FTA TITLE VI PROGRAM COMPLIANCE PLAN

Pennsylvania
Department of Transportation
www.pa.gov/penndot

PUB 478D (10-25)

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Introduction

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin in programs or activities receiving federal financial assistance. Federal-aid recipients, sub recipients and contractors are required to prevent discrimination and ensure nondiscrimination in all of their programs, activities, and services whether these programs, activities, and services are federally funded or not. As a recipient of federal dollars in the administration of its programs, the Pennsylvania Department of Transportation is committed to ensuring nondiscrimination in all of its programs and activities.

The purpose of this document is to define the policies and procedures by which the Department administers its Title VI activities and ensures its programs' compliance with Title VI requirements, within its ranks and among its federal-aid and non-federal-aid subrecipients.

Title VI Program Notice to the Public

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

PUBLIC NOTICE of TITLE VI POLICY

Pennsylvania Department of Transportation (Department) hereby gives notice that it is the policy of the Department is to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States shall, on the grounds of race, color, or national origin be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity administered by PennDOT.

Any person who believes they have been aggrieved by a discriminatory practice under Title VI has a right to file a formal complaint with the Department. Any such complaint must be in writing and filed with the Department's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. A Title VI Discrimination Complaint Form can be obtained from the Department's Title VI Section by dialing 717-787-5891 or visiting https://www.pa.gov/content/dam/copapwp-pagov/en/penndot/documents/public/pubsforms/forms/eo-478.pdf. For additional information, contact 717-787-5891 or send an email to ra-penndoteoreports@pa.gov.

Michael Carroll
Secretary of Transportation

April 16, 2025
Date

DEPARTAMENTO DE TRANSPORTE DE PENNSYLVANIA

TÍTULO VI DECLARACIÓN DE POLÍTICA

Departamento de transporte de Pennsylvania (Departamento) por este medio da aviso de que es la política del Departamento asegurar la plena conformidad con el título VI de la ley de derechos civiles de 1964, el acto de la restauración de los derechos civiles de 1987, y relacionados con estatutos y reglamentos en todos los programas y actividades. Título VI requiere que ninguna persona en los Estados Unidos, por motivos de raza, color, origen nacional, sexo, edad o discapacidad se excluirá de la participación en, ser negada los beneficios de o que esté sujeta a discriminación bajo cualquier programa o actividad que PennDOT recibe asistencia financiera Federal.

Cualquier persona que crea que haber sido agraviadas por una práctica discriminatoria ilegal bajo el Titulo VI tiene derecho a presentar una queja con el Departamento. Cualquier denuncia debe ser por escrito y presentados ante título VI Coordinador el departamento dentro de ciento ochenta 180 días siguientes a la fecha de la supuesta ocurrencia discriminatoria. El Formulario de Queja por Discriminación del Título VI se puede obtener en la Sección del Título VI del Departamento marcando 717-787-5891 o visitando https://www.pa.gov/content/dam/copapwp-pagov/en/penndot/documents/public/pubsforms/forms/eo-478.pdf. Para obtener más información, comuníquese al 717-787-5891 o envíe un correo electrónico a ra-penndoteoreports@pa.gov.

Discrimination Complaint Procedures

To comply with 49 CFR Section 21.9(b), as well as other Federal and Commonwealth civil rights statues and authorities, PennDOT has developed procedures for investigating and tracking Title VI Program complaints filed against it and its subrecipients. These procedures are available to the public upon request. Moreover, to reduce the administrative burden associated with this requirement, PennDOT's subrecipients are encouraged to adopt the Department's Title VI Program model, complaint investigation procedures and tracking process for their own use.

Equal Opportunity Managers, Coordinators and Specialists play an important role in the resolution of discrimination complaints. When individuals file complaints of discrimination or harassment, Equal Opportunity Managers, Coordinators and Specialists work with the Office of Chief Counsel and other appropriate agency employees, to investigate the allegations and resolve these complaints informally.

PennDOT conducts an investigation if discrimination occurred, and if so, how to correct the behavior, practice or alleged discriminatory conduct, and work to prevent future discriminatory acts. The Equal Opportunity Manager/Coordinators/Specialist's role is to document and investigate the allegations of discrimination. As an investigator, it is essential that the Equal Opportunity Manager/Coordinator/Specialist exercise objectivity throughout the investigative process. The investigator must remain impartial and unbiased throughout the investigation, gathering all relevant facts so that the ultimate decision-maker has all necessary information to enable them to make a determination about the complaint.

The investigator is not an advocate for the complainant or the respondent. Rather, the investigator's role is to remain impartial and conduct every investigation with objectivity and fairness to all parties involved.

All complaints of discrimination must be handled in accordance with these procedures.

Application

Any person who believes they or any specific class of persons have been subjected to discrimination prohibited under the Title VI Program by the Department directly or by non-Directly Federally funded subrecipient transit agencies may, by themselves or by a representative, file a written complaint with PennDOT.

These procedures apply to any program or activity implemented by the Department, its contracting agencies and its subrecipients, regardless of whether the program or activity receives Federal financial assistance or not.

These procedures do not apply to any complaints issued against transit agencies who receive funding directly from FTA.

Discrimination Prohibited

Title VI of the Civil Rights Act of 1964, prohibits discrimination based upon race, color, and national origin. Specifically, 42 USC 2000d states that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Protections afforded under Title VI apply to any person, regardless of whether the individual is lawfully present in the United States or a citizen of the United States. In addition to Title VI, there are other Federal and Commonwealth nondiscrimination statutes that afford legal protection. These statutes include but are not limited to the following: Title II of the Civil Rights Act of 1964 (race, color, religious creed and national origin), Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), Age Discrimination Act of 1975 (age), Section 504 of the Rehabilitation Act of 1973/Americans With Disabilities Act of 1990 (disability), and the Pennsylvania Human Relations Act of 1955 (race, color, national origin, sex, religious creed, ancestry, and disability). Taken together, these requirements define an overarching Title VI/Nondiscrimination Program. As a recipient of Federal financial assistance, PennDOT must comply with Title VI and the additional nondiscrimination requirements. It is important to understand that these nondiscrimination requirements are applicable to all PennDOT programs, its contracting agencies and its subrecipients.

PennDOT's Title VI Program prohibits discrimination on the basis of race, color, or national origin, consistent with the protections enumerated at 49 CFR 21.5. The program is designed to ensure that all persons have equitable access to PennDOT programs, services, and activities, and that opportunities for participation are open and inclusive for everyone.

Authorities

As articulated in earlier sections, Title VI of the 1964 Civil Rights Act as amended, (42 U.S.C. 2000d et seq) provides in Section 601 that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Additional statutes and authorities the Department incorporates into the Title VI Program include, but are not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §200d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- 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);
- 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, subrecipients 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 the Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- 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 discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.);

- Pennsylvania Human Relations Act of 1955, as amended (prohibits discrimination on the basis of race, color, national origin, ancestry, religious creed, sex, age, disability or use of guide/support animal in public accommodations);

- Pennsylvania Fair Education Opportunities Act of 1961, as amended (prohibits discrimination in training and educational programing on the basis of race, color, national origin, religious creed, ancestry, sex and disability);

- FTA Circular 4702.1 B (October 1, 2012).

Title VI Program Discrimination Definition

Discrimination complaints involve any action or inaction, whether intentional or unintentional, in any program or activity provided by PennDOT, subrecipients, or contracting agents, that results in unequal treatment or limited access based on race, color, or national origin. The program is intended to ensure that all persons have fair and equitable opportunities to participate in PennDOT programs and activities.

Third-Party Complaints

If the complaint is filed by a third party on behalf of another individual or group, then the Department's Title VI Program Coordinators/Specialist will attempt to contact the named complainant(s) (or, where the victim is a minor child or incompetent adult, contact the victim's parent or guardian) on whose behalf the complaint is filed to ensure that the named victim wishes to pursue the allegations raised on their behalf. If the person(s) (or their parent or guardian) declines to pursue the complaint, the Department closes the complaint and informs the third-party complainant of the reason for the closure. A memo is placed in the file explaining the steps taken and the reasons that the alleged victim(s) (parent or guardian) did not wish to pursue the complaint, if provided. If the person, parent, or guardian wishes to pursue the complaint, the Department provides them with a copy of the Consent/Release forms for signature. If the named complainant(s) wishes to pursue the allegation(s), the Coordinators/Specialist will initiate the investigatory process and work with all named parties to work towards informal resolution.

If a third-party complainant wishes to pursue a complaint where the alleged aggrieved party does not want to pursue or participate in an investigation, the allegation will be presented to the Office of Chief Counsel to determine if a Department-initiated investigation may be warranted.

Department Initiated Investigations

To proactively address potential discriminatory acts, policies or practices, the Department's Title VI Program Specialist and Coordinators may initiate a Departmental investigation without first receiving any formal complaints. The identification of compliance issues is part of routine monitoring requirements of the Title VI Program officers. These investigations will be logged and may lead to disparate treatment or impact determinations and Department-initiated corrective actions. Internal determinations of non-compliance with any provisions under the Title VI Program will be addressed with the appropriate offices. Issues of non-compliance identified with the Department's contracting agents or subrecipients will be reported to the offending entity along with reasonable expectations for resolution or corrections. Any instances of failure to comply with these recommendations could lead to a determination of non-compliance which would be reported to the appropriate Federal jurisdictional agency.

Approaches to Complaint Resolution

To meet the needs of complainants efficiently and effectively, the Department will work to resolve issues raised in a complaint of discrimination informally. At each stage of the process, the investigator will make every effort to pursue a resolution with the complaint. From the initial interviews with the complainant and the respondent and throughout the fact-finding period, the Coordinators/Specialist will request information regarding specifically requested relief and settlement opportunities.

Resolving a complaint to a complainant's satisfaction is the principal goal of the investigator, but such agreements do not absolve the Department, its subrecipients or its contracting agencies of the responsibility to address, correct and prevent future incidents of discrimination. Even in cases where complainants are satisfied with the outcome of investigations or resolutions, the underlining allegations must still be addressed and resolved when found to be non-complainant with the Title VI Program.

Investigation

A. Initial Receipt

Complaints are date-stamped by the Bureau of Workforce and Business Opportunity (BWBO) immediately upon receipt. Complaints shall be in writing and signed by the complainant(s), or representative, and include the complainant(s) name, address and telephone number. Complainants are encouraged to use the Department's Discrimination Complaint Form but are not required to do so. Allegations of discrimination received by fax or e-mail will be acknowledged and processed. Allegations received by phone will be reduced to writing and provided to the

complainant for confirmation or revision and signature before processing.

The following are examples of items that will **not** be considered a jurisdictional complaint requiring the application of the Department's Title VI Program complaint procedures:

- an anonymous complaint;
- complaints issued against transit agencies who receive direct funding through FTA;
- non-class-based customer service complaints;
- inquiries seeking advice or information;
- courtesy copies of court pleadings;
- courtesy copies of complaints addressed to local, State, or a Federal agency;
- newspaper articles; or
- courtesy copies of internal grievances.

Upon receipt of a Discrimination Complaint Form, BWBO will assign a complaint number to the case before determining jurisdiction. Each complaint receives a unique number to facilitate tracking and easy reference. In addition, the Title VI Program Specialist enters the case in a tracking log and assigns the complaint to a Title VI Program Coordinator to begin fact-finding and attempting to work towards resolving the case on behalf of the complainant(s). The tracking sheet includes information relative to the complainant and respondent's contact information, as well as the self-identified protected class(es) the complainant believes was the basis of the alleged discriminatory act(s).

The Department's Title VI Program Specialist will assess the allegation(s) to determine relevance to the Department's Program; however, only the Office of Chief Counsel (OCC) makes determinations relative to jurisdiction. If OCC determines that the Department does not have jurisdiction over the matter or the respondent, then the Title VI Program Specialist will attempt to refer it to the appropriate Federal or Commonwealth agency. If OCC determines that the Department has jurisdiction over the subject matter and the respondent, then the complaint is assigned to an investigator for processing.

B. Timeliness

A complaint must be filed no later than 180 days after:

1. The date of the alleged discrimination;
2. The date when the person(s) became aware of the alleged discrimination; or
3. Where there has been a continuing course of conduct, the date on which

that conduct was discontinued or the latest instance of the conduct.

Complaints submitted after the 180-day statutory period can be reviewed by OCC to determine equitable tolling depending on extenuating circumstances presented by complaint(s). Only the OCC has the authority to determine if a complaint can be accepted beyond the 180-day period. Complainants shall submit complaints to:

Pennsylvania Department of Transportation
Bureau of Workforce and Business Opportunity
PO Box 3251
Harrisburg, PA 17105-3251

Alternatively, complaints may be submitted electronically to penndoteoreports@pa.gov. Complaints made by phone should call 717-787-5891.

C. Dismissals

A complaint may be dismissed for the following reasons:

1. The complaint is untimely, and the OCC determines that no tolling of the statutes of limitations can be provided;
2. The complaint does not allege a basis covered by the statutes or regulations for which PennDOT is responsible;
3. The complaint does not allege any harm with regard to covered programs or PennDOT activities;
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 fails to accept a reasonable resolution as determined by DOT operating administration and the PHRA Actual Damages Clause;
8. The complainant has filed a legal action with the PHRC, Commonwealth or Federal Court with the same basis(es) and issue(s) alleged in the complaint.

D. Notifications

In conducting complaint investigations, the Department does not promise confidentiality, but tries to maintain it to the extent possible. The Department provides each

complainant a copy of the Complainant Consent/Release Forms with the Acknowledgement Letter. The Complainant Consent/Release Form are provided with the Acknowledgement Letter to the Complainant within fifteen (15) days of receipt of the complaint. Complainants are asked to return the completed Consent/Release Form within ten (10) days of the date on the letter. The Department requires complainants to sign and return the Complainant Consent/Release Form before commencing the actual investigatory process. If the complainant refuses to sign and return the Complainant Consent/Release Form, the Title VI Program Specialist will explain the Department's obligation to investigate the complaint, and that every effort will be made to assure that only those who have a legitimate need to know the complainant identity will be notified of the complaint.

Among the entities that are presumed to have a legitimate need to know the identity of the complainant and the issues raised includes but is not limited to:

1. Responsible agency officials, including the Department's Office of Chief Counsel; and
2. The appropriate DOT operating administration (e.g., Federal Highway, Federal Transit, Federal Aviation, or Federal Motor Carrier Safety Administrations).

E. Create a Case File.

Generally, the case files and documentation include the following:

Complaint Log –This is a digital spreadsheet listing all signed discrimination complaints, case numbers, date of receipt, complainant and respondent contact information, date(s) of alleged acts of harm, protected class(es) of complainant(s), a synopsis of the alleged discriminatory act(s) and current disposition of investigations and or resolutions of the case.

Case File - The purpose of the case file is to maintain a hard-copy record of all contact information for complainant(s) and other named parties, contacts and activities relevant to processing the complaint for which there is no paper trail and Investigatory Plans. The file is to be used as a reference of the actions taken by the Title VI Program Specialist, Coordinators and Investigators on the case. Space is provided to record the date, case notes, summary of actions, statements taken from complainant(s) during Intake and any subsequent communications with

complainant(s) and other relevant parties. All correspondences maintained as part of the complaint, investigation or resolutions are maintained in this file along with any resolutions or escalations relevant to the case. These correspondences include but are not limited to investigatory notes and letters, external correspondence, determination/settlement agreements and other internal correspondence and exhibits.

F. Conduct the Investigation.

The investigation of discrimination complaints should commence and be completed in a timely manner. When interviewing any individual, the investigator should refrain from offering his or her opinion about any matter. The investigator must remain objective and impartial while gathering facts. The investigator should interview all potential parties and witnesses. All interviews should be documented as to time, place, persons present, and date of the interview. The investigator should attempt to keep the interviews as confidential as possible.

The investigator should advise each person with whom they speak to that the investigation is confidential and that the interviewee should not disclose any information about the complaint or the investigation.

Unless the evidence clearly shows the need to expand the issue, investigations shall be confined to the issues and facts relevant to the allegations in the complaint.

1. General Procedure for Every Interview

(a) The investigator should introduce themself and explain the purpose of the interview.

(b) Use effective questioning to gather all facts relevant to the allegations, (e.g., who, what, where, when, and how).

(c) Listen carefully to the interviewee during each interview and be prepared to ask follow-up questions as necessary.

(d) Take detailed notes during the interview. Notes should include:

(1) Name and contact information for the witness.

(2) Date, time, and location of the interview.

(3) Questions and responses.

(4) Investigators should not include opinion in the interview or notes. The interview and notes must be free from bias and subjectivity. Record only the information provided by the witness.

(e) Advise each person that the investigation is confidential, and that the interviewee should not disclose any information about the complaint or the investigation to others.

2. Conduct Follow-Up Interviews

(a) Although it is essential that investigations of all complaints be conducted promptly, it is also critical that investigations be thorough and complete. Therefore, investigators should not be content with information obtained through only an initial interview, unless no other information can be gathered.

(b) At a minimum, conduct a follow-up interview with the complainant, revealing much of the information obtained from the respondent and any other witnesses as is appropriate for rebuttal or corroboration.

(c) Give the complainant an opportunity to add and/or refine facts as well as reveal other incidents that may have occurred but had not been part of the original complaint.

(d) Interview any new witnesses and/or conduct a follow-up interview with existing witnesses if new facts are revealed.

(e) Conduct a follow-up interview with the respondent, if warranted. Present the respondent with any new allegations or information, obtain a response, and provide an opportunity for rebuttal of adverse statements.

(f) At the conclusion of each follow-up interview, have each person interviewed sign and date the notes of the transcribed statements at the time of the interview or, in the alternative, prepare a statement based on interview notes and ask the person to sign and date the statement.

3. Review Relevant Documents

(a) Do not overlook sources of information to corroborate or discount the facts alleged by the complainant, witnesses, and respondent.

(b) All documentation of the investigation must be stored in the case file created when the complaint was made.

(c) The investigator should not place any personal notes not relevant to the case or other inappropriate notation on any documents in the case file.

4. Investigative Report

Once all evidence is collected and interviews are finalized, the investigator prepares the investigative report. The report is factual and does not contain legal conclusions or editorial comments by the investigator. A copy of the complaint, investigative plan and report may be forwarded to the relevant DOT operating administration for final decision within 60 days of the date PennDOT received the complaint or upon request. As necessary, time for processing of complaints may be extended.

G. Cooperation with the Investigator

Coordinators or Specialists assigned a complaint for investigation shall obtain written statements from witnesses and copies of records and other evidence needed to ascertain the validity of allegations raised in the complaint. Witnesses are required to cooperate. Any failure to cooperate must be documented to allow appropriate action to be initiated.

All PennDOT, contractor, and subrecipient personnel must fully cooperate with the investigator in obtaining information necessary to the investigation. Failure of an agent or individual to cooperate fully can be grounds for a determination of non-compliance on the part of the agent or subrecipient.

1. The investigator shall have access to all records, documentation, and other sources of information pertinent to the investigation.
2. In the event any requested information is in the exclusive possession of any other agency, institution or person which or who refuses or fails to furnish this information, the investigator shall set forth in the report the efforts made to obtain the information, including the identity of person(s) not cooperating in the investigation.
3. In the event any person, individually or as an agency or organization representative, fails or refuses to furnish information to an investigator, the investigator shall inform the respondent or a designee that such failure may

result in a finding of noncompliance. A finding of noncompliance can result in the imposition of administrative remedies pursuant to 23 CFR 1.36 or the imposition of sanctions pursuant 49 CFR 21.13. The investigator shall indicate in the investigative report that the contractor or agency refused to provide pertinent information and shall set forth efforts made to obtain the information.

H. Findings of Non-Compliance/Compliance

1. In the event the appropriate DOT operating administration concludes there is non-compliance with the laws/regulations as alleged, the Department will outline the recommendations for corrective action in writing to the respondent.

   The respondent will be provided adequate time to comply with the recommendations.
2. In the event the concerned DOT operating administration concludes that the respondent is compliant with the laws/regulations and the complainant disagrees, the complainant may, if dissatisfied, escalate their case or file an action with the appropriate Commonwealth or U.S. District Court, the Pennsylvania Human Relations Commission or the appropriate Federal jurisdictional agency.

I. Records

PennDOT, its contracting agents and subrecipients shall maintain records of external complaints filed, identifying each complainant by their self-identified protected class(es) alleged to be the basis for their case. The record should contain:

1. The name of the complainant;
2. The agency with which the complaint was filed;
3. The date the complaint was filed;
4. The investigative plan;
5. The investigative report;
6. The complaint disposition and date; and
7. Other pertinent information.

J. Public Access

PennDOT makes its procedures for filing a complaint available to members of the public upon request. Subrecipients and contracting agencies are encouraged by the BWBO to adopt the Department's Title VI Program complaint investigation and tracking procedures but may develop their own versions to comply with their statutory and regulatory non-discrimination requirements.

Discrimination Complaint Form

EO-478 (7-25)

Pennsylvania
Department of Transportation
www.pa.gov/penndot

DISCRIMINATION COMPLAINT FORM

Name	Phone	Name of Person(s) That Discriminated Against You

Address (Street No., P.O. Box, Etc.)	Location	Position of Person (If Known)

City	State	Zip	City	State	Zip

Driver's License/State ID Number (If Applicable)	Date(s) of Alleged Incident(s)

Discrimination Because of:

- ☐ Race/Color*
- ☐ Sex
- ☐ Disability**
- ☐ Age
- ☐ National Origin*
- ☐ Retaliation
- ☐ Religion

Explain as briefly and clearly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently than you. Also, attach any written material pertaining to your case.

Signature	Date

Please submit this form to the following:

Pennsylvania Department of Transportation
Bureau of Workforce and
Business Opportunity

P.O. Box 3251
Harrisburg, PA 17105-3251
Phone: (717) 787-5891
Email: penndoteoreports@pa.gov

For more information and additional avenues for submitting a complaint, please visit:

https://www.pa.gov/services/penndot/file-a-title-vi-discrimination-complaint-against-penndot.html

* indicates is specific to Title VI of the Civil Rights Act of 1964 **indicates is specific to Americans with Disabilities Act of 1990

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Pennsylvania
Department of Transportation
www.pa.gov/penndot

FORMULARIO DE QUEJA POR DISCRIMINACIÓN

Nombre	Teléfono	Nombre de la (s) persona (s) que lo discriminaron

Domicilio (número de calle, P.O. Box, etc.)	Ubicación	Cargo de la persona (si se conoce)

Ciudad	Estado	Código postal	Ciudad	Estado	Código postal

Número de licencia de conducir o identificación estatal (si corresponde)	Fecha (s) del supuesto incidente (s)

Discriminación por:
- ☐ Raza/color*
- ☐ Sexo
- ☐ Discapacidad**
- ☐ Edad
- ☐ Origen nacional*
- ☐ Represalias
- ☐ Religión

Explique de la manera más breve y clara posible lo que ocurrió y cómo fue víctima de discriminación. Indique quién estuvo involucrado. Incluya cómo se trató de manera diferente a otras personas en comparación con usted. Adjunte también cualquier material escrito relacionado con su caso.

Firma	Fecha

Envíe este formulario a la siguiente dirección:

Departamento de Transporte de Pensilvania
Oficina de fuerza laboral y
oportunidades empresariales

P.O. Box 3251
Harrisburg, PA 17105-3251
Teléfono: (717) 787-5891
Correo electrónico: penndoteoreports@pa.gov

Para obtener más información y vías adicionales para presentar una queja, visite:

https://www.pa.gov/services/penndot/file-a-title-vi-discrimination-complaint-against-penndot.html

* indica que es específico del Título VI de la Ley de Derechos Civiles de 1964 **indica que es específico de la Ley de Estadounidenses con Discapacidades de 1990

Transit Related Title VI Complaints

	Entity	Date	Summary	Status	Actions Taken
Complaints					
1.	PennDOT received no complaints within the last three years				
2.					
Lawsuits					
1.	PennDOT was involved in no related lawsuits within the last three years				
2.					
Investigations					
1.	PennDOT was involved in no investigations within the last three years				
2.					

Non-Elected Committee Membership

PennDOT does not currently maintain any non-elected committees that meet criteria for further analysis.

Subrecipient Oversight

Various legislative and regulatory requirements of the Section 5310 and 5311 Programs (e.g., civil rights, Equal Employment Opportunity, disabled accessibility, labor protection, environmental protection, charter and school bus regulations, and DBE requirements) receive special attention during the monitoring and review process. Grantee compliance is monitored continually through review of planning documents, project status reports, field checks, project audits, and investigation of complaints.

PennDOT's Bureau of Public Transportation (BPT) and Bureau of Workforce and Business Opportunity work together to ensure subrecipients comply with the Department's Title VI Program requirements. Each subrecipient will transmit to the Department draft Title VI Program Plans or draft Title VI Program Plan updates for the Department's review for compliance and concurrence. Upon concurrence, the subrecipient's governing body will execute the concurred Title VI Program Plan, which the subrecipient will transmit to the Department as a final record. The Bureau of Public Transportation also ensures compliance through its on-site 5310/5311 compliance review program. During a compliance review, BPT personnel observe transit operations to confirm that practices stated in the program are being carried out. In addition, documentation regarding complaints, lawsuits or civil rights compliance reviews is inspected. Moreover, all materials relating to Title VI Program compliance are scrutinized.

Below is a list of questions asked during a compliance review.

11. TITLE VI				
Description: The grantee must ensure that no person shall, on the grounds of race, color, or national origin, be excluded from participating in, or be denied the benefits of, or be subject to discrimination under any program, or activity receiving Federal financial assistance. The grantee must ensure that Federally supported transit services and related benefits are distributed in an equitable manner.				
On-site Questions				
SMR Section	Question #	Question	Acceptable Response Format	Type Response In This Column
Title VI Compliance	11.01	Does the agency have a documented Title VI Notice?	Yes, No	
	11.02	Does the Title VI Notice to the public include a statement that the agency does not discriminate based on race, color, or national origin?	Open ended	
	11.03	Does the Title VI Notice to the public include instructions that the public should follow to request additional information?	Yes, No	
	11.04	Does the Title VI Notice to the public include procedures that the public should follow in order to file a Title VI discrimination complaint?	Yes, No	
	11.05	Is the agency's Title VI Notice published on its website in an easy-to-find location?	Yes, No	
	11.06	In what physical locations is the agency's Title VI Notice posted?	Open ended	
	11.07	Does the agency have a formal Title VI complaint procedure?	Yes (describe), No	
	11.08	Does the procedure include investigating and tracking complaints filed against the agency?	Yes, No	
	11.09	When is BPT notified of agency Title VI complaints?	Within 24 hours, 48 hours, one week, unknown, other (describe)	
	11.10	Have any complaints of discrimination been received in the last three years?	Yes, No	
	11.11	Do employees that answer customer phone calls receive training in recognizing Title VI complaints?	Yes (describe), No	
	11.12	Does the agency have a formal Public Participation Plan?	Yes (describe), No	
	11.13	Does the Public Participation Plan include outreach methods to engage minority and limited English proficiency populations (LEP)?	Yes (describe), No	
	11.14	Does the agency have a written Limited English Proficiency (LEP) plan?	Yes, No	
	11.15	If a written LEP plan is in place, when was it last updated?	Yes, No	
	11.16	What steps does the agency take to ensure meaningful access to LEP populations?	Open ended	
	11.17	How did the results of the agency's four-factor analysis influence the steps taken to assist LEP populations in accessing services?		
	11.18	What are the most common non-English languages spoken by customers?	Spanish, German, Creole, Russian, Other (describe)	
	11.19	How has the grantee sought out the viewpoints of minority, low-income, and LEP populations when conducting public outreach and involvement activities? (i.e. during route restructuring)	Open ended	
	11.20	Have any of the above groups expressed a need for transportation improvements?	Yes, No	
	11.21	If so, how were concerns of these groups addressed?	Open ended	
	11.22	How does the agency provide timely and reasonable language assistance when needed?		
	11.23	How does the agency encourage the participation of minorities on non-elected committees and councils?	Open ended	
	11.24	Does the agency have a formally documented vehicle load service standard?	Yes (describe), No	
	11.25	Does the agency have a formally documented service headway standard?	Yes (describe), No	
	11.26	Does the agency have a formally documented on-time performance service standard?	Yes (describe), No	
	11.27	Does the agency have a formally documented service availability standard?	Yes (describe), No	
	11.28	How does the agency know that none of its service standards disproportionately affect minority, low-income or LEP populations?	Open ended	
	11.29	Does the agency have a transit amenities distribution policy that includes: seating, shelters, public information, escalators/elevators, and waste receptacles?	Yes (describe), No	
	11.30	Does the agency have a vehicle assignment policy?	Yes (describe), No	
	11.31	Does the agency's Title VI plan state that they will conduct an equity analysis for facility construction projects?	Yes, No	
	11.32	Has the agency selected a site location for a transit facility (storage, maintenance, operations center, transfer station, etc.) since October 1, 2012?	Yes, No	
	11.33	If so, how was the equity analysis conducted and how did the impacts across various sites affect the final decision for location?	Open ended	

In instances where non-compliance is discovered, grantees are immediately notified of the deficiencies, corrective actions are given, and a final date to achieve full compliance is provided. Failure to correct the deficiencies results in suspension of funding eligibility pending implementation of corrective actions and/or additional investigation.

Subrecipient transit agencies who receive direct funding through FTA are not subject to these reviews and report directly to FTA on Title VI matters.

Limited English Proficiency Plan

The Title VI and related statutes and authorities' prohibition of discrimination based on national origin has been interpreted to mean that no person shall be denied access to services due to limited English proficiency (LEP). These laws and authorities apply to Department services and programs as well as those provided by our non-Directly Federally funded subrecipient transit agencies and contracting agencies. PennDOT has adopted the federal regulatory definition for LEP to mean any person or group whose ability to speak, read or understand English is less than very well.

USDOT has issued guidance for developing a plan regarding LEP compliance. The guidance states that grant recipients must take "reasonable steps to ensure meaningful access to their programs and activities by LEP persons." 70 FR 74087, 74091. To help ensure compliance and offer guidance to its subrecipients and contracting agents, the Department developed its own LEP Plan. A copy of PennDOT's LEP Plan is located on its website at the following location:

https://www.pa.gov/content/dam/copapwp-pagov/en/penndot/documents/public/pubsforms/publications/pub%20478a.pdf

This document is available as a web translatable version on the Department's website to improve access for our LEP customers.

PennDOT is committed to ensuring the success of the LEP Plan and offers guidance, conducts periodic trainings and compliance monitoring of its non-Directly Federally funded subrecipient transit agencies and contracting agencies.

Subrecipient Four-Factor Analyses

The DOT guidance outlines the four-factor analysis recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.

2. The frequency with which LEP individuals come in contact with the program.

3. The nature and importance of the program, activity, or service provided by the recipient to the LEP community.

4. The resources available to the recipient and overall cost.

The greater the number or proportion of eligible LEP persons; the greater the frequency with which they have contact with the program, activity, or service; and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of Federal guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The guidance from the USDOT is modeled after the DOJ's guidance and requires recipients and subrecipients to take steps to ensure meaningful access to their programs and activities to LEP persons. More information for recipients and subrecipients can be found at http://www.lep.gov.
Local transit agencies perform their own four-factor analyses to determine if there are LEP populations within their service areas. PennDOT's subrecipients are required to assess the needs of LEP populations within their service area as part of their four-factor analyses.

Title VI Equity Analysis

In the last three years, no project met the requirement(s) to conduct a Title VI Equity Analysis. Title VI Equity Analyses will be conducted for all projects and will be conducted for all future projects according to the requirements below.

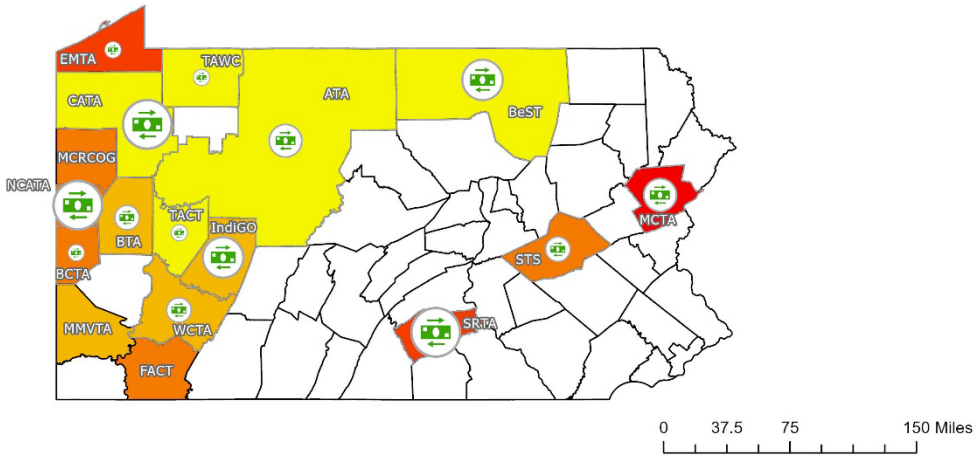
Title 49 CFR Section 21.9(b)(3) states, "In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part." Title 49 CFR part 21, Appendix C, Section (3)(iv) provides, "The location of projects requiring land acquisition and the displacement of persons from their residences and businesses may not be determined on the basis of race, color, or national origin." For purposes of this requirement, "facilities" does not include bus shelters, as these are transit amenities and are covered in Chapter IV, nor does it include transit stations, power substations, etc., as those are evaluated

during project development and the NEPA process. Facilities included in this provision include, but are not limited to, storage facilities, maintenance facilities, operations centers, etc. In order to comply with the regulations:

a. PennDOT shall complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. Recipients shall engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis must compare the equity impacts of various siting alternatives, and the analysis must occur before the selection of the preferred site.

b. When evaluating locations of facilities, PennDOT should give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis should be done at the Census tract or block group where appropriate to ensure that proper perspective is given to localized impacts.

Demographic Map



Aggregate Federal Funding from FY 22-23 to FY 24-25

- ≤ $1.1 million
- $1.12 - $5.01 million
- $5.02 - $7.6 million
- $7.61 - $9.34 million
- ≥ $9.34 million

Percentage of Minorities in Service Area

- 4 - 6%
- 7 - 9%
- 10 - 13%
- 14 - 18%
- ≥ 19%

Minorities are defined as any other ethnicity than white. Population data sourced from American Community Survey, 2023 ACS 5-Year Estimates.

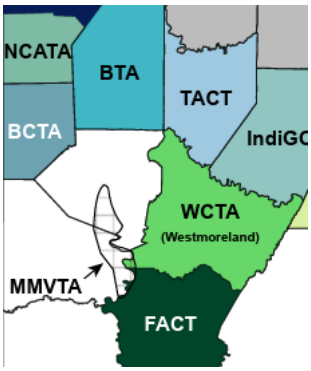
Transit Agencies

ATA	Area Transportation Authority
BCTA	Beaver County Transit Authority
BTA	Butler Transit Authority
CATA	Crawford Area Transportation Authority
BeST	Endless Mountains Transportation Authority
EMTA	Erie Metropolitan Transportation Authority
FACT	Fayette Area Coordinated Transportation
IndiGO	Indiana County Transportation Authority
MCRCOG	Mercer County Regional Council of Governments
TACT	Mid County Transit Authority
MMVTA	Mid Mon Valley Transit Authority
MCTA	Monroe County Transportation Authority
NCATA	New Castle Area Transit Authority
STS	Schuylkill Transportation System
SRTA	Susquehanna Regional Transportation Authority
TAWC	Transit Authority of Warren County
WCTA	Westmoreland County Transit Authority

The *Demographic Map* is an overview of both the federal funding spent on rural fixed route operating during state fiscal years (FY 22-23 through FY 24-25) and minority populations within the rural service areas of Pennsylvania. Only federal operating subsidies are included since capital funding varies annually. Due to this limitation, total funding amounts are not representative of average spending across rural agencies. Additionally, state operating funding is not present because it is distributed by a statutory formula. Capital projects are awarded on state of good repair with priority given to rolling stock and facility updates/repairs. Section 5311 funds are provided to all agencies depicted on the above map. Additionally, Pennsylvania's Intercity Bus Program is managed by the Susquehanna Regional Transportation Authority (SRTA), which also provides local transit services in Cumberland County. The Intercity Bus Program is funded entirely with Section 5311(f) funds. Moreover, FACT, MCRCOG, and MMVTA* are

agencies without funding symbology on the map who recently transitioned from urban to rural classifications by the FTA. PennDOT is waiting for these agencies to spend their Federal Section 5307 funds before committing Federal Section 5311 funds.

*MMVTA's service area is incomplete in the *Demographic Map.* Besides Washington County, MMVTA provides service in Allegheny and Westmoreland Counties as seen in the image below.



During Coronavirus, PennDOT granted CARES Act funds to some agencies on a one-time, emergency basis to ensure critical services were maintained. This one-time action is not presented, because it is not representative of the Department's usual funding levels or funding policies. State funding for shared ride is distributed as a percentage reimbursement of the total shared ride fare. In this manner, PennDOT has little discretion over state subsidy allocations for shared ride.

The minority and service area populations presented on this map are derived from the 2023 American Community Survey 5-Year Estimates and represent the service areas for each rural fixed route provider. Each agency's service area is composed of every municipality they provide fixed route service within so long as the municipality is not part of a UZA. Census tract or block group data were not analyzed as not all fixed route transit systems have the necessary route data to analyze service area on such a small scale.

Minority Breakdown and Distribution of Federal Funds

Transit Agency	Counties	Service Area Population	Minority Population (%)	FY 22-23	FY 23-24	FY 24-25	Aggregate Funding
ATA	Cameron Clarion Clearfield Elk Jefferson McKean Potter	250,089	15,512 (6%)	$3,370,490	$2,370,490	$1,867,981	$7,608,961
BCTA	Beaver	166,993	21,709 (13%)	$305,496	$267,164	$267,164	$839,824
BTA	Butler	195,870	13,711 (7%)	$2,031,701	$1,492,055	$1,492,055	$5,015,811
CATA	Crawford Venango	133,285	8,496 (6%)	$5,312,704	$4,387,249	$4,387,249	$14,087,202
BeST	Bradford Sullivan Tioga	106,898	5,532 (5%)	$3,115,280	$3,115,280	$3,115,280	$9,345,840
EMTA	Erie	269,544	48,518 (18%)	$512,500	$400,000	$200,000	$1,112,500
FACT*	Fayette	126,967	12,697 (10%)	-	-	-	-
IndiGO	Indiana	82,213	6,740 (8%)	$3,403,254	$2,925,898	$2,925,898	$9,255,050
MCRCOG*	Mercer	109,852	12,523 (11%)	-	-	-	-
TACT	Armstrong	65,069	2,928 (5%)	$425,000	$425,000	$225,000	$1,075,000
MMVTA*	Washington Westmoreland	563,123	49,036 (9%)	-	-	-	-
MCTA	Monroe	167,784	65,100 (39%)	$2,634,564	$2,237,813	$2,040,033	$6,912,410
NCATA	Lawrence	85,423	8,799 (10%)	$7,565,909	$4,900,000	$4,900,000	$17,365,909
STS	Schuylkill	143,259	17,764 (12%)	$1,351,720	$752,724	$752,724	$2,857,168
SRTA	Cumberland	264,422	47,860 (18%)	$6,274,064	$6,211,564	$6,211,564	$18,697,192
TAWC	Warren	38,174	1,947 (5%)	$339,987	$231,000	$120,000	$690,987
WCTA	Westmoreland	353,345	28,268 (8%)	$1,466,145	$1,466,145	$1,418,925	$4,351,215
Source: American Community Survey, 2023 ACS 5-Year Estimates, Table S0601							

*Agencies who recently transitioned from urban to rural classifications by the FTA. PennDOT is waiting for these agencies to spend their Federal Section 5307 funds before committing Federal Section 5311 funds.

Disparate Impacts

Most rural service providers in Pennsylvania have relatively low minority populations. Per the Minority Breakdown and Distribution of Federal Funds table, about 1/3rd of rural transit providers in the Commonwealth have minority populations representing more

than 10% of their total service area population (6 out of 17 agencies).

Only one rural transit provider, Monroe County Transportation Authority (MCTA), holds a higher minority population proportion (39%) than the 27% statewide average in Pennsylvania (American Community Survey, 2023 ACS 5-Year Estimates, Table S0601). Despite having the highest estimated minority population among rural transit providers at 65,100, MCTA receives less federal funding than six of its peers in Pennsylvania. Federal funding in Pennsylvania is not based on race, color, or national origin; however, the aforementioned funding gap may result in minority populations facing disparate impacts in Monroe County.

PennDOT minimizes disparate impacts in Monroe County and other counties throughout the Commonwealth with diversified funding streams. For instance, PennDOT committed an additional $24,928,928 of state funds from FY 22-23 to FY 24-25 to subsidize MCTA's operating expenses. State operating funds—derived from a formula factoring service area population—and Federal Section 5307 funds for mixed urban and rural transportation systems mend funding gaps and consequently address disparate impact.

Disparities may exist in the funding of Erie Metropolitan Transportation Authority (EMTA), Beaver County Transportation Authority (BCTA), and Susquehanna Regional Transportation Authority (SRTA). These agencies' service areas serve counties that have greater minority populations than many other rural areas of Pennsylvania; however, the services being funded are relatively small, with small budgets, and those agencies also are large direct recipients of Federal Section 5307 funding, which provides most of the funding necessary to provide public transportation services.

Demographic Profile

Estimated 2023 Population by Race in the Commonwealth of Pennsylvania		
Race	Population	Percentage
White alone	9,594,136	74%
Black or African American alone	1,368,208	10.6%
Two or more races	954,515	7.4%
Other race alone	510,560	3.9%
Asian alone	499,380	3.9%
American Indian and Alaska Native alone	30,714	0.2%
Native Hawaiian and Other Pacific Islander alone	4,170	0.03%
Total:	12,961,683	
Source: American Community Survey, 2023 ACS 1-Year Estimates, Table B02001		

Statewide Planning Process

PennDOT is committed to providing ongoing, accessible opportunities for stakeholder engagement in all forms of statewide transportation decision-making, whether long-range, mid-range, or short-range. PennDOT works diligently with state and local agencies to coordinate effectively and serve Pennsylvanians equitably. Ultimately, statewide transportation planning in Pennsylvania is a collaborative process involving diverse organizations that represent the many cultures within the Commonwealth.

The broad-based public involvement process ensures the concerns of Pennsylvanians are identified and addressed in the development of plans and programs—which, results in better transportation outcomes satisfying federal requirements for public involvement in statewide planning.

Public Participation Plan

A copy of PennDOT's Public Participation plan is located on its website: https://www.pa.gov/content/dam/copapwp-pagov/en/penndot/documents/public/pubsforms/publications/pub%20823.pdf

Public Outreach and Involvement Activities in the Last Three Years

- Pennsylvania Public Transportation Association Annual Conference, Lancaster, May 2025
- Pennsylvania Public Transportation Association Annual Conference, Lancaster, April 2024
- Pennsylvania Public Transportation Association Annual Conference, Lancaster, April 2023
- Statewide Transit Meeting, State College, August 2025
- Partnership with the Language Access Community of Practice Group
- Collaborated with statewide partners to share best practices, resources, and strategies for improving language access and meaningful communication with Limited English Proficiency (LEP) populations.
- Driver and Vehicle Services Customer Service / Title VI / LEP Training
- Co-facilitated training in partnership with the Office of Equitable Transportation for District Offices across Pennsylvania, focusing on Title VI requirements, LEP compliance, and customer service best practices for diverse populations.

- Collaboration with the Pennsylvania Immigration and Citizenship Coalition (PICC)
- Partnered to support immigrant and LEP rights through statewide advocacy, awareness initiatives, and resource sharing to strengthen equitable access to transportation services.
- Quarterly Engagement with the American Immigration Lawyers Association (AILA)
- Participated in quarterly meetings to promote advocacy, justice, and equitable transportation access for immigrants, aligning with Title VI and LEP compliance priorities.
- Participation in Latino Commission Meetings
- Engaged in regular meetings coordinated through the Governor's Office to address issues impacting Latino and LEP communities, fostering partnerships and community trust.
- Representation at the Juneteenth Celebration Event
- Served as a vendor on behalf of the Pennsylvania Department of Transportation to connect directly with diverse communities, promote available services, and raise awareness of language access resources.

These coordinated outreach efforts demonstrate the Title VI and Equitable Access Team's ongoing commitment to removing barriers, fostering inclusive engagement, and ensuring that all residents—regardless of English proficiency—can access, understand, and benefit from transportation services across Pennsylvania.

Non-Discriminatory Pass-through of FTA Funding

Funding applicants are typically either political subdivisions of the Commonwealth (e.g., counties, cities, boroughs, townships, etc.) or public transit authorities incorporated under the Pennsylvania Municipal Authorities Act of 1945.

BPT annually communicates instructions detailing how to access funding applications through PennDOT's electronic grants management system, eGrants. BPT informs prospective applicants on any application changes from the previous year. Additionally, BPT provides technical assistance to current and prospective applicants. Examples of technical assistance BPT provides include reviewing draft documents and providing verbal or written guidance.

Funds are not apportioned to specific geographic areas. BPT uses two methods for project selection:

1. Responding to locally-initiated requests for financial assistance. This includes operating assistance for demonstration or service expansion projects, capital grants, and technical studies awarded on a discretionary basis; or

Funding projects for subrecipients receiving state operating assistance as a result of 74 Pa. C.S. Sections 1513, 1514, 1516, 1517, and 1517.1.

Factors determining grant awards for operating, capital, and technical assistance include:

1. Demonstrated need for services;
2. Evidence of support (including commitment of local matching funds) by local elected officials;
3. Evidence of coordination with existing transportation programs;
4. Availability of funds under other programs;
5. Evidence that the organization possesses adequate technical, administrative and managerial personnel and skills to properly administer, operate, and maintain the capital investment; and
6. Ability to comply with applicable state and federal regulations.

The United States Department of Transportation (US DOT) Standard Title VI/Non-Discrimination Assurances DOT Order No. 1050.2A

The Commonwealth of Pennsylvania, 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 Transportation Administration (FTA), 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. § 2000d *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);

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 denied 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 Transportation 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.

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 Transportation Program:

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 "program") conducted in compliance with all requirements imposed by, or pursuant to the Act and the 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 the Regulations made in connection with the Federally assisted Transportation Program. And in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Commonwealth of Pennsylvania, 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. §§200d 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 receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses 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 service 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 Assurance.
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.

By signing this ASSURANCE, the Commonwealth of Pennsylvania, 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 provisions governing the Federal Transportation Administration's access to records, accounts, documents, information, facilities, and staff. The Commonwealth of Pennsylvania, Department of Transportation, also recognizes that it must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Transportation Administration. The Commonwealth of Pennsylvania, Department of Transportation, must keep records, reports, and submit the material for review upon request to the Federal Transportation Administration, or its designee in a timely, complete, and accurate way. Additionally, the Commonwealth of Pennsylvania, Department of Transportation, must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Commonwealth of Pennsylvania, Department of Transportation, gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, 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 Federally assisted Transportation Program. This ASSURANCE is binding on the Commonwealth of Pennsylvania, Department of Transportation, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federally assisted Transportation Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

April 16, 2025

Michael Carroll
Secretary for Transportation
Pennsylvania Department of Transportation

Date

APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and Regulations relative to Non-discrimination in Federally- assisted programs of the U.S. Department of Transportation, Federal Transportation 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.
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.

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 Transportation 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 nondiscrimination provision of this contract, the Recipient will impose such sanctions as it or the Federal Transportation 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.

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 Transportation 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 Commonwealth of Pennsylvania, Department of Transportation, 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 Federally-assisted Transportation Program, and the policies and procedures prescribed by the Federal Transportation 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 Commonwealth of Pennsylvania, Department of Transportation, 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 Commonwealth of Pennsylvania, Department of Transportation, 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 Commonwealth of Pennsylvania, Department of Transportation, its successors and assigns.

The Commonwealth of Pennsylvania, Department of Transportation, 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 [,] [and]* (2) that the Commonwealth of Pennsylvania, Department of Transportation, 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 Commonwealth of Pennsylvania, Department of Transportation, 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, Commonwealth of Pennsylvania, Department of Transportation, 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 Commonwealth of Pennsylvania, Department of Transportation, 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 Commonwealth of Pennsylvania, Department of Transportation, 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 Commonwealth of Pennsylvania, Department of Transportation, pursuant to the provisions 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 a part of the consideration hereof, does hereby covenant and agree (in 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 furnishings 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 Non-discrimination covenants, the Commonwealth of Pennsylvania, Department of Transportation, 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, the Commonwealth of Pennsylvania, Department of Transportation will there upon revert to and vest in and become the absolute property of Commonwealth of Pennsylvania, Department of Transportation, 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. §200d *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 the 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);

- 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.*).

Language Access Plan for Limited English Proficiency Individuals[1]

Prepared by:

Pennsylvania Department of Transportation
Bureau of Workforce and Business Opportunity
2018

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[1] As of October 1, 2025, PennDOT's Language Assistance Plan for LEP Individuals is being revised. The latest complete version is from 2018, and included in this FTA Title VI Program Plan document. However, PennDOT's 2025 Four Factor Analysis has been completed and the updated 2025 version is included in this FTA Title VI Program Plan document.

Introduction

On August 11, 2000, President William J. Clinton signed an executive order, *Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency, to clarify Title VI of the Civil Rights Act of 1964*. The executive order was issued to ensure accessibility to programs and services to otherwise eligible individuals not proficient in the English language.

The executive order stated that individuals with a limited ability to read, write, speak and 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. These individuals are limited in their ability to speak, read, write, or understand English, hence the designation, "LEP," or Limited English Proficient. The executive order states that:

> "Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by 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."

Not only are all federally funded agencies required to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well. This includes the U.S. Department of Transportation (USDOT), Federal Highway Administration (FHWA), Federal Motor Carrier Safety Administration (FMCSA), Federal Aviation Administration (FAA), Federal Transit Administration (FTA), Department of Justice (DOJ), and the Federal Railroad Administration (FRA).

Federal financial assistance includes grants, training, and use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies to nonprofits and privately-owned organizations. Title VI covers the recipient's entire program or activity. This means all parts of a recipient's operations are covered, even if only one part of the recipient's organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this executive order.

The USDOT published "Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficiency" in the December 14, 2005, Federal Register. The guidance explicitly identifies PennDOT as an organization required to follow Executive Order 13166.

> "The guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage extends to a recipient's entire program or activity; i.e., to all parts of a recipient's operations. This is true even if only one part of the operation receives federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation, not just the particular highway program or project, are covered by the DOT guidance."

To assist PennDOT in meeting Title VI and LEP requirements of the FHWA, FMCSA, FAA and the FTA, PennDOT will evaluate, on a continual basis, activities that would be appropriate for compliance with LEP requirements.

Elements of an Effective LEP Policy and PennDOT's Strategy

The Civil Rights Division of the DOJ has developed a set of elements that may be helpful in designing an LEP policy or plan. For the purposes of this plan, only those individuals who were identified in the 2010 U.S. Census as having their ability to speak English as "less than very well," "less than well," "not well" or "not at all" are being considered. PennDOT's LEP Plan addresses these elements to aid in identifying LEP persons so that they are provided meaningful access to PennDOT services and activities that may affect their quality of life. These elements include:

1. **Identifying LEP persons who need language assistance.**

   The State Long Range Plan (SLRP) and the State Transportation Improvement Plan (STIP) will provide the program and project level basis for determining the need for public involvement and public engagement. The Center for Program Development and Management conducts an Environmental Justice Analysis for low-income and minority populations within urban and non-urban areas. In conjunction with this study, LEP populations and other cultural variables are considered, using the Census, i.e., school and community demographics, data from Metropolitan Planning Organizations (MPO), PennDOT transportation service centers and regions, and other stakeholders.

   According to the 2010 U.S. Census, 10.3% citizens of the state of Pennsylvania ages 5 or older spoke a language other than English at home. Of that number, 3.8 percent speak English less than well.

2. **Identifying ways in which language assistance will be provided.**

   PennDOT will provide oral interpretation, written translation, and sign language interpretation, if requested, or as a result of an LEP analysis on any given project or projected program, requiring translation or interpretation. In addition, video visualization techniques will be used to illustrate PennDOT projects as called for in PennDOT's Public Participation Plan, dated June 2010.

   PennDOT will continually examine its services and survey its employees to determine the extent of contact or the possibility of contact with LEP individuals; and the frequency of contact and the services where LEP individuals are likely to assess a program, service, or activity, on an annual basis, or as needed.

3. **Training staff and others.**

   All PennDOT staff will receive web-based LEP training beginning in 2019, which will be included as part of an ongoing annual requirement beginning in 2020. This training is especially vital for staff involved in customer service, public outreach and public involvement. This training focuses on identifying LEP populations and providing LEP translation and interpretation by using Department resources.

   Sub-recipients and MPOs must provide LEP services to be in compliance with Title VI and Executive Order 12898. Sub-recipient reviews will be conducted to ensure compliance with Executive Order 12898, Limited English Proficiency.

   Contractor compliance reviews will include a provision to comply with the order.

4. **Providing notice to LEP persons.**

   After LEP populations have been identified, strategies will be developed to provide notice of a program, service, or activity, using appropriate media, including brochures (also in languages other than English).

   Community groups serving LEP populations will be contacted, as well as schools, church groups, chambers of commerce, and other relevant entities.

5. **The recommended method of evaluating accessibility to available transportation services in the Four-Factor Analysis identified by the USDOT. (See below)**

   These recommended plan elements have been incorporated into this plan.

Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy

The DOT guidance outlines the four-factor analysis recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.

2. The frequency with which LEP individuals come in contact with the program.

3. The nature and importance of the program, activity, or service provided by the recipient to the LEP community.

4. The resources available to PennDOT and overall cost.

The greater the number or proportion of eligible LEP persons; the greater the frequency with which they have contact with the program, activity, or service; and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of federal guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The guidance from the USDOT is modeled after the DOJ's guidance and requires recipients and sub-recipients to take steps to ensure meaningful access to their programs and activities to LEP persons. More information for recipients and sub-recipients can be found at http://www.lep.gov.

The Four-Factor Analysis

This plan uses the recommended four-factor analysis of an individual assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to public services within the scope of PennDOT's multi-modal transportation services. Recommendations are then based on the results of the analysis.

Factor 1: The number or proportion of LEP persons in the service area who may be served or are likely to be encountered at a PennDOT program, service, or activity.

The U.S. Census Bureau has a range of four classifications of how well people speak English. The classifications are (1) 'very well,' (2) 'well,' (3) 'not well,' and (4) 'not at all.'

The Department considers individuals who speak English less than 'very well' Limited English Proficient, or LEP.

The tables provided in the appendix shows a breakdown of Pennsylvania's population by race/ethnicity and the most common languages spoken in the Commonwealth which demonstrates the need to ensure that LEP persons are included in the transportation public involvement process.

All programs/projects must consider the number and percent of persons in regard to their English language skills within the planning area for inclusion in public involvement and public engagement meetings.

For each program, project, service, or activity, an assessment will be conducted to determine the number and type of LEP populations impacted to ensure meaningful public involvement. Guidance provided in the Center for Program Development and Management Public Involvement Plans will be followed to ensure all groups have notification and access as part of the Department's public outreach efforts.

Factor 2: The frequency with which LEP persons come in contact with a PennDOT program, activity, or service

The program/project must be evaluated in relationship to the number of persons who are within the program/project area and the number of times they have frequented the program or activity. For public meetings, a sign-in sheet or survey must be utilized to determine the demographic and frequency of participation. Planners and project managers must provide notice to LEP persons within the project/program area so that they are aware of any programs/projects that may affect their quality of life.

Programs, services, and activities that have potential impact for LEP persons include, but are not limited to:

- Public involvement and public engagement meetings for transportation projects affecting LEP communities or individuals
- Welcome Centers and Rest Areas
- Roadside assistance drivers
- Transportation maintenance workers
- Transit sub-recipients
- Requests for permits
- Real estate transactions/condemnation
- Payment of tolls at PennDOT bridges
- Internet access: PennDOT Web sites provides translation features
- Requests for certifications, licenses
- Phone communications: notices/greetings in languages other than English

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

As the state transportation agency responsible for coordinating the Statewide Transportation Planning process, PennDOT must ensure that all segments of the population, including LEP persons, have been involved or have had the opportunity to be involved with the planning process. The impact of proposed transportation investments on underserved and underrepresented population groups are part of the evaluation process. PennDOT provides oversight and helps ensure that LEP persons, groups and other protected classes of persons are not overlooked in the transportation planning process.

PennDOT's main function is to support cooperative, comprehensive, and continuing transportation planning as outlined in federal transportation acts. In doing so, PennDOT develops three (3) main documents: the Long Range Transportation Plan (LRTP), Transportation Improvement Program (TIP) and Unified Planning Work Program (UPWP), and as needed, other studies. The LRTP provides direction for transportation investments 20 years out in the future. The TIP is a program or schedule of short-range transportation improvements and activities intended to be implemented through a combination of State, Federal, and local funding. The UPWP outlines tasks to be performed in the upcoming year. LEP persons, low-income, minority populations, the elderly, and the disabled must be considered in these processes.

Factor 4: The Resources Available to PennDOT and the Overall Cost to provide LEP assistance

PennDOT serves the entire Commonwealth of Pennsylvania and is required by federal law to provide access to LEP persons, and to ensure that its sub-recipients also provide access. Even sub-recipients with very limited resources should have an LEP section in their Environmental Justice analyses with the acknowledgment that current demographic trends indicate the number of LEP persons may increase within the Commonwealth of Pennsylvania and projects impacted in their specific planning area. At the very least, sub-recipients should contact their MPO to examine the potential need for LEP services based on the demographics provided by the MPO.

According to U.S. Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the *Federal Register*: December 14, 2005 (Volume 70, Number 239), *"Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan."*

Safe Harbor Stipulation

Federal law provides a "Safe Harbor" provision 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 in 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 the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis. For example, even if a safe harbor is not used, if written translation of a 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.

Strong evidence of compliance with the recipient's written-translation obligations under 'safe harbor' includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. PennDOT's translation of other documents, if needed, can be provided orally.

This safe harbor provision applies to the translation of written documents only. It 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 free of charge. Recipients should provide this notice in languages LEP persons would understand.

The guidance provides several examples of notification including:

1. Signage when free language assistance is available with advance notice.

2. Stating on websites and in outreach documents that language services are available from the agency.

3. Working with community-based organizations and other stakeholders to inform LEP individuals of recipient's services, including the availability of language assistance services.
4. Using automated telephone voice mail attendant or menu which can provide information about available language assistance services and how to get them.

5. Including notices in local newspapers in languages other than English.

6. Providing notice on non-English-language radio and television about the available language assistance services and how to get them.

7. Providing presentations and/or notices at schools and religious organizations.

PennDOT will also provide statements in public information (meetings) 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 PennDOT.

Federal financial recipients have two (2) main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis. PennDOT defines an interpreter as a person who translates spoken language orally. A translator is one who translates the written language and who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.

Considering PennDOT's size and scope, LEP individuals in PennDOT's statewide services area, and our financial resources, it is necessary to provide at least the most basic and cost-effective services available to ensure compliance with Executive Order 13166. PennDOT currently has contracts with multiple private translators and interpreters, Language Services Associates and Propio Language Services for all translation and interpreting needs.

Proposed Actions: What it will take for PennDOT to Comply

The aforementioned USDOT LEP guidance provides several examples of compliance actions including:

- Publish the LEP Plan on the PennDOT Internet website in languages other than English as warranted.

- Disseminate the LEP Plan to community organizations, governmental entities, and other interested persons; also in languages other than English.

- With advance notice of seven (7) calendar days, PennDOT will provide interpreter services for Drivers Licensing Services and for any public meetings. Interpreter to include foreign language(s) and American Sign Language (ASL) for the hearing impaired.

- Place statements in notices and publications that interpreter services are available for meetings, with seven (7) days advance notice.

- A notice of PennDOT's non-discrimination polices and information on the local and federal complaint process will be placed on the website and made available at public meetings.

- Provide training to PennDOT staff on the requirements for providing meaningful access to services for LEP persons.

- Utilize the PennDOT Pennsylvania Statewide Planning Process Participation Plan in conjunction with the PennDOT LEP Plan to identify low-income populations, minority populations, the elderly, and the disabled; who may be part of the LEP population.

LEP Plan Access

PennDOT will post the LEP Plan in languages other than English on its website.

Any person, including social services and civic organizations, non-profits, law enforcement agencies, and other community partners with internet access will be able to access the plan. For those without personal internet service, libraries may offer free internet access, and should be contacted to determine if this service is available. Copies of the LEP plan will be provided to PennDOT sub-recipients and stakeholders, the Federal Highway Administration, the Federal Motor Carrier Safety Administration, the Federal Transit Administration, the Federal Aviation Administration, and any person or agency requesting a copy.

Monitoring and Updating the LEP Plan

This plan is subject to revision based on the changes in demographics as reported by the 2020 U.S. Census and any Environmental Justice (EJ) analysis done on a project. It should be considered in relationship to the need for LEP services provided by PennDOT and should be viewed as a work in progress. It is important to consider whether new documents and services need to be made accessible for LEP persons, and to monitor changes in demographics and types of services.

PennDOT will update the LEP Plan as needed. At a minimum, the plan will be reviewed and updated when data from the U.S. Census changes or more data is available, or when it is clear that higher numbers of LEP individuals may be affected by projects or programs in the program or project affected communities.

PennDOT will examine and update its LEP Plan based on the following:

- The number of LEP persons who were encountered annually via survey of public meetings and other transportation related events or hearings.

- Determine how the needs of LEP persons have been addressed.

- Determine whether local language assistance programs have been effective and sufficient to meet the needs of LEP persons.

- Determine whether transit system's financial resources are sufficient to fund language assistance resources needed during compliance reviews.

- Determine whether PennDOT and its contractors have fully complied with the goals of the LEP Plan.

- Determine whether complaints have been received concerning the agency's failure to meet the needs of LEP individuals.

Dissemination of PennDOT's LEP Plan

The PennDOT LEP Plan and the Title VI Plan will be made available on its website and will be made available in languages other than English, i.e., Arabic and Spanish, and other languages as warranted, or requested.

PennDOT's LEP Plan will be shared with human service organizations, minority-focused organizations, governmental entities, contractors, and consultants, cities, villages, townships, Metropolitan Planning Organizations, community advisory committees, and road commissions.

Any person with internet access will be able to access and download the plan from the PennDOT website. Alternatively, any person or agency may request a copy of the plan via telephone, fax, mail, e-mail or in person shall be provided a copy of the plan at no cost.

LEP Complaint Procedures

Complaints of discrimination involving LEP, Title VI, and related statutes will be investigated using the PennDOT Title VI Program complaint procedures. For a more comprehensive look at PennDOT's Title VI Program Policy, please use the following link:

https://www.pa.gov/agencies/penndot/about-penndot/equal-opportunity-equity/title-vi

Questions or comments regarding this LEP Plan or questions related to Title VI Program should be directed to:

Pennsylvania Department of Transportation
Bureau of Workforce and Business Opportunity / Title VI Program
400 North Street - 5 West
Harrisburg, Pennsylvania 17120-0041

Phone: 1-800-468-4201
Fax: (717) 772-4026
E-mail: PennDOTeoreports@pa.gov

ATTENTION: If you speak another language other than English, language assistance services can be made available to you. Call (717) 787-5891.

Arabic:

تنبيه: إذا كنت تتحدث لغة أخرى غير اللغة الإنجليزية، يمكننا توفير خدمات المساعدة اللغوية لك. اتصل بالرقم 5891 787 (717).

Burmese:

သတိပြုရန်- သင်သည် အင်္ဂလိပ် ဘာသာစကား မဟုတ်သော အခြား ဘာသာစကားကို ပြောလျှင် သင့်အတွက် ဘာသာစကား အကူအညီ ဝန်ဆောင်မှုကို ရနိုင်ပါသည်။ (717) 787-5891 သို့ ခေါ်ဆိုပါ။

French:

« ATTENTION : Si vous parlez une autre langue que l'anglais, des services d'assistance linguistique peuvent être mis à votre disposition. Appelez le (717) 787-5891. »

Greek:

ΠΡΟΣΟΧΗ: Εάν μιλάτε άλλη γλώσσα διαφορετική από τα αγγλικά, οι υπηρεσίες γλωσσικής βοήθειας μπορούν να σας διατεθούν. Καλέστε (717) 787-5891.

Hindi:

सूचना: यदि आप अंग्रेजी के अलावा कोई अन्य भाषा बोलते हैं, तो आपको भाषा सहायता सेवाएं उपलब्ध कराई जा सकती हैं। कॉल करें (717) 787-5891

Italian:

ATTENZIONE: Se parli una lingua che non sia l'inglese, i servizi di assistenza linguistica possono essere messi a tua disposizione. Chiama (717) 787-5891.

Japanese:

注意：英語以外の言語を話す場合は、言語支援サービスを利用できるようにすることができます。 電話 （717）787-5891

Korean:

주의: 영어 이외의 다른 언어를 사용하는 경우, 언어 지원 서비스를 이용할 수 있습니다. (717) 787-5891으로 전화하십시오.

Nepali:
ध्यान दिनुहोस्: यदि तपाईं अंग्रेजीबाहेक अन्य भाषा बोल्नुहुन्छ भने तपाईंलाई भाषा सहायता सेवा उपलब्ध गराउन सकिन्छ। (717) 787-5891 मा फोन गर्नुहोस्।

Polish:
UWAGA: Jeśli posługujesz się językiem innym niż angielski, możesz skorzystać z usługi pomocy językowej. Zadzwoń pod numer (717) 787-5891.

Russian:
ВНИМАНИЕ: если вы говорите на другом языке, вам может быть оказана языковая помощь. Обратитесь в информационно-справочную службу по номеру: (717) 787-5891.

Simplified Chinese
请注意：如果您说英语以外的另一种语言，我们可以为您提供语言帮助服务。

请致电 (717) 787-5891。

Somali:
FIIRO GAAR AH: Haddii aad ku hadasho luqad kale aanan ahayn Ingiriisiga, adeegyada gargaarka luqadda ayaa laguu diyaarin karaa. Wac (717) 787-5891.

Spanish:
ATENCIÓN: Si habla otro idioma que no sea inglés, habrá servicios de asistencia en otros idiomas disponibles. Llame al (717) 787-5891.

Traditional Chinese:
請注意：如果您說英語以外的另一種語言，我們可以為您提供語言幫助服務。
請致電 (717) 787-5891。

Ukrainian:
УВАГА: якщо ви розмовляєте іншою мовою, вам може бути надана мовна допомога. Зверніться до інформаційно-довідкової служби за номером: (717) 787-5891.

Urdu:
توجّہ دیں: اگر آپ انگریزی کے علاوہ کوئی اور زبان بولتے ہیں تو آپ کی زبان میں مدد کے لیے آپ کو خدمات فراہم کرائی جاسکتی ہیے۔ براہ کرم (717) 787-5891 پر کال کریں۔

Vietnamese:
LƯU Ý: Nếu quý vị nói một ngôn ngữ khác không phải tiếng Anh, các dịch vụ hỗ trợ ngôn ngữ có thể được cung cấp cho quý vị. Gọi (717) 787-5891.