

TITLE VI COMPLIANCE AND IMPLEMENTATION PLAN





Pennsylvania Department of Transportation

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TITLE VI COMPLIANCE AND IMPLEMENTATION PLAN

**Pennsylvania Department of Transportation
Bureau of Equal Opportunity
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Michael Carroll
Secretary of Transportation

Corey Pellington
Deputy Secretary for Administration

Megan Peterson, Acting Director
Bureau of Equal Opportunity

Debra C. Allen, Section Manager
Administration and Planning

Aleshia Amadi
Title VI Administrator

Lainey Schock
Equal Opportunity Specialist

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.

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 Bureau of Equal Opportunity by dialing (717) 787-5891 or by visiting <https://www.pa.gov/content/dam/copapwp-pagov/en/penndot/documents/public/pubsforms/forms/eo-478.pdf>.

If you speak another language, language assistance is available by calling (717) 787-5891.

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PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

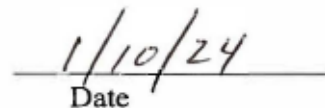
PUBLIC NOTICE of TITLE VI POLICY

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, E.O. 12898, 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 Bureau of Equal Opportunity by dialing 717-787-5891 or by linking to [PA DOT Discrimination Complaint Form](#). For additional information, contact 717-787-5891 or send an email to PD,penndot_eoreports@pa.gov.



Michael Carroll
Secretary of Transportation


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, E.O. 12898 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 Título 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. Carga del formulario de queja de discriminación de título VI puede obtenerse de la oficina de igualdad de oportunidades marcando el 717-787-5891 vinculándola a [PA DOT Discrimination Form](#). Para más información, comuníquese con 717-787-5891 o envíe un correo electrónico a PD,pennndot_eoreports@pa.gov.

The United States Department of Transportation (USDOT)

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 United States Department of Transportation (DOT), through the **Federal Highway Administration (FHWA)**, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 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 Highway Administration.

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

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 Highway 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 a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts 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 Highway 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. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient 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 services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this 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 Highway 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 Highway Administration. The Commonwealth of Pennsylvania, Department of Transportation, must keep records, reports, and submit the material for review upon request to the Federal Highway 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 Highway 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 Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Michael Carroll
Secretary for Transportation

by 
(Signature of Authorized Official)

DATED 3-6-24

APPENDIX A

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

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
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 Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the Federal Highway Administration, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.

A

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the 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 Highway Program and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the 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, Non-discrimination 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.)

B

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.)

C

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 of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as 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) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, 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 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.)

D

APPENDIX E

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

Pertinent Non-Discrimination Authorities:

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

E

Title VI Responsibilities

SECRETARY

The Secretary of the Pennsylvania Department of Transportation has ultimate responsibility for assuring full compliance with provisions of Title VI of the Civil Rights Act of 1964. The Secretary is responsible for ensuring the implementation of the Department's Title VI Program that provides policy direction, practices, standards of operation. The Secretary signs the Department Title VI Assurances each year to demonstrate continued commitment to nondiscrimination in its programs and activities.

DEPUTY SECRETARY FOR ADMINISTRATION

The Deputy Secretary of Administration oversees the Bureau of Equal Opportunity (BEO) and is responsible for designating the Title VI Program Administrator. The Deputy Secretary for Administration has direct access to the Secretary and is responsible for advising the Secretary and the Executive Staff concerning statements of policy, dissemination of information with respect to the policy, identification of problems areas and methods for solving identified problems. The Deputy Secretary for Administration is directly reachable by the Program Administrator and provides ease of access to the Secretary of Transportation for Title VI related issues.

TITLE VI PROGRAM ADMINISTRATOR

The BEO Director serves as the Title VI Program Administrator. The Title VI Program Administrator serves under the direction of the Deputy Secretary for Administration and is responsible for informing the Deputy Secretary of Title VI issues that should be brought to the Secretary and Executive staff's attention. These issues include policy statements, policy information dissemination, problems identified, and problem-solving strategies. The Title VI Program Administrator is specifically in charge of:

1. Support the creation, the dissemination, monitoring, and enforcement of departmental policies concerning the execution of the Title VI Program and support the operational components of the Title VI Program.
2. Create standardized Departmental Title VI Program protocols and distribute policies and program recommendations.
3. Advise the Deputy Secretary concerning significant developments in the implementation of the Department's Title VI Program.
4. Ensuring, in coordination with the Deputy Secretary for Administration, that the Title VI program is adequately staffed to administer the Department's Title VI Program.
5. Review, evaluate, and monitor activities and programs relating to Title VI Program and effectuate changes to assure consistency and program effectiveness.
6. Verify that DOT 1052.A Standard Title VI Assurances and non-discrimination provisions are followed in the administration of the Department Title VI/Nondiscrimination Program and its activities 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”.

7. Provide department-wide leadership, guidance, and technical assistance in the carrying out of Title VI Program responsibilities.
8. Ensure that all discrimination complaints alleging noncompliance with Title VI and related civil rights laws and authorities, as well as the Department’s plan implementing the Title VI Program, are handled fairly, in accordance with Title VI/Nondiscrimination provisions, with due process, investigation, and resolutions.
9. Take appropriate, fair and timely action with regard to all findings of noncompliance under Title VI Program, by initiating or participating in attempts at informal resolution and reporting issues of noncompliance to the Deputy Secretary for Administration.
10. Provide primary coordination and liaison with other agencies, offices, and public and private organizations outside the Department and U.S. Department of Transportation, U.S. Department of Justice, in conjunction with the Office of Chief Counsel, to achieve program objectives.
11. Disseminate information to, and provide continuous and meaningful consultation with, the public concerning the Department’s Title VI Program, including, in appropriate situations, the provision of material in languages other than English.

TITLE VI PROGRAM SPECIALIST RESPONSIBILITIES

The day-to-day administration, oversight, and verification of PennDOT’s adherence to the Title VI and associated civil rights, laws, authorities, and regulations falls within the purview of the Title VI Specialists. In September 2024, BEO added an Equal Opportunity Specialist (EOS1) position, in which this specialist will work closely with Equal Opportunity Specialist 2 to support the administration of the Department’s Title VI program. The Title VI Specialists report to the Administration & Planning Manager within BEO. The Specialists offer subrecipients, contractors, PennDOT Deputates, and Engineering Districts technical support and training. The Specialists, the Administration & Planning Manager, and the Program Administrator communicate regularly to address any remarks, queries, or problems pertaining to Title VI Program in the Department. The duties of the Specialists include, but are not limited to, the following:

1. Conduct Title VI Program reviews of program area activities triennially or when necessary to cover aspects not covered through the day-to-day approach. Only those parts of programs where Title VI Program issues are involved should be reviewed which include but are not limited to public engagement and public accommodation. The Specialist will review bi-annual reports prepared and submitted by the Engineering District Title VI Program Coordinators located in the Engineering District Offices (see Appendix C).
2. Evaluate findings of program area reviews, which address Title VI Program issues to ensure findings of discrimination or nondiscrimination are adequately supported. These reviews are conducted annually or at least triennially, depending on the program area and its level of public engagement.
3. Develop and maintain the Department’s Title VI complaint procedures.

4. Conduct Title VI Program reviews of each MPO/RPO to ensure compliance with the provisions of Title VI using a triennial monitoring schedule (see Appendix D).
5. Review PennDOT's buildings and facilities (including rest areas, Welcome Centers and other facilities open to the public) to ensure compliance with the Title VI Program.
6. Provide technical assistance when requested by Highway Administration staff tasked with the ADA Act/504 Compliance.
7. Establish procedures to resolve determinations of non-compliance.
8. Process the disposition of Title VI Program complaints received by PennDOT.
9. Collect statistical data (race, color, national origin, limited English proficiency and low income) of participants in, and beneficiaries of State and federal highway funded programs (i.e., relocates, impacted citizens, and affected communities). Review Environmental Impact Statements generated by Engineering Districts, MPOs and RPOs for the Title VI Program and for Environmental Justice compliance.
10. Work with program officials to correct identified Title VI Program problems or discriminatory practices or policies (Disparate Impact assessments).
11. Conduct training programs on Title VI and related civil rights statutes and authorities for Department staff, the public, subrecipients and contractors.
12. Prepare the Title VI Program Annual Work Plan & Accomplishment Report presenting the accomplishments for the past year and goals for the next two (2) years.
13. Work with program officials to develop Title VI Program information for dissemination to subrecipients and the general public and, where appropriate, in alternate formats and languages other than English.
14. Conduct post-grant approval reviews of State and federal programs and applicants for compliance with Title VI Program requirements (i.e., highway location, design and relocation, and persons seeking contracts with the Commonwealth).
15. Proactively identify, investigate and work to correct cases of disparate treatment and disparate impact when found to exist.
16. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, all within a period not to exceed ninety (90) days.
17. Provide technical assistance and advice to program area officials on Title VI Program matters.
18. Update Title VI Program Plan as necessary to reflect organizational policy or regulatory/implementation changes.

19. Report to and work with federal administrative entities to address and correct complaints and reports of program deficiencies.

Title VI Program Organization and Staffing

PENNDOT'S ORGANIZATIONAL STRUCTURE

PennDOT is divided into five (5) main Deputates (see Figure 1, PennDOT Organizational Structure). Each has authority over one of several transportation functions as follows:

Highway Administration Deputate

This Deputate is responsible for the design, construction, and maintenance of the Commonwealth's highways and bridges. It includes design, construction, maintenance, materials testing, environmental review, and safety and traffic engineering. The Commonwealth is divided into 11 engineering districts, and each district has responsibility for highways in its respective region. A district executive manages each district and reports to the Deputy Secretary for Highway Administration. PennDOT contracts with private industry for major construction projects while using in-house staff for routine maintenance and winter services.

Planning Deputate

This Deputate is responsible for planning and programming in each transportation mode and serves as the centralized focal point to coordinate and track progress on improvement projects throughout the state. This Deputate oversees the Public-Private Transportation Partnership Office, the Center for Program Development and Management and its divisions, and the Bureau of Planning and Research and its divisions. This Deputate also includes sections working on long-range research and map making.

Administration Deputate

This Deputate is comprised of the following Bureaus and their divisions: Fiscal Management, Office Services, and Innovations. It also includes the Bureau of Equal Opportunity (BEO) which oversees the Title VI Program for FHWA and FTA. This Deputate is also the liaison to the Human Resources & Management and Information Technology Infrastructure & Operations Bureaus at the PA Office of Administration.

Driver and Vehicle Services Deputate

The Driver and Vehicle Services Deputate is comprised of the following Bureaus and their divisions: Motor Vehicles, Driver Licensing, and Support Services as well as the Office of Risk Management, and the Office of Information/Fiscal Services.

Multimodal Transportation Deputate

The Multimodal Deputate is comprised of the Bureau of Aviation and its divisions, the Bureau of Public Transportation and its divisions, and the Bureau of Rail, Freight, Ports, and Waterways.

OFFICE OF EQUITABLE TRANSPORTATION

PennDOT has recently established the Office of Equitable Transportation (OET) which seeks to advance equity and inclusion across the department by strategically embedding equity practices in PennDOT's operations. OET works with internal and external stakeholders and provides training and professional development, spearheads equity-focused programs and projects, and implements equity initiatives. OET also supports PennDOT's Council on Inclusive Excellence. The Council members are PennDOT employees from across the department who strive to advance PennDOT's Equity, Inclusion, and Belonging Strategic Plan via the following subcommittees:

- Recruitment,
- Community Engagement,
- Cultural Awareness and Education,
- Grants,
- Environmental Justice, and
- Workforce Development.

OET works in collaboration with BEO to ensure that any programs or trainings developed and facilitated by OET in the areas of inclusive practice and community engagement are informed by Title VI and support the efforts of PennDOT's Title VI program. If, through their work, the OET becomes aware of an equity issue or concern related to Title VI, OET will promptly inform the Title VI Specialist.

INTERDISCIPLINARY APPROACH

All of PennDOT's Deputates, program areas and planning partners have responsibilities under the Title VI Program and work with the BEO to coordinate their transportation planning activities to ensure compliance. For example, the collection of demographic data needed to address the impacts, benefits and burdens of transportation plans for the public is collected locally by Metropolitan Planning Organizations (MPO) and Rural Planning Organizations (RPO) and shared with local representatives of the Planning Deputate, who in turn share this information with agents from the Highway Deputate and the BEO to generate analyses. These analyses are then shared with Planning to be applied to its public involvement process for coordinated public engagement activities.

In order to best coordinate efforts across the department, BEO is working to establish an interdisciplinary Title VI working group comprised of Title VI liaisons representing each Deputate and District. This group will meet on a periodic basis to ensure consistency or program application, identify issues or concerns, and ensure collaboration in the administration of the Title VI program.

TITLE VI PROGRAM ADMINISTRATION AND OVERSIGHT

Grantee and contractor compliance is continually monitored through review of planning documents, project status reports, field checks, project audits, and investigation of complaints.

PennDOT's Bureaus and offices will work together with BEO Staff to ensure that subrecipients and contracting agencies comply with the Department's Title VI Program requirement. PennDOT requires subrecipients to sign the U.S. DOT Title VI Standard Assurance contract and to upload copies of their Title VI Program for review by the BEO. Contracting agencies must have the U.S. DOT Title VI Contract Provisions included with all contracts generated by PennDOT or those created by other Commonwealth agencies where the contractor is performing functions on behalf of PennDOT.

The Title VI Program Specialist carefully examines the programs to make sure they satisfy both the Department's Title VI Program requirements and federal compliance standards. In order for the BEO to inspect subrecipients and contracting agencies, documentation pertaining to civil rights compliance with the Title VI Program, including information related to complaints, lawsuits or civil rights compliance reviews, must be

supplied for examination. When an area non-compliance is found, contractors or grantees are notified promptly, recommended corrective measures are provided, and a deadline for achieving complete compliance is specified. If the deficiencies are not fixed, the contract or funding eligibility will be suspended while corrective measures are taken and/or additional investigation is conducted.

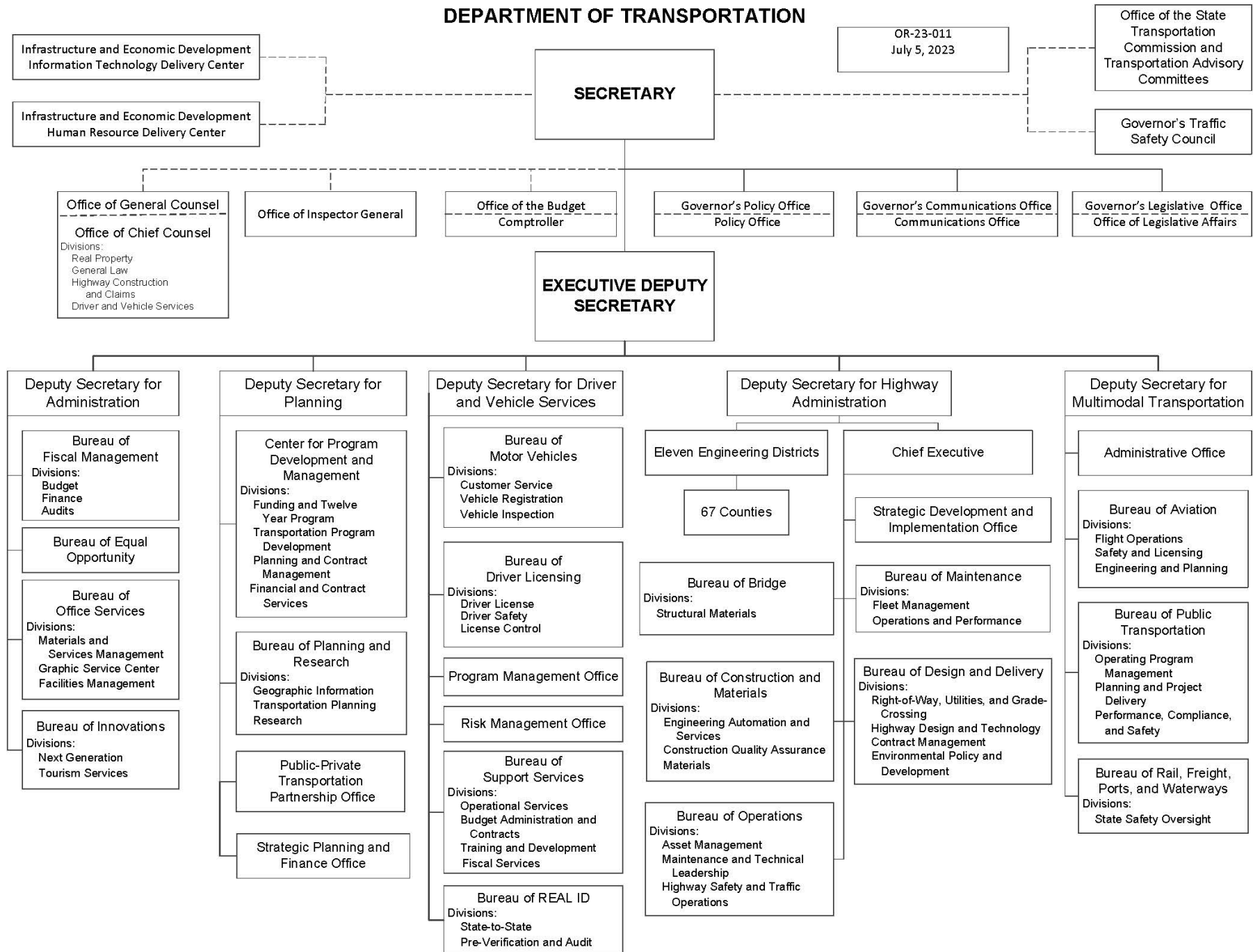
TITLE VI PROGRAM COORDINATORS AND REPRESENTATIVES

Within each program area, Deputate and Engineering District there are one or more Title VI Coordinators and Representatives who document the programs or District's Title VI Program activities and report them to the Title VI Program Specialist. A sampling of the 2024-2025 Coordinators and Representatives are as follows:

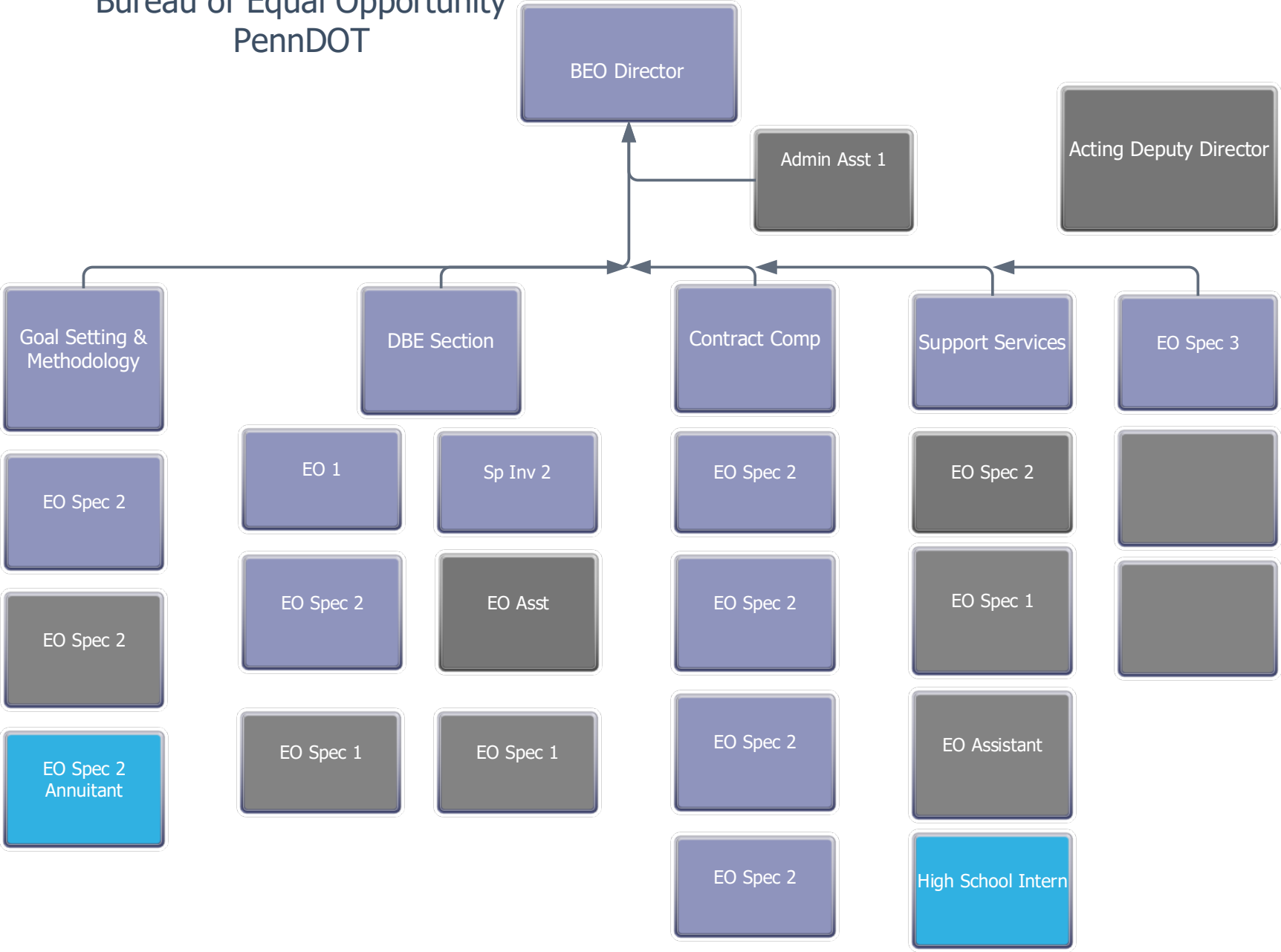
Deputate	Bureau/Director	Division/Federal Program Area	Title VI Coordinator
Highway Administration	Project Delivery Brian Thompson	Highway Delivery/Contract Management	Michele Harter
		Highway Delivery/Highway Design & Technical Services	Ryan VanKirk
		Environmental Planning	Mark Lombard
		Right-of-Way and Utility	Jack Clark
Planning	Planning and Research Andrea Bahoric	Transportation Planning	Shelley Scott
	Center of Program Development and Management Brian Hare		Hugh McGowan
Administration	Bureau of Office Services Diane Chamberlin		Terry Pearsall
	Bureau of Innovation Steven Chizmar		Tiffany Brown
Multimodal and Transportation	Bureau of Aviation Anthony McCloskey		Anthony McCloskey
	Bureau of Public Transportation Danielle Spila		Nicholas Baldwin
	Bureau of Rail, Freight Ports, & Waterways Angela Watson		Steve Panko
Driver and Vehicle Service	Bureau of Support Services Shane Moyer		Kathleen Osborne

Engineering District	District Executive	Title VI Coordinator	Title VI Representative
1	Brian McNulty	Mark A. Nicholson.	Autumn Kelley
2	Thomas Prestash	Craig A. Sattesahn	Cathy K. Frankovich
3	Eric High	Michael L. Bender	Timothy Sullivan
4	Richard Roman	Susan Hazelton	Emma Pugh
5	Christopher Kufro	Michael Guidon	Anthony Geronikos
6	Louis Belmonte	Scott Juenger	Brad Rudolph
8	Kevin Keefe	Heidi Mertz	Richard Reisinger
9	Vince Greenland	Brad Brumbaugh	Melissa Meade
10	Brian Allen	Christina Gibbs	Jessica Schrecengost
11	Jason Zang	Todd C Crouch	Lori Miles
12	Jeremy Hughes	Jessica Setmire	Joshua Theakston

DEPARTMENT OF TRANSPORTATION



Bureau of Equal Opportunity
PennDOT



Title VI Program Area Review Procedures

Broadly, the Federal Highway Administration recognizes five program areas with Title VI Program responsibilities:

- Planning
- Project Development
- Right-of-way (property acquisition and management)
- Construction
- Research

These program areas are spread across the five (5) deputates as indicated on the organization chart. In addition, each Engineering District administers certain portions of the federal program areas within its internal operations and in some cases, with cross functionality as Right-of-way falls within the Bureau of Design and Delivery and as such, also falls under the Project Development.

The Planning program area leads many multimodal programs, initiatives and serves for the MPOs and RPOs, the Transportation Committee, the Technical Advisory Committee, local governments, and the general public. It is comprised of three bureaus: The Center for Program Development and Management, The Office of Public Private Partnership (P3), and The Bureau of Planning and Research. This program area must make Title VI concerns central during the earliest stages of assessing need and assigning resources for projects. This program area engages in interactions with various stakeholders, partners as well as the general public. The Planning program area aims to communicate by conducting public outreach during the planning process. The first application of demographics takes place in the planning stages, which aid in directing more detailed analysis in later phases.

Project Development occurs after the planning phase and is often associated with the four-year and twelve-year transportation improvement plans. This program area employs the Engineering and Construction Management System (ECMS) which automates the "PS&E Transmittal" process by providing an online function that allows the PennDOT project team to track the progress of the development of project deliverables. The Project Development Checklist and its related screens provide a view of the status of each checklist item (such as plans, permits, etc.) and allow the user to add or delete items. Check list items include but are not limited to: Reviews, Contract Award Items, Local Agreements and Coordination, Environmental Clearance, Permits, Plans, Supplemental Plans, Right of Way, Survey, Utilities Clearance, Utility Engineering, Construction Items (not items of work, but checklist items needed by the 'construction' side of the house), Structures and Geotechnical, Railroad Coordination, Traffic, Construction Coordination, Maintenance Items, Estimates and Project-Specific Checklist Items. This program area, like all of the rest has a vital public engagement component, utilizes much of the demographic analysis established during the planning stage and is also responsible for conducting National Environmental Policy Act (NEPA) environmental analyses in conjunction with Environmental Justice (EJ) analyses. Contract compliance, On-the-job (OJT) Training and Disadvantaged Business Enterprise (DBE) contract components also factor into this program areas requirements.

As referenced earlier, the Right-of-way program area is a subcomponent of Project Development, which in turn has its own special Title VI focus. Right-of-way staff are responsible for developing and ensuring compliance with policies and procedures that comply with applicable laws and regulations for the acquisition of right-of-way, relocation of utilities and alterations to railroad facilities as required by highway and bridge projects. They also oversee the department's property management activities as well as outdoor advertising sign control and junkyard control. This program area works closely with the public and must take care as to how Title VI concerns and public sensitivities are addressed to ensure public trust and non-discrimination. Surveys of property acquisition based on the property owner's race and ethnicity are collected bi-annually, compiled, and maintained by the BEO from each Engineering Districts Right-of-way program areas.

Construction also falls under Project Development and entails bid awards to contractors, contract compliance with Disadvantaged Business Enterprise (DBE) and On-the-job Training (OJT) components and project management. The BEO dedicates all of its program areas to reviewing and monitoring this program area which include the Title VI, On the Job Training, Contract Compliance and the Disadvantage Business Enterprise Programs.

The Research Program Management (RPM) section is located within the Research Division of the Bureau of Planning and Research (BPR). The RPM section develops, manages, and administers the PennDOT Research Program and supports the strategic agenda of PennDOT by initiating and managing project activities that attempt to solve real-world transportation issues. In addition to working with the public, this program area is tasked with making innovations based on current societal needs.

In accordance with 23 CFR 200.9 (b), the Pennsylvania Department of Transportation reviews and monitors each program area's and Engineering District's internal projects, programs, policies and procedures to ensure compliance with nondiscrimination requirement and the Department's Title VI Program obligations. Working in coordination with Program Liaisons, Districts' Title VI Program Representatives and Coordinators and the Title VI Program Specialist, the Bureau of Equal Opportunity collects data and prepares bi-annual reports from information submitted by Engineering District Coordinators to the Bureau (see Appendix C). The first reporting period starts September 1st and ends February 28th (or 29th on leap years). The second report period starts March 1st and ends August 31st. A copy of the Biannual Review questionnaire (see Appendix C) is available for review at the end of this document and is provided to FHWA in the Title VI Program Annual Work Plan & Accomplishment Report. Engineering District locations are also scheduled for onsite reviews based on a triennial schedule established in the Title VI Program Annual Work Plan & Accomplishment Report. These site visits include inspection of the facility, public and employee message board reviews as well as meetings and trainings with staff from multiple program areas.

Beyond the Engineering District's biannual reporting, the BEO also conducts central office program area reviews on a triennial basis. The schedule for these reviews is generated and articulated annually in the Title VI Program Annual Work Plan & Accomplishment Report provided to FHWA, however, this schedule is flexible just so long as the scheduled review is not postponed beyond the end of the program year (ending every October 1). Program areas are notified at least 30 days in advance of the scheduled review, are provided with a program area Title VI Audit Tool (see Appendix D) and are instructed to provide all requested documentation and answer all questions posed at least one week in advance of the scheduled review. During the reviews, the BEO's Title VI Program Specialist conducts a desk audit of all data, public documents managed by the program area and any information specifically related to the program area's administration, before meeting with their staff. These meetings have traditionally been conducted in person, however during the Pandemic and during public health emergencies, these meetings have been conducted virtually, and may be done virtually based on scheduling and availability. During these meetings, in addition to presenting any findings to the program area from the desk audit and/or onsite visit, the BEO also includes its findings in the Department's update to the Title VI Program Annual Work Plan & Accomplishment Report provided to FHWA annually. Any program deficiencies identified are addressed and a timeline for informal correction is established. Where appropriate or where program deficiencies cannot be readily resolved, the issues along with any proposed plan for correction are communicated to FHWA or the appropriate US DOT administering agencies based on jurisdiction.

All data derived from these reviews are maintained by the BEO and provided annually to FHWA and where appropriate, used by the Department for a variety of long-term analysis projects that include but are not limited to the Four-Factor Language Analyses and disparate impact assessments.

INFORMATION REQUIRED

Each program area shall prepare application guidelines setting forth, in detail, specific information required from applicants with respect to each of the operating element's Federal financial assistance programs. The Title VI Program Administrator shall coordinate with the program areas to establish a schedule to review and may amend guidelines. Applicants may obtain copies upon request. While these guidelines should be tailored to the needs of the Federal financial assistance program, they shall call for the following information:

- A statistical demographic breakdown by race/color, age, sex, disability, national origin, ethnicity (Hispanic/Latino only), limited English proficiency and low-income of:
 - The population eligible or likely to be served or affected by the project;
 - The projected users or beneficiaries of the project;
 - The owners of property to be taken, and persons or businesses to be relocated or adversely affected, as a result of the project; and
- The present or proposed membership of any planning or advisory body, which is an integral part of the program or project information concerning employment.
- Information relating to Disadvantaged Business Enterprise participation.
- The proposed location, and alternative locations, of any facilities to be constructed or used in connection with the project, together with data concerning the composition by race/color, age, sex, disability, national origin, ethnicity (Hispanic/Latino only), limited English proficiency and low-income of the populations of the areas surrounding such facilities or likely to be impacted.
- A concise description of:
 - Any complaints or lawsuits alleging discrimination on the basis of race, color, or national origin filed against the applicant or any of its proposed sub-grantees within the last five (5) years of the date of application, together with a statement of the status or outcome;
 - Any pending application by the applicant or any of its proposed sub-grantees for Federal financial assistance to any Federal agency;
 - Any civil rights compliance review performed or being performed on the applicant or any of its proposed sub-grantees by any State, local or Federal agency within the last five (5) years of the date of application, together with a statement of the status or outcome of such review; and
 - Any other information deemed necessary by the Title VI Program Administrator.

REVIEW OF STA DIRECTIVES

In addition to reviewing documents and plans directly associated with the Title VI Program, the Title VI Program Specialist reviews Department publications, change in policy statements and forms through the Department's Clearance Transmittal process and Forms Review process. These processes are designed to allow specialists throughout the Department to review for regulatory compliance. The Bureau of Equal Opportunity is in Step 1 (internal) for both processes and will maintain a log of the reviewed documents. The Specialist, Coordinators and Representatives also review samples of internal communications, policies and employee guidance statements. This is done to ensure that no policy, practice, form or publication proposed by the Department or its subrecipients have a disparate impact on any group of people based on their race, color, national origin, limited English proficiency or low-income status. Forms are updated as needed, which is contingent upon contact information changes, data updates, updated signatures, and dates, etc.

Title VI Program Subrecipient Review Procedures

Each program area within PennDOT shall require every applicant for Federal financial assistance to include in its application a section "TITLE VI ASSESSMENT". These procedures shall contain information sufficient to permit an initial determination of whether the applicant will comply fully with the Title VI Program requirements. It shall also contain applicant's analysis of the effects of the proposed use of Federal financial assistance upon Title VI Program concerns.

- The Title VI Specialist will conduct periodic reviews of Unit practices to determine whether they are complying with Title VI, its implementing regulations, and PennDOT's Title VI Program. Reviews may also result from deficiencies, repeated complaints, or other discussions where technical assistance is provided.
- The Title VI Specialist may conduct desk reviews or onsite reviews.
- All reviews will begin with scheduling to begin with the submission of the PennDOT Title VI Goals and Accomplishments Report pursuant to 23 CFR 200.9(b) (10).
- Desk reviews will consist of the following steps:
 1. Notification and Request for Information
 2. Analysis of Information
 3. Follow-Up Interviews
 4. Compliance Determination and Notifications
 5. Deficiency Follow-Up (as necessary)
- Onsite reviews will consist of the following steps:
 1. Notification and Request for Information
 2. Analysis of Information
 3. Onsite and Interviews
 4. Compliance Determination and Notifications
 5. Deficiency Follow-Up (as necessary)

Prior to the scheduled review, the subrecipient is notified by Certified Mail or email that a review has been scheduled at least 30 days in advance. Along with the initial notice, a copy of the Subrecipient Title VI Review Checklist is provided with instruction to have the completed packet resubmitted to the BEO at least one week prior to the site visit or scheduled review. As a part of the desk audit and site visit, the reviewer examines the following subrecipient Title VI Program documents:

- Title VI Program Policy (Title VI Notice to the Public)
- Title VI Program Complaint Procedures
- Title VI Program Complaint Log
- Limited English Proficiency (LEP) Plan
- Public Participation Plan and Outreach Procedures
- Environmental Justice Analysis (general procedures for data collection and demographic data)
- Appointment of the Title VI Program Coordinator and Organizational Staffing
- Program and Sub-Recipient Review Procedures (see Appendix E)
- Signed US DOT Standard Assurances and Contract Provisions
- Title VI Training Schedule
- Compliance and Enforcement Procedures
- Board Agenda and Minutes showing submission and approval of the Title VI Program Plan

Beginning in the 2021, the BEO has advised all subrecipients to compile their once disparate Title VI Program Checklist document into one composite Title VI Program. This document must then be reviewed and approved by its Board or leadership and a copy provided to the BEO to be maintained for federal

review. The BEO has advised subrecipients to review and or update their Title VI Program on a triennial cycle to accommodate the FTA review processes, however subcomponents of the Program, such as LEP Plans, Public Participation Plans and Environmental Justice Analysis should be reviewed annually and updated when determined appropriate.

In addition to providing guidance on the composite Title VI Program, the reviewer recommends corrections to the documents and procedures and gives the subrecipient's staff an opportunity to seek guidance regarding compliance with the nondiscrimination statutes and authorities.

ANALYSIS

Each program area shall require every applicant to analyze its Title VI Program performance. The precise components of this analysis shall be made part of the application guidelines to be prepared by the program areas. The analysis in any case shall include the following items:

- The relative benefits, services and adverse impacts of the proposed project and its alternatives on persons and businesses of majority and minority racial, national origin, and or low-income groups;
- A statement of any problems, potential as well as actual, that will or may occur with respect to any Title VI Program concern;
- A statement of what action the applicant agrees to take to correct any such problems;
- A statement of the affirmative action that the applicant will take to ensure full compliance with all Title VI Program requirements, including, but not limited to, such matters as provisions for communicating with persons whose primary language is not English, nondiscrimination in covered employment, outreach at all stages of the planning and implementation of the project to persons and communities affected thereby, equal access to services and benefits of the project, and Disadvantaged Business Enterprise participation;
- A description of how the applicant will enforce the Title VI Program requirements of its subgrantees and contractors; and
- Any additional analysis deemed necessary by the Title VI Program Administrator.

ADDITIONAL INFORMATION AND ANALYSIS

If BEO determines that the "TITLE VI PROGRAM ASSESSMENT" is incomplete or that more information is needed to make a determination of compliance, the program area shall require the applicant to provide such information within sixty (60) days of the request.

Failure by the applicant to provide such information in a timely fashion may result in a determination of noncompliance.

INITIAL DETERMINATION REGARDING PROBABLE COMPLIANCE

Based upon the "TITLE VI PROGRAM ASSESSMENT", and within fifteen (15) days of receiving the initial application or additional information, BEO shall make a determination of compliance. This determination shall be one of the following:

- The applicant will comply in all respects with the Title VI Program requirements;

- It cannot be determined without an on-site compliance audit whether the applicant will comply in all respects with the Title VI Program requirements; or
- The applicant fails to comply in all respects with the Title VI Program requirements.

OUTCOME

- If a determination of compliance is made, no further pre-award civil rights review shall be necessary.
- If an on-site compliance audit is required, the applicant shall be found as a result of this audit either to meet compliance or be noncompliant with all aspects of the Title VI Program requirements.
- If the Title VI review report contains deficiencies and recommended actions, the report shall be forwarded by the Title VI Administrator to the head of the Unit.
 - a) If the Unit is a Program Area, a copy of the deficiencies and recommended actions will be provided to the Director for the Program Area and the appropriate Deputy Secretary.
 - b) If the Unit is a District, a copy of the deficiencies and recommended actions will be provided to the District Executive and the Deputy Secretary for Construction.
 - c) If the Unit is a subrecipient, a copy of the deficiencies and recommended actions will be provided to the head of the subrecipient and the program area responsible for administering programs related to recipients of that type.
- Within 30 days of providing the deficiency report and recommended actions, the Title VI Specialist will schedule a meeting with the Unit to discuss the finding, recommendations and to develop a schedule to enable the Unit to voluntarily correct the deficiencies.
 - a) The maximum amount of time that may be given for correction of deficiencies is 90 days from receipt of the deficiency report.
 - b) The Title VI Specialist will provide technical assistance and guidance needed to aid the Unit in complying voluntarily.

When a Unit fails or refuses to voluntarily comply with requirements within the time frame allotted, the Title VI Administrator shall submit to the Secretary of PennDOT through the Deputy of Administration a copy of the case file and a recommendation that the Unit be found in noncompliance. The Secretary of PennDOT shall review the case file for a determination of concurrence or nonconcurrence with a recommendation to the Pennsylvania Federal Highway Administration Pennsylvania Division Office.

Should the Pennsylvania Federal Highway Administration Pennsylvania Division Office concur with the recommendation, the file will be referred to the Headquarters Office of Civil Rights, FHWA for appropriate action in accordance with 23 CFR 200 and 49 CFR 21.

REVIEW BY THE TITLE VI PROGRAM ADMINISTRATOR

Where a finding of noncompliance is made by the BEO or FHWA, as the result of a complaint investigation, application review, or on-site audit, PennDOT may, upon consultation with FHWA, seek to effectuate compliance by:

1. Suspending, terminating, or refusing to grant or continue Federal Financial assistance;
2. Refer the non-compliant entity to the Department of Justice;
3. Instituting any applicable proceeding or imposing sanctions authorized pursuant to State and local law.

In addition to an initial review, all of PennDOT's subrecipients are placed on a triennial review schedule by the Title VI Program Specialist. These reviews entail a request for Title VI planning and program documents, a desk audit and an on-site visit with the Specialist and the subrecipient's Title VI Program teams. Any program deviations discovered are addressed and where appropriate, corrective action determinations are issued.

Data Collection, Reporting, and Analysis

Statistical data on race/color, age, sex, disability, national origin, limited English proficiency and low income of participants in and beneficiaries of PennDOT programs (e.g., relocates, impacted citizens, and affected communities), will be gathered and maintained by each Engineering District and Program Area Title VI Program Coordinator. Each of the Title VI Program Areas and Districts will maintain data to be reported to the Title VI Program Specialist. Data analysis is contingent on the program areas to ensure we are collecting the appropriate data based upon the program area that is being examined. The Department's Title VI Program Specialist will ensure that information is collected annually for Program Areas and biannually for Districts and maintained for analysis and federal review. Examples of collected data are:

- Bi-Annual Reports
- Web-Based Trainings
- Title VI Complaint Logs
- Title VI Program Documents
- Environmental Justice (EJ) Plans
- Public Participation Plans (PPPs)
- Transportation Improvement Plans (TIPs)
- State Transportation Improvement Plans (STIPs)
- Long-Range Transportation Plans (LRTPs)

The data gathering process will be reviewed annually or when issues are reported or become known, to ensure sufficiency of the data in meeting the requirements of the Title VI Program administration.

Part of this data collection is to measure disparate impact. In order to do this effectively, relevant demographic data is collected and analyzed to see if one protected class is disproportionately impacted compared to other groups. The data utilized comes from the U.S. Census, American Community Survey, and Data.Census.Gov.

The Title VI Coordinator will seek the cooperation of subrecipients, program areas, and the Engineering Districts in obtaining compliance with Title VI, its implementing regulations, and PennDOT's Title VI Program.

Subrecipients, program areas, and Districts (collectively "Unit") shall keep records and submit timely, complete, and accurate compliance reports at such times, and in such form and containing such information as the Title VI Coordinator determines to be necessary to ascertain whether the Unit has complied or is complying with Title VI, its implementing regulations, and PennDOT's Title VI Program.

- At a minimum all units should maintain racial and ethnic data showing the extent which minority groups are beneficiaries of their programs.

- If a Unit extends Federal financial assistance to another recipient, not the ultimate beneficiary, the Unit shall require the other recipient to submit compliance reports to PennDOT's Bureau of Equal Opportunity within 30 days of the request.
 - o If another recipient has information in its exclusive possession and fails or refuses to furnish the information, the Unit shall certify the same in its report and set forth the efforts that it made to obtain the information.

Units shall permit the Title VI Coordinator or the designee to have access to books, records, accounts, and other sources of information, and its facilities during normal business hours to ascertain compliance.

Upon receiving technical oversight from FHWA, BEO is then able to collect this information through annual and bi-annual Title VI Program reviews as required by 23 CFR 200.9 (b) (6). These reviews serve as a baseline for each Program Area's Title VI Program knowledge and allows the BEO to assess the effectiveness of the Program Area's activities (see Appendix D).

The BEO uses this data to assess and conduct disparate treatment, disparate impact, and benefits and burdens analysis and reports. These analyses and reports are shared with PennDOT leadership and FHWA to assist in identification and correction of program deficiencies.

Title VI Program Training

As a direct recipient of federal assistance, PennDOT is required to comply with Title VI of the Civil Rights Act, related statutes, regulations and authorities. It is recommended that any agency which receives federal and/or state financial assistance from PennDOT should also receive training on transportation related Title VI and the related statutes, regulations and authorities' issues. Title VI Program training will be made available at least annually to program areas and Engineering Districts and triennially to contractors and subrecipients.

The training will provide comprehensive information on Title VI Program provisions, its application to program operations, and identification of Title VI Program issues, complaint procedures, resolution of complaints and appropriate ways to address and provide LEP and ADA accommodation requests. Trainings are also offered during the annual Planning Partner's meetings and training modules are provided for Department staff and Planning Partners during PennDOT Winter School. A summary of training conducted is reported in the Title VI Program Annual Work Plan & Accomplishment Report submitted to the Federal Highway Administration.

The Title VI Program Specialist maintains a repository of web-based trainings addressing Title VI/Non-discrimination, LEP Guidance for Customer Service Staff, ADA/504 and EJ/Public Participation which can be taken annually by PennDOT staff.

The PennDOT's Title VI Program Specialist is responsible for coordinating and providing individualized training as needed or requested and will provide training in areas such as:

- **Basic Civil Rights Program Training:** A basic overview of PennDOT's civil rights programs and the applicable laws, statutes and authorities, as well as how to administer the programs at the Division office and the State DOT levels, including development, monitoring, implementation and approval of state program documents. The course is divided into four (4) separate modules for: Nondiscrimination, Environmental Justice/Public Participation, Americans with Disability Act/504 of the Rehabilitation Act and Limited English Proficiency.

- Limited English Proficiency (LEP): Providing services to all people regardless of race, color, age, sex, creed, disability, national origin, and low income and what federally assisted programs should know about identifying the public's need locally and providing services and meaningful access to LEP individuals.

Title VI Program Complaint Procedures

PennDOT's Title VI Notice to the Public is provided on the Department's Title VI website (<https://www.pa.gov/agencies/pennndot/about-pennndot/equal-opportunity-equity/title-vi.html>) as translatable content using the Commonwealth's web translation feature and is made available in all Title VI Compliance documents, the Public Participation Plan (<https://www.pa.gov/content/dam/copapwp-pagov/en/pennndot/documents/public/pubsforms/publications/pub%20823.pdf>), the Language Access Plan for Limited English Proficiency (<https://www.pa.gov/content/dam/copapwp-pagov/en/pennndot/documents/public/pubsforms/publications/pub%20478a.pdf>), and is included in public versions of the Statewide Transportation Improvement Plans (STIP), Statewide Long Range Transportation Plans (LRTP), and the Twelve Year Plans (TYP).

Any person who believes they have been aggrieved by a discriminatory practice under the Title VI Program has a right to file a formal complaint with PennDOT. Any such complaint must be in writing and filed with the Department Title VI Program Specialist or Coordinators within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. The Title VI Program Discrimination Complaint Form can be obtained from the Bureau of Equal Opportunity by dialing (717) 787-5891 or by visiting:

<https://www.pa.gov/content/dam/copapwp-pagov/en/pennndot/documents/public/pubsforms/forms/eo-478.pdf>.

Complaints may be submitted to FHWA, PennDOT and its subrecipients, the United States Department of Transportation (USDOT), and the United States Department of Justice (USDOJ).

PROCESSING PROCEDURES FOR EXTERNAL COMPLAINTS OF DISCRIMINATION

Filing of Complaints

Any person who believes that they or any specific class of persons has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities and/or based upon race, color or national origin may file a written complaint¹. The complaint may be filed by the affected individual or a representative and must be reduced to writing. A complaint must be filed no later than 180 days after the following:

- The date of the alleged act of discrimination; or
- The date when the person(s) became aware of the alleged discrimination; or

¹ Although only race, color, and national origin are covered under Title VI of the Civil Rights Act of 1964, other federal and Commonwealth Civil Rights laws require the Department to address complaints based on broader protected classes such as age, sex, creed and disability, employing the same or comparable practices to address disparate treatment and disparate impact allegations.

- 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 shall be in writing and signed by the complaining person(s), or representative, and include the complainant(s) name, address and telephone number. Allegations of discrimination received by fax or e-mail will be acknowledged and processed. Allegations received by phone can be reduced to writing as an accommodation upon request and provided to the complainant for confirmation or revision and complainant's signature before processing (see Appendix A).

Processing Complaints

PennDOT (like all Recipients, including Subrecipients) does not investigate complaints filed against itself in cases where FHWA funding or grants are involved. If a complaint is filed against PennDOT that falls under FHWA's jurisdiction, it will be forwarded to the FHWA Division Office, which will forward the complaint to the FHWA Headquarters' Office of Civil Rights (HCR) for processing and potential investigation.

Title VI Program complaints filed directly with PennDOT against its subrecipients will be sent to FHWA for initial oversight. Complaints will be processed in accordance with the FHWA approved complaint procedures. However, FHWA has the authority to make all final decisions, including dismissing complaints and issuing letters of findings. All complaints are investigated unless:

- The complaint is withdrawn by the complainant;
- The complainant fails to provide required information after numerous attempts;
- The complaint is not filed timely; or
- The complaint is involving an issue other than discrimination, or if the complaint is not based on a protected class.

Investigative Process

BEO uses the Final Complaint Manual, as provided by FHWA, for guidance in the investigation process:

<https://www.fhwa.dot.gov/civilrights/programs/finalcomplaintmanual110410.cfm#ch apt3>

Investigative Plan (IP): A working document is prepared and is intended to define the issues and lay out the blueprint to complete the investigation and work towards resolving the claim. The IP is an internal document for use by the investigator to keep the investigation on track and focused on the issues and likely sources of evidence or corroboration.

Complaint Log: BEO maintains a complaint log to document all activity related to the complaint (see Appendix B). The log includes the following:

- Complainant name and address
- Respondent name and address
- Basis(es) of the discrimination complaint;
- Allegation(s)/issue(s) surrounding the discrimination complaint;
- Date the discrimination complaint was filed;
- Date remitted to FHWA

- Date the investigation was complete;
- Disposition and date;
- Other pertinent information.

Complaint Documentation: All documentation received by PennDOT that falls under FHWA's jurisdiction, will be summarized, and forwarded to FHWA within sixty days (60) of receipt of complaint, for a final decision.

Estimate of escalation process of complaint: All Discrimination Complaints and Inquiries are responded to promptly upon the initial receipt of receiving. It is reviewed, documented via Title VI Complaint Log (see Appendix B), and then forwarded to the appropriate point of contact. If the complaint is of the jurisdiction of BEO, the complaint or inquiry is handled internally, along with documentation and filing being done for record keeping purposes. The escalation process for all complaints/inquiries can take anywhere from 24 hours to approximately 1-3 weeks, which is contingent on the nature of the complaint.

Dissemination of Title VI Program Information

State "Sunshine Laws" require governmental agencies to remain "transparent," hold public meetings and provide information vital to the public by publishing or broadcasting program information in the news media. Advertisements must state that the program is an equal opportunity program and/or indicate that federal and Commonwealth law prohibits discrimination. Additionally, reasonable steps shall be taken to publish information in languages understood by the population eligible to be served or likely to be directly affected by the program. The Department's policies, procedures and methodology are articulated in greater detail in the Department's Public Participation Plan (<https://www.pa.gov/content/dam/copapwp-pagov/en/penndot/documents/public/pubsforms/publications/pub%20823.pdf>) and Language Access Plan for Limited English Proficiency (<https://www.pa.gov/content/dam/copapwp-pagov/en/penndot/documents/public/pubsforms/publications/pub%20478a.pdf>) which are made available to the public through request and on the Department's web site as translatable content.

Title VI Program Coordinators within the Highway Administration and in coordination with the Planning Deputate and local MPOs and RPOs are responsible to:

- Conduct citizen participation public meetings for highway construction needs;
- Review newsletters and other publications and reports;
- Monitor public involvement process;
- Assure public participation in the selection of a design alternative for a highway construction project (for example, a roundabout vs. a traffic signal);
- Media targeted for underserved populations inclusively but not limited to newsletters and newspapers;
- Review activities associated with public meetings to enhance the participation of target communities;
- Disseminate to the public their rights to call or write the Department to view plans and discuss environmental or discriminatory problems;

- Notify and make accessible public meetings regarding a proposed project to affected residents; and
- Ensure public participation in the location and needs of the public meeting.

Public Participation Requirements

The following information addresses PennDOT's public engagement responsibilities for the Statewide Long-Range Transportation Plan (LRTP), Twelve Year Program (TYP), Statewide Transportation Improvement Program (STIP), and Statewide Public Participation Plan (PPP). The Department provides public comment periods for each of these plans and documents all the comments shared in surveys, workshops, focus groups, and other public forums. The comments are reviewed and analyzed by Department, MPO and RPO personnel to better understand the public's needs and requests. The analysis is used for the update of the Statewide plans. PennDOT also documents comments and responds to questions on the draft plans. A summary of the public participation process, comments, and responses generated during the update are made available to the public upon request.

The LRTP is PennDOT's largest and most comprehensive statewide transportation plan that covers a 25-year forecast period. Due to the range of topics in this plan, it is important to call for the involvement of many stakeholders. The public participation efforts for the LRTP update takes place over a period of months and provide opportunities for the public to take part in the LRTP development from beginning to end. This includes developing the direction and specific actions for implementing the plan's strategies. PennDOT provides opportunities for the public to get involved in the update process including a survey, public workshops, and focus groups. The types of outreach tools and opportunities may vary from one update to the next, but the details on public participation opportunities are defined and publicized in advance of the events via the Department's website, social media and print media outlets. During the update process, PennDOT holds at least one online public forum at a minimum. Once developed, the plan is made available for a 30-day comment period and all comments are reviewed and included in the analysis.

The TYP is a mid-range collaborative planning tool that provides a 12-year outlook and is updated by the Department with input from the MPOs and RPOs for adoption by the State Transportation Commission (STC) every two years. Public participation is an important component of updating the TYP. More information about the STC and how the public can get involved in the process can be found at: www.TalkPATransportation.com. Participation in the TYP begins with the release of the Transportation Performance Report. This report contains information about how PA's transportation system performed over the most recent two-year period. The public is encouraged to review this report before the STC seeks public input and feedback on local and statewide transportation priorities. This plan has a 45-day public comment period which includes a customized survey and public meeting. The public meeting is hosted by the PennDOT Secretary who is the Chair of the STC. Other members of the STC and PennDOT Executive staff may also attend the public meeting and take part in a question and answer session following the main presentation.

The TYP isn't required to comply with federal guidance for public involvement, but PennDOT is dedicated to providing public outreach efforts that comply with, and whenever possible exceed, the requirements in the noted federal laws, executive orders and regulations. Additionally, the TYP public outreach efforts must reflect Department's commitment to provide timely access to transportation decision-making processes for all by providing fair and inclusive opportunities for public participation.

The STIP, by federal guidelines, must cover a period of no less than four years. The Department's STIP is comprised of the projects included in the first four years of the TYP. These projects are initially identified,

prioritized and approved by regional MPOs and RPOs who conduct their own local public participation process in collaboration with Engineering Districts, the Highway and Planning Deputates. Each MPO and RPO submits their approved projects to the Department in the form of a Transportation Improvement Program (TIP). The regional TIPs are then combined to form the first four years of the TYP and the STIP. The Department coordinates with regional MPOs and RPOs for public involvement opportunities for the STIP, which coincides with the regional TIP updates. The most efficient way for the public to provide input is during the regional TIP update process by contacting the local MPO or RPO. Each MPOs and RPOs have their own Public Participation Plans per regulation and their contractual agreements with the Department.

The PPP is a requirement for compliance with federal guidelines for statewide transportation planning. States are required to have a documented process for providing the public opportunity to participate in statewide transportation planning development including review and comment at key decision points 23 CFR 450.210 [a] (<https://www.ecfr.gov/current/title-23/chapter-I/subchapter-E/part-450#450.210>). The PPP is PennDOT's documented public engagement process. It demonstrates PennDOT's commitment to effective public participation and its importance to the statewide planning process. Prior to updating the PPP, the Department reaches out to a number of Stakeholder and special interest groups to solicit their input and once completed, these Stakeholders are provided an opportunity for feedback. Once reviewed by the Stakeholder group, the final PPP is presented to the public for a 45-day comment period.

When PennDOT updates each of these program documents, it is announced to the public and a wide range of interested parties are invited to get involved. These parties include affected public agencies, and stakeholders, such as:

- Public transportation employees
- Public ports operators
- Freight shippers
- Private providers of transportation (including intercity bus operators)
- Users of public transportation
- Users of pedestrian walkways
- Users of bicycle transportation facilities
- Providers of freight transportation services
- Representatives of those with disabilities
- Representatives of limited English proficient populations
- Representatives of Native American Tribes
- Other interested parties

PennDOT also works closely with the MPOs and RPOs, state and local elected officials, and municipal governments who are directly connected with the public and the communities that make up planning regions. They are central to PennDOT's local outreach efforts across the state. Furthermore, PennDOT's partners also entail universities, cities, local businesses, and residents. This partnership helps to stimulate the economy through compliance methods and outreach activities.

The Department helps the public get involved by providing inclusive resources. As noted, anyone who requires an auxiliary aid or service for effective communication, documents in alternative formats or languages, or a modification of policies or procedures to participate in a program, service, or activity of

PennDOT, is directed to contact the Bureau of Equal Opportunity. Other steps that PennDOT takes to support full public access to transportation planning processes include:

- Holding public meetings in places that are ADA accessible
- Holding public meetings that are accessible to public transportation whenever possible
- Providing screen reader compliant website content
- Providing easy to translate website content
- Providing materials and announcements translated in other languages or braille upon request
- Providing interpretation services upon request

Under Commonwealth and federal laws and regulations, the Department and its planning partners must engage with the public on project level activities, as well as for the development of planning documents. Publication 295 (https://www.pa.gov/content/dam/copapwp-pagov/en/penndot/documents/public/pubsforms/publications/pub_295.pdf) is a guide for PennDOT personnel, consultants, and personnel from other administrative jurisdictions - such as local project sponsors – engaged in individual transportation project development activities ranging from the beginning of project development to physical project construction. Publication 295 describes requirements, approaches, and techniques used for meaningful public involvement on a project-by-project basis.

Limited English Proficiency (LEP)

AUTHORITY

Pursuant to Title VI of the Civil Rights Act of 1964 and related statutes, the Department must ensure that no person 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 it administers. The United States Supreme Court in *Lau v. Nichols*, 414 U.S. 563 (1974) stated that one type of national origin discrimination is discrimination based on a person's inability to speak, read, write, or understand English.

Executive Order 13166, "Improving Access to services for Persons with Limited English Proficiency" was adopted to "...improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English Proficiency..." This Executive Order is directed at implementing the protections afforded by Title VI of the Civil Rights Act of 1964 and related regulations. Accordingly, it prohibits recipients of federal financial assistance from discriminating based on national origin by failing to provide meaningful access to services to individuals who are LEP. This protection requires that LEP persons be provided an equal opportunity to benefit from or have access to services that are normally provided in English.

MISSION

To build awareness of the need and methods to ensure that LEP persons have meaningful access to important federally assisted programs and to ensure implementation of language access requirements under Title VI of the Civil Rights Act, the Title VI regulations, and Executive Order 13166 in a consistent and effective manner across agencies.

WHO IS LIMITED ENGLISH PROFICIENT?

LEP individuals are those who do not speak English as their primary language and have a limited ability to

read, write, speak, or understand English as a result of their national origin. These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

The DOT guidance outlines the four-factor analysis (see Appendix F) 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.

The Title VI Program Specialist annually reviews census data as well as language request logs generated by PennDOT facilities, subrecipient and contracting agents for any changes in statewide demographics and, if those changes are significant, updates the Department's "Four-Factor Analysis" (see Appendix F). Using the results from the 2020 US Census, the BEO has developed its newest Four-Factor Analysis in 2022 showing the languages most likely to be encountered (see Appendix F). This analysis was then shared with program areas and was used when determining which languages to proactively translate documents, forms and services into.

Currently, the areas of the state that have the largest concentration of individuals with LEP needs lie within metropolitan areas. With the assistance of employees that are bilingual, not-for-profit volunteers and contractors hired by the Commonwealth, as well as contracted tools such as web translation features, document translation and over-the-phone interpretation, the Department and its Commonwealth employees can use these resources to help with translations and interpretations. Although the Department's over-the-phone interpretation contract (Propio) has "Co-Star Agreements" in place allowing planning partners to use this contract at PennDOT's agreed upon rate, non-Commonwealth subrecipients must still establish their own LEP translation and interpretation services independent of the Commonwealth's contracts in order to comply with law, regulations and the Title VI Program assurances and provisions in their contracts with the Department. However, when working in conjunction with PennDOT, planning partners are encouraged to work with Department staff who can utilize the Department's LEP contracts and resources on behalf of the planning partner. All documents created by the Department include statements indicating Language assistance is available by calling the Bureau of Equal Opportunity or the documents responsible agents in at least 18 languages, also known as "Taglines" or "Babel Sheets" (see Appendix G).

PennDOT currently maintains the following LEP resources:

- Contracted over-the-phone translation services
- Contracted interpreters

- Contracted document translation services
- “Please Point” and “One Moment Please” tools used in customer service locations
- Posters listing 46 different languages for LEP self-identification
- Certified volunteer interpreters and bi-lingual staff
- Driver Knowledge Tests in twenty-five (25) of the most common languages
- Web-based translation services for the Department’s web site
- “Taglines” or “Babel Sheets” in 18 languages applied to all physical documents

LEP web-based training was created by the BEO in 2018 which was uploaded to the Department’s web-training resource account which all Department staff engaging in customer service activities can take annually. Individualized LEP training is given in conjunction with on-site reviews or when requested by individual Engineering Districts, program areas, planning partners, contractors or any of the stakeholders. This activity is continually ongoing, and training needs are identified and requested throughout the year. The Department will ensure, at a minimum, that all Engineering Districts and program areas are provided LEP training at least once every three (3) years. The language identification posters and interpretation procedures are posted at the front desk of all the Department’s Engineering District Offices. Central Office program areas that are likely to encounter LEP individuals also maintain copies of the LEP resources and tools and track the number of LEP requests and the specific language requested. In 2024, The Office of Equitable Transportation and the BEO collaborated to launch the new, in-person course titled, "Embracing Inclusivity: Customer Service That Rocks!" The official and first presentation was held at the end of April 2024. This 3-hour course focuses on the importance of inclusivity as it relates to the customer experience, the role of unconscious bias, tips, and best practices for interacting with our LEP customers, and discussing the History of Title VI, compliance, and how effective communication ties into Title VI.

The Department’s current Language Access Plan for LEP has been made available on Department’s website on the Bureau of Equal Opportunity web-page which can be found at: https://www.pa.gov/content/dam/copapwp-pagov/en/penndot/documents/public/pubsforms/publications/pub_478a.pdf. This document has been uploaded as “web-friendly” content to accommodate web-readers, mouse-less access and translation features.

Environmental Justice

The Department recognizes the importance of identifying traditionally underserved or marginalized communities through Environmental Justice (EJ) analysis and reasoning to ensure that these communities are not treated disparately or experience a disproportionate hardship or burden during planning and implementation of Transportation projects or activities. These communities are defined as low-income and minority and often have specific and unique transportation needs that must be considered, planned for, built, and maintained. Minority and low-income communities may be found in urban, suburban, and rural areas and are protected under Title VI of the Civil Rights Act as amended, as well as under executive orders and other legislation and authorities.

In order to ensure EJ is consistently and adequately addressed during the planning and programming process, the Department has developed “Every Voice Counts: Environmental Justice Moving Forward”, Pub. 737 (https://www.pa.gov/content/dam/copapwp-pagov/en/penndot/documents/public/pubsforms/publications/pub_737.pdf). The purpose of this publication is to provide flexible guidance rather than fixed prescriptions for addressing EJ in transportation planning and programming in order to meet the unique needs of every agency and jurisdiction in the Commonwealth. Agencies, including MPOs and RPOs, should be prepared to use this

guidance to develop unique processes that address their distinct jurisdictions, and are appropriate for their area's demographics, the size and character of their jurisdictions (rural, suburban, or urban), specific transportation needs and priorities, and the agency's available resources.

The procedures contained within "Every Voice Counts" are not an adjudication or regulation. There is no intent on the part of PennDOT to give those procedures preferential weight or deference. Instead, it establishes the framework within which PennDOT will exercise its administrative discretion in the future. PennDOT reserves the discretion to deviate from this document, if circumstances warrant.

The Department has an established policy and set of assurances related to compliance with the Title VI Program. PennDOT's Non-Discrimination Policy Statement lists three (3) primary commitments in the execution of its basic mission:

- Conducting and operating each of its programs and facilities in compliance with all requirements imposed by, or pursuant to, Title VI of the Civil Rights Act and related nondiscrimination authorities;
- Providing nondiscriminatory methods of administration for programs and to give reasonable guarantee that the Department, subrecipients, sub grantees, contractors, subcontractors, transferees, successors in interests, and other participants of federal financial assistance under such programs will comply with all requirements imposed by Title VI of the Civil Rights Act and related nondiscrimination authorities; and
- Promptly taking any measures necessary to effect compliance with Title VI of the Civil Rights Act and related nondiscrimination authorities.

PennDOT's Every Voice Counts – Environmental Justice Moving Forward (Publication 737) is soon to be modified and is projected to be approved and released in 2025.

ENVIRONMENTAL JUSTICE WITHIN PENNDOT'S PROGRAM DEVELOPMENT AND PROJECT DELIVERY PROCESS

Transportation planning is a continuous process that begins with the identification of transportation problems (needs), leads to the development of a long-range plan, and ultimately results in the development and implementation of specific projects in the Transportation Improvement Program. EJ requires the consideration of affected populations' concerns during each step of the planning process. By addressing these opportunities and challenges at the beginning of the process, a planning organization improves its chances of developing a plan or program that provides an equitable distribution of transportation benefits.

Federal transportation policy frames the planning and programming process that is followed by PennDOT and its planning partners. PennDOT continues to use its Transportation Program Development and Project Delivery Process, documented in Publication 10 (https://www.pa.gov/content/dam/copapwp-pagov/en/pennDOT/documents/public/pubsforms/publications/pub-10/pub_10_title_page.pdf), and PennDOT's Design Manual 1. This effort, called PennDOT Connects, provides a consistent means of collecting key information relating to purpose and need, potential project limits and characteristics, public participation, and potential environmental resource impacts. In addition, the Department developed a computerized screening form system in PennDOT Connects. If EJ issues are known, they should be documented in PennDOT Connects as early as practicable.

The complete EJ manual is called *Every Voice Counts – Environmental Justice Moving Forward (2012)*. It is an update of the original 2004 Every Voice Counts document and is in the process of being modified. The new version is projected to be approved and released in 2025.

The complete public participation document is called *Public Participation Plan for Statewide Planning (2020)*. The 2020 version is currently available and can be viewed at:
https://www.pa.gov/content/dam/copapwp-pagov/en/pennidot/documents/public/pubsforms/publications/pub_823.pdf

Applicable Manuals, Procedures, and Directives

The following is a listing of procedures, manuals and directives used by the Pennsylvania Department of Transportation, which are applicable to the Federal-Aid Highway program and the Title VI Program.

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-d4)
- Title 49, Code of Federal Regulations (CFR), Part 21
- PennDOT Publication 48: Title VI Compliance and Implementation Plan
- DOT Limited English Proficiency Guidance
- Title 23 CFR Section 200
- FHWA Order 6640.23A
- The U.S. DOT Title VI Standard Assurances signed by each State and other recipients of federal funding pursuant to DOT Order 1050.2A
- Title 28 CFR Section 50.3
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601-4621-4638, 4651-4655)
- Title VIII (Fair Housing) of the Civil Rights Act of 1968 amended 1974 (42 U.S.C. 36013619)
- Federal-Aid Highway Act of 1970 (23 U.S.C. 109(h) and 136(b))
- Federal-Aid Highway Act of 1973 (23 U.S.C. 162(a) and 324)
- Subsequent Federal-Aid Highway Acts and Related Statutes, Regulations, Directives and Guidance
- Implementation of the Department of Transportation Title VI program DOT 1000.12
- Standard Federal EEO construction contract specifications (Executive Order 11246) as amended 41 CFR 60-4.3(a)
- PennDOT Language Access Plan for Limited English Proficiency Individuals
- PennDOT Standard Title VI/Nondiscrimination Assurances
- PennDOT Notice to the Public
- PennDOT Title VI Policy Statement
- Stewardship and Oversight Agreement

Title VI Program Compliance and Enforcement

PURPOSE

The purpose of a Title VI/Nondiscrimination Compliance Review Program is to ensure that recipients are compliant with Title VI of the Civil Rights Act of 1964 and other nondiscrimination requirements. These nondiscrimination requirements include but are not limited to the following: The Federal-Aid Highway Act of 1973 (23 United States Code Part 324), The Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, and Americans with Disabilities Act of 1990, as amended.

The Department will seek to identify how federal-aid recipients, sub-recipients and contractors effectively implemented the Executive Orders for Environmental Justice, Public Participation Plan, and Limited English Proficiency. Therefore, PennDOT is responsible for ensuring that FHWA recipients are Title VI/Nondiscrimination compliant and that PennDOT is effectively monitoring the Title VI/Nondiscrimination compliance of their sub-recipients.

WHEN FOLLOW-UP REVIEWS ARE REQUIRED

On-site compliance reviews shall be required under the following circumstances:

- When requested by the sub-recipient, another State agency or by FHWA.
- PennDOT will conduct on-site reviews every (3) three years of its sub-recipients, per policy (see Appendix E). At these reviews a training session is scheduled. BEO has the discretion to limit such reviews in consideration of the deficiencies previously identified and corrective measures undertaken as a result of conciliation.
- After a Joint Federal Review of the sub-recipient where the findings are Probable Cause of a Title VI Program violation or when corrective actions are issued by FHWA.
- At any time when the Title VI Program Administrator believes that such a review is warranted with respect to any project, the staff of the BEO shall perform all special on-site compliance reviews.

REPORTS

The result of every compliance audit shall be set forth in a written report to be completed within thirty (30) days of the completion of the on-site visit. The report shall include a summary of the information obtained, specific findings of fact, a determination of compliance or noncompliance, and recommendations, if any. A copy of this report will be sent to the organization that was reviewed and FHWA or FTA, depending on the agency affiliation.

RECONSIDERATION

Within sixty (60) days of being notified of a finding of noncompliance, the applicant or recipient may request reconsideration of the findings by submitting to BEO any additional information or analysis it considers relevant. BEO shall consider the request within thirty (30) days.

NOTIFICATION OF FEDERAL ENTITIES

The Title VI Program Administrator shall promptly notify the appropriate federal entities of every finding of noncompliance resulting from an on-site compliance audit.

INTERNAL REVIEW PROCESS

PennDOT conducts a bi-annual review of each Engineering District to ensure that they are following Title VI Program requirements. The reporting periods are September 1st February 28th (29th if a leap year) and March 1st- August 31st. Each Engineering District is asked to self-evaluate on their Title VI Program compliance by answering evaluation criteria set forth by the BEO. These evaluations are reported to the Title VI Program Specialist within the BEO for review, who presents these findings in the Title VI Program Annual Work Plan & Accomplishment Report which is presented to FHWA. A detailed analysis of these reviews is generated by the BEO which is provided to each District along with on-site reviews and triannual training.

Glossary

Affected Community – A person or persons served or likely to be directly or indirectly affected by a program or activity receiving federal financial assistance from the Department.

Affirmative Action – A good faith effort to eliminate past and present discrimination in all federally assisted programs and to ensure future nondiscriminatory practices.

Applicant – A person who submits an application, request, or plan required to be approved by a Department of Transportation official, or by a primary recipient, as a condition to eligibility for federal financial assistance, and the term “application” means such an application, request, or plan.

Assurance – A written statement or contractual agreement signed by the agency head in which a recipient agrees to administer federally assisted programs in accordance with civil rights laws and regulations.

Beneficiary – Any person or group of persons (other than States) entitled to receive benefits, directly or indirectly, from any federally assisted program, i.e., relocatees, impacted citizens, communities, etc.

Citizen Participation – An open process conducted by PennDOT to convey planned construction projects in which the rights of the community to be informed, to provide comments to the Government on which alternative best meets the needs of the community and to receive a response from the Government are met through a full opportunity to be involved and to express needs and goals.

Compliance – The satisfactory condition when a recipient has implemented all the Title VI Program requirements effectively without evidence of discrimination or can demonstrate a good faith effort towards achieving this end.

Compliance Reviews – Regular systematic inspections of agency programs conducted to determine regulatory compliance with civil rights laws and regulations. Compliance reviews determine compliance and non-compliance in the delivery of benefits and services in federally assisted programs. They identify problems, such as denial of full benefits, barriers to participation, different treatment, lack of selection to advisory boards and planning committees, lack of information, and denial of the right to file a civil rights complaint. Compliance reviews will be conducted on-site or through desk audits.

Complaint – A formal notification of alleged discrimination to the proper authority. The complaint should be signed and contain enough information to permit an investigation and is usually considered filed when it is delivered to the proper official or office.

Conciliatory Agreement – A voluntary agreement between a federal agency and the state or between the State and a sub-recipient that provides for corrective action to be taken by a recipient to eliminate discrimination in any program receiving federal assistance.

Contractor – A person or entity that agrees to perform services at a specified price.

Deficiency Status – The interim period during which the recipient, subrecipient or contractor has been notified of deficiencies, has not voluntarily complied with Title VI Program guidelines, but has not been declared in noncompliance.

Department – the Pennsylvania Department of Transportation; includes each of its operating bureaus and other organizational units.

Director – Title VI Program Administrator.

Disability – A physical or mental medical condition which adversely effects one (1) or more major life function.

Discrimination – An act (action or inaction), whether intentional or unintentional, which excludes a person because of race, color, national origin, age, creed, sex or disability, from participation in, denies the benefits of, or subjects a person to unequal treatment under any program or activity funded or administered by the Department.

Facility – Includes all or any part of structures, equipment, or other real or personal property or interests therein and the provisions of facilities include the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

Federal Financial Assistance – this includes the following:

1. Grants and loans of federal funds;
2. A grant or donation of federal property and interests in property;
3. The detail of federal personnel;
4. The sale and lease of, or permission to use (on other than a casual or transient basis), federal property, or interest in such a property without consideration, or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or is in recognition of the public interest to be served by such sales or lease to the recipient; and
5. Any federal agreement, arrangement, or other contract, which has, as one of its purposes, the provision of assistance.

Minority – A person or groups of persons who is a part of a population differing from others in some characteristics and often subjected to differential treatment.

Non-Compliance – Failure or refusal to comply with Title VI of the Civil Rights Acts of 1964, other applicable civil rights laws, federal and Departmental regulations and has shown an apparent lack of good faith effort in implementing all of the Title VI requirements.

Office – The Office of Civil Rights.

Person – Includes all individuals residing in the U.S. including its possessions and territories.

Program – Includes any highway project, or activity for the provision of services, financial aid, or other benefits to individuals. This includes education and/or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Protected Class – The categories protected from discrimination by law. Federal and Commonwealth Statutes recognize the following protected classes under the Title VI and Non-Discrimination Program guidelines:

1. Race*
2. Color*
3. National Origin*
4. Sex
5. Creed
6. Disability**
7. Age

* Specific to Title VI ** Specific to ADA/504 of the Rehabilitation Act

Public Notification – Process of publicizing information on the availability of programs, services and benefits to affected groups and statements of non-discrimination. This is attained through the use of newspapers, newsletters, periodicals, radio and television, the Internet, community organizations, grassroots and special needs directories, brochures, posters, and pamphlets.

Qualified Individuals with Disabilities – Any individual or group who can participate or enjoy an activity, program or project provided by the Department, with or without the need for a reasonable accommodation, and who are,

1. Individuals who have a physical or mental impairment that substantially limits one or more major life activities;
2. Individuals who have a record of a physical or mental impairment that substantially limited one or more of the individual's major life activities; and
3. Individuals who are regarded as having such an impairment, whether they have the impairment or not.

Recipient – Any State, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom federal assistance is extended either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term "recipient" does not include any ultimate beneficiary under any such program.

Respondent – The party/agency alleged to be in noncompliance or probable noncompliance with the Title VI Program.

Sub-Recipient – An agency such as a council of governments, regional planning agency, educational institution, for example, that receives Federal Highway Administration (FHWA) funds through State DOTs and not directly from the FHWA. Other agencies, local governments, consultants, etc. that receive non-federal funds through the Department are also considered sub-recipients.

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4) – Federal law prohibiting discrimination based on race, color, or national origin. It covers all forms of federal aid except contracts of insurance and guaranty. It does not cover employment, except where employment practices result in discrimination against program beneficiaries or where the purpose of the federal assistance is to provide employment. The program covers the requirements, procedures, actions and sanctions through which the Department of Transportation enforces Title VI and the regulations effectuating it. The program ensures that discrimination does not occur in connection with programs and activities that receive federal financial assistance from this Department.

Department Title VI Program Specialist / Coordinator – The “hub” of the Title VI Program implementation at the State Department of Transportation. Notwithstanding the fact that implementation and monitoring of Title VI Program activities are generally a collaborative effort between the Department, Engineering District Coordinator and program area Coordinators. The Title VI Program Coordinator/Specialist performs a pivotal role in the actual implementation of the program.

Title VI Program – The system of requirements, procedures, actions and sanctions through which the Department of Transportation enforces Title VI and related laws, regulations and authorities effectuating it and ensures that discrimination does not occur in connection with programs and activities performed by the Department.

Appendices

APPENDIX A - Title VI Program Discrimination Complaint Form

APPENDIX B – Complaint Log

APPENDIX C – Bi-Annual District Report

APPENDIX D – Program Area Review Report

APPENDIX E - Sub-Recipient Review Report

APPENDIX F – 2022 Four-Factor Analysis

APPENDIX G - Language Access Tagline

Appendix A

TITLE VI PROGRAM DISCRIMINATION COMPLAINT FORM



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
Discrimination Because of: <input type="checkbox"/> Race/Color* <input type="checkbox"/> Sex <input type="checkbox"/> Disability** <input type="checkbox"/> Age <input type="checkbox"/> National Origin* <input type="checkbox"/> Retaliation <input type="checkbox"/> Religion			Date(s) of Alleged Incident(s)		
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 one of the following agencies:					
Pennsylvania Department of Transportation Bureau of Equal Opportunity P.O. Box 3251 Harrisburg, PA 17105-3251 Phone: (717) 787-5891 Email: penndotreports@pa.gov	Federal Highway Administration U.S. Department of Transportation Equal Opportunity Specialist Pennsylvania Division Office 228 Walnut Street, Room 508 Harrisburg, PA 17101-1720 Phone: (717) 221-3705	Federal Motor Carrier Safety Administration U.S. Department of Transportation FMCSA Office of Civil Rights 1200 New Jersey Avenue, SE Washington DC, 20590 ATTN: Room W65-312 Phone: (202) 366-8810	U.S. Department of Justice Office of Justice Programs Office for Civil Rights 810 7th Street, NW Washington, DC 20531 Phone: (202) 307-0690 Phone (TDD): 202-307-2027		

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

Appendix B

COMPLAINT LOG

Appendix C

BI-ANNUAL DISTRICT REPORT

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
ENGINEERING DISTRICTS
TITLE VI BI-ANNUAL ACCOMPLISHMENTS & PLANS

This report is to be prepared and submitted by each Engineering District to ensure compliance with Title VI of the Civil Rights Act of 1964 requirements, and related nondiscrimination statutes and authorities. The first reporting period starts September 1 and ends on February 28 (or 29th on leap years). The second reporting period starts March 1 and ends on August 31. Please forward the completed report no later than seven (7) business days from the end of the reporting period. Reports should be sent; via electronic mail to the attention of the Title VI Specialist at penndoteoreports@pa.gov. To expedite completion of these forms, you may attach supporting documentation in lieu of re-typing the information in the spaces provided below.

District: Click or tap here to enter text.

Reporting Period: Click or tap here to enter text.

District Title VI Coordinator: Click or tap here to enter text.

Phone #: Click or tap here to enter text.

District Title VI Representative: Click or tap here to enter text.

Phone #: Click or tap here to enter text.

Name of Individual Preparing Report: Click or tap here to enter text.

1. Identify the District's current Title VI Team personnel, including names, titles and phone numbers.

2. List all dates, attendees and topics of Title VI meetings and/or trainings held during the reporting period:

3. Has the Title VI team and/or coordinator met with District leadership to apprise them of the Title VI program and related trends/patterns or deficiencies? If so, provide the dates of these appraisal meetings and describe the nature of the issue(s) briefed.

4. Has the District's Title VI team reviewed any documents for the public to ensure they are free of potentially discriminatory language/pictures? If so, which documents?

5. List documents the District's Title VI team plans to review in the coming year.

6. Has the District reviewed and determined which, if any, documents distributed to the public should be translated in languages other than English? If so, which documents? Were there any requests made to have documents translated? Additionally, provide the status of the translation.

7. List any documents that the District will review or has been requested to be translated in the coming year or past 6 months.

8. Right-of-Way Section - Where any notices or related documents, in pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) and its implementing regulations, required to be translated in languages, including other formats such as Braille, Large Font because an individual was unable to read or understand the notice? If so, provide the following information:
 - a. Number of notices provided:
 - b. Number of notices provided in another format:
 - c. Number of notices provided in a language other than English:
 - d. Number that required counseling services:

9. During the reporting period, did the District report any certified DBE firms as appraisers to PennDOT?

Month (Please indicate the month during the appropriate reporting period)	Number of DBEs	Commitment Dollars Attained	Awarded Paid to Date
March/September			
April/October			
May/November			
June/December			
July/January			
August/February			

10. During the reporting period, did the District utilize any certified DBE firms as appraisers? If yes, how many?

- c) Additionally, briefly describe any Title VI or EJ concerns raised during the meeting. Include any efforts made to resolve these concerns, if any.

13. Describe any efforts the District has taken in the last 6 months to apprise the public of the Department's Title VI obligations and the protections against discrimination assured them during public meetings or other outreach activities.

14. List any planned public outreach meetings for the next 6 months by location and date.

15. Design/Environmental Section - Were disparate and adverse impacts to minority populations or low-income populations identified during the design or environmental process for projects in the District? If so, how are the potential impacts being addressed? Include the project's State Road section number, and ECMS number (if applicable).

16. Describe how the District informs local project sponsors/subrecipients of their Title VI obligations and the efforts used to monitor their compliance.

17. Were any grants provided to subrecipient's prompting the need for DOT Title VI Standard Assurances? If so, please provide a copy(s) of the District's version of the Standard Assurance generated.

18. To measure the effectiveness of the District's Language Access Program (Limited English Proficiency – LEP, E.O. 13166) and the possible need for further language assistance, answer the following questions.

- a. What is the method used to collect data on the number of people needing language assistance, in the Districts' office or on projects?

- b. What were the most prominent languages encountered during the reporting period?

- c. Was there a need to use translations or interpretation service, and if so, what were the languages requested or documents asked to be translated and was there any cost associated with these accommodations?

19. Have District personnel attended any planning partner meetings where Title VI related concerns were raised? Briefly identify the nature of any discussion(s).
20. Describe the efforts the District has engaged in to ensure participation and opportunities that afforded individuals with disabilities to participate in all phases of construction.
21. Provide a list of projects (i.e., curb cut/ramp accessibility efforts), that were completed/engaged in due to an ADA complaint, Court Order or otherwise to achieve accessibility for individuals with disabilities during this reporting period?
22. Provide a list of projects that the District contemplates completing in the coming year to achieve accessibility for individuals with disabilities. Identify whether the project is on the Department's transition plan.

There have been some questions on what the responsibilities of a District Title VI Coordination or a District Title VI Representative. According to the Department's Title VI Compliance and Implementation Plan the positions are stated as follows: "The District offices will have a Title VI Coordinator and a Title VI Representative appointed. The reason that the Districts have an additional position is due to outside responsibilities. The Title VI Coordinator is responsible for ensuring compliance, program monitoring, reporting, and education within their District. The Title VI Representative acts in unison with the Title VI Coordinator in dispersing and gathering information for the District and the Bureau of Equal Opportunity (BEO). The Title VI Coordinator will have clear access to the District Executive (DE) to present or discuss any Title VI matters or issues. All items concerning Title VI should go through the Title VI Representative onto the Title VI Coordinator who will present to the DE. It will then be up to the DE to instruct the Title VI Coordinator to contact BEO or they may communicate directly to BEO with their concerns".

Training is given to the Districts Title VI Team as needed or requested. BEO suggests that the Districts build a Title VI team with representatives from each area within the District for better communication and improved data collection. We recommend bringing in representatives from each program area such as Community Relations Coordinator, Right-of-Way, ADE of Construction, ADA Coordinator etc. The more areas that participate, the more information is disseminated resulting in better coordination of meetings with the public on planned or current projects.

It is the policy of the Pennsylvania Department of Transportation (Department) to comply with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, E.O. 12898, and related statutes and regulations in all programs and activities and requires that no person in the United States shall, on the grounds of race, color, national origin, sex, age, creed or disability be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which PennDOT receives Federal financial assistance.

If any questions or concerns come up and you need clarification, you can call Aleshia Amadi at 717-705-1417. She is Pennsylvania's Department of Transportation Title VI / Nondiscrimination Specialist. Her email address is aamadi@pa.gov. Thank you for your time and effort completing this report.

Appendix D

PROGRAM AREA REVIEW REPORT



Departmental Title VI Compliance Assessment Tool

In accordance with 23 Code of Federal Regulations (CFR) Part 200, the Pennsylvania Department of Transportation (Department) hereby gives notice that it is the policy of the Department to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, E.O. 12898, and related statutes and regulations in all programs and activities, and in programs and activities that receive funding through PennDOT. Title VI Program requires that no person in the United States shall, on the grounds of race, color, national origin, sex, creed, age or disability be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity whether the program or activity receives Federal financial assistance or not.

PennDOT has developed this assessment as a means of determining departmental, sub-recipient and contractor compliance; helping staff, sub-recipients and contractors understand their Title VI responsibilities; and assisting PennDOT in planning future training and technical assistance. This assessment is part of PennDOT's triennial compliance review process and has been designed to take only a few minutes of your time.

Please submit the completed assessment with attachments to PennDOT's Title VI Specialist via fax at (717) 772-4026, or via-email penndoteoreports@state.pa.us. You may also send via regular mail to the following: PennDOT, Bureau of Equal Opportunity, ATTN: Title VI Specialist, P.O. Box 3251, Harrisburg, PA 17105-3251. Questions or concerns may be directed to the Title VI Specialist at the e-mail address above or via telephone at 717-934-4199 or 800-468-4201.

Baseline Assessment

Name of Your Agency:

1. Who is the Title VI contact person(s) for your department? Does this person accept complaints from the public? If not, who does? Please include title, e-mail and telephone number for each person listed.

2. Does your department have a Title VI Notice to the Public addressing nondiscrimination, Limited English Proficiency (LEP), and Americans with Disabilities (ADA) requirements? Please include a list of locations where these notices are posted.

3. In the past three years, has your department or your contracting agents been named in any discrimination complaints or lawsuits? If so, when and what was the nature of the complaint or lawsuit and the outcome?

4. Does your department use the BEO's written discrimination complaint form (listing all applicable Protected Classes under Civil Rights law)?

5. Has your department made the public aware of their right to file a complaint or request Reasonable Accommodations? If so, by what mechanism? Please provide as an attachment.

6. Does your department employ PennDOT's Limited English Proficiency (LEP) plan and provide free translation services for persons who are LEP? Explain.

7. Does your department do public outreach? If so, in the past 12 months, what has your department done to receive and consider input from all citizen groups, especially minority, low income, disabled and transit-dependent? Please provide attachment, if applicable.

8. Does your department have a method to track and collect LEP and ADA accommodation requests? If so, please describe.

9. Has your department signed any Title VI Contract Nondiscrimination Provisions (FHWA-1273) with contracting agents within the past three years? If so, please attach copies.

10. If your department has any sub-recipients, please provide a copy of the signed Title VI Standard Assurances along with the sub-recipients' Title VI Program information.

11. Please include a description of how the department monitors its sub-recipients and contracting agents for compliance with Title VI.

12. Would your department like Title VI training or other Civil Rights technical assistance from the BEO? If yes, please explain.

--

13. Please provide the Name, Title, and contact information of the person who completed this baseline assessment.

14. Please list each attachment provided with the assessment.

Appendix E

SUB-RECIPIENT REVIEW REPORT

Checklist of Title VI Requirements

These requirements and the supporting documentation requested will help ensure an accurate representation of the subrecipient's Title VI program.

Name of Agency: _____

Date of On-Site: _____

Print Name of Reviewer: _____

Signature of Reviewer when finished: _____

Date Started: _____ Date Completed: _____

General Requirements *All recipients must submit:*

- ☐ Copy of Title VI Notice to the Public that indicates the recipient complies with Title VI, and informs the public of the protections against discrimination afforded to them by Title VI.
- ☐ Copy of Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)
- ☐ Title VI Complaint Form
- ☐ Copy of the list (log) of Title VI investigations, complaints, or lawsuits filed
- ☐ Copy of Public Involvement Plan, including information about outreach methods to engage minority and limited English proficient populations, as well as a summary of outreach efforts made in the past three (3) years
- ☐ Copy of Four Factor Analysis of the needs of persons with Limited English Proficiency
- ☐ Copy of the plan for providing language Assistance for persons with limited English proficiency, include sections on Training Staff, Providing Notice to LEP Persons and Monitoring and Updating LEP Plan
- ☐ Copy of Environmental Justice Analysis of Construction Projects within the last three years and Policy and Procedures

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- ☐ A table depicting the membership of the agency's non-elected decision-making bodies, broken down by race, and a description of the process the agency uses to ensure that boards are representative of the demographics of communities they serve
- ☐ Primary recipients shall include copies of sub-recipient Title VI Program(s)
- ☐ Primary recipients shall include a description of how the agency monitors its subrecipients for compliance with Title VI
- ☐ A copy of board meeting minutes, resolution, or other appropriate documentation showing the governing entity reviewed and approved the Title VI Program

NOTES:

Appendix F

2022 FOUR-FACTOR ANALYSIS



Pennsylvania
Department of Transportation

2022

Four Factor Analysis Report for Limited English Proficiency

Prepared by Joshua Bartash,
Title VI Program Specialist
May 2022

Four Factor Analysis and Available Contracts and Resources

The Department currently maintains the following information, processes and resources to address reasonable modification and accommodations to respond to LEP customer needs as applied to this four-factor test:

Assessment of the Four-Factor Analysis

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be limited English proficient (LEP), and therefore, 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. Title VI, Executive Orders and their related regulations require PennDOT and all of its operating divisions to take reasonable steps to ensure “meaningful” access to their programs and activities by LEP persons. As a federally funded agency, PennDOT’s failure to provide access to anyone that is a LEP individual could be considered discrimination under Title VI of the Civil Rights Act of 1964, whether the program or activity is federally funded or not. The following is the four-factor analysis guiding the implementation of the LEP access requirement by all that receive federal financial assistance:

- Factor 1. The number or proportion of LEP persons served or likely to be encountered on PennDOT projects.
- Factor 2. The frequency with which LEP individuals come in contact with the program, activity or service.
- Factor 3. The nature and importance of the program, activity, or service provided by the program.
- Factor 4. Determine the Resource Available to the Recipient and Costs.

This four-factor analysis necessarily implicates the “mix” of LEP services required. PennDOT has two main ways to provide language services: Oral interpretation, either in person or via telephone interpretation service, and written translation. Oral interpretation can range from onsite interpreters for critical services provided to a high volume of LEP persons to access through commercially available telephonic interpretation

services. Written translation can range from translation of an entire document or a short description of the document (synopsis). In some cases, language services may be required on an expedited basis.

The goal of PennDOT's LEP policy is to develop a comprehensive program document. The document must be easily understood and outline the whole Department's LEP program goals. The plan must outline actions that seek to ensure federal requirements are evaluated and LEP needs are addressed.

PennDOT's LEP Plan is currently available on the Department's website as a PDF and is also available as web-content which can be translated into multiple languages through Google Translate:

<https://www.pa.gov/agencies/penndot/about-penndot/equal-opportunity-equity/limited-english-proficiency-lep.html>

Factor 1. The number or proportion of LEP persons served or likely to be encountered on PennDOT projects:

This information is obtained through the 2020 U.S. Census through the American Community Survey (ACS). Unfortunately, the data obtained by federal authorities during the 2020 Census did not provide the level of detail provided in earlier analysis and lumped disparate languages into "groups" instead of providing the specific language as provided in the past. As such, the Department was still able to derive the necessary LEP data from the U.S. Census' statewide demographics, but this showed a substantial decrease in specific languages meeting threshold numbers state-wide and the LEP data broken down by County lacked even more of the detail provided in the statewide data.

One fascinating outcome of the statewide analysis showed that the languages that reach "Safe Harbor" thresholds statewide are also the same threshold languages for Philadelphia County and the Delaware Valley Regional Planning Commission (DVRPC) MPO.

The Department utilizes U.S. Department of Transportation (DOT) regulatory guidance which defines LEP as those whose ability to read, speak, write and understand English is "less than very well." For this reason, the Department searched the ACS database for "LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER," based on "less than very well."



The following language(s) groups were identified as meeting or exceeding the “1,000 individuals or 5%” of the state-wide population thresholds in the ACS data:

Spanish

Arabic

Chinese (Mandarin/Cantonese)

French (Including French Creole and French Haitian)

Greek

Hindi

Italian

Japanese

Korean

Polish

Russian

Ukrainian

Urdu

Vietnamese

Serbian/Croatian/Bosnian

Tagalog

Laotian

German

Persian/Dari/Farsi/Pashto

Gujarati

Mon-Khmer

Thai

Portuguese

The Department has identified at least 28 languages meeting the “Safe Harbor” threshold requiring proactive efforts to provide meaningful access. The Department conducted this demographic analysis based on state-wide statistics instead of regional data, as the services provided by Driver’s and Vehicle Services (DVS) are done so statewide. For those instances where DVS engages in a regional project or activity, more regionalized analysis may be required using the DHS LEP web data.

Factor 2. The frequency with which LEP individuals come in contact with the program, activity or service:

Per regulatory guidance, the Department is tasked with maintaining logs of actual encounters with LEP members of the public, through public surveys, outreach to LEP advocacy organizations and LEP accommodation requests. The Department also utilizes an over-the-phone interpretation service, Propio Language Services, retained through an inter-departmental contract which provides monthly logs to the Department showing a breakdown of LEP calls made to all program areas and Deputates Commonwealth-wide.

Based on a log of LEP accommodation requests maintained by the Bureau of Equal Opportunity (BEO) issued within the past two years (beginning on January 1, 2020) and an annual survey issued to all of the Department’s Bureaus in late 2019, Spanish is the principle language group encountered with the greatest number of accommodation requests followed by Russian, Mandarin Chinese and Braille (although not technically a separate language group, those who use Braille and American Sign Language (ASL) as their primary means of communication, fall within the strict definition of those whose ability to read, write or understand English is “less than very well”).

Currently, all of the Departmental program areas are maintaining logs of LEP encounters and accommodation requests and DVS will be working to enhance its LEP logs and staff training to improve this process. Currently, DVS has been exclusively logging when customers are presented with their LEP accommodations for the Driver’s Knowledge Test and when over-the-phone interpretation is requested.

DVS has been recording when Knowledge tests are requested and provided for languages that the test are not yet already translated into, but not for requests for languages already included in the testing databank.

The following list illustrates the 25 most requested language accommodations issued to the Department for the period January 1, 2020 to October 1, 2022, by order of number of requests:



Spanish
Russian
Mandarin
Arabic
Portuguese
Vietnamese
Haitian Creole
French
Pashto
Turkish
Cantonese
Dari
Korean
Swahili
Farsi
Nepali
Punjabi
Polish
Urdu
Albanian
Italian
Hindi
Kinyarwanda
Burmese
Ukrainian

The Knowledge test is currently made available in 25 languages

Factor 3. The nature and importance of the program, activity, or service provided by the program:

The DVS Deputate interacts with the public more frequently than any of the Department's other Bureaus and Deputates. DVS is the most visible Deputate as anyone requiring a Driver's License, vehicle registration, or "Real ID" must visit, take tests, complete forms and interact with DVS staff. Real ID is now vital to all Commonwealth residents, including those who cannot or do not wish to retain a Driver's License. Even though a Driver's License is considered a privilege and not a right under the law, it is still unlawful to treat the public disparately based on national origin or LEP status. In order to reside, work and travel across the many miles in Pennsylvania, a resident must have some form of identification, be it a Driver's License and/or Real ID.

The most vital and widely distributed document maintained by DVS is the Driver's License Manual as anyone interested in retaining a Driver's License must study this text in order to take the Driver's Knowledge and Skills tests. This Manual is currently available as an interactive translatable document on the Department's web site, is available as PDFs in English and 24 additional languages, is available in audio formats in English, and can be obtained at any of the DVS facilities maintained throughout the Commonwealth or through the DVS website. However, as this document is no longer being printed proactively, DVS staff will have to be able to print out copies for customers upon request, therefore printers and printing paper will have to be made available along with detailed guidance for their use.

(English: <https://www.pa.gov/content/dam/copapwp-pagov/en/penndot/documents/public/dvspubsforms/bdl/bdl-manuals/pa-drivers-manual-non-commercial/english/pub%2095.pdf>, Spanish: <https://www.pa.gov/content/dam/copapwp-pagov/en/penndot/documents/public/dvspubsforms/bdl/bdl-manuals/pa-drivers-manual-non-commercial/spanish/pub%2095s.pdf>)

A digital version of this Manual is also available in 25 other languages including English. Upon request, DVS staff must provide this and other vital documents in the format and language requested. The Department is currently in the process of transitioning the CDL Manual and Motorcycle Manual into HTML formats so the Google Translate feature can be applied. This process is expected to be completed by late March 2023 for the remaining two manuals. This process is currently being applied to the

Department's other publicly facing documents based on a schedule of updates maintained by the Bureau of Office Services, Publications and Forms.

Factor 4. Determine the Resource Available to the Recipient and Costs:

Most PennDOT Bureaus and Deputates maintain a provisional annual LEP budget to address and provide for LEP accommodations as they are issued. DVS currently maintain an earmarked budget for document translation and over-the-phone interpretation for LEP accommodation requests. These budgets do not account for enhancements to the Knowledge Test, which by estimates could exceed \$20,000 for the inclusion of just one additional language to the test. A Cost Analysis for enhancing the Knowledge test was proposed but never completed. The Department has been applying for and using federal grants specifically earmarked for language enhancements to increase the number of languages available for the Knowledge Tests and translated manuals.

PennDOT currently maintains the following LEP resources:

Bilingual/Multilingual staff (not certified),

Translatable web-content with Google Translate,

Propio Over-the Phone Interpretation and Translation Contract,

Driver's License Manual in English and 24 other languages currently available as digital PDFs and in audio formats, but is now in translatable HTML format and the CDL and Motorcycle Manuals will include translatable HTML versions by 2023,

"Taglines" in all of the Commonwealth's Threshold Languages which can be attached to physical versions of vital communications, and

Digital Knowledge Test available in 25 languages:

English

Spanish

Arabic

Burmese

Chinese (Mandarin/Cantonese)

French
Greek
Hindi
Italian
Japanese
Korean
Nepali
Polish
Russian
Somali
Ukrainian
Urdu
Vietnamese
Albanian
Mandingo
Punjabi
Swahili
Dari
Farsi
Pashto

Other vital documents can be transitioned from PDF files to HTML content over time.

If the public request the Knowledge test in a language not already available in the 25 languages, a DLC manager will schedule an appointment with the customer to come in to take the test in the presence of the manager. The manager will then call Propio and read the test questions and presented answers to the interpreter over the phone, who will in turn, interpret the content for the customer who will be provided a “hands-free” headset. No “live” interpreters will be permitted to be present during the Knowledge tests.



For LEP requests for the Skills test “walk around,” a list of Volunteer Interpreters can be provided to the customer by DVS staff who can be retained to provide individual interpretation of the Skills test Examiners’ instructions in person for the customer. If the customer cannot locate an available interpreter through the list of Volunteers, DVS permits the customer to identify another qualified interpreter, who can submit a request to DVS on the customer’s behalf to act as an interpreter for the tests. No interpreters will be permitted during the Skills portion of the test but can be used prior and subsequent to the test to interpret the Examiners instructions and provide feedback to the customer.

Appendix G

LANGUAGE ACCESS TAGLINE

ATTENTION: If you speak another language, language assistance services can be made available to you. Call (800) 468-4201.

Somali:

FIIRO GAAR AH: Haddii aad ku hadasho luuqad kale, adeegyada ka caawinta luqadda ayaa lagu heli karaa. Wac (800) 468-4201.

Vietnamese:

LƯU Ý: Nếu quý vị sử dụng ngôn ngữ khác, các dịch vụ hỗ trợ ngôn ngữ sẽ được cung cấp. Vui lòng gọi số (800) 468-4201.

Korean:

주의 : 영어 이외의 다른 언어를 사용하는 경우 **(800) 468-4201** 을 통해 언어 지원 서비스를 이용할 수 있습니다.

Russian:

ВНИМАНИЕ: если вы говорите на другом языке, вам может быть оказана языковая помощь. Обратитесь в информационно-справочную службу по телефону (800) 468-4201.

Ukrainian:

УВАГА: якщо ви розмовляєте іншою мовою, вам може бути надана мовна допомога. Зверніться до інформаційно-довідкової служби за телефоном (800) 468-4201.

Polish:

UWAGA: Jeśli mówisz w innym języku, możesz skorzystać z pomocy językowej. Zadzwoń pod numer telefonu: (800) 468-4201.

French:

ATTENTION : Si vous parlez une autre langue, des services d'assistance linguistique peuvent être mis à votre disposition. Appelez le (800) 468-4201.

Simplified Chinese:

请注意：如果您说另一种语言，我们可以为您提供语言援助服务。请致电 (800) 468-4201。

Traditional Chinese:

請注意：如果您說另一種語言，我們可以為您提供語言援助服務。請致電 (800) 468-4201。

Arabic:

تنبيه: إذا كنت تتحدث لغة أخرى، يمكننا توفير خدمات المساعدة اللغوية لك. اتصل بالرقم 468 -4201 - (800).

Spanish:

ATENCIÓN: Si habla otro idioma, habrá servicios de asistencia de idiomas a su disposición. Solo tiene que llamar al (800) 468-4201.

Japanese:

注意：他の言語を話す場合は、言語アシスタンスサービスを利用できます。電話番号：(800) 468-4201

Burmese:

သတိပြုရန်- အခြား ဘာသာစကား သင်ပြောဆိုပါက ဘာသာစကား အထောက်အပံ့ ဝန်ဆောင်မှုများကို သင့်အတွက် စီစဉ်ပေးနိုင်ပါသည်။ (800) 468-4201 ကို ဖုန်းခေါ်ဆိုပါ။

Italian:

ATTENZIONE: Se parli un'altra lingua, i servizi di assistenza linguistica possono essere resi disponibili. Chiama (800) 468-4201.

Hindi

ध्यान दें/सूचना: यदि आप कोई अन्य भाषा बोलते हैं, तो आपके लिए भाषा सहायता उपलब्ध हो सकती है। कृपया 800 468 4201 पर कॉल करें।

Greek

ΠΡΟΣΟΧΗ: Αν μιλάς άλλη γλώσσα, υπάρχει διαθέσιμο για σένα πρόγραμμα γλωσσικών υπηρεσιών. Καλέστε (800)468=4201.

Nepali

ध्यान दिनुहोस्: तपाईं कुनै अर्को भाषा बोल्नुहुन्छ भने तपाईंलाई भाषा सहायता सेवाहरू उपलब्ध गराउन सकिन्छ। (800) 468--4201 मा कल गर्नुहोस्

Urdu

انتباہ: اگر آپ کوئی دوسری زبان بولتے ہیں تو، زبان کی مدد کی خدمات آپ کو فراہم کی جا سکتی ہے۔ (800) 4201-468 پر کال کریں۔