard.Crawford@maine.gov">Richard.Crawford@maine.gov</a>
Multimodal	Locally Administered Projects	Jeff Tweedie Program Manager	207-624-3427 <a href="mailto:Jeff.Tweedie@maine.gov">Jeff.Tweedie@maine.gov</a>
Property Office	Acquisition, condemnation	Todd Pelletier, Director	207-624-3551 <a href="mailto:Todd.pelletier@maine.gov">Todd.pelletier@maine.gov</a>
Maintenance and Operations	Maintenance, Traffic	Dale Doughty Director	207-624-3600 <a href="mailto:Dale.doughty@maine.gov">Dale.doughty@maine.gov</a>

- Federal Program Area Reports for FFY 2014 – The Civil Rights Office has received information from all program areas reporting the following:
  - No program areas were reviewed in FY 2014.
  - All program areas have reported:
    - Although we are confident that most public meetings had Title VI Brochures available, we cannot guarantee that meetings where we attended with other agencies had them available.
    - No complaints of Title VI discrimination were reported
    - **Maintenance and Operations** reports The State Ferry Service has brochures available at their terminals. They do have two hearing impaired employees in Plymouth that they accommodate.
    - **Project Development** reports that although there were not accommodation requests at any public meetings, they did interview a hearing impaired person for a position at the Department and had a sign language interpreter for the interview. They did hire the individual.
    - **Multimodal** submitted a list of subrecipients for the '14 construction season. They also have links to the Title VI brochure, Subrecipient Guide and the Civil Rights websites on their webpage.
    - **The Property Office** has been exploring ways of updating our Property Owner Report (POR) forms to effectively gather demographic information of impacted property owners in a non-intrusive way. They have been reaching out to other state DOTs for best practices to emulate and adopt.

Simultaneously they have been exploring ways to use the available fields in our Realty Management System (RMS) to capture, store and eventually report on the data we collect.

Although not implemented yet they have taken great strides in eventually being able to report on such data and would envision that the 2015 reporting would have this in place and actually be able to cite some actual numbers.

- **The Civil Rights Office** has developed a new tool for subrecipient compliance. This handbook can be found at:  
<http://www.maine.gov/mdot/civilrights/title6.htm>

CRO has also developed a new Non-Discrimination poster that can be used at meetings and in common areas where the public gathers.

### **EXTERNAL MONITORING PROGRAM**

There are four MPOs in the State of Maine. MaineDOT will review one MPO each FFY. Regarding LPAs, only four of the potential 492 municipalities have ongoing relationships with MaineDOT and all are within the four MPOs. Annually, one MPO is selected for review. Because MaineDOT administers LPA projects internally we have not yet reviewed LAP projects for Title VI but will begin doing so in 2014. Each Review will consist of a review of documents (i.e., operations manuals, annual reports, etc.) and interviews are conducted with subject matter experts from the LPA. The purpose of the personnel interviews is to determine how the Sub-Recipient is implementing the processes contained in the operations manuals and to verify data provided in the annual reports. Because MaineDOT has not done LAP reviews, it will ask FHWA for training in such reviews for the upcoming year.

[Androscoggin Transportation Resource Center \(ATRC\)](#) underwent a Title VI Compliance Review. A desk audit was completed and ATRC was visited on September 4, 2014. MaineDOT reviewed 2013 Title VI Plan (2014 Plan currently undergoing revisions) The meeting was attended by Theresa Savoy, MaineDOT Director of Civil Rights, Gigi Ottmann-Deeves, MaineDOT EEO Officer, Duane Scott, Manager of Outreach, MaineDOT Bureau of Planning, Jennifer Williams, ATRC Director, Jason Ready, PE, Marcia Bennett, Transit Coordinator, and Joan Walton, Planner. MaineDOT findings were as follows:

1. Increase public awareness of Title VI information regarding Title VI  
Although meeting notices are placed at public libraries, ATRC should target venues where diverse population might access meeting notification and publications. ATRC should also inform the public of its commitment to Title VI. MaineDOT suggests that Publications and Public Notices include a tagline that states:

“In accordance with the Civil Rights Act of 1964, ATRC does not discriminate on the basis of race, color or national origin. For more information about these protections or to file a complaint, please contact ATRC.”

MaineDOT also suggests developing a poster to present all nondiscrimination compliance and commitments. See Poster Attached.

2. Develop a process of documenting Title VI in Project Selection Procedure and evaluation of process:  
The project selection process should incorporate processes for including low income and minority populations. This could include a Title VI component to the municipal application for projects, documented outreach and data analysis.
3. Develop a process of collecting and analyzing data to ensure nondiscrimination in programs and activities.  
This would include census tract data, as well as other data collected regionally and locally and developing an analysis of the data to reach targeted populations.
4. Development of and incorporation of Title VI/EJ in Public Involvement processes which provide ways to gather and analyzing impact of public participation efforts on minorities and low-income people.  
This process should interface with ATRC’s Public Involvement Program and once in place, should be used to determine the best processes for public involvement, which may vary depending on communities and demography.

### **TITLE VI/NONDISCRIMINATION TRAINING SUMMARY**

The Office of Civil Rights implements a Title VI/Nondiscrimination Training Program that incorporates internal staff and external entities or sub-recipients, oftentimes these trainings are presented to both internal and external entities, other times they are not. MaineDOT is currently developing training components for the following:

- Internal Training component is composed of three levels of training of varied intensity and content:
  - Commissioner/Secretary/Director and Division/Bureau level -- This training/meeting will occur annually and functions as part de-brief regarding highlights from the previous FFY and informing Sr. management of upcoming issues changes and challenges relating to Title VI;
  - Federal Program Areas Title VI/ Nondiscrimination Liaisons level -- This training/meeting is conducted annually and is intended to provide Liaisons with an opportunity to discuss issues, ask questions regarding reviews conducted or to be conducted, review specific scenarios, and share experiences. It is also an opportunity to provide individualized training relating to Title VI/ Nondiscrimination requirements and how to apply the requirements to the specific Federal Program Area.

- External Training component is also composed of three levels of training of varied intensity and content:
  - Local public agencies that administer one or more Federal Program Areas – Each year MaineDOT works with a varying number of Municipalities and their consultants and contractors. Some have not worked with DOT before, others may have in the past but do not participate on an ongoing basis. Each year, MaineDOT provides an LAP Certification Course which includes the Civil Rights Programs including Title VI for municipal personnel and consultants responsible for ensuring federal compliance.
  - Metropolitan Planning Organizations – Training for MPOs is provided in coordination with the Office of Planning. Training is offered to all MPOs and, if appropriate and useful, internal training is extended to MPO staff. Trainings may be tailored to the findings identified during the Certification Review. Training may be conducted by Title VI/ Nondiscrimination Specialist and the Office of Planning Title VI/ Nondiscrimination Liaison or may be provided by FHWA.

### **Training and Education Provided by Civil Rights Office:**

1. MaineDOT Civil Rights Office developed a [Title VI Technical Assistance Guide for Subrecipients](#) which has been distributed to MPOs and can be viewed on line by clicking the document.
2. October 23, 2013 Attended quarterly meeting with City of Portland to provide information on new DOJ/DOT ADA alterations vs. maintenance definitions.
3. Nov. 7 & May 1, 2014 – Provided Civil Rights Training, Davis Bacon Act, DBE, Title VI, ADA, to consultants and contractors working on Locally Administered Projects (LAPs)
4. Nov. 19 - DBE presentation to Construction Financial Management Association (CFMA)
5. Feb. 4, 2014 – CRO Director met with Regional Engineers re: ADA policy and new definitions.
6. March 4 & 5, 2014 Documentation Training to MaineDOT region staff and resident engineers and contractors. Davis Bacon, DBE, OJT.
7. March 26, 2014 - DBE presentation to Maine Asphalt Pavers Association (MAPA)
8. April 8, 2014- DBE meeting with Maine Associated General Contractors (AGC)
9. April 18, 2014 Presented DBE procedures at MPO quarterly meeting
10. June 16, 2014 Met with Commissioner and internal EEO Staff to update on civil rights concerns and issues.
11. August 16, 2014 Met with Director of Maine Disabilities Rights Center to discuss ADA and educate on upcoming ADA Transition Plan.
12. September 24, 2014 – Director Met with MaineDOT Core Management Team to present FHWA and FTA Title VI Plans answer questions. (Both Plans approved September 26, 2014)

### **Trainings Attended by Maine DOT**

1. ADA Symposium Training Tampa, Florida: Dates: 10/1 – 10/2013
2. FHWA Statements of Work schedules for the DBE/SS and OJT/SS programs: Date 10/23/13

3. Title VI Program: Sub-Recipient Monitoring Date: 11/13/2013 & Title VI Webinar: September 9, 2014
4. DBE NPRM Listening Session- FHWA: December 5, 2013
5. DBE Uniform Reporting-Understanding & Avoiding common Errors: January 23, 2014
6. US DOT, Civil Rights Symposium-Project Management for DBE & OJTand Transgendered Cultural Competency. Date: : February 4, 2014
7. US DOT, Civil Rights Symposium-Understanding the DBE Uniform Certification: Feb. 5, 2014
8. FHWA-OIG DBE Report Regarding Training & Guidance Needs, Date: February 11, 2014
9. FAA/FTA/FHWA-DBE Certification Training Discussion, Date: February 18 & 19, 2014
10. Civil Rights Open House, Date: March 6, 2014
11. Civil Rights Monthly Webinar, Date: March 11, 2014 Time: 2:00 to 4:00
12. ADA Transition Plan, Date: April 8, 2014 Time: 2:00 p.m. – 4:00 p.m.
13. DBE/SS and OJT/SS SOW FY 14, Date: April 9, 2014 Time: 2:00 to 4:00 PM
14. DBE Business Development Program Webinar Date: April 16, 2014
15. AASHTO Civil Rights Symposium Phoenix AZ, Date: April 28 – May 1, 2014
16. Webinar State of FHWA’s Civil Rights Program, Date: Tuesday, May 13
17. Transportation Research Board Webinar: Roundabout Accessibility, Date: May 28, 2014
18. Webinar discussing the FHWA 1392: FEDERAL-AID HIGHWAY CONSTRUCTION SUMMARY OF EMPLOYMENT DATA Date: June 10th from 2:00 pm - 4:00 pm
19. American Road and Transportation Builders Association DBE Webinar. Date: Sept. 24, 2014.

### **TITLE VI/NONDISCRIMINATION COMPLAINTS SUMMARY**

During FFY 2014, there were no FHWA Title VI/Nondiscrimination complaints received.

### **SPECIAL EMPHASIS AREAS**

In 2013 MaineDOT determined that public Public Participation and Data Collection/Data Analysis and Reporting were areas that needed special attention. MaineDOT has done an extensive analysis of census tract data and has developed regional maps for minority and income disparities by county. These maps will be assessable to staff and decision makers to determine where minority populations exist in work areas. MaineDOT continues to work on developing strong processes for public participation and inclusion.

### **ENVIRONMENTAL JUSTICE**

MaineDOT ensures that processes associated with EJ (i.e., Public Participation, Data Collection/Data Analysis, Benefits/Burdens Analysis, etc.) are linked with and harmonious with processes associated with the implementation of Title VI/Nondiscrimination requirements. This effort is on-going with respect to MPOs and how MPOs collect and analyze data and conduct

Public Meetings (Public Participation). Overall, these efforts will continue to be implemented at the MaineDOT and Sub-Recipient levels during FFY 2014.

### **LIMITED ENGLISH PROFICIENCY**

MaineDOT has reassessed its 2010 Four Factor Analysis and has updated information based on this new assessment. In the most recent analysis the Census data shows that all of Maine's 16 counties fall below the 1,000 person - 5% Safe Harbor LEP threshold identified by the U.S. Department of Transportation for most language. It does however exceed the goal with new Community Survey Data that puts French speaking individuals in Maine just over the threshold. Although US Census data does not provide detail, MaineDOT does include French translation and language assistance in areas known to have French only speaking individuals. These areas include Northern Aroostook County, Lewiston and Biddeford. Maine also exceeds the threshold for Cushite languages with growing populations of Cushite speaking peoples in the resettlement cities of Lewiston/Auburn and Portland. MaineDOT will continue to accommodate for these individuals.

### **MAINEDOT GOALS FFY 2015**

#### **INTERNAL MONITORING**

1. MaineDOT Civil Rights Office will work with the Bureau of Planning to ensure that Title VI, Environmental Justice and Limited English Proficiently are clearly incorporated and articulated in the MaineDOT Public Involvement Plan. Title VI Specialist will invite FHWA Civil Rights Staff to attend and assist.
2. The MaineDOT will hold an internal Title VI Title VI Liaisons will meet at least 3 times with Title VI Specialist as a group to discuss processes and coordinate as a Department on Title VI requirements.
3. Title VI Specialist will continue meet with Commissioner and Sr. Management to provide update on Title VI Program.
4. MaineDOT will continue to develop Title VI Program with assistance from FHWA Civil Rights Specialist.
5. MaineDOT will provide information to Liaisons on the new demographic mapping information and how to use that information.
6. Acquire and provide training on performing annual reviews.

#### **EXTERNAL MONITORING**

1. Review and approve MPO Title VI Plans, Goals and Accomplishments.
2. On-site compliance review with Bangor Area Comprehensive Transportation System Spring-Summer 2015.
3. On-site review of LAP Municipality to be determined.
4. Provide Training on Civil Rights Programs, included Title VI, to LAP recipient at annual training.
5. Assist in providing training as requested and include MPOs in all pertinent training provided by FHWA and FTA.