

# Oklahoma Department of Transportation



## TITLE VI PLAN

April 2010

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## **Title VI Plan**

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**<http://www.okladot.state.ok.us/civil-rights/index.htm>**

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This document is also available online at: <http://www.okladot.state.ok.us/civil-rights/title6/index.htm>

## I. PROGRAM OVERVIEW

### A. Introduction

The Oklahoma Department of Transportation (ODOT) is a “primary recipient” of federal transportation funds. As a regulatory condition of receiving these funds, the ODOT is required to administer a program that establishes Title VI goals and objectives which pertain to highway and transportation programs. Every member of the ODOT is responsible for implementation and monitoring compliance with the Title VI program.

The focal point of nondiscrimination law is the Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin. However, the broader application of nondiscrimination law may be found in other statutes, regulations, and executive orders. Discrimination based on sex, disability, and age is prohibited as well as unfair and inequitable treatment of persons as a result of projects which are undertaken with federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities whether they are federally funded or not.

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations,” signed in February of 1994, requires a federal agency to achieve environmental justice as a part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. The Federal Highway Administration (FHWA) required the ODOT to carry out environmental justice responsibilities as part of its nondiscrimination program.

The Civil Rights Division is responsible for initiating and monitoring Title VI activities of all the ODOT’s divisions, all program areas, and oversight of sub-recipients.

The ODOT is the primary recipient. Sub-recipients include contractors, subcontractors, suppliers, consultants, cities, local governments, or any other entity receiving funds from the ODOT. Title VI regulations differ from Title VII regulations in that Title VI is for the protection of the public in regard to the ODOT’s activities and effects. Title VII, on the other hand, is specific regulations to protect the ODOT’s employees.

The ODOT is required to protect the public interest by developing a plan for their benefit. In addition, the Title VI plan indicates what the ODOT will do to prevent discrimination, how it will do it, and the steps it will take to monitor Title VI.

Title VI assurances are the foundation of our commitment to nondiscrimination. The ODOT deals with Title VI issues through the monitoring of its compliance with the principles specifically set forth in the law. The ODOT also acknowledges its responsibilities to work toward increased effectiveness regarding Title VI compliance.

**B. Policy Statement**

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in all federally assisted programs. The Federal-aid Highway Act of 1973 (23 U.S.C. 324) added sex as a protected status in all Federal Highway Administration activities. Title VI was amended by the Civil Rights Restoration Act of 1987 (P.L. 100-259), effective March 22, 1988, which added Section 606, expanding the definition of the terms "programs or activities" to include all of the operations of an educational institution, government entity, or private employer that receives federal funds if any one operation receives federal funds.

The Oklahoma Department of Transportation (ODOT) is a state governmental entity. It is the policy of the ODOT to ensure compliance with Title VI of the Civil Rights Act of 1964 and all related statutes or regulations in all programs and activities.

The ODOT Title VI Coordinator is granted the authority to administer and monitor the Title VI and Nondiscrimination Program as promulgated under Title VI of the Civil Rights Act of 1964 and any subsequent legislation. The Title VI Coordinator will provide assistance as needed.

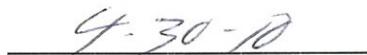
The ODOT will take all steps to ensure that no person or groups of persons shall, on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by ODOT, its recipients, sub-recipients, and contractors.

The ODOT delegates Title VI responsibilities to the managers and charges them with the responsibility to develop and implement procedures and guides to adequately monitor their programs.

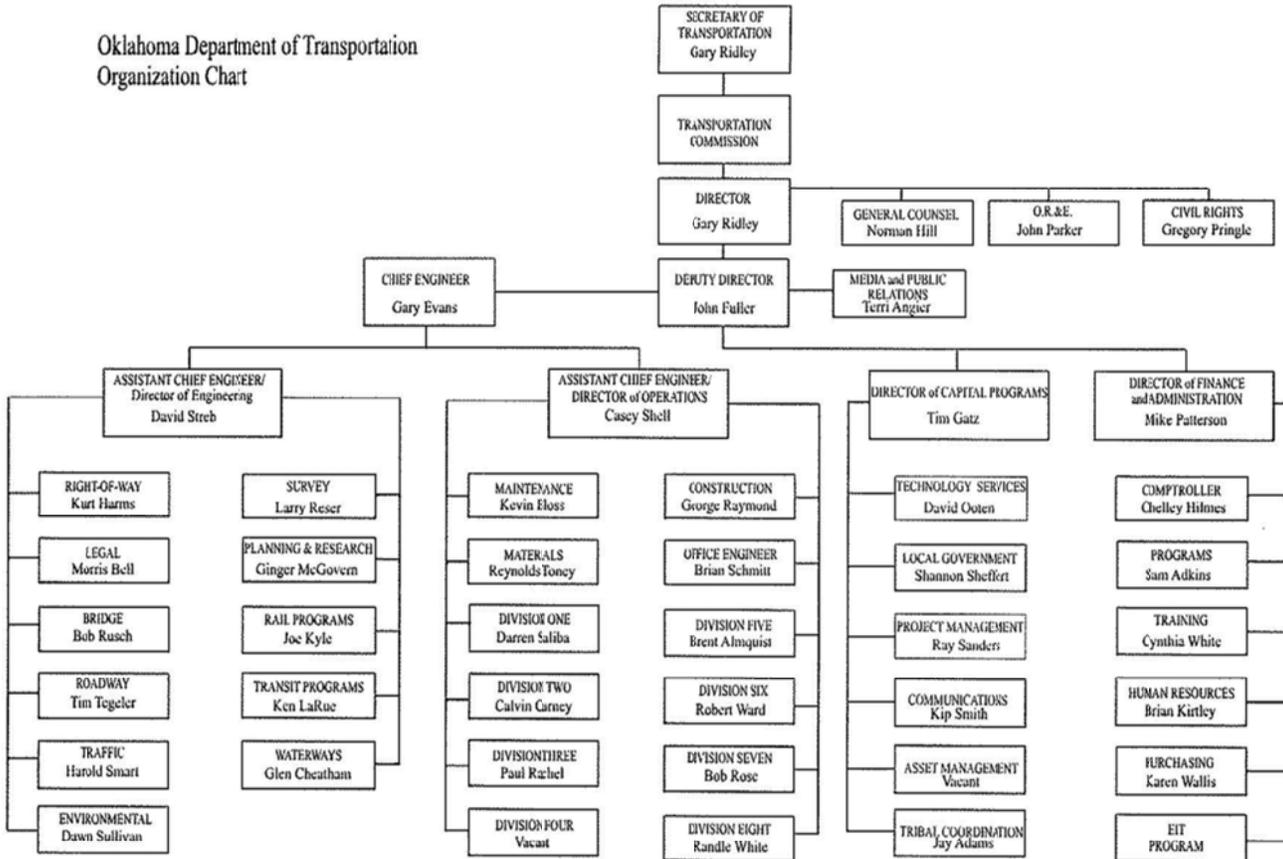
The ODOT recognizes the need for continuous Title VI training for the ODOT personnel.

Anyone who believes that he or she has been discriminated against should contact the ODOT Title VI Coordinator at 405-521-2072 or 405-521-4139 in Oklahoma City.

  
\_\_\_\_\_  
Gary Ridley, P.E., Director  
Oklahoma Department of Transportation

  
\_\_\_\_\_  
Date

Oklahoma Department of Transportation  
Organization Chart



*Gary M. Ridley*  
Secretary of Transportation/Director  
Gary Ridley

November 1, 2009  
Date

## Civil Rights Division



### **C. Authorities**

The applicable authorities related to Title VI are:

1. Major Title Statutes:

a. Title VI of the Civil Rights Act of 1964, as amended. P.L. 88-352, 78 Stat. 252 (Nondiscrimination in Federally-Assisted Programs). (42 U.S.C. 2000d-2000d-4)

b. Title VIII of the Civil Rights Act of 1968, as amended. P.L. 90-284, 82 Stat. 81 (Fair Housing). (42 U.S.C. 3601-3619)

c. The Federal Aid Highway Act of 1968, as amended. P.L. 90-495, Section 22 (Equal Employment Opportunity). (23 U.S.C. 140).

d. The Federal Aid Highway Act of 1970, as amended. P.L. 91-605, Section 136(b) (Adverse Economic, Social, and Environmental Impacts of Highway Construction). (23 U.S.C. 109(h)).

e. Uniform Relocation Assistance and Real Property Acquisition Policies of 1970, as amended. P.L. 91-646, 84 Stat. 1894 (Uniform and Equitable Treatment of Relocations Wherever Real Property is Acquired). (42 U.S.C. 4601, 4602, 4621-4638, 4651-4655).

f. The Federal Aid Highway Act of 1973, as amended. Sections 162(a) and 165(b) (Prohibition of Discrimination Based on Sex and Handicap). (23 U.S.C. 324)

g. The Rehabilitation Act of 1973, as amended. Sections 501, 502, and 504 (Prohibition of Discrimination Based on Handicap). (29 U.S.C. 794)

h. The Age Discrimination Act of 1975, as amended. (Prohibition of Discrimination Based on Age). (42 U.S.C. 6101)

i. The Civil Rights Restoration Act of 1987. P.L. 100-259, provides:

“To restore the broad scope of coverage and to clarify the application of Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title VI of the Civil Rights Act of

1964.”

(Restores the broad, institution –wide scope and coverage of the nondiscrimination statutes to include programs and activities of federal-aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not)

j. Title II of the Americans with Disabilities Act of 1990. P.L. 101-336.

2. Related Title VI Statutes:

- a. The Surface Transportation Act of 1978, as amended.  
(23 U.S.C. § 101 et.seq.)
- b. The Federal Aid Highway Act of 1979, as amended.  
(23 U.S.C. § 101 et. seq.)
- c. The Surface Transportation Assistance Act of 1982, as amended.  
(23 U.S.C. § 101 et. seq.)
- d. The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)  
P.L. 102-240, 105 Stat. 1914

3. Presidential Executive Orders (E.O.):

<http://www.archives.gov/federal-register/executive-orders/>

- a. E.O. 11063
- b. E.O. 11141
- c. E.O. 11246
- d. E.O. 11247
- e. E.O. 11375
- f. E.O. 11514
- g. E.O. 11593
- h. E.O. 11625
- i. E.O. 11738
- j. E.O. 11758
- k. E.O. 11988
- l. E.O. 11990
- m. E.O. 11991
- n. E.O. 12067
- o. E.O. 12086
- p. E.O. 12138
- q. E.O. 12185
- r. E.O. 12250

4. Code of Federal Regulations:  
(<http://www.gpoaccess.gov/cfr/retrieve.html>)
  - a. CFR Title 3, The Presidential (Executive Orders)
  - b. CFR Title 13, Business Credit and Assistance (Part 124)
  - c. CFR Title 23, Highway (parts 172, 200, 260, 420, 511, 520, 613, 625, 630, 633, 635, 652, 656, 710, 712, 740, 750, 770, 771, 790, 795, 810, 820, 825, 1235)
  - d. CFR, Title 28, Department of Justice (Parts 35, 36, 41, 42, 50.3)
  - e. CFR, Title 49, Department of Transportation (Parts 21, 27)
  
5. U.S. Department of Transportation (DOT) Orders  
(<http://www.dot.gov/>)
  - a. USDOT Order 1000.1F
  - b. USDOT Order 1000.12
  - c. USDOT Order 1050.2
  - d. USDOT Order 4000.7
  - e. USDOT Order 5610.1B
  - f. USDOT Order 5620.1
  - g. USDOT Order 5650.1
  - h. USDOT Order 5650.2
  - i. USDOT Order 56600.16
  
6. Department of Transportation, Federal Highway Administration (FHWA) directives (<http://www.fhwa.dot.gov/legsregs/elecdirs.htm>):
  - a. FHWA Notice 6560.1
  - b. FHWA Order 4710.1
  - c. FHWA Order 4710.2
  - d. FHWA Transmittals 7, 77, 143, 155, 202, 212, 233, 317
  
7. All rules and regulations in the Federal Highway Policy Guide shall be adhered to (<http://www.fhwa.dot.gov/legsregs/directives/cfr23toc.htm>).
  
8. Department of Transportation, Urban Mass Transportation Administration (UMTA) Circulars (<http://www.fta.dot.gov/>):
  - a. UMTA Circular C 9040.1B
  - b. UMTA Circular C 9716.1A
  - c. UMTA Circular C 4220.1B

9. Office of Management and Budget (OMB)  
(<http://www.whitehouse.gov/omb/circulars/>) and Federal Management (FM)  
Circulars ([http://www.whitehouse.gov/omb/circulars\\_index-ffm/](http://www.whitehouse.gov/omb/circulars_index-ffm/)):
- a. OMB Circular A-46
  - b. OMB Circular A-95
  - c. OMB Circular A-102
  - d. OMB Circular A 103
  - e. OMB Circular 74-4
  - f. OMB Circular 74-7
  - g. OMB Circular 74-8

10. Oklahoma Department of Transportation Authorities  
(<http://www.okladot.state.ok.us/civil-rights/index.htm>):
- a. ODOT Standard DOT Title VI Assurances
  - b. ODOT Title VI and Nondiscrimination Program Plan

49 CFR Transportation

Subtitle A - Office of the Secretary of Transportation

Transportation-Effectuation of Title VI of the Civil Rights Act of 1964

(<http://www.fhwa.dot.gov/hep/49cfr21.htm>):

Notice 4720.6

Impacts of the (Civil Rights Restoration Act of 1987) On FHWA programs

(<http://www.fhwa.dot.gov/legsregs/directives/notices/n4720-6.htm>)

Executive Order 13166

Improving Access to Services for Persons with (Limited English Proficiency)

(<http://www.dol.gov/oasam/regs/statutes/eo13166.htm>)

Executive Order 12898

Federal Actions to Address (Environmental Justice) in Minority Populations and Low-Income Populations

(<http://www.epa.gov/fedreg/eo/eo12898.htm>)

US Department of Transportation Order on Environmental Justice

([http://www.fhwa.dot.gov/environment/ejustice/dot\\_ord.htm](http://www.fhwa.dot.gov/environment/ejustice/dot_ord.htm))

## II. ORGANIZATION AND COMPLIANCE RESPONSIBILITIES

### **A. Director**

The Oklahoma Department of Transportation's (ODOT) Director is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and has directed that Nondiscrimination is required in all the ODOT programs and services. The Director provides leadership, guidance, direction, and support for the ODOT's Title VI Program. Pursuant to 23 CFR 200.9 (b) (1), the Director has established an adequately staffed Civil Rights Division to fulfill the Title VI statutory and regulatory requirements.

### **B. Title VI Coordinator/Civil Rights Administrator**

The Title VI Coordinator/Civil Rights Administrator oversees the Civil Rights Division, which is located in the central office and is staffed by an Assistant Administrator, Administrative Assistant, Administrative Programs Officer, Title VII Coordinator, two (2) Contract Compliance Officers, Disadvantaged Business Enterprise Reviewer, Supportive Services Officer, and a Title VI Specialist. The ODOT Director has appointed the Civil Rights Division Administrator as the ODOT Title VI Coordinator and has assigned the responsibility of the Title VI and Nondiscrimination Plan. The Civil Rights Administrator is a staff position directly responsible to the ODOT Director.

### **C. Title VI Specialist**

The Title VI Specialist acts on behalf of the Title VI Coordinator and is charged with the responsibility for implementing, monitoring, and ensuring the ODOT's compliance with Title VI regulations. The terms Title VI Specialist and Title VI Coordinator are used interchangeably. The Title VI Specialist's responsibilities include:

- Develop and coordinate the implementation of the ODOT's Title VI and Nondiscrimination Program.
- Process, investigate, and resolve all Title VI complaints in accordance with the Title VI complaint procedure and time limitation.
- Coordinate the Title VI and Nondiscrimination Program with all the ODOT Division and other program area managers or designees, including sub-recipients.
- Assist appropriate program area officials in devising and implementing any monitoring activities deemed necessary for contractors, consultants, suppliers, vendors, lessors, universities, colleges, planning agencies, cities, counties, and other sub-recipients of all the ODOT's programs and various offices.

- Review the ODOT's central office field divisions, and sub-recipients procedures and guides as they relate to various program directives, manuals, and other regulations to determine compliance with Title VI Civil Rights provisions. Where corrections are necessary, the Title VI Coordinator will coordinate with the appropriate program area official for revisions.
- Prepare annual reports to FHWA of Title VI accomplishments for the year and goals for the next year.
- Resolve any deficiencies which may be discovered in the ODOT's Title VI and Nondiscrimination Program.
- Collect statistical data necessary to evaluate the effectiveness of compliance with Title VI requirements of any recipient of the ODOT.
- Review the ODOT program directives in coordination with the ODOT program officials and, where applicable, include Title VI and related requirements.
- Develop Title VI information for dissemination to the public, where appropriate.
- Monitor the ODOT procedures and programs for compliance with Title VI requirements in all program areas.
- Establish procedures for resolving Title VI problem areas.
- Conducts Title VI training programs and provides technical assistance and advice on Title VI matters to the ODOT program area officials and managers or designees.
- In accordance with 23 CFR 200.9 (a) (4) and together with program area officials, conduct annual reviews of selected program areas to determine the effectiveness of program area activities at those levels.

#### **D. Managers and Supervisors**

- Work closely with the ODOT Title VI Coordinator to develop and implement policies and procedures to monitor and ensure Title VI compliance in all of ODOT's programs and activities.
- Responsible for appointing a Title VI designee within their area and supporting their involvement in the program.
- Include a Title VI clause in all contracts or information distributed or advertised to the public.

#### **E. Title VI Designees**

- Communicate and coordinate with the Title VI Division all program area Title VI issues or concerns in a timely manner.
- Assure that practices and procedures involving all programs and activities within their area of responsibility are applied uniformly and equitably in conformance with federal Title VI regulations.

- Provide and prepare data, information, and reports as requested by the Title VI Division.
- Maintain knowledge of and adhere to the ODOT's Title VI and Nondiscrimination Program.

### **III. PROGRAM AREA MONITORING AND REVIEW**

#### **A. General**

It is the responsibility of all the Oklahoma Department of Transportation (ODOT) management, including the Director, Deputy Director, Division Managers, Division Engineers, and program area managers or designees to promote compliance with Title VI of the Civil Rights Act of 1964. Compliance will be monitored through proactive oversight, reports to the ODOT Title VI Coordinator and/or compliance reviews.

If deficiencies are found during a compliance review, they will be pointed out to the appropriate Title VI program area manager or designee, and recommendations for corrective action will be established. A follow-up review will be made to ensure that deficiencies are being corrected. All findings, recommendations, and progress made in implementing corrective action will be reported to the Civil Rights Division. Each of the following areas will be monitored by the Title VI program area manager or designee for compliance with Title VI requirements (areas and offices specified are not all inclusive):

- a. All advertisements.
- b. Bid proposals, requests, and evaluations.
- c. Contracts and subcontracts.
- d. Title VI reports, issues, and complaints.
- e. Public meetings and internal meetings relating to Title VI will be documented and reports forwarded to the Civil Rights Division.
- f. Title VI contract provisions and other legal documents.

## **B. Planning and Research**

### **I. Planning**

#### **1. General Information**

The Planning Division has a primary responsibility for assuring that the results of a variety of rural and urban planning are executed in accordance with Title VI requirements. This process entails deliberation of all possible social, economic, and environmental effects of a proposed plan or program on identified group in order to avoid the unintended creation of inappropriate and biased programs.

#### **2. Designee Responsibilities**

- Monitor the overall strategies, goals, and contracts of the transportation planning process to ensure Title VI compliance.
- Monitor the utilization of demographic information to identify minority and low-income populations and examine the distributions of the benefits/burdens of the transportation plans and activities on these groups;
- Monitor the service equities of the planning data collection and analysis for impacts on different socio-economic groups;
- Monitor Environmental Justice (Executive Order (E.O.) 12898) issues to identify and locate minority and low-income populations that may be impacted by transportation planning programs;
- Monitor compliance with Limited English Proficiency (EO 13166) to improve access and understanding of transportation planning processes for those in the population confronted with language barriers;
- Monitor efforts made to ensure that female, minority, and socially-economically disadvantaged-owned firms have an equal opportunity to compete for consultant planning agreements;
- Monitor transportation planning accomplishments and problem areas.

#### **3. Coordinator Responsibilities: The Title VI Coordinator will annually review the Title VI activities for Planning and Research. The following items will be considered in the review and will be reported to the FHWA in ODOT's annual Title VI update:**

- Strategies used to ensure that all components of the transportation planning process comply with Title VI;

- Whether a demographic profile of the State that includes identification of minority and low-income populations has been developed.
- Whether a process has been developed to identify the needs of minority and low-income populations and whether demographic information has been used to assess the distribution of benefits across these groups;
- Whether there is an analytical process in place to assess the benefits/burdens of transportation system investment on minority and low-income populations, and what data source and tools are used to support such an analysis;
- Whether there is a public involvement strategy for engaging minority and low-income populations in transportation decision-making and reducing participation barriers;
- Whether the public involvement process is routinely evaluated and whether any efforts were made to improve the process, especially with regard to minority and low-income populations;
- Efforts made to engage minority and low-income populations in the public outreach effort and public outreach efforts made to utilize media targeted to these groups;
- Methods used to ensure that issues/concerns raised by minority and low-income populations as well as other affected groups are considered in the decision-making process;
- Number of consultant planning agreements awarded and the dollar value; number of female and minority-owned firms with dollar value;
- Methods used to encourage the use of female and minority planning contractors and sub-contractors;
- Amount of Federal money passed to individual Metropolitan Planning Organizations (MPO) through ODOT for transportation planning;
- Status of any Title VI complaints received regarding transportation planning or the public involvement process;
- Any significant accomplishments made during the review period;

## II. Research

### 1. General Information

The Research Division has a primary responsibility for assuring that all aspects of transportation-related research projects are executed in accordance with Title VI. The Research Division works to improve the effectiveness and efficiency of the planning, design,

construction, operation, and maintenance for the public need for safe, accountable, flexible, efficient, economical, convenient, and environmentally compatible transportation services.

## 2. Designee Responsibilities

- Monitor the overall strategies, goals, and Request for Proposals (RFP) to ensure Title VI compliance.
- Ensure that the appropriate Title VI provisions are contained in the terms of all research agreements;
- Monitor the diversity in the selection of universities and consultants;
- Ensure equal opportunity for female and minority-owned consultant firms and Historically Black Colleges and Universities (HBCU) or Minority Institutes of Higher Education (MIHE) to compete for and participate in research contracts;
- Monitor the utilization of female and minority students on research projects by the contract universities;
- Monitor research accomplishments and problem areas.

## 3. Coordinator Responsibilities: The Title VI Coordinator will annually review the Title VI activities for Planning and Research. The following items will be considered in the review and will be reported to the FHWA in ODOT's annual Title VI update:

- Number of research agreements currently underway by universities/and or consultants and the dollar amount;
- Efforts made to ensure equal employment opportunity for participation of female and minority consultants in obtaining research contracts;
- Possible concerns/barriers for female and minority consulting firms in obtaining research contracts;
- Amount of Federal (SPR) funds spent on contract research;
- Actions taken to encourage universities to utilize female and minority student participants on highway research projects;
- Percentage of female and minority participation in research projects;
- Status of any Title VI complaints received regarding research projects;
- Any significant accomplishments made during the review periods;

### III. Public Involvement

#### 1. General Information

The Planning Division/Environmental Division has a primary responsibility for assuring that all public participation activities include consideration of Title VI Environmental Justice (EJ) requirements.

The ODOT adheres to the philosophy of affording all citizens an equal opportunity to participate in each transportation program or activity. Consistent with this philosophy, emphasis is directed towards equal representation of all groups at citizens meetings where transportation needs and developments emerge. Public Involvement deals with, in particular, minorities, persons with disabilities or handicaps, and other traditionally underserved groups in various department activities including but not limited to pre-construction meetings, highway system changes, environmental studies, and so forth. The purpose of the Public involvement process is to provide information to the public to receive comments, questions, and ideas.

The Public Participation Plan is available on the ODOT's website at: [http://www.oklongrangeplan.com/participate/odot\\_public\\_plan.aspx](http://www.oklongrangeplan.com/participate/odot_public_plan.aspx). A paper copy may also be obtained by contacting the Department.

#### 2. Designee Responsibilities

- Monitor the overall strategies, goals of the public input process to ensure Title VI compliance;
- Ensure Title VI requirements are understood in the development of the Statewide Plan when collaborating with various federal, state, and local agencies, and tribal groups, as well as the general public when planning and developing public facilities.
- Work with a local advisory committee, including protected groups, and conduct studies for communities that are under 5,000 in population to discover any potential negative impacts for new projects.
- Encourage, review, and consider all comments from the general public in regards to all projects.
- Ensure Title VI requirements are incorporated in all agreements.
- Utilize demographic information to identify minority and low-income populations as well as Limited English Proficient populations and determine strategies to reach these populations;

- Monitor the public involvement processes to improve performance and reduce participation barriers for minority and low-income populations;
  - Monitor EJ (E.O. 12898) issues to identify and locate minority and low-income populations that may be impacted by transportation planning programs;
  - Monitor compliance with Limited English Proficiency (E.O. 13166), to improve access and understanding of transportation issues for those in the population confronted with language barriers;
  - Ensure public meetings, open houses, and forums are offered at the nearest location with accessible facilities for all protected groups. Notice is provided in advance indicating that the ODOT will provide sign language and/or translation services as needed.
  - Outreach for public involvement through strategies such as public meetings, publicity through print and broadcast media, survey and comment forms, and website postings.
  - Ensure the Statewide Transportation Improvement Plan (STIP) includes ideas and input from various sources and individuals to capture current and accurate information for types and locations of racial, low income, and other minority or underserved groups.
  - Monitor public outreach accomplishments and problem areas.
3. Coordinator Responsibilities: The Title VI Coordinator will annually review the Title VI activities of the public involvement process for the Planning Division/Environmental Division. The following items will be considered in the review and will be reported to the FHWA in ODOT's annual Title VI update:
- Strategies used to ensure that all components of the public outreach process comply with Title VI;
  - Whether a demographic profile of the State that includes identification of minority and low-income populations has been developed;
  - Whether a process has been developed to identify the needs of minority and low-income populations;
  - Whether there is a public involvement strategy for engaging minority and low-income populations as well as Limited English Proficient persons in transportation decision-making and reducing participation barriers.

- Whether the public involvement process is routinely evaluated and whether any efforts were made to improve the process, especially with regard to minority and low-income populations;
- Efforts made to engage minority and low-income, and Limited English Proficient persons in the public outreach effort and public outreach efforts made to utilize media targeted to these groups;
- Number of public information meetings/open houses that were held and the percentage of female and minority participation;
- Status of any Title VI complaints received regarding the public involvement process;
- Any significant accomplishments made during the review period;
- Any significant actions planned for the ensuing year.

#### IV. Sub-Recipients

##### 1. General Information

The Oklahoma Metropolitan Planning Organizations (MPOs) are responsible for the transportation planning process within their urbanized areas. Each MPO develops a 4-year Transportation Improvement Program (TIP), a long-range transportation plan, and develops and implements an annual Unified Planning Work Program (UPWP). The ODOT Title VI Designee for Planning and Research assists the MPOs in the transportation planning activities that require Title VI compliance and advises them on Title VI compliance issues.

The following are the MPOs in the State of Oklahoma:

- Oklahoma City Area Regional Transportation Study (OCARTS)
- Tulsa Metropolitan Area Transportation Study
- Lawton Metropolitan Area Transportation
- Ft. Smith Transportation Study

Concurrent with submittal of the entire proposed TIP to the FHWA as part of the Statewide Transportation Improvement Program (STIP), the MPO shall certify at least every four years that the metropolitan transportation planning process is being carried out in accordance with all applicable requirements.

The FHWA and FTA shall review and evaluate the planning process for each MPO designated as a Transportation Management Area (TMA) no less than once every four years to determine if the process meets the requirements of applicable provisions of Federal law and the regulations. Currently, two Oklahoma MPOs are designated as a TMA:

- Oklahoma City Area Regional Transportation Study (OCARTS), and
- Tulsa Metropolitan Area Transportation Study

The Oklahoma City Area Regional Transportation Study (OCARTS) four-year certification review was completed in FY 2008 and the Tulsa Metropolitan Area Transportation Study was recently completed in FY 2009.

Other sub-recipients in the State of Oklahoma include the following:

- Oklahoma Transportation Center (OTC): The OTC is a multi-disciplinary coalition of Oklahoma State University (OSU), the University of Oklahoma (OU), and Langston University (LU). It serves as a resource for solving critical transportation problems in the State and our nation in a cooperative manner. Founded in 2001, the OTC has over 30 "founding partners" including the Oklahoma Department of Transportation (ODOT), Oklahoma Turnpike Authority (OTA), private companies and associations representing all transportation modes. The OTC is designated as one of ten National University Transportation Centers.
- Local Technical Assistance Program (LTAP): The Local Technical Assistance Program at Oklahoma State University is one of 58 LTAP Centers located throughout the United States that provide training and technical assistance to government entities that maintain and construct transportation systems at the local level.
- Langston University – Summer Transportation Institute (LU-STI): The Langston University - Summer Transportation Institute consists of a four-week residential and three-week non-residential summer program to acquaint 7<sup>th</sup> through 10<sup>th</sup> grade students with career opportunities in the transportation industry, sponsored by the Federal Highway Administration and hosted by Langston University. Students from all areas of Oklahoma may be selected to participate in the program.

## 2. Designee Responsibilities

- Monitor overall strategies and goals of the transportation planning and research process to ensure Title VI compliance;
- Monitor the utilization of demographic information to identify minority and low-income populations and examine the distributions of the benefits/burdens of the transportation plans and activities on these groups;
- Monitor the service equities of the planning data collection and analyses for impacts on different socio-economic groups;

- Monitor the public involvement processes to improve effectiveness and reduce participation barriers for minority and low-income populations;
- Monitor Environmental Justice (E.O. 12898) issues to identify and locate minority and low-income populations that may be impacted by transportation planning programs;
- Monitor compliance with E.O. 13166, Limited English Proficiency, to improve access and understanding of transportation planning processes for those in the population confronted with language barriers;
- Ensure that female and minority-owned firms have an equal opportunity to participate in the consultant solicitation and selection phase of the transportation planning and research process;
- Monitor accomplishments and problem areas.

### 3. Coordinator Responsibilities

The Title VI Coordinator/Specialist conducts on-site reviews with each MPO and sub-recipient bi-annually and each TMA in conjunction with their 4-year certification review (23 CFR 450.334(b)). The information listed below is obtained annually from each MPO and sub-recipient as applicable and is reviewed for compliance with Title VI.

- Strategies used to ensure that all components of the transportation planning and research process comply with Title VI;
- Whether the sub-recipient has developed a demographic profile of its planning or research area that includes identification of minority and low-income populations as applicable;
- Whether the sub-recipient has developed a process to seek to identify the needs of minority and low-income populations and to use demographic information to assess the distribution of benefits across these groups;
- What process is in place to assess the benefits/burdens of transportation system investments on minority and low-income populations on an analytic basis and whether an appropriate data source and tools are used to support the analysis;
- Whether a public involvement strategy for engaging minority and low-income populations in transportation decision-making is in place and what steps are being taken to reduce any participation barriers that have been identified;
- Determine if the public involvement process is routinely evaluated and whether there have been efforts made to improve

effectiveness, especially with regard to minority and low-income populations and any other affected groups;

- What efforts have been made to engage minority and low-income populations in the public outreach effort and whether the public outreach effort utilizes media targeted to minority and low-income groups;
- What procedure the sub-recipient has established for using issues/concerns raised by minority and low-income populations as well as other affected individuals and groups in the decision-making process;
- Number of consultant agreements awarded and the dollar amount;
  - Number of female and minority firms and the dollar amount
- Efforts made to ensure an equal opportunity for female and minority consulting firms to participate in the consultant selection process;
- Number of hearings, the location, and the times of day the hearings were held;
  - The percentage of female and minority participation at the hearings;
- Number of public information meetings/open houses held;
  - Percentage of female and minority participation;
- Efforts made to take Environmental Justice concerns into consideration in the transportation planning or research process;
- Whether there was any training received regarding Title VI or Environmental Justice;
- Review of the sub-recipient internal complaint procedures and policies;
- Status of any Title VI complaints received regarding any of the transportation planning, public involvement, or selection processes;
- Any significant Title VI activities or accomplishments made during the review period.
- Any significant Title VI activities or actions planned for the ensuing year.

## **C. Project Development**

### **I. Environmental**

#### **1. General Information**

The Environmental Division has the responsibility for assuring that the National Environmental Policy Act (NEPA) requirements are executed in accordance with Title VI requirements. The Environmental Division is responsible for integrating environmental considerations and regulatory requirements into ODOT's transportation programs and operations; providing a broad range of technical expertise in the natural and human environment; providing environmental (NEPA) documents and permit for ODOT projects and activities; and liaise with regulatory agencies to streamline the environmental review and permit process.

The Environmental Division is also responsible for assuring that the determination of environmental effects and any resulting impacts and measures are executed in accordance with Title VI requirements. A systematic process is used to study and evaluate all necessary environmental aspects of a proposed project, including social and economic aspects. The Environmental Division is also responsible for providing environmental documentation and permits for ODOT projects and activities, assisting in compliance with environmental rules and regulations, and providing technical expertise in the natural and human environment.

#### **2. Designee Responsibilities**

- Monitor compliance with Title VI requirements in all aspects of the environmental process;
- Encourage input and participation from the public to view plans and discuss environmental concerns;
- Develop mechanisms to identify populations affected by a project.
- Monitor Environmental Justice (Executive Order (E.O.) 12898) issues to identify and locate minority and low-income populations that may be impacted by programs and activities;
- Monitor compliance with Limited English Proficiency (EO 13166) to improve access and understanding of proposed projects for those in the population confronted with language barriers;
- Where consultant agreements regarding environmental issues are utilized for location studies, ensure that female and minority-owned consulting firms are afforded equal opportunity to participate in such agreements;

- Monitor environmental planning accomplishments and problem areas.
3. Coordinator Responsibilities: The Title VI Coordinator will annually review the Title VI activities of the Environmental Division. The following items will be considered in the review and will be reported to the FHWA in ODOT's annual Title VI update:
- Strategies used to ensure that all components of the environmental process comply with Title VI;
  - Efforts made to ensure public involvement strategies for engaging minorities and low-income populations in decision-making and for reducing participation barriers;
  - Efforts made to engage minority and low-income populations in the public outreach effort, and public outreach efforts to reach media targeted to these groups;
  - Number and type of environmental actions completed;
  - Number of public hearings/information meetings that were held concerning the location of a project; percentage of female and minority participation;
  - Efforts made to take Environmental Justice concerns into consideration in the environmental process;
  - Composition of the Environmental section workforce by position title, race, and gender;
  - Status of any Title VI complaints received regarding environmental projects;
  - Any significant accomplishments made during the review periods;

## II. Public Involvement

### 1. General Information

The Planning Division/Environmental Division has a primary responsibility for assuring that all public participation activities include consideration of Title VI Environmental Justice (EJ) requirements.

The ODOT adheres to the philosophy of affording all citizens an equal opportunity to participate in each transportation program or activity. Consistent with this philosophy, emphasis is directed towards equal representation of all groups at citizens meetings where transportation needs and developments emerge. Public Involvement deals with, in particular, minorities, persons with disabilities or handicaps, and other traditionally underserved groups in various department activities including but not limited

to pre-construction meetings, highway system changes, environmental studies, and so forth. The purpose of the Public involvement process is to provide information to the public to receive comments, questions, and ideas.

The Public Participation Plan is available on the ODOT's website at: [http://www.oklongrangeplan.com/participate/odot\\_public\\_plan.aspx](http://www.oklongrangeplan.com/participate/odot_public_plan.aspx). A paper copy may also be obtained by contacting the Department.

## 2. Designee Responsibilities

- Monitor the overall strategies, goals of the public input process to ensure Title VI compliance;
- Ensure Title VI requirements are understood in the development of the Statewide Plan when collaborating with various federal, state, and local agencies, and tribal groups, as well as the general public when planning and developing public facilities.
- Work with a local advisory committee, including protected groups, and conduct studies for communities that are under 5,000 in population to discover any potential negative impacts for new projects.
- Encourage, review, and consider all comments from the general public in regards to all projects.
- Ensure Title VI requirements are incorporated in all agreements.
- Utilize demographic information to identify minority and low-income populations as well as Limited English Proficient populations and determine strategies to reach these populations;
- Monitor the public involvement processes to improve performance and reduce participation barriers for minority and low-income populations;
- Monitor EJ (E.O. 12898) issues to identify and locate minority and low-income populations that may be impacted by transportation planning programs;
- Monitor compliance with Limited English Proficiency (E.O. 13166), to improve access and understanding of transportation issues for those in the population confronted with language barriers;
- Ensure public meetings, open houses, and forums are offered at the nearest location with accessible facilities for all protected groups. Notice is provided in advance indicating that the ODOT will provide sign language and/or translation services as needed.

- Outreach for public involvement through strategies such as public meetings, publicity through print and broadcast media, survey and comment forms, and website postings.
  - Ensure the Statewide Transportation Improvement Plan (STIP) includes ideas and input from various sources and individuals to capture current and accurate information for types and locations of racial, low income, and other minority or underserved groups.
  - Monitor public outreach accomplishments and problem areas.
3. Coordinator Responsibilities: The Title VI Coordinator will annually review the Title VI activities of the public involvement process in the Planning Division/Environmental Division. The following items will be considered in the review and will be reported to the FHWA in ODOT's annual Title VI update:
- Strategies used to ensure that all components of the public outreach process comply with Title VI;
  - Whether a demographic profile of the State that includes identification of minority and low-income populations has been developed;
  - Whether a process has been developed to identify the needs of minority and low-income populations;
  - Whether there is a public involvement strategy for engaging minority and low-income populations as well as Limited English Proficient persons in transportation decision-making and reducing participation barriers.
  - Whether the public involvement process is routinely evaluated and whether any efforts were made to improve the process, especially with regard to minority and low-income populations;
  - Efforts made to engage minority and low-income, and Limited English Proficient persons in the public outreach effort and public outreach efforts made to utilize media targeted to these groups;
  - Number of public information meetings/open houses that were held and the percentage of female and minority participation;
  - Status of any Title VI complaints received regarding the public involvement process;
  - Any significant accomplishments made during the review period;
  - Any significant actions planned for the ensuing year.

## **D. Right-of-Way**

### 1. General Information

The Right-of-Way (ROW) Division has a primary responsibility for assuring that property appraisals, negotiations with property owners, acquisition of properties, and relocation of people and businesses are executed in accordance with Title VI requirements. The ROW Division is separated into the following branches: Mapping, Appraisal, Acquisition, Relocation, Project Management, Utilities, and Outdoor Advertising.

### 2. Designee Responsibilities

- Ensure the inclusion of Title VI provisions in all realtor, fee appraiser, and negotiator contracts;
- Monitor diversification in the use of fee appraisers;
- Monitor use of staff appraisers and consultants from the approved fee appraiser list;
- Monitor efforts made to ensure that female and minority appraisers are provided an equal opportunity to participate in the bid process;
- Ensure equitable treatment of all businesses and persons displaced by highway projects
- Monitor Environmental Justice (Executive Order (E.O.) 12898) issues to identify and locate minority and low-income populations that may be impacted by programs and activities;
- Monitor compliance with Limited English Proficiency (EO 13166) to improve access and understanding in all phases of the ROW Division process;
- Monitor environmental planning accomplishments and problem areas.

### 3. Coordinator Responsibilities: The Title VI Coordinator will annually review the Title VI activities of the Right-of-Way (ROW) Division. The following items will be considered in the review and will be reported to the FHWA in ODOT's annual Title VI update:

- Strategies used to ensure that all components of the ROW Division process comply with Title VI;
- Ensure all outdoor advertising follow provisions of the Title VI;
- Number of consultant fee appraisers, staff appraisers, and negotiators;
- Ensure equal opportunities to participate in bidding is made to females, minorities, and Limited English Proficient persons;

- Number of relocations involving females, minority persons and families, low income persons and families, Limited English Proficient persons and families, and persons with disabilities;
- Status of any Title VI complaints received regarding the ROW Division process;
- Any significant accomplishments made during the review periods;

## **E. Construction**

### 1. General Information

The Construction Division/Field Divisions have a primary responsibility for assuring that ODOT construction projects are accomplished in accordance with Title VI. The Office Engineers Division has a primary responsibility for assuring that the process to prequalify contractors is accomplished in accordance with Title VI.

### 2. Designee Responsibilities

- Ensure all construction projects and contract plans are in compliance with Title VI;
- Ensure that policies and procedures for monitoring construction activity are applied in a nondiscriminatory manner;
- Monitor efforts made to ensure that female, minority firms, and Limited English Proficient persons are provided an equal opportunity to participate in highway construction contracts;
- Require all subcontracts to include an attachment explaining and requiring compliance with Title VI;
- Monitor Environmental Justice (Executive Order (E.O.) 12898) issues to identify and locate minority and low-income populations that may be impacted by programs and activities;
- Monitor compliance with Limited English Proficiency (EO 13166) to improve access and understanding of all constructions projects;
- Monitor construction project accomplishments and problem areas.

### 3. Coordinator Responsibilities

The Title VI Coordinator will annually review the Title VI activities related to Construction. The following items will be considered in the review and will be reported to the FHWA in ODOT's annual Title VI update:

- Strategies used to ensure that all components of construction comply with Title VI;
- Ensure all subcontracts include an attachment of the Title VI provisions;
- Identify areas of concerns or barriers to equal participation by female, minority firms, and Limited English Proficient persons on construction projects;
- Ensure equal opportunities to participate in bidding is made to females, minorities, and Limited English Proficient persons;
- Status of any Title VI complaints received regarding the construction procedure;
- Number of construction contracts awarded and the dollar amount;
- Number of female and minority firms utilized and the dollar amount;
- Any significant accomplishments made during the review periods;

### III. DISCRIMINATION COMPLAINT PROCEDURE

#### A. Overview

The ODOT is responsible for investigating all Title VI discrimination complaints occurring within the federal-aid highway program or its activities, unless the complaint filed is against the ODOT. Complaints naming the ODOT as a respondent shall be forwarded to the FHWA. The procedures that the Office of Civil Rights will use to investigate such complaints are included in the ODOT's Title VI plan. All state level Title VI complaints are to be completed within sixty (60) calendar days of the acceptance of the formal complaint.

All findings from state investigations are preliminary and subject to the concurrence of the FHWA's Office of Civil Rights. The FHWA's Office of Civil Rights will render final decisions in all cases. There are no administrative appeal forums in the Title VI complaints.

Complaints may be filed by any person who believes that they have been excluded from participation in, been denied the benefits of, or otherwise subjected to discrimination under any ODOT service, program, or activity whether Federally funded or not, and believes the discrimination is based on race, color, national origin, gender, age, disability, economic status or Limited English Proficiency.

All allegations, regardless of where they are reported, shall be immediately forwarded to the ODOT Title VI Coordinator. In addition, these complaint processing requirements are passed down to sub-recipients and are reviewed for compliance during on-site reviews with those sub-recipients. ODOT has published these procedures for public view at:

<http://www.okladot.state.ok.us/civil-rights/index.htm>

The scope of Title VI covers all external activities at the ODOT. Adverse impacts resulting in the Title VI complaint can arise from many sources, including advertising, bidding, and contracts.

Complaints can originate from individuals or firms alleging inability to bid upon or obtain a contract with the ODOT for the furnishing of goods and/or services. Examples include advertising for bid proposals; prequalification or qualification; bid proposals and awards; selection of contractors, subcontractors, material and equipment suppliers, lessors, vendors, consultants, fee appraisers, universities, etc.; or the allocation of Federal Transit Administration funding.

Complaints can originate as a result of project impacts on individuals or groups. For example, social and economic, traffic, noise, air quality, access, accidents, and failure to maintain facilities.

## **B. Complaint Procedure**

The ODOT uses the following, detailed internal procedures for prompt processing and resolution of all Title VI complaints received directly by any of its divisions or field divisions having responsibilities under the Title VI and the related Nondiscrimination statutes. These procedures include but are not limited to:

1. Any person who believes that he or she, individually, as a member of any specific class, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, as amended, may file a complaint with the Title VI Coordinator with the Office of Civil Rights. A complaint may also be filed by a representative on behalf of such a person.
  
2. In order to have the complaint considered under this procedure, the complaint must be filed no later than 180 calendar days after:
  - The date of the alleged act of discrimination; or
  - Where there has been a continuing course of conduct, the date on which that conduct was discontinued
  
3. Complaints shall be filed using the department's Title VI Complaint Form (available at <http://www.okladot.state.ok.us/civil-rights/index.htm> or by contacting the Office of Civil Rights). Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled in the usual manner.

Complaints should be directed to:

**Oklahoma Department of Transportation  
Office of Civil Rights  
200 N.E. 21<sup>st</sup> Street, Room 1-C5  
Oklahoma City, OK 73105-3204**

4. Upon receipt of the signed complaint form, the Title VI Coordinator will log-in the complaint, determine the basis of the complaint, authority/jurisdiction, and who should conduct the investigation.
  
5. The Title VI Coordinator reviews and determines the appropriate action regarding every Title VI complaint. The department will not proceed with or continue a complaint investigation if:
  - a. The complaint is, on its face, without merit
  - b. The same allegations and issues of the complaint have been addressed in a recently closed investigation or by previous federal court decisions.
  - c. The complainant's or injured party's refusal to cooperate (including refusal to give permission to disclose his or her identify) has made it impossible to investigate further.
  
6. Within ten (10) business days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to be taken to process the allegation and the complainant is advised of other avenues of redress available, such as the FHWA and the Department of Transportation. The notification letter contains:
  - a. The basis of the complaint.
  - b. A brief statement of the allegation(s) over which the department has jurisdiction.
  - c. A brief statement of the department's jurisdiction over the recipient to investigate the complaint; and
  - d. An indication of when the parties will be contacted.
  
7. The Title VI Coordinator also notifies the FHWA's Division Office within ten (10) calendar days of receipt of the allegations. Generally, the following information will be included in every notification to the Office of Civil Rights:

- a. Name, address, and phone number of the complainant.
  - b. Email address if available.
  - c. Basis of complaint (i.e., race, color, national origin, sex, age, disability/handicap).
  - d. Date of the alleged discriminatory act(s).
  - e. Date of complaint received by the recipient.
  - f. A statement of the complaint.
  - g. Other agencies (state, local or Federal) where the complaint has been filed.
  - h. An explanation of the actions the recipient has taken or proposed to resolve the issue(s) raised in the complaint.
8. Within sixty (60) calendar days from the date the original complaint was received, the Title VI Coordinator will conduct and complete an investigation of the allegation(s) and based on the information obtained, will render a recommendation for action in a report of findings to the FHWA's Division Office.
9. The Title VI Coordinator will conduct an in-depth, personal interview with the complainant(s). Information gathered in this interview includes: identification of each complainant by race, color, sex, age, national origin, disability/handicap, or income status; name of the complainant; a complete statement concerning the nature of the complaint, including names, places, and incidents involved in the complaint; the date the complaint was filed; and any other pertinent information the investigation team feels is relevant to the complaint. The interviews are recorded either on audio tape or by taking notes. The Title VI Coordinator arranges for the complainant to read, make necessary changes to, and sign the interview transcripts or interview notes. Every effort will be made to obtain early resolution of complaints at the lowest possible level.
10. Within ninety (90) calendar days of receipt of the complaint, the complainant receives a letter from the Director detailing the findings, conclusions, and any corrective action taken. All issues in the complaint are addressed.
11. The Title VI Coordinator forwards the final report to the FHWA's Division Office. Included with the reports is a copy of the complaint, copies of all documentation pertaining to the complaint, the date the complaint was filed, the date the investigation was completed, the disposition and the date of the disposition, and any other pertinent information. If, for some reason, the investigation cannot be completed within this timeframe, a status report shall be submitted to the FHWA at this stage and the report shall follow upon completion.

12. If the complaint cannot be resolved by the Department to the satisfaction of all parties concerned, the party not satisfied is advised of his or her right to appeal pursuant to Title 49, Code of Federal Regulations, Part 21. The appeal must be filed, in writing no later than 180 calendar days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary to:

**U.S. Department of Transportation  
400 Seventh Street Southwest  
Washington, D.C. 20590**

A complaint may be filed with the Secretary; U.S. Department of Transportation, before, during, or after the complaint has been filed with the Oklahoma Department of Transportation.

## TITLE VI COMPLAINT FORM

The Oklahoma Department of Transportation is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color, or national origin, as provided by the Title VI of the Civil Rights Act of 1964, as amended. The Title VI complaints must be filed within 180 calendar days from the date of the alleged discrimination.



Date of Filing:	
Name:	
Address:	
City, State, Zip Code:	
Work Phone:	
Home Phone:	
E-mail Address:	

Oklahoma Department of Transportation

Civil Rights Division

200 N.E. 21st Street, Room 1-C5

Oklahoma City, Oklahoma 73105

Phone: (405) 521-2072

Fax: (405) 522-2136

<http://www.okdot.state.ok.us/>

Indicate on what ground(s) you believe you have been discriminated against (check all that apply):

- Race       Color       National Origin       Religion  
 Sex       Age       Disability

Indicate the person(s) who you believe discriminated against you:

Name(s):	
Work Location (if known):	
Work Phone:	
Date of alleged incident:	

If you have an attorney representing you concerning the matters raised in this complaint, please provide the following:

Name:	
Address:	
Work Phone:	
E-mail Address:	

Explain why you believe discrimination has occurred. If there are witnesses, please provide names, addresses and telephone numbers. Be sure to include how other persons were treated differently than you. Attach additional pages as necessary and any written material pertaining to your case.

What remedy are you requesting? Please be specific:

Have you filed or do you intend to file a charge or complaint concerning the matters raised in this complaint with any other agencies (Federal, State, or local):

Yes

No

If so, please provide the following information:

Agency:	
Address:	
Name of Investigator (if known):	
Phone Number:	
E-mail Address:	
Date Filed:	
Status of case:	

I confirm that I have read the above charge(s) and it is true to the best of my knowledge.

Print or typed name of complainant:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Completed forms must be submitted to the Oklahoma Department of Transportation's Civil Rights Division.  
If you require any assistance in filling out this form please contact the Title VI Coordinator at 405-521-2072.

Print Form

## What if the recipient retaliated against me for asserting my rights or filing a complaint?

You should be aware that a recipient is prohibited from retaliating against you or any person because he or she opposed an unlawful policy or practice, or made charges, testified, or participated in any complaint action under the Title VI. If you believe that you have been retaliated against, you should immediately contact the ODOT.

## What is a 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.

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

-President John F. Kennedy, in his message calling for the enactment of Title VI, 1963

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

Oklahoma Department of  
Transportation



YOUR RIGHTS UNDER  
**Title VI**  
Of the Civil Rights Act of 1964

Oklahoma Department of Transportation

Civil Rights Division

200 N.E. 21st Street, Room 1-C5

Oklahoma City, OK 73105

<http://www.okladot.state.ok.us/>

Phone: 405-521-2072

Toll Free: 1-800-788-4539

Fax: 405-522-2136



## What is Title VI?

Title VI of the Civil Rights Act of 1964 is the Federal law that protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive Federal financial assistance.

## Title VI Covers...

- All Advertisements;
- Bid proposals, requests, and evaluations;
- Contracts/subcontracts;
- Title VI reports, issues, and complaint: Public meetings and internal meetings relating to Title VI will be documented and reports forwarded to the Title VI Coordinator;
- The Title VI contract provisions and other legal documents;
- Other office areas where discrimination may exist.

**What discrimination is prohibited by Title VI?**

There are many forms of illegal discrimination based on race, color, or national origin that can limit the opportunity of minorities to gain equal access to services and programs. Among other things, in operating a federally assisted program, a recipient cannot, on the basis of race, color or national origin, either directly or through contractual means:

- Deny a program services, aids, or benefits;
- Provide a different service, aid, or benefit, or provide them in a manner different than they are provided to others; or
- Segregate or separately treat individuals in any matter related to the receipt of any service, aid, or benefit.

## How can I file a discrimination complaint?

Each Federal agency that provides Federal financial assistance as well as the ODOT as a recipient of Federal financial assistance is responsible for investigating complaints of discrimination on the basis of race, color, or national origin in the use of its funds. If you believe that you or others protected by Title VI have been discriminated against, you may file a complaint with the Federal agency that provides funds for the program where you believe the discrimination is occurring or the ODOT. Complaints filed with the ODOT should be directed to:

**Oklahoma Department of Transportation  
Civil Rights Division  
200 N.E. 2nd Street, Room 1-C5  
Oklahoma City, OK 73105-3204**

A signed, written complaint should be filed within 180 days of the date of the alleged discrimination. The Title VI Complaint form is available on the ODOT's website or by contacting the ODOT's Civil Rights Division. Information from the complaint should include:

1. Your name, address, and telephone number. Your complaint must be signed. If you are filing on behalf of another person, include your name, address, telephone number, and your relation to that person (e.g. friend, attorney, parent, etc.).
2. The name and address of the agency, institution, or department you believe discriminated against you.
3. How, why, and when you believe you were discriminated against. Include as much background information as possible about the alleged acts of discrimination. Include names of individuals whom you allege discriminated against you, if you know them.
4. The names of any persons, if known, that the investigating agency may contact for additional information to support or clarify your allegations.

## What will ODOT

### **do with my complaint?**

Once a complaint is filed, it will be reviewed by the department to determine whether it has jurisdiction to investigate the issues you have raised. If it is determined that ODOT has jurisdiction to investigate the complaint, the allegations will be investigated. If violations of the Title VI are found, the department will attempt to resolve them. If the complaint is against the ODOT it will be forwarded to the Federal agency which provided funds for the program or project in question.

## Who may file a Title VI Complaint?

Complaints may be filed by any individual or group who believes:

- That their rights, under the Title VI have been violated in a discriminatory manner.
- That the department's programs or activities do not comply with Federal civil rights laws.
- That they have been treated in a disparate manner.

### **Discrimination:**

An act (or action) whether intentional or unintentional through which a person in the United States, solely because of race, color, religion, gender, or national origin has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the Federal Highway Administration, the Federal Transit Administration, or the Federal Aviation Administration.

### **Disparate Treatment:**

Inconsistent application of rules and policies to one group of people over another. Discrimination may result when rules and policies are applied differently to members of protected classes. Disciplining Hispanic and African-American employees for tardiness, while ignoring tardiness among other employees is an example of disparate treatment.

## **V. ACCOMPLISHMENTS**

**The Oklahoma Department of Transportation (ODOT) has made the following accomplishments during FY2010 in regards to the Title VI program:**

The ODOT's Title VI Plan has been completed, approved, and is accessible on the ODOT's website.

The ODOT's Office of Civil Rights' website includes a link with information pertaining to the Title VI Program.

The Title VI Complaint Form has been updated and is now available as an electronic document on the ODOT's website. Hard copies of the complaint form are also available by contacting the Civil Rights Division.

A Title VI brochure has been created to be distributed internally and externally.

The Title VI Complaint Procedure has been updated.

A template to gather quarterly Title VI information from the Title VI Designees has been developed to efficiently report statistics.

The Title VI Public Meeting/Hearing form has been updated and is now available as an electronic document on the ODOT's website.

## VI. ANNUAL WORK PLAN

The Title VI Coordinator will attend and represent the Oklahoma Department of Transportation (ODOT) at various organizations that advocate for diversity and awareness.

Ensure Title VI brochures are distributed to the general public and, where appropriate, in languages other than English.

Complete the Title VI Public Meeting Form to each public meeting not already covered. (For purposes of this requirement, a “public meeting” is any meeting or hearing for which there is an open invitation) via news release, paid advertising and/or letter of invitation) to the general public (not just contractors) to attend for the purpose of informing the public and/or solicit input from the public.)

Provide Title VI awareness training opportunities to the ODOT employees and general public. - *Complete by December 31, 2010.*

Conduct compliance reviews on all ODOT divisions and for sub-recipients. - *Complete by December 31, 2010.*

Identify and regularly meet with the Title VI designees to ensure compliance and understand requirements.

Identify and create a database on individuals at the ODOT that have the ability to translate, interpret, or that are bilingual. - *Complete by July 30, 2010.*

Create “I Speak” cards in multiple languages for individuals to obtain interpretive services while at the ODOT. - *Complete by July 30, 2010.*

Maintain current information on the Title VI website, forms, bulletins, and pamphlets.

Copies of the Prompt Payment Complaint Log and DBE substitutions/replacements will be forwarded for informational purposes once per quarter to the Title VI Coordinator.

Continue the partnership with Langston University’s Summer Job/Internship Program and provides opportunities for college students to gain work experience in the various divisions at the ODOT.

Continue the partnership with Langston's University's Summer Transportation Institute Program, which provides freshman and sophomores in high school the opportunity to learn about transportation related fields.

Monitor and ensure division activities for potential Title VI impact by reviewing quarterly reports submitted by each Title VI designees.

Compile quarterly statistics on each division's Title VI report to identify compliance and issues.

Develop a database to capture all Title VI complainants by race, color, sex, or national origin, age or disability; by recipient, nature of complaint, dates the complaint was filed and the investigation completed; disposition; and other pertinent information.

## **VII. FEDERAL TRANSIT ADMINISTRATION**

### **TITLE VI PLAN**

#### **OVERVIEW**

Oversight for compliance with the Federal Transit Administration (FTA) Title VI regulations and guidance resides within the Transit Programs Division (TPD), which is responsible for grantee compliance reviews and tri-annual reporting. Although the ODOT's Title VI Plan in its entirety applies to all of ODOT's programs and services, regardless of funding source, Section 7 of this Plan deals specifically with requirements for FTA funded programs.

**Annual Title VI Certification and Assurance** - Title VI requirements are passed onto all sub-recipients of FTA funds. The TPD annually submits its Certifications and Assurances to FTA by means of PINNING these certifications and assurances in the TEAM Web system, which is the electronic system used by FTA recipients.

All sub-recipients to programs administered by the TPD are required to submit their Certifications and Assurances by original signature as part of the Application Package, and State Agreement for Funding. Specifically, on Appendix A, the sub-recipient can check the all inclusive box which covers compliance to categories 01-19, or check each individual category : Category 01, containing Certification and Assurances of Each Applicant; Category 02 – Lobby Certification; Category 03 – Procurement Compliance; Category 04- Private Providers of Public Transportation; Category 05- Public Hearing; Category 06- Acquisition of Rolling Stock; Category 07- Acquisition of Capital Assets by Lease; Category 08- Bus Testing; Category 09- Charter Service; Category 10- School Transportation; Category 11-Demand Responsive Services; Category 12- Alcohol Misuse and Prohibited Drug Use; Category 13-Interest and Other Financing Costs; Category 14- Intelligent Transportation Systems Program; Category 15-Clean Fuels Grant Program; Category 16-Nonurbanized Area Formula Program; Category 17-Job Access and Reverse Commute Program; Category 18-New Freedom Program, Category 19-Department of Labor, Section 5333(b) Special Warranty.

**Complaint and Investigation Procedures** – The TPD complies with all aspects of ODOT's established Title VI complaint procedures described in Section 4 of this Plan. In addition, these requirements pass onto sub-recipients who are reviewed for compliance during Site Reviews. Procedures on how to file a Title VI complaint can also be found at <http://www.okladot.state.ok.us/civil-rights/title6/complaints.htm>.

The TPD maintains records of complaints, investigations, or lawsuits and these recordkeeping requirements pass to sub-recipients by publishing the requirements in the State's Management Plans, and State Agreement for Funding. These areas are reviewed for compliance during Site Reviews with sub-recipients.

**Notification of Title VI Protection for Beneficiaries** - After each revision, ODOT widely distributes its Title VI Plan. The Title VI notifications are also included with all newly printed or revised ODOT publications, brochures, and pamphlets meant for public consumption. In addition, the requirement to provide notification is passed to sub-recipients. The following notice is standard wording for publications, brochures, flyers, etc:

*The Oklahoma Department of Transportation (ODOT) is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. The ODOT assures that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ODOT service, program, or activity. The Department also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, the department will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.*

As part of the site visit, TPD ensures that the sub-recipient maintain current wall posters explaining Title VI requirements, as it relates to both employees and transit services offered. The TPD also distributes the Americans with Disabilities (ADA) Paratransit Handbook to all of their Section 5311 sub-recipients. In addition, they review sub-recipients board policies to ensure that they contain Title VI language.

**Inclusive Public Participation** – The TPD conducts periodic on-site monitor assessments to determine the sub-recipients compliance with the FTA Title VI regulations. These reviews include service measurements, location of transit services and facilities, participation opportunities in the transit planning and decision-making processes, and communication needs of persons with LEP.

**Limited English Proficiency (LEP) Requirements** – The ODOT complies with all Limited English Proficiency (LEP) requirements whether the program is Federally funded or not, and applies the requirements regardless of the funding source. The ODOT is required to determine and evaluate the number, frequency, importance of the

public contacts they have with individuals who are limited in the English speaking ability, and the resources available for the LEP services. This evaluation includes determining which, if any, documents must be translated and whether interpretation assistance must be provided.

The TPD is required to monitor sub-recipients for compliance with the LEP requirements to ensure that members of the public who are limited in their English speaking ability have the same access to and benefit from public transportation agencies receiving Federal-aid funds. Monitoring is done primarily through the Site Visit which includes reviewing the public agency's LEP self-assessment and the extent to which the agency has provided information to the public regarding the availability of interpreter services and translated written materials into other language.

**Environmental Justice (EJ) Requirements** – The ODOT as a whole has a process for complying with the EJ requirements in the project development process. New construction or expansion of transit terminals, storage and maintenance garages, office facilities and parking facilities may be designated as categorical exclusions after the FTA review and approval. The ODOT staff would work with the FTA Region VI Engineer, ODOT's Right-of-Way and Environmental Divisions on the development and implementation process. The TPD has a sub-memorandum of understanding with the Oklahoma Environmental Programs Division and would be in close contact with staff on public transportation issues affected by environmental concerns. All construction projects that are funded with FTA funds are reviewed to ensure that they follow ODOT's, EJ (and LEP) guidance.

The TPD works with FTA Region VI personnel on projects involving real property. FTA Region VI personnel review the project's documented categorical exclusion worksheet to determine if the project meets the criteria of Categorical Exclusion.

APPENDIX A

**FEDERAL FISCAL YEAR 2011 CERTIFICATIONS AND ASSURANCES FOR  
FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS**

Name of Applicant: **PRINT NAME OF AGENCY**

**The Applicant agrees to comply with applicable provisions of Categories 01 - 19.**   
(Applicant may make the above selection in lieu of individual selections below)

**OR**

**The Applicant agrees to comply with the applicable provisions of the following  
Categories it has selected:**

- 01. Certification and Assurances Required of Each Applicant
- 02. Lobby Certification
- 03. Certification on Procurement Compliance
- 04. Certification Pertaining to Effects on Private Providers of Public Transportation
- 05. Public Hearing Certification for a Project with Substantial Impacts
- 06. Certification for the Acquisition of Rolling Stock
- 07. Certification for the Acquisition of Capital Assets by Lease
- 08. Bus Testing Certification
- 09. Charter Service Agreement
- 10. School Transportation Agreement
- 11. Certification of Demand Responsive Service
- 12. Prevention of Alcohol Misuse and Prohibited Drug Use Certification
- 13. Certification Required for Interest and Other Financing Costs
- 14. Intelligent Transportation Systems Program Assurance
- 15. Certification and Assurance for Clean Fuels Grant Program
- 16. Certification and Assurance for the Nonurbanized Area Formula Program
- 17. Certification and Assurance for Job Access and Reverse Commute Program
- 18. Certification and Assurance for New Freedom Program

Special Warranty

- 19. Department of Labor, Section 5333(b) Warranty 
  - By selecting this requirement the applicant is certifying that it has executed the Special Warranty and that it is submitted as part of its FY-2011 Application for Section 5311 Program funding.

*(Both sides of the Signature Page must be appropriately completed and signed as indicated)*

APPENDIX A

**FEDERAL FISCAL YEAR 2011 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE**

*(Required of all Applicants for FTA assistance and all FTA Grantees with an active capital or formula project)*

**AFFIRMATION OF APPLICANT**

Name of Applicant: **PRINT NAME OF AGENCY**

Name and Relationship of Authorized Representative: **PRINT NAME AND TITLE OF INDIVIDUAL AUTHORIZED TO SIGN THIS DOCUMENT**

BY SIGNING BELOW, on behalf of the Applicant, I declare that the Applicant has duly authorized me to make these certifications and assurances and bind the Applicant's compliance. Thus, the Applicant agrees to comply with all Federal statutes, regulations, executive orders, and directives applicable to each application it makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2010.

FTA intends that the certifications and assurances the Applicant selects on the other side of this document, as representative of the certifications and assurances in this document, should apply, as provided, to each project for which the Applicant seeks now, or may later, seek FTA assistance during Federal Fiscal Year 2010.

The Applicant affirms the truthfulness and accuracy of the certifications and assurances it has made in the statements submitted herein with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 *et seq.*, and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31 apply to any certification, assurance or submission made to FTA. The criminal fraud provisions of 18 U.S.C. 1001 apply to any certification, assurance, or submission made in connection with a Federal public transportation program authorized in 49 U.S.C. chapter 53 or any other statute

In signing this document, I declare under penalties of perjury that the foregoing certifications and assurances, and any other statements made by me on behalf of the Applicant are true and correct.

Signature \_\_\_\_\_ Date: \_\_\_\_\_

Name **PRINT NAME OF AUTHORIZED REPRESENTATIVE OF APPLICANT**

**AFFIRMATION OF APPLICANT'S ATTORNEY**

For **PRINT NAME OF APPLICANT**

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under state and local law to make and comply with the certifications and assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the certifications and assurances have been legally made and constitute legal and binding obligations on the Applicant.

I further affirm to the Applicant that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these certifications and assurances, or of the performance of the project.

Signature \_\_\_\_\_ Date: \_\_\_\_\_

Name **PRINT NAME OF ATTORNEY FOR APPLICANT**

Each Applicant for FTA financial assistance (except 49 U.S.C. 5312(b) assistance) and each FTA Grantee with an active capital or formula project must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its signature in lieu of the Attorney's signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated this Federal fiscal year.

**APPENDIX B**

Oklahoma Department of Transportation  
 Section 5311 Monitoring and Technical Assistance Program

**TITLE VI**

1. Do you provide service to areas with minority populations?		
a. Is it the same level and quality of service that is provided areas without minority populations?		
2. Please describe the location of transit services and facilities. Have you ensured that decisions on the location of transit services and facilities are made without regard to race, color, creed, national origin, sex, age, or disability?		
3. Please review the Title VI general reporting information submitted with the last application. List all complaints alleging discrimination in the delivery of service that were reported. Follow up on the status of the complaints.		
<b>Complaint Description</b>	<b>Date Filed</b>	<b>Status</b>
4. Do the complaints indicate that the Subrecipient may discriminate in the delivery of service? <b>If yes,</b>		
a. Who investigates complaints?		
b. How were the complaints identified and resolved?		
c. Were complaints reported to ODOT? How long after receipt of the complaint?		
5. How are individuals or groups provided opportunities to participate in the transit planning and decision-making processes without regard to race, color, creed, national origin, sex, age, disability, or marital status?		
6. Have representatives of these groups expressed a need for transportation improvements? If yes, please describe.		
7. How do you promote your service to minority populations?		

## APPENDIX C

The Oklahoma Department of Transportation, Transit Programs Division administers the following Federal Transit Administration grant programs:

**Section 5303 – Metropolitan Transportation Planning Program** – This program provides funds for metropolitan planning organization to support cooperative, continuous, and comprehensive planning in metropolitan areas.

**Section 5304 – Statewide Planning** – This program provides funds for state departments of transportation to support cooperative, continuous, and comprehensive planning in nonurbanized areas.

**Section 5309 – Capital Grant Program** – Funds may be used for project specific planning and capital activities, which include the purchase of buses and other rolling stock, equipment and construction of bus facilities.

**SECTION 5311 - RURAL PUBLIC TRANSPORTATION PROGRAM** - Administration, operating and capital assistance for transit providers serving areas with populations less than 50,000.

**SECTION 5311(f) – INTERCITY BUS TRANSPORTATION PROGRAM** - Development and support of rural bus service for the general public between communities.

**SECTION 5316 – JOB ACCESS/REVERSE COMMUTE PROGRAM** - For promoting the use of transit by workers with non-traditional work schedules, transit vouchers by appropriate agencies for welfare recipients and eligible low-income individuals, or employer-provided transportation.

**SECTION 5317 – NEW FREEDOM PROGRAM** - For the enhancement or expansion of new services and/or capital improvements above and beyond ADA requirements.

## **VIII. DEFINITION OF TERMS**

**Affirmative Action:** A good faith effort to eliminate past and present discrimination which ensures that future discriminatory practices do not occur. Actions aimed at addressing the under-representation of minorities and females.

**Beneficiary:** An individual and/or entity that directly or indirectly receive an advantage through the operation of a Federal program; however, they do not enter into any formal contract or agreement with the Federal government where compliance with Title VI is a condition of receiving such assistance.

**Bidding:** is an offer (often competitive) of seeing a price one is willing to pay for something. A price offer is called a bid.

**Civil Rights:** are a class of rights and freedoms that protect individuals from unwarranted action by government and private organizations and individuals and ensure one's ability to participate in the civil and political life of the state without discrimination or repression.

**Compliance:** the act of adhering to, and demonstrating adherence to, a standard or regulation

**Consultants:** a person who gives professional or expert advice.

**Contract:** an agreement between two or more parties for the doing or not doing of something specified; enforceable by law.

**Contractor:** a person who contracts to furnish supplies or perform work at a certain price or rate.

**Disadvantaged Business Enterprise (DBE):** means a for profit small business concern that is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals, and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

**Discrimination:** the treatment taken toward or against a person of a certain group in consideration based solely on class or category.

**Disparate Impact:** Discrimination which occurs because of a neutral procedure or practice, and such practice lacks a “substantial legitimate justification.” The focus is on the consequences of a recipient’s practices rather than the recipient’s intent.

**Environmental Justice (EJ) (Executive Order 12898):** Defined by the U.S. Environmental Protection Agency (EPA) as, "The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including racial, ethnic, or socioeconomic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies."

**Federal Highway Administration (FHWA):** A division of the United States Department of Transportation that specializes in highway transportation. The agency’s major activities are grouped into two “programs,” the Federal-aid Highway Program and the Federal Lands Highway Program.

**Federal Transit Administration (FTA):** an agency within the United States Department of Transportation (DOT) that provides financial and technical assistance to local public transit systems.

**Fee Appraisal:** A valuation of property by the estimate of an authorized person.

**Historically Black Colleges and Universities (HBCU):** Institutions of higher education in the United States that were established before 1964 with the intention of serving the black community.

**Langston University - Summer Transportation Institute (LU-STI):** Consist of a four-week residential and three-week non-residential summer program to acquaint 7<sup>th</sup> through 10<sup>th</sup> grade students with career opportunities in the transportation industry, sponsored by the Federal Highway Administration and hosted by Langston University. Students from all areas of Oklahoma may be selected to participate in the program.

**Lessor:** A person who rents land or property to a lessee.

**Limited English Proficiency (LEP) (Executive Order 13166):** On August 11, 2000, the President signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." The Executive Order requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them.

**Local Technical Assistance Program (LTAP):** The Local Technical Assistance Program at Oklahoma State University is one of 58 LTAP Centers located throughout the United States that provide training and technical assistance to government entities that maintain and construct transportation systems at the local level.

**Metropolitan Planning Organization (MPO):** a federally-mandated and federally-funded transportation policy-making organization in the United States that is made up of representatives from local government and governmental transportation authorities

**Minority:** A person who is a citizen or lawful permanent resident of the United States and who is:

- Black-a person having origins in any of the black racial groups of Africa
- Hispanic-a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race
- Asian or Pacific Islander-a person having origins in any of the original peoples of the Far East, Southeast Asia, Indian Subcontinent, or the Pacific Islands
- American Indian or Alaskan Native-a person having origins in any of the original peoples of North American, and who maintain cultural identification through tribal affiliation or community recognition
- White-a female having origins in any of the original peoples of Europe, North Africa, or the Middle East

*Additional subcategories based on national origin or primary language spoken may be used, where appropriate on either a national or regional basis*

**National Environmental Policy Act (NEPA):** is a United State environmental law that established a U.S. national policy promoting the enhancement of the environment and also established the President's Council on Environmental Quality (CEQ).

**Oklahoma City Area Regional Transportation Study (OCARTS):** encompasses all of Oklahoma and Cleveland counties and portions of Canadian, Grady, Logan and McClain counties and identifies regional transportation needs in an efficient and cost-effective manner.

**Oklahoma Transportation Center (OTC):** The OTC is a multi-disciplinary coalition of Oklahoma State University (OSU), the University of Oklahoma (OU), and Langston University (LU). It serves as a resource for solving critical transportation problems in the State and our nation in a cooperative manner. Founded in 2001, the OTC has over 30 "founding partners" including the Oklahoma Department of Transportation (ODOT), Oklahoma Turnpike Authority (OTA), private companies and associations representing

all transportation modes. The OTC is designated as one of ten National University Transportation Centers.

**Prequalification/Qualification:** a circumstance or condition required.

**Proposal:** the act of offering or suggesting something for acceptance, adoption, or performance.

**Recipient:** An individual and/or entity that received Federal financial assistance and operates a program and/or activity.

**Small Business Administration:** A United States government agency that provides support to small businesses.

**Socially and Economically Disadvantaged Individual:** Means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is an individual that a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis; any individual in the following groups, members of which are refutably presumed to be socially and economically disadvantaged: Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian Americans, Women, and any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

**State Planning & Research (SPR) funds:** Through the Research, Development and Technology Transfer (RDTT) Program identifies research needs, arranges for the conduct of, and secures appropriate funding for, research projects with specific objectives and prescribed timeframes. Through applied research, development, and demonstration activities, the RDTT projects focus on providing the ODOT with knowledge, processes, and products that will contribute to improved transportation facilities.

**Statewide Transportation Improvement Program (STIP):** A three year program that includes ODOT's program as well as the Transportation Improvement Programs prepared by the Metropolitan Planning Organizations in Oklahoma.

**Sub-recipient:** A non-Federal entity that expends Federal awards received from a pass-through entity to carry out a Federal program, but does not include an individual that is a beneficiary of such a program. A sub-recipient may also be a recipient of other Federal awards directly from a Federal awarding agency. Sub-recipients include contractors, subcontractors, suppliers, consultants, cities, local governments, or any other entity receiving funds from the ODOT.

**Transportation Improvement Program (TIP):** A three-year program prepared by a Metropolitan Planning Organization.

**Unified Planning Work Program (UPWP):** A description of the proposed multimodal transportation planning activities to be conducted in the Oklahoma City Area Regional Transportation Study area. The UPWP is prepared annually and serves as a basis for requesting federal planning funds from the U.S. Department of Transportation, as well as, a management tool for scheduling, budgeting and monitoring the planning activities of the participating entities.

**United States Department of Transportation:** A federal Cabinet department of the United States government concerned with transportation. It was established by an act of Congress on October 15, 1966 and began operation on April 1, 1967. It is administered by the United States Secretary of Transportation.

**University:** an institution of learning of the highest level, having a college of liberal arts and a program of graduate studies together with several professional schools, as of theology, law, medicine, and engineering, and authorized to confer both undergraduate and graduate degrees. Continental European universities usually have only graduate or professional schools.

**Vendor:** A person or agency that sells.

## IX. Exhibits

### TITLE VI ASSURANCES

The State of Oklahoma (hereinafter referred to as the Recipient) HEREBY AGREES THAT, as a condition to receiving any federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives to the end that, in accordance with the Act, regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, 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 the Department of Transportation, including the Federal Highway Administration; and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Subsection 21.7(a) (1) of the Regulations, a copy of which is attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal-aid Highway Program:

1. That the Recipient agrees that each “program” and each “facility,” as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a “program”) conducted or will be (with regard to a “facility”) operated in compliance with all requirements imposed by or pursuant to the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or materials subject to the regulations made in connection with the Federal-aid Highway Program and, in adapted form, in all proposals for negotiated agreements:

The (State Department of Transportation), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4, and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation, issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, Disadvantaged Business Enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be

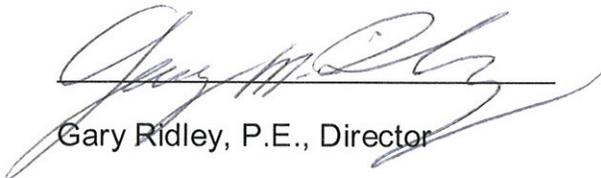
discriminated against on the grounds of race, color, sex, age, national origin, disability/handicap, or income status in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the clauses of Appendix B of this assurance shall be included, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives federal financial assistance to construct a facility or part of a facility, the assurance shall 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 shall extend to rights to space on, over, or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties (a) for the subsequent transfer of real property acquired or improved under the Federal-aid Highway Program; and (b) for the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal-aid Highway 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 used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; of (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom he or she delegates specific authority, to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest; and other participants of federal financial assistance under such program will

comply with all requirements imposed by or pursuant to the Act, 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 Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts, or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the federal-aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants in the federal-aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

  
Gary Ridley, P.E., Director

Oklahoma Department of Transportation



Date

**Attachments:**

**Appendices A, B, and C**

## 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 shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

**2. Nondiscrimination:**

The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate, either directly or indirectly, in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in appendix B of the Regulations.

**3. Solicitations for Subcontracts, Including Procurement 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 shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex, age, national origin, disability/handicap, or income status.

**4. Information and Reports:**

The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the State Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the State Department of Transportation, or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.

**5. Sanctions for Noncompliance:**

In the event of the Contractor's noncompliance with the nondiscrimination provision of this contract, the State Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to:

- a. Withholding of payments to the Contractor under the contract until the Contractor complies and/or
- b. Cancellation, termination, or suspension of the contract in whole or in part.

**6. Incorporation of Provisions:**

The Contractor shall include the provisions of paragraphs 1 through 6 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the State Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions, including sanctions for noncompliance provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation by a subcontractor or supplier as a result of such direction, the Contractor may request the State Department of Transportation to enter into such litigation to protect the interests of the State; and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

## **APPENDIX B**

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures, or improvements thereon, or interest therein from the United States.

### **(GRANTING CLAUSE)**

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

### **(HABENDUM CLAUSE)**

TO HAVE AND TO HOLD said lands and interests therein unto the State of Oklahoma and its successors forever subject however, to the covenant, 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 shall be binding to the State of Oklahoma, its successors, and assigns.

The State of Oklahoma, 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 successor, and assigns that (1) no person shall, on the grounds of race, color, sex, age, national origin, disability/handicap, or income status, 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 State of Oklahoma shall use the lands and interests in lands so conveyed in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights of 1964,

and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land; and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assignees as such interest existed prior to the deed.\*

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

## APPENDIX C

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

The (grantee, licensee, lessee, permittee, etc., as appropriate), for him or herself, his or her heirs, personal representative, 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 in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended, or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally-assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in the event of breach of any of the above nondiscrimination covenants, the State of Oklahoma shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]\*

That in the event of breach of any of the above nondiscrimination covenants, the State of Oklahoma shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Oklahoma and its assigns.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the State of Oklahoma, pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate), for him or herself, his or her 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 grounds of race, color, sex, age, national origin, disability/handicap, or income status, shall be excluded from participation in, be 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 grounds of race, color, sex, age, national origin, disability/handicap, or income status, shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, 93) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]\*

That in the event of breach of any of the above nondiscrimination covenants, the State of Oklahoma shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]\*

That in the event of breach of any of the above nondiscrimination covenants, the State of Oklahoma shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Oklahoma and its assigns.

Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

