

Title VI Nondiscrimination Program Plan

2018

Alaska Department of
Transportation and Public
Facilities



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Introduction and Policy Statement

Introduction

The Alaska Department of Transportation and Public Facilities (ADOT&PF) is a recipient of Federal financial assistance. As a Federal-aid recipient, ADOT&PF will ensure full compliance with Title VI of the Civil Rights Act of 1964 and related federal statutes and regulations in all ADOT&PF programs and activities, including 49 CFR Part 21 (Department of Transportation Regulations for the Implementation of Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (P.L. 100.259)), 23 CFR Part 200 (Title VI Program and Related Statutes – Implementation and Review Procedures), the Federal- Aid Highway Act of 1973, Section 504 of the Rehabilitation Act of 1973, Age Discrimination Act of 1975, The Americans with Disabilities Act of 1990, and Executive Orders 12898 and 13166.

ADOT&PF Title VI Nondiscrimination Policy Statement

It is the policy of the Alaska Department of Transportation and Public Facilities (ADOT&PF) that no one shall be subject to discrimination on the basis of race, color, national origin, sex, age, income, or disability.

Persons who believe they may have experienced discrimination in the delivery of these federally assisted programs or activities may file a complaint with:

ADOT&PF Civil Rights Office
2200 East 42nd Avenue, Room 310
Anchorage, AK 99508
Phone: 907-269-0851
Alaska Relay: 7-1-1 or 1 (800) 676-3777
Fax: 907-269-0847


Marc Luiken, Commissioner

7 Nov 2018
Date

Authorities

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 78 stat 252)
Prohibiting discrimination on the basis of race, color, or national origin

Federal-Aid Highway Act of 1973 (23 U.S.C. 324 et seq.)
Prohibiting discrimination on the basis of sex

The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.)
Prohibiting discrimination on the basis of age

Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794 et seq.)
Prohibiting discrimination on the basis of disability for recipients of Federal funds

Americans with Disabilities Act of 1990, as amended (42 U.S.C. 12101 et seq.)
Prohibiting discrimination on the basis of disability

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended
(42 U.S.C. 4601)

The National Environmental Policy Act of 1969 (42 U.S.C. 4321)

Nondiscrimination in Federally-Assisted Programs of the Department of Transportation (49 C.F.R.
Part 21)

Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial
Assistance (49 C.F.R. 27)

Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by
the Department of Transportation (49 C.F.R. 28)

Transportation Services for Individuals with Disabilities (ADA) (49 C.F.R. 37)

FHWA's Title VI Nondiscrimination Regulation (23 C.F.R. 200)

Discrimination on the Basis of Disability in State and Local Government Services (28 C.F.R. 35)

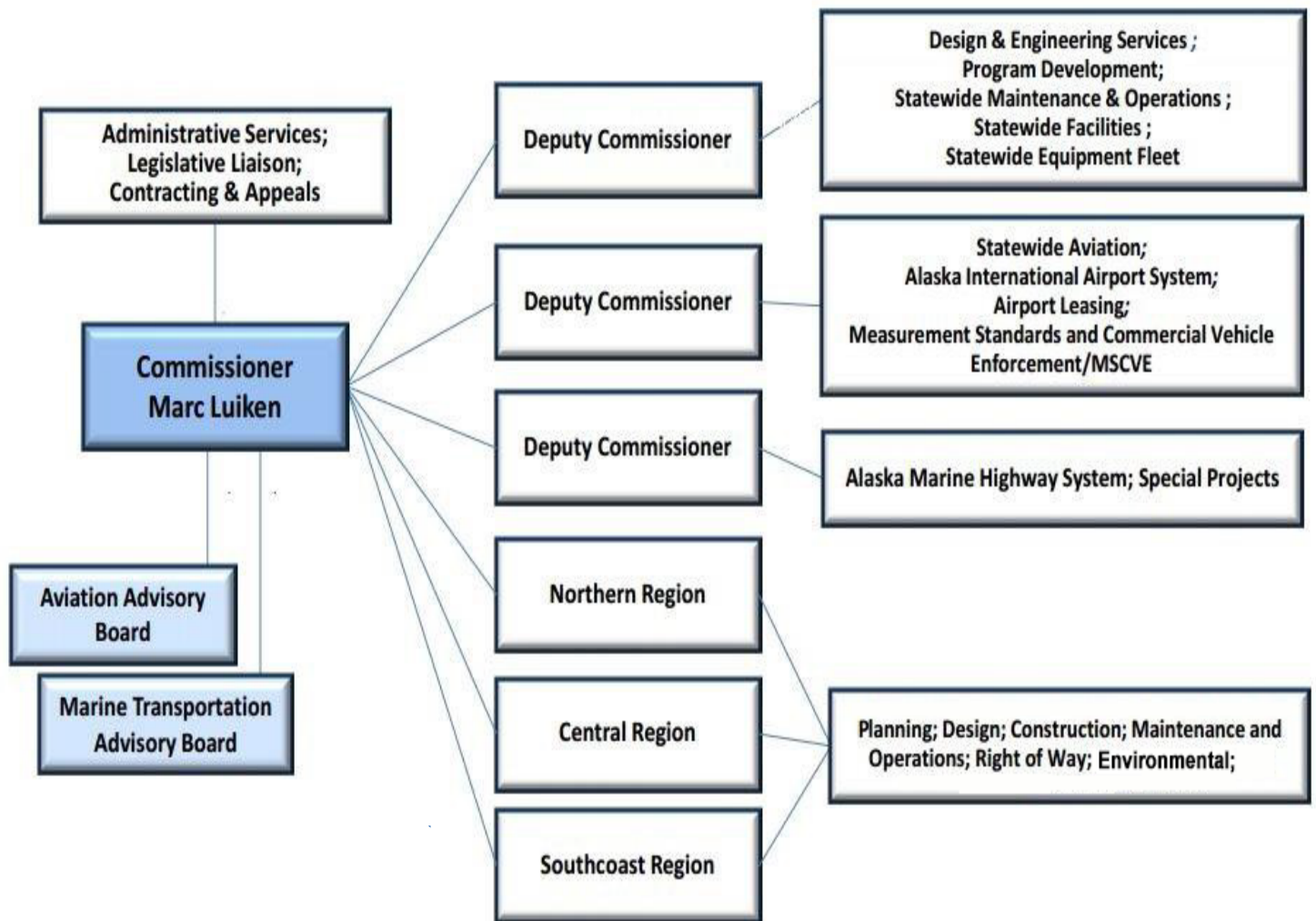
DOJ Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964 (28 C.F.R. 50.3)

Environmental Justice in Minority Populations and Low Income Populations (Executive Order
12898)

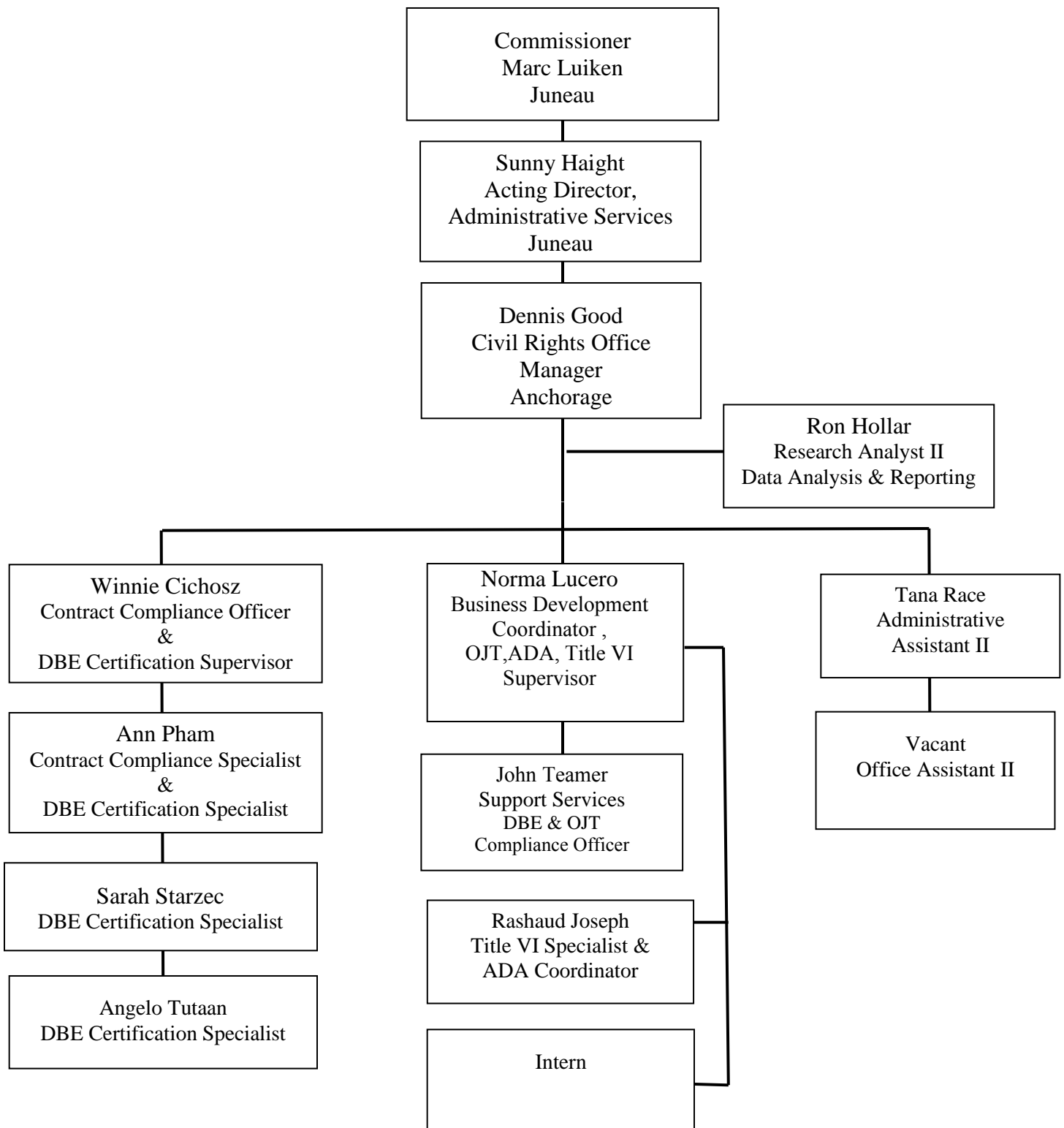
Improving Access to Services for Persons with Limited English proficiency (Executive Order 13166)

USDOT Standard Title VI/Non-Discrimination Assurances DOT (Order 1050.2A)

Organizational Chart



Civil Rights Office-Organization Chart



Organization

Alaska Department of Transportation and Public Facilities

The Alaska Department of Transportation and Public Facilities (ADOT&PF) is responsible for the safe and efficient operation of an extensive transportation system that supports social mobility, commerce, industry, and economic growth.

ADOT&PF's Mission Statement – Keep Alaska Moving Through Service and Infrastructure

To accomplish its mission the ADOT&PF works continuously to provide safe and efficient movement of people and goods; provide statewide access and connectivity; and provide access for exploration and development of Alaska's resources.

ADOT&PF's Vision Statement

As the future becomes today the ADOT&PF is aware of the challenges that Alaskan's face. To address these challenges the ADOT&PF will:

- Strengthen its efficiencies and effectiveness at planning, design, construction, operating, and maintaining all modes of transportation;
- Strengthen its transparency, accountability, innovation, and quality of service;
- Work as a team, maintaining strong healthy communications internally and externally;
- Promote service based management of state-owned transportation assets and facilities; and
- Expand the reach of the transportation system to serve the needs of all Alaskans.

Civil Rights Office

The Civil Rights Office (CRO) of the ADOT&PF is responsible for implementing, administering, and monitoring the ADOT&PF's civil rights and affirmative action programs which include the External Equal Employment Opportunity (ExEEO), Title VI Nondiscrimination, Americans with Disabilities Act, Disadvantaged Business Enterprise (DBE) & related Support Services, On the Job (OJT)/Training Special Provisions & related Support Services, and Contract Compliance programs on a Statewide level. The CRO has qualified personnel staffed to effectively implement the civil rights and affirmative action programs as required by 23 CFR 200.9 (b) (1) and (2).

The Manager of the CRO reports to the Director of Administrative Services, who reports directly to the Commissioner. The Director of Administrative Services is located within the Commissioner's office providing access to the Commissioner for the purposes of Title VI as required by 23 CFR 200.9 (b)(1).

Commitment to Equality in Transportation Services

It is the policy of the Alaska Department of Transportation and Public Facilities (ADOT&PF) that no one shall be subject to discrimination on the basis of race, color, national origin, sex, age, income, or disability.

Civil Rights Office Mission

Promote fair and equitable public service and provide non-discriminatory treatment in providing transportation services.

Civil Rights Office Vision

To ensure transportation services are provided in a non-discriminatory manner.

Civil Rights Office Manager:

Responsible for overall Civil Rights Program implementation and reporting to Federal Highway Administration, Federal Aviation Administration, and Federal Transit Administration for ADOT&PF; provides overall supervision of the CRO Staff.

External EEO Officer (Contract Compliance):

Evaluates and collaborates with staff; verifies and evaluates bidders Good Faith Efforts and determines compliance or non-compliance; conducts EEO contract compliance reviews and makes determinations of contractor's compliance or non-compliance; enforcement of external EEO, DBE and OJT programs. Directly supervises compliance program staff.

Contract Compliance Specialist:

Evaluates and collaborates with staff; reviews and verifies Good Faith Efforts and assists Compliance Officer with determination of compliance or non-compliance; conducts EEO contract compliance reviews and determines compliance or noncompliance with External EEO Officer's approval.

Research Analyst:

Maintains the CRO database and works with contractors and Federal Highway Administration and Federal Aviation Administration on numerous aspects of reporting; provides statistical support to Civil Rights program areas.

DBE Certification Specialist

Assists businesses with navigating the DBE certification process. Conducts outreach, validates applications, and performs annual affidavit reviews. Liaison for the Alaska Unified Certification Program.

Business Development Coordinator/OJT Compliance Officer

Administers the DBE and OJT Support Services program, working with DBE and prime contractors bidding on ADOT&PF contracts.

DBE/OJT Compliance Specialist

Assists businesses with DBE and OJT Support Services.

Administrative Officer (Vacant)

Manages the CRO budget, provides financial reporting, oversees procurement and provides other administrative support as needed. Supervises administrative staff.

Title VI Specialist

Ensures compliance with federal non-discrimination regulations including 23 CFR 200, 49 CFR 27 and Title VI of the Civil Rights Act of 1964. This includes conducting internal reviews of program areas and sub-recipients, providing guidance, and updating the Title VI Nondiscrimination Program Plan on an annual basis. The Title VI Specialist is responsible for the activities required to complete the items outlined in this plan

Dissemination of Title VI Assurances and the Title VI Plan

ADOT&PF [Nondiscrimination Policy Statement](#) is posted on the bottom banner of every ADOT&PF webpage and assurances with contact information are provided as part of all public notices. The Title VI Specialist routinely attends public meetings and events to promote the Title VI Program and reviews public comments to ensure that any communications from the public relating to nondiscrimination are dealt with appropriately by ADOT&PF staff and contractors.

The CRO is committed to maintaining accurate, timely, and relevant information on its [website](#) and provide information on both [Title VI](#) and the [ADA](#) and well as the [discrimination complaint](#) procedure and [form](#). A copy of the Title VI Plan and most current Title VI FHWA Goal and Accomplishments Report will posted on the [CRO website](#) and updated annually.

Program Areas

The ADOT&PF oversees a vast network of infrastructure, roadway, and employees. In order for the Title VI Program to provide the most benefit to our program beneficiaries the CRO focuses its energies on the program areas that most interact with the public. These program areas are as follows:

Planning

Planning impacts communities, villages, neighborhoods, etc., by conveying knowledge to the communities about how to propose a project for funding on the State Transportation Improvement Program (STIP), scheduling and scoping projects. Planning conducts studies, assists communities with local and tribal transportation plans, develops area, regional, and statewide transportation plans; develops capital improvement programs, occasionally provides assistance in developing environmental documents, and supports project development. The Planning staff is the also the primary point of contact with local and tribal governments in identifying and scoping projects for consideration on the STIP. Planning also impacts the professional consultant community when it administers consultant contracts for studies, plans, capital programs, and project development.

Preliminary Design and Environmental (PD&E)

The Preliminary Design and Environmental process impacts communities, villages, and neighborhoods, by taking the general scope of a project defined by Planning and performs the public involvement and all physical environment considerations (e.g., air and water quality, noise, wildlife impact, habitat and wetland impact, and areas of historic, archaeological, tribal, or socio-cultural value or significance) that are necessary for NEPA required environmental documents, develops the project into a final set of plans, cost estimates, and contract specifications ready for Construction. The Preliminary Design and Environmental section impacts the professional consultant community by administering consultant contracts for surveying, environmental assessments and design engineering.

Right-of-Way (ROW)

The Right-of-Way section impacts communities, villages, neighborhoods, etc., through management of property, acquisition of property, and the relocation of individuals, businesses, farms, and non-profit organizations. The ROW section also impacts the community of real estate appraisal firms, title companies, engineering firms, and property management firms by advertising and administering consultant contracts.

Construction

The Construction area impacts the community during the actual construction of a project. Construction administers and monitors the project, and oversees the transient conditions of congestion, temporary re-routing of traffic, air and/or water contamination, noise, and other nuisances that impact homeowners, businesses, and other aspects of the community.

Maintenance and Operations (M&O)

The Maintenance area impacts the community year-round. Maintenance is responsible for pavement maintenance and preservation, highway anti-icing and deicing, snowplowing, hauling, avalanche control and mitigation, vegetation management, guardrail repair, sign maintenance, street/traffic light repair, drainage structures, fence maintenance, and facility repairs. Maintenance is also responsible for responding to all emergency and weather related situations such as snow and ice removal, fallen trees, mud and landslides, and roadway flooding.

Research

Statewide Design and Engineering Services oversee research activities using an Advisory Board to select projects. The Advisory Board is composed of nine (9) ADOT&PF personnel and one FHWA representative. Research projects are done within the ADOT&PF Headquarters and Regional Materials Sections as well as contracted to outside organizations.

Alaska Marine Highway System (AMHS)

The Alaska Marine Highway System (AMHS) operates the State's ferry system. AMHS has facilities and serves ports in ADOT&PF's Central and Southcoast region, Canada, and the State of Washington. AMHS is headquartered in Ketchikan, Alaska.

Contracting

Developes and oversee contracts within the DOT between Sub/Prime contractors. The Contracting section solicites bids and provides information on proposals as well as advertisement of up-coming DOT projects.

Sub-Recipients

Anchorage Metropolitan Area Transportation Solutions (AMATS)

AMATS is a federally recognized Metropolitan Planning Organization (MPO). AMATS is a multiagency team that works together to plan and fund the transportation system in the Municipality of Anchorage when federal funds are being used. AMATS plans Anchorage's long-term transportation system needs for all modes of transportation, funds the implementation of the planning phases for long-term needs by prioritizing projects and products through the Transportation Improvement Program, and coordinates with the federal, state, and local agencies that have a role and responsibility for transportation planning and development, including environmental concerns.

Fairbanks Metropolitan Area Transportation System (FMATS)

FMATS is a federally recognized Metropolitan Planning Organization (MPO). FMATS is a consensus-based transportation policy making body that was formed in April 2003 when the Fairbanks Area was listed in the Federal Register of Qualifying Urban Areas for Census 2000. FMATS plans for local multi-modal transportation system investments that work for the betterment of the urbanized portion of the Fairbanks North Star Borough, including Fairbanks and North Pole. FMATS works to develop short and long-range plans that aim to safely and efficiently move goods and people, support economic progress, protect the environment, and improve quality of life.

Title VI Nondiscrimination Program Area Liaisons

In addition to the Title VI Specialist, each program area listed below will designate a Title VI Program Liaison (Liaison). The Liaison will be responsible for ensuring compliance, program monitoring, reporting, and education within their respective programs.

Program Area	Liaison	Regional Liaison		
		Northern	Central	Southcoast
Alaska Marine Highway System (AMHS)	Jerry Mastin	N/A	N/A	N/A
Construction	N/A	Erin Anderson	Dave Lee	Tod Boris
Contracting	Charlie Deininger	Barbara Tanner	Sharon Smith	Jeff Jenkins
Maintenance & Operations (M&O)	N/A	Jason Sakalaskas	Greg Patz	Marcus Zimmerman
Planning	N/A	Randi Motsko	James Starzec	Verne Skagerberg
Preliminary Design and Environmental (PD&E)	N/A	Brett Nelson	Brian Elliott	John Barnett
Research	Carolyn Morehouse	N/A	N/A	N/A
Right of Way (ROW)	N/A	Martin Shur	Al Burton	Greg Weinert
State Equipment Fleet	Brad Bylsma	N/A	N/A	N/A
Sub-Recipients				
Anchorage Metropolitan Area Transport System (AMATS)	Craig Lyon	N/A	N/A	N/A
Fairbanks Metropolitan Area Transport Solutions (FMATS)	Jackson Fox	N/A	N/A	N/A

Title VI Liaison Responsibilities

Title VI Nondiscrimination Meeting

The Title VI Specialist meets with the Liaisons biannually or as needed either in person or conference call to discuss program implementation, compliance, and monitoring issues within ADOT&PF. The meetings will also cover changes in laws, regulations, policies, and guidance to the Title VI Nondiscrimination Program and how they apply.

Regional Responsibilities

The Liaisons will provide reports to the Title VI Specialist as outlined in the Training, Data Collection, Monitoring, and Review Section of this plan. The Liaisons will be responsible for ensuring overseeing that Project Managers, Planners, and Contract Managers complete and transmit reporting forms to the Title VI Specialist; and, when applicable, will be responsible for overseeing, collecting, analyzing and reporting to the Title VI Specialist information concerning the activities being conducted in their respective program area and Sub-recipient agencies. If deficiencies are identified within a program area, the Liaison will be responsible for ensuring the Title VI Specialist is able to work effectively with the program area to find mutually agreeable solutions.

Reporting Requirements

The Liaison for each program area will be responsible for Title VI Nondiscrimination reporting in accordance with this plan. Required reporting within the program areas will be completed promptly and forwarded to the Title VI Specialist. The Title VI Specialist will review the information submitted and look for trends and/or patterns of where the Title VI Nondiscrimination Program is effective and where improvements are needed.

Notice of Discriminatory Impact

The Liaison will immediately inform the Title VI Specialist of any event or occurrence that had, or may have had, a discriminatory impact on protected parties. The Liaison will work with their program area and the CRO to determine the best course of action and address the issue in a timely manner.

Environmental Justice (EJ)

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) was issued in 1994 as an extension of the Civil Rights Act of 1964 with the purpose of focusing federal attention on the environmental and human health effects of federal (and recipient of federal funding) actions on minority and low-income populations. The order also tasks agencies with developing strategies for encouraging and increasing access to public information and participation for traditionally underrepresented populations and communities.

FHWA interprets Environmental Justice as “identifying and addressing disproportionately high and adverse effects of the agency’s [and recipients of federal funding] programs, policies, and activities on minority populations and low-income populations to achieve an equitable distribution of benefits and burdens” (FHWA). The Environmental Justice Strategies outlined by FHWA are: To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.

- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

In order to ensure ADOT&PF is meeting their requirements under EO 12898 and obligation to the communities we serve ADOT&PF follows the guidance provided in the [FHWA Environmental Justice Reference Guide](#) and the [Practitioners Peer Exchange Environmental Justice Roadmap](#) provided by the American Association of State Highway and Transportation Officials. The CRO provides training and technical assistance on environmental justice and [reviews](#) EAs, EIS, and public participation plans for concurrence with environmental justice principles.

Program Review Areas

Each year, the Title VI Specialist will work with the Liaisons to review their programs and activities for the preceding state fiscal year in order to:

- Identify deficiencies that need to be immediately addressed (See [Defining Deficiencies](#))
- Identify programs and activities that fostered equity in our transportation system
- Examine areas of improvement in ensuring nondiscrimination including the need for increased data collection and/or monitoring
- Provide the Title VI Specialist an opportunity evaluate the efficacy of the program and tailor annual goals to meet the needs of the program areas

Review Process

For each Program Area, the annual review consists of (1) a Title VI Nondiscrimination Questionnaire (Questionnaire) for each [program](#) area in each region and (2) if necessary, a follow-up review by the Title VI Specialist including a review of any relevant files, notes, briefings, reports, interviews, on-site inspections, data collections and can be conducted on-site. After all necessary information has been collected, the Title VI Specialist will (3) discuss the findings with the Program Area Liaison and (4) work collaboratively with the Program Area to address any deficiencies. The results of these corrective actions will be documented in the Goals and Accomplishments Report for the next FFY.

Sub Recipient Reviews

Sub recipients will submit their [Title VI Plan](#) annually along with a Goals and Accomplishments Report which outlines their activities for the last fiscal year, how Title VI, ADA, and environmental justice were considered in those programs, and potential area for improvement in the upcoming year. If any deficiencies are identified, the CRO will work collaboratively with the sub recipient to resolve the issue and provide ongoing support.

Title VI Nondiscrimination Questionnaires

Each year the Title VI Specialist will craft a questionnaire addressing some or all of the following areas, as appropriate:

- **Public Meetings:** This area of the Title VI Nondiscrimination Program focuses on the location, outreach, and accessibility of any public meetings held. From this the Title VI Specialist will be able to determine if the public meetings comply with the Title VI Nondiscrimination Program.
- **Public Participation:** This area of the Title VI Nondiscrimination Program focuses on how information is disseminated to the public. From this the Title VI Specialist will be able to determine if the information being provided to the public is accessible by all members of the public, specifically those members that will be impacted.
- **Incorporation of Title VI Nondiscrimination Program Elements** This area of the Title VI Nondiscrimination Program focuses on the inclusion of Title VI Nondiscrimination Program protected populations in the development of the programs, services, and activities provided. From this the Title VI Specialist will be able to determine if there is representation by protected populations in the development of future activities.
- **Equitable provision of services and facilities:** This area of the Title VI Nondiscrimination Program focuses on how the programs, services, and activities that are offered are provided. This area of review will focus on the processes used to determine the priority of the programs, services, and activities are conducted in a nondiscriminatory manner.
- **Training:** This area of the Title VI Nondiscrimination Program focuses on whether training is being provided in a nondiscriminatory manner. This area of review will focus on whether training is being provided in a nondiscriminatory manner.
- **Condemnations:** This area of the Title VI Nondiscrimination Program applies solely to the Right-of-Way program area. This area of review focuses on whether the determination to condemn a property done in a nondiscriminatory fashion, who was affected by the condemnation, and whether the property owner was aware of his/her rights during the condemnation process.
- **Appraisals and Negotiations:** This area of the Title VI Nondiscrimination Program applies solely to the Right-of-Way program area. This area of review focuses on whether the determined value for a property is the fair market, was the price determined objectively, the process used by the appraiser, whether the property owner was provided the opportunity to accompany the appraiser, whether the negotiation process was conducted in a nondiscriminatory fashion, and whether the property owners were informed of their rights and options during the negotiation process.
- **Relocations:** This area of the Title VI Nondiscrimination Program applies solely to the Right-of-Way program area. This area of review focuses on whether the relocation process is being conducted in a nondiscriminatory fashion and whether the people being relocated are aware of their rights and options.
- **Contract Administration:** This area of review focuses on whether the selection process of contractors and consultants is performed in a nondiscriminatory fashion. This area also will look to whether all required forms and provisions are incorporated in all Federal-aid contracts.
- **Addressing Public Concerns:** This area of review focuses on information, comments, issues, and concerns that are received by the public. This area will focus how information is received, what is done with the information, and how responses are provided. This area of review will also focus on whether project alternatives are considered or avoided in a nondiscriminatory fashion, whether the process used in identifying social, economic, and environmental impacts is nondiscriminatory, and whether mitigation measures are done in a nondiscriminatory manner.
- **Program Directives and Manuals:** This area of review focuses on the directives and manuals that are used that determine the processes and procedures to be followed. This area of review will focus on whether the information in the directives and manuals are compliant with the Title VI Nondiscrimination Program, and whether the process and procedures in place are being implemented, followed, and/or applied in a nondiscriminatory manner.

- **Data Collection:** This area of review focuses on the data collection requirement of the Title VI Nondiscrimination Program. This area of review will focus on what types of data is being collected, what is being done with the data, who is using the data, and what data collection techniques are being used

Deficiencies

Defining Deficiencies

Non-compliance with the Title VI Nondiscrimination Program can fall into two categories:

- **Technical deficiencies** are a failure to follow established procedure for ensuring nondiscrimination which may inadvertently have a discriminatory effect.
- **Substantive deficiencies** are practices that have the effect of denying equal access to programs, services, and activities **OR** a lack of guidance or review which results in an inability to determine if equal access is being denied

<i>Example</i>	<i>Type of Deficiency</i>
ADOT&PF staff fail to collect demographic data for a public meeting, even though there are established mechanisms and policy requiring them to do so	<i>Technical</i>
ADOT&PF publishes an EA or EIS which lacks an analysis of socioeconomic impacts	<i>Substantive</i>
A RFP is issued which lacks information on requesting a reasonable accommodation for persons with disabilities	<i>Technical</i>
A program area fails to meet the expectations for public involvement as outlined in the Preconstruction Manual	<i>Technical</i>
A new area-wide plan is developed without addressing impacts on low-income and minority communities	<i>Substantive</i>

Both technical and substantive deficiencies can occur at the department, program, or project level. While technical deficiencies are generally more easily remedied than substantive deficiencies, both can be equally serious in having a discriminatory effect.

Addressing Deficiencies

Technical Deficiencies

In the event a review uncovers a technical deficiency, the deficiency will be discussed with the Liaison and head of the program area or Sub-recipient post-review. The Liaison or Sub-recipient will work with the Title VI Specialist to create an action plan to identify and remedy the deficiencies found. If the deficiencies are voluntarily amended, the Title VI Specialist will note the deficiency and the corrective action taken. If the discrepancy is not voluntarily amended, the Title VI Specialist will report

the matter to the CRO Manager. All deficiencies will be included in the final Review Report that is forwarded to FHWA.

Substantive Deficiencies

In the event a review uncovers a substantive deficiency, the CRO Manager, the Title VI Specialist, the Liaison, and the head of the program area or Sub-recipient will discuss solutions to resolve the deficiency. Within 60 days the agreed upon procedures describing the remedial action will be put into writing. The CRO will be available for technical assistance throughout the remedial time period. The Title VI Specialist will verify that the ADOT&PF has fully implemented the remedial action and is now fully compliant and will discuss how ADOT&PF addressed the issue in the report for the next FFY.

Training, Data Collection, Monitoring, and Review

Training

An effective monitoring program requires that ADOT&PF personnel and its Sub-Recipients be properly trained and educated in the requirements of the Title VI Nondiscrimination Program. The Title VI Specialist currently has available on the CRO website training materials and guidance on the Title VI Nondiscrimination Program and its requirements available to ADOT&PF personnel, Sub-Recipients, and the public. The Title VI Specialist notifies the Liaisons and Sub-recipients of new trainings available and any updates that are made to the Title VI Nondiscrimination Program website. In addition to the trainings that are currently available, the Title VI Specialist also works with the Liaisons and Sub-Recipients to provide trainings throughout the year.

Data Collection and Reporting

An effective monitoring program includes data collection and analysis. 23 C.F.R. 200.9 (b) (4) requires that ADOT&PF collect Title VI Nondiscrimination Program related data. The analysis and monitoring of this data is critical in determining whether impacts or burdens are disproportionately impacting protected populations, and in ensuring the ADOT&PF's programs, services, and activities are being administered without discrimination.

The Title VI Specialist works with the Liaisons in collecting relevant data that directly correlates with the decisions that are made and the support the processes and procedures used by the program areas. Examples of relevant data include:

- Statistical data on race, color, national origin, age, sex, disability, and income of people impacted by ADOT&PF's programs, services, and activities;
- Number of complaints filed each year;
- Population eligible to be served;
- Public involvement techniques;
- Composition of any planning or advisory board that is an integral part of the program area; and
- Composition of board membership of advisory or policy committees.

The Liaisons are responsible for collecting and reporting the data specific to their program area. This data should be collected and reported annually after the end of the State fiscal year. If a potential pattern of discrimination is identified, the program area will be required to submit quarterly reports and work with the CRO to mitigate or reverse the trend.

Monitoring

Within the monthly and quarterly meetings the Title VI liaisons and the Title VI Specialist discuss ways in which Title VI laws and the CRO Title VI Programs are implemented within each specific region as well as departments. Primary areas of discussion focus on inclusion, outreach, public participation, trends or patterns that have developed, what they mean, what effect they will have, and possible correction that needs to be taken. The information gained from the meetings is noted and if further suggestions or comments are presented, trainings will be provided by the CRO.

The Liaison will submit a report to the Title VI Specialist that documents Title VI activities. This information will be the basis for the Title VI Program Plan to be submitted annually to FHWA by October 1. In addition to the information provided in the general report, the Title VI Specialist will seek additional information specific to each program area. The Title VI Specialist will review the information provided in the two reports and will work with the Liaison to ensure that the activities of the program area are compliant with the Title VI Nondiscrimination Program. Currently, all internal documents that are received by the Title VI Specialist are reviewed for accuracy and compliance with the Title VI Nondiscrimination Program. The Title VI Specialist works with the ADOT&PF's Publications Specialists and Liaisons to ensure that all new documents being released to the public contain necessary nondiscrimination information.

The Title VI Specialist will review information regarding the Title VI Nondiscrimination Program posted on the CRO website on a bi-annual basis or as needed, with reviews being conducted in June and in January of each year. The Title VI Specialist will ensure the information is current, accurate, and relevant to the many aspects of the Title VI Nondiscrimination Program. The results of this review will be included in the annual update submitted to the FHWA.

Review

The CRO is tasked with reviewing and providing comment on environmental documents (including Environmental Assessments (EAs) and Environmental Impact Statements (EIS) to ensure they are compliant with the Title VI Program and include a thorough analysis of potential impacts on low-income and/or minority communities. The CRO also reviews departmental directives and program manuals to ensure all activities of the ADOT&PF are infused with the spirit of equity and compliant with Title VI and the ADA.

Program areas are encouraged to involve the CRO in the early stages of program manual development but the CRO does maintain the authority to review directives and manuals already in place or approved and provide guidance if any deficiencies are discovered.

Sub-Recipient Title VI Plans

Sub-recipients should develop their own Title VI & LEP Plans including the following

- Title VI Policy
- Title VI Assurances
- Designation of a Title VI Coordinator and Enumeration of Responsibilities
- Analysis of Title VI Considerations in Programs and Services

- Plan of Action for Engaging Underrepresented Populations in Public Outreach and Participation
- Training, Monitoring, and Data Collection
- Limited English Proficiency Plan
- Nondiscrimination Complaint Procedure

Sub-Recipients should submit their current Title VI Plans to the CRO annually. Sub-recipients may choose to submit a Title VI Compliance Report in lieu of the Title VI Questionnaire. The report should contain the following:

- Summary of reviews conducted by ADOT&PF or FHWA
- Summary of public meeting held (with demographic analysis), community outreach efforts, and data collected
- Summary of any activities relating to Title VI, ADA, or environmental justice
- Summary of nondiscrimination-related trainings attended by staff
- Summary of any discrimination complaints received

Complaint Process and Procedure

These procedures do not deny the right of a complainant to file formal complaints with other Federal agencies, or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide remedies that include punitive damages or compensatory remuneration for the complainant.

1) Persons Eligible to File

A person or any specific class of persons, by themselves or by a representative, that believe they have been subjected to discrimination or retaliation prohibited by Title VI of the Civil Rights Act of 1964 (Title VI) and related statutes.

2) Substantive Requirements

- a) A complaint is a written or electronic statement concerning an allegation of discrimination that contains a request for the CRO to take action. Complaints should be in writing, signed, and be filed by mail, fax, in person, or email. A complaint should contain at least the following information:
 - i) A written explanation of what has happened
 - ii) A way to contact the complainant;
 - iii) The basis of the complaint, e.g., race, color, or national origin
 - iv) The identification of the respondent, e.g., agency/organization alleged to have discriminated;
 - v) Sufficient information to understand the facts that led the complainant to believe that discrimination occurred; and,
 - vi) The date(s) of the alleged discriminatory act(s).
- b) A complaint can also be filed using the ADOT&PF, CRO's Discrimination Complaint Questionnaire. Questionnaires may be obtained by visiting the ADOT&PF [website](http://www.dot.state.ak.us/cvlrts/titlevi.shtml) <http://www.dot.state.ak.us/cvlrts/titlevi.shtml> at or by calling the CRO office at (907) 269-0851, Alaska Relay TTY 907-269-0473.

- c) While the above indicates a complaint should be in writing and signed, the CRO will accept complaints in alternative formats will be accepted.

3) Timeframe for Filing Complaints

- a) Complaints must be filed within 180 calendar days of the last date of the alleged discrimination, unless the time for filing is extended (49 C.F.R. §§ 21.11 and 27.123).
- b) The filing date of the complaint is the earlier of: (1) the postmark of the complaint, or (2) the date the complaint is received by the ADOT&PF.
- c) An extension can be requested and may be granted under any of the following circumstances:
 - i) The complainant could not reasonably be expected to know the act was discriminatory within the 180-day period, and the complaint was filed within 60 days after the complainant became aware of the alleged discrimination;
 - ii) The complainant was unable to file a complaint because of incapacitating illness or other incapacitating circumstances during the 180-day period, and the complaint was filed within 60 days after the period of incapacitation ended;
 - iii) The complainant filed a complaint alleging the same discriminatory conduct within the 180-day period with another Federal, State or local civil rights enforcement agency, and filed a complaint with DOT within 60 days after the other agency had completed its investigation or notified the complainant that it would take no further action;
 - iv) The complainant filed, within the 180-day period, an internal grievance alleging the same discriminatory conduct that is the subject of the ADOT&PF complaint, and the complaint is filed no later than 60 days after the internal grievance is concluded;
 - i) Unique circumstances generated by ADOT&PF action have adversely affected the complainant;
 - ii) The discriminatory act is of a continuing nature;
 - iii) Some complaints will be referred to ADOT&PF by other agencies. In the event the referring agency has possessed the complaint for an inordinately long period of time and the complainant filed his or her complaint with that agency within the 180-day timeframe ADOT&PF will automatically grant an informal extension. In these cases, staff does not need to notify the complainant of the extension.

4) Recording and Processing Complaints

- a) Upon initial receipt, a complaint will be date stamped by the ADOT&PF.
- b) Title VI complaints filed directly with the ADOT&PF against contractors, sub-recipients, or sub-contractors will be processed in accordance with the approved complaint procedures as required under 23 C.F.R. § 200.9(b)(3), FTA C 4702.1B, or other USDOT complaint procedures depending on the respondent.
- c) Complaints filed under Title VI with the ADOT&PF, CRO in which the CRO is named as the respondent will be forwarded to the appropriate USDOT agency for investigation.

5) Accepting Complaints in Alternative Formats and Languages

- a) The CRO will ensure that persons with Limited English Proficiency (LEP) have meaningful access to the programs, services, and activities, including the complaint procedures in accordance with E.O. 13166, “Improving Access to Services for Persons with Limited English Proficiency.
- b) Complaints in languages other than English will be translated and responded to in the language in which they were sent. Translation time will not count toward the review time.
- c) When requested, the CRO will provide Questionnaires and accept complaints in alternative forms (e.g., Braille, large print, audio recording, etc.) for complainants with disabilities that prohibit them from using the standard format.
- d) Throughout the complaint resolution process, the CRO will ensure individuals understand their rights and responsibilities as well as the status of their complaint.

6) Reviewing Complaints

- a) The complaint will be reviewed within 10 calendar days of receipt to determine whether it contains all the necessary information required for acceptance.
- b) If the complaint is complete and no additional information is needed, the CRO will send a letter of acceptance along with the Complaint Consent/Release form and the Notice About Investigatory Uses of Personal Information form to the complainant.
- c) After determining the complaint is accepted for investigation, the CRO will send a notification letter to the complainant.
- d) If the complaint is incomplete, the CRO will contact the complainant in writing or by telephone to obtain the additional information. The complainant will have 15 calendar days to respond to the request for additional information.
- e) If the complainant is represented by an attorney the complainant should provide a letter of representation to the CRO.

7) Timeframes for Investigation

- a) Title VI complaints received by the CRO are bound by the timeframes outlined in 23 C.F.R. § 200.9(b) (3), FTA C 4702.1B, or other USDOT complaint procedures depending on the respondent.

8) Investigatory Procedure

- a) Title VI complaints received by the ADOT&PF against its sub-recipients, contractors , or sub-contractors will be investigated according to the [FHWA Procedures Manual for Processing External Complaints of Discrimination](#) or [FTA C 4702.1B](#) and will coordinate recommended findings with appropriate Division Office.
- b) For Title VI complaints received against the ADOT&PF, investigations will be conducted by FHWA.

9) Findings

- a) For Title VI complaints received by ADOT&PF against its sub-recipients, contractors, or sub-contractors, the CRO will prepare an Investigative Report (IR) to submit to the USDOT agency representative. The USDOT agency representative will review the IR and prepare the Letter of Finding (LOF).
- b) For Title VI Complaints received against the ADOT&PF, the USDOT agency will investigate the complaint and prepare the LOF

10) Appeals

- a) For Title VI complaints received by ADOT&PF against its sub-recipients, contractors, or sub-contractors, the LOF made by the USDOT agency are administratively final. If the complainant feels the ADOT&PF failed to perform their due diligence in the investigation they may file a complaint directly with the USDOT.
- b) For Title VI Complaints received against the ADOT&PF, the LOF made by the USDOT agency are administratively final. This does not preclude the complainant from pursuing other methods of due process

11) Complaint Resolution

- a) If any LOF documents a finding of violation the ADOT&PF will coordinate corrective actions with the USDOT agency, sub-recipient, contractor, or subcontractor (if applicable), to ensure the recommendations outlined in the LOF are enacted within the specified deadline.
- b) If any LOF documents no finding of violation the CRO office is still obligated to examine if any action by ADOT&PF, its sub-recipients, contractors, or subcontractors led to a failure to meet the values and vision outlined in the [ADOT&PF Strategic Plan](#) and address any deficiencies identified.

12) Informal Inquiries

- a) Persons with questions, comments, or concerns about possible discrimination may always contact the Title VI Specialist for assistance at the ADOT&PF CRO.

13) FHWA Requirements

1. The DOT&PF will forward all Title VI complaints to the Alaska Division Office. It is the responsibility of sub-recipients to forward Title VI complaints to the DOT&PF.
2. The Alaska Division Office will forward all Title VI Complaints to FHWA's Headquarters Office of Civil Rights (HCR).
3. HCR will determine jurisdiction and assign investigatory responsibilities for all Title VI complaints.
4. HCR will issue the final determination on all Title VI complaints by issuing a Letter of Finding. Complaints may be resolved through informal resolution.

Title VI & ADA Discrimination Complaint Form

The Alaska Department of Transportation and Public Facilities and its sub-recipients take complaints based on discrimination very seriously. If you feel you have been discriminated against, please provide information regarding the incident in this form.

Anonymous complaints will be accepted. Accommodations will be provided for people with disabilities or limited English proficiency. Translation/Interpreter fees will be paid by the AKDOT&PF. You must file your complaint within 180 days of the alleged discriminatory incident.

Please provide the following information as accurately and completely as possible and then sign and date. Use additional sheets as necessary:

BASIS OF COMPLAINT:

Check all that apply:

<input type="checkbox"/>	Race	<input type="checkbox"/>	sex
<input type="checkbox"/>	Color	<input type="checkbox"/>	Age
<input type="checkbox"/>	National Origin	<input type="checkbox"/>	Income
<input type="checkbox"/>	Disability	<input type="checkbox"/>	

COMPLAINANT INFORMATION:

Full Name: _____

Street Address: _____

City: _____

State: _____

Zip: _____

Phone: _____

Email: _____

ENTITY FILING A COMPLAINT AGAINST:

Please check:

<input type="checkbox"/>	Transit Provider	<i>Which provider:</i>	
<input type="checkbox"/>	Construction Project	<i>Which project:</i>	
<input type="checkbox"/>	Individual	<i>Name of individual:</i>	
<input type="checkbox"/>	DOT Department	<i>Which department:</i>	
<input type="checkbox"/>			

NARRATIVE:

Please explain in as much detail as possible how you were discriminated against. Include all relevant names and dates. *Use additional sheets of paper if necessary.*

How can this/these issue(s) be resolved to your satisfaction?

Please list below any person(s) that we may contact for additional information to support or clarify your complaint (witnesses, etc.):

Has this complaint been filed with any other agencies? If so, with whom and when?

I have been advised that I have the right to remain anonymous while corresponding with the Alaska Department of Transportation and Public Facilities (ADOT&PF) Civil Rights Office. I understand that as a result of completing this questionnaire, I am initiating a formal complaint process where my identity may be revealed to responsible parties as a part of the investigation process.

Print Name (Complainant)

Date

Signature

Please submit your complaint via mail, e-mail or fax to:

MAIL

ADOT&PF Civil Rights Office Attention:
Title VI / ADA Program Manager P.O. Box
196900
Anchorage, AK 99519-6900

EMAIL *dot.titleVI@alaska.gov*

PHONE / FAX

STATEWIDE TOLL-FREE NUMBER: (800)770-6236

PHONE: (907)269-0851

FAX: (907)269-0847

TDD (907)269-0473 TTY Communications Contact Alaska Relay

Complainant Consent/Release Form

COMPLAINANT CONSENT/RELEASE FORM

Name:

Address:

Complaint number(s):

Please read the information below, check the appropriate box, and sign this form.

I have read the Notice of Investigatory Uses of Personal Information by the Alaska Department of Transportation and Public Facilities (ADOT&PF)/Civil Rights Office (CRO). As a complainant, I understand that in the course of an investigation it may become necessary for the ADOT&PF, CRO to reveal my identity to persons at the organization or institution under investigation. I am also aware of the obligations of ADOT&PF/CRO to honor requests under the Freedom of Information Act. I understand that it may be necessary for ADOT&PF/CRO to disclose information, including personally identifying details, which it has gathered as a part of its investigation of my complaint. In addition, I understand that as a complainant I am protected by ADOT&PF non-discrimination policy and regulations from intimidation or retaliation for having taken action or participated in action to secure rights protected by nondiscrimination statutes enforced by FHWA.

CONSENT/RELEASE

☐ **CONSENT** - I have read and understand the above information and authorize ADOT&PF/CRO to reveal my identity to persons at the organization or institution under investigation. I hereby authorize the ADOT&PF/CRO to receive material and information about me pertinent to the investigation of my complaint. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release, and do so voluntarily.

☐ **CONSENT DENIED** - I have read and understand the above information and do not want ADOT&PF/CRO to reveal my identity to the organization or institution under investigation, or to review, receive copies of, or discuss material and information about me, pertinent to the investigation of my complaint. I understand this is likely to impede the investigation of my complaint and may result in the closure of the investigation.

SIGNATURE: _____

DATE:

Notice About Investigatory use of Personal Information

NOTICE ABOUT INVESTIGATORY USES OF PERSONAL INFORMATION

NOTICE OF COMPLAINANT/INTERVIEWEE RIGHTS AND PRIVILEGES

Complainants and individuals who cooperate in an investigation, proceeding or hearing conducted by Alaska Department of Transportation and Public Facilities (ADOT&PF)/ Civil Rights Office (CRO) are afforded certain rights and protections. This brief description will provide you with an overview of these rights and protections.

- A recipient may not force its employees to be represented by the recipient's counsel nor may it intimidate, threaten, coerce or discriminate against any employee who refuses to reveal to the recipient the content of an interview. An employee does, however, have the right to representation during an interview with ADOT&PF/CRO. The representative may be the recipient's counsel, the employee's private counsel, or anyone else the interviewee authorizes to be present.

- The laws and regulations which govern ADOT&PF/CRO's compliance and enforcement authority provide that no recipient or other person shall intimidate, threaten, coerce or discriminate against any individual because he/she has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing conducted under DOJ's jurisdiction, or has asserted rights protected by statutes DOJ enforces.

- Information obtained from the complainant or other individuals which is maintained in ADOT&PF/CRO's investigative files may be exempt from disclosure under the Privacy Act or under the Freedom of Information Act if release of such information would constitute an unwarranted invasion of personal privacy.

There are two laws governing personal information: The Privacy Act of 1974 (5 U.S.C. § 552a), and the Freedom of Information Act (5 U.S.C. § 552).

THE PRIVACY ACT protects individuals from misuse of personal information held by the Federal Government. The law applies to records that are kept and that can be located by the individual's name or social security number or other personal identification system. Persons who submit information to the government should know that:

- ADOT&PF/CRO is required to investigate complaints of discrimination on the basis of race, color, national origin, sex, disability, age, and, in some instances, religion against recipients of

Federal financial assistance. ADOT&PF/CRO also is authorized to conduct reviews of federally funded recipients to assess their compliance with civil rights laws.

- Information that ADOT&PF/CRO collects is analyzed by authorized personnel within the agency. This information may include personnel records or other personal information. ADOT&PF/CRO staff may need to reveal certain information to persons outside the agency in the course of verifying facts or gathering new facts to develop a basis for making a civil rights compliance determination. Such details could include the physical condition or age of a complainant. ADOT&PF/CRO also may be required to reveal certain information to any individual who requests it under the provisions of the Freedom of Information Act. (See below)

- Personal information will be used only for the specific purpose for which it was submitted, that is, for authorized civil rights compliance and enforcement activities. Except in the instances defined in FHWA's regulation at 28 C.F.R. Part 16, ADOT&PF/CRO will not release the information to any other agency or individual unless the person who supplied the information submits a written consent. One of these exceptions is when release is required under the Freedom of Information Act. (See below)

- No law requires a complainant to give personal information to ADOT&PF/CRO, and no sanctions will be imposed on complainants or other individuals who deny ADOT&PF/CRO's request. However, if ADOT&PF/CRO fails to obtain information needed to investigate allegations of discrimination, it may be necessary to close the investigation.

- The Privacy Act permits certain types of systems of records to be exempt from some of its requirements, including the access provisions. It is the policy of ADOT&PF/CRO to exercise authority to exempt systems of records only in compelling cases. ADOT&PF/CRO may deny a complainant access to the files compiled during the agency investigation of his or her civil rights complaint against a recipient of Federal financial assistance. Complaint files are exempt in order to aid negotiations between recipients and ADOT&PF/CRO in resolving civil rights issues and to encourage recipients to furnish information essential to the investigation.


- ADOT&PF/CRO does not reveal the names or other identifying information about an individual unless it is necessary for the completion of an investigation or for enforcement activities against a recipient that violates the laws, or unless such information is required to be disclosed under FOIA or the Privacy Act. ADOT&PF/CRO will keep the identity of complainants confidential except to the extent necessary to carry out the purposes of the civil rights laws, or unless disclosure is required under FOIA, the Privacy Act, or otherwise required by law.

THE FREEDOM OF INFORMATION ACT gives the public access to certain files and records of the Federal Government. Individuals can obtain items from many categories of records of the Government --not just materials that apply to them personally. ADOT&PF/CRO must honor requests under the Freedom of Information Act, with some exceptions. ADOT&PF/CRO generally is not required to release documents during an investigation or enforcement proceedings if the release could have an adverse effect on the ability of the agency to do its job. Also, any Federal agency may refuse a request for records compiled for law enforcement purposes if their release could be an "unwarranted invasion of privacy" of an individual. Requests for other records, such as personnel and medical files, may be denied where the disclosure would be a "clearly unwarranted invasion of privacy."

Public Meeting Sign-In Sheet

		Public Meeting Sign In Sheet			
		Meeting:			
		Date:			
		Location :			
<p>This information is voluntary. Its purpose is to ensure fair and equal representation by the public in all projects and programs administered by the Alaska Department of Transportation and Public Facilities.</p>					
Please print legibly- Thanks!					
Name/Email/Phone		Company/Address/Signature		Please check all that apply:	
				Female	<input type="checkbox"/>
				Male	<input type="checkbox"/>
				White	<input type="checkbox"/>
				Hispanic	<input type="checkbox"/>
				AK Native	<input type="checkbox"/>
				Asian	<input type="checkbox"/>
				N. American	<input type="checkbox"/>
				Pac. Islander	<input type="checkbox"/>
				Black	<input type="checkbox"/>
				Other	<input type="checkbox"/>
<hr/>					
				Female	<input type="checkbox"/>
				Male	<input type="checkbox"/>
				White	<input type="checkbox"/>
				Hispanic	<input type="checkbox"/>
				AK Native	<input type="checkbox"/>
				Asian	<input type="checkbox"/>
				N. American	<input type="checkbox"/>
				Pac. Islander	<input type="checkbox"/>
				Black	<input type="checkbox"/>
				Other	<input type="checkbox"/>
<hr/>					
				Female	<input type="checkbox"/>
				Male	<input type="checkbox"/>
				White	<input type="checkbox"/>
				Hispanic	<input type="checkbox"/>
				AK Native	<input type="checkbox"/>
				Asian	<input type="checkbox"/>

			N. American	<input type="checkbox"/>	Pac. Islander	<input type="checkbox"/>
			Black	<input type="checkbox"/>	Other	<input type="checkbox"/>
			Female	<input type="checkbox"/>	Male	<input type="checkbox"/>
			White	<input type="checkbox"/>	Hispanic	<input type="checkbox"/>
			AK Native	<input type="checkbox"/>	Asian	<input type="checkbox"/>
			N. American	<input type="checkbox"/>	Pac. Islander	<input type="checkbox"/>
			Black	<input type="checkbox"/>	Other	<input type="checkbox"/>
			Female	<input type="checkbox"/>	Male	<input type="checkbox"/>
			White	<input type="checkbox"/>	Hispanic	<input type="checkbox"/>
			AK Native	<input type="checkbox"/>	Asian	<input type="checkbox"/>
		-	N. American	<input type="checkbox"/>	Pac. Islander	<input type="checkbox"/>
			Black	<input type="checkbox"/>	Other	<input type="checkbox"/>
			Female	<input type="checkbox"/>	Male	<input type="checkbox"/>
			White	<input type="checkbox"/>	Hispanic	<input type="checkbox"/>
			AK Native	<input type="checkbox"/>	Asian	<input type="checkbox"/>
		-	N. American	<input type="checkbox"/>	Pac. Islander	<input type="checkbox"/>
			Black	<input type="checkbox"/>	Other	<input type="checkbox"/>
			Female	<input type="checkbox"/>	Male	<input type="checkbox"/>
			White	<input type="checkbox"/>	Hispanic	<input type="checkbox"/>
			AK Native	<input type="checkbox"/>	Asian	<input type="checkbox"/>
		-	N. American	<input type="checkbox"/>	Pac. Islander	<input type="checkbox"/>
			Black	<input type="checkbox"/>	Other	<input type="checkbox"/>
			Female	<input type="checkbox"/>	Male	<input type="checkbox"/>

		White	<input type="checkbox"/>	Hispanic	<input type="checkbox"/>
		AK Native	<input type="checkbox"/>	Asian	<input type="checkbox"/>
		N. American	<input type="checkbox"/>	Pac. Islander	<input type="checkbox"/>
		Black	<input type="checkbox"/>	Other	<input type="checkbox"/>
		Female	<input type="checkbox"/>	Male	<input type="checkbox"/>
		White	<input type="checkbox"/>	Hispanic	<input type="checkbox"/>
		AK Native	<input type="checkbox"/>	Asian	<input type="checkbox"/>
		N. American	<input type="checkbox"/>	Pac. Islander	<input type="checkbox"/>
		Black	<input type="checkbox"/>	Other	<input type="checkbox"/>
<p>Please submit a copy of this report to the ADOT&PF Civil Rights Office (Dot.Title6@alaska.gov)</p>					
					

Definition of Terms

Alaska Department of Transportation and Public Facilities (ADOT&PF)

The cabinet level department responsible for the transportation systems and public facilities under acquisition, under construction, or owned by the State of Alaska, and is the primary recipient of Federal Highway Administration (FHWA) funds in the State of Alaska. Hereafter referred to as the ADOT&PF. The ADOT&PF consists of: Administrative Services Division; Alaska Marine Highway System (AMHS); Aviation and Airports; Civil Rights/Disadvantaged Business Enterprises; Office of the Commissioner; Design and Engineering Services; Fairbanks International Airport; Maintenance and Operations; Measurement Standards and Commercial Vehicle Enforcement; Program Development; State Equipment Fleet; and Ted Stevens Anchorage International Airport.

Alaska Marine Highway System (AMHS)

A modal section of the ADOT&PF that administers and operates the State ferry system.

Annual Title VI Nondiscrimination Program Update

The annual Title VI Nondiscrimination Program report from the ADOT&PF to FHWA that covers the monitoring, reporting, and reviewing required by this Title VI Nondiscrimination Work Plan.

Categorical Exclusion (CE)

The environmental document required when the effects of a project are known and have no significant individual or cumulative environmental impacts.

Community Advisory Group (CAG)

A committee requested by the ADOT&PF and established by a local or tribal government body of an impacted community during the development of a project. Through the CAG, the ADOT&PF becomes aware of the community's needs and informs the community of its options and the decision making process to be used by the ADOT&PF during the development of a project. *See also*, Stakeholder Advisory Group.

Competitive Bidding

A bid submitted in response to public notice to an intended sale or purchase. As used here, this includes a public notice and advertising of intended services.

Contracting Officer

Official designated in the ADOT&PF's Policy and Procedure 01.01.050, Delegation of Authority, to serve as the Commissioner's representative and who has been given authority to sign contracts and make contracting decisions on the Commissioner's behalf.

Civil Rights Office (CRO)

The office within the ADOT&PF that is responsible for implementing, administering, and monitoring the ADOT&PF's internal and external affirmative action and civil rights programs.

Environmental Assessment (EA)

The environmental document that is used when determining the scope of impact(s) of a project (where the scope of impact(s) is undetermined). An EA concludes with one of two findings: 1) the need for an Environmental Impact Statement (EIS) or, 2) a Finding of No Significant Impact (FONSI).

Environmental Impact Statement (EIS)

The environmental document that identifies and analyzes the impacts of a project, develops and analyzes various alternatives, and recommends solution(s). Required on projects where the scope of impacts are known and contain significant individual or cumulative environmental effects. An EIS concludes with a Record of Decision. (ROD).

Federal Aviation Administration (FAA)

A branch of the U.S. Department of Transportation that is responsible for administering the nation's air transportation system.

Federal Highway Administration (FHWA)

A branch of the U.S. Department of Transportation that is responsible for administering the nation's highway system.

Federal Transit Administration (FTA)

A branch of the U.S. Department of Transportation that is responsible for administering the nation's mass transit system.

Interpreter

Interpretation is the act of listening to someone in one language (source language) and orally translating it into another language (target language).

Low-Income

The FHWA order on environmental justice defines "low-income" as "a person whose household income is at or below the Department of Health and Human Services (DHHS) poverty guidelines." However, a State or locality may adopt a higher threshold for low-income as long as the higher threshold is not selectively implemented and is inclusive of all persons at or below the DHHS poverty guidelines. The most current DHHS poverty guidelines can be found at DHHS's [website](#).

Mitigation

Actions designed to lessen any adverse impacts of the ADOT&PF's activities.

Professional Services Agreement (PSA)

A negotiated contract between a State agency and a private consultant for the provision of professional services.

Program Areas

Functional sections within the ADOT&PF, e.g.: Research; Planning; PD&E (Preliminary Design and Environmental); Right of Way (ROW); Contracting; Construction; State Equipment Fleet (SEF); Maintenance and Operations (M&O); and Alaska Marine Highway System.

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.

Regions (Northern, Central, and Southcoast)

The three regional sections of the ADOT&PF delineated by geographic boundaries, containing various Program Areas and together covering the entire state.

Stakeholder Advisory Group (SAG)

A committee requested by the ADOT&PF and established by a local or tribal government body of an impacted community during the development of a project. Stakeholders include government agencies, Tribal Governments, non-government organizations (NGO), business owners, and interested public and residents, including traditionally under-served and under-represented communities. Through the SAG, the ADOT&PF becomes aware of the community's needs and informs the community of its options and the decision making process to be used by the ADOT&PF during the development of a project. *See also*, Community Advisory Group.

Statewide Transportation Improvement Program (STIP)

The Alaska Statewide Transportation Improvement Program (STIP) is the state's four-year program for transportation system

preservation and development. It includes interstate, state and some local highways, bridges, ferries, and public transportation, but does not include airports or non-ferry-related ports and harbors. It covers all system improvements for which partial or full federal funding is approved and that are expected to take place during the four-year duration of the STIP.

Sub-recipient

Local governing bodies – this may be cities, municipalities, boroughs, tribal governments, or entities such as universities that receive “pass-through” FHWA funds from the ADOT&PF.

Title VI of the Civil Rights Act of 1964

This federal law mandates that no person shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives federal assistance.

Title VI Nondiscrimination Program Title VI Specialist

An employee of the Civil Rights Office that is responsible for coordinating, monitoring, training, and reporting on the Title VI Nondiscrimination program requirements within the ADOT&PF. The program encompasses the Title VI of the Civil Rights Act of 1964 and other non-discrimination related, laws, Executive Orders, and regulations pertaining to sex, age, disability, environmental justice, and English proficiency.

Title VI Nondiscrimination Program Area Liaison

The appointed representative in each program area in each region who monitors and reports to the Title VI Nondiscrimination Program Title VI Specialist issues and potential Title VI Nondiscrimination Program impacts that occur in their respective program area and region.

Translator

Translation is the replacement of a written text from one language (source language) into an equivalent written text in another language (target language).

United States Department of Transportation (USDOT)

The Cabinet-level department of the U.S. Government responsible for overseeing the nation’s transportation systems.

Title VI Assurances

The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

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

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

General Assurances

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

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

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

Specific Assurances

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

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with

regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The Alaska Department of Transportation and Public Facilities, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give

reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

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

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


Marc Luiken, Commissioner

7 Nov 2018
Date

APPENDIX A

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

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

Contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

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

2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the (*Title o(Recipient)*) all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

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

The Alaska Department of Transportation and Public Facilities, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in,

be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed[,] [and]* (2) that the Alaska Department of Transportation and Public Facilities will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction.*

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

APPENDIX C

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the

Alaska Department of Transportation and Public Facilities pursuant to the provisions of Assurance 7(a):

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

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

APPENDIX D

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

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by

Alaska Department of Transportation and Public Facilities pursuant to the provisions of Assurance 7(b):

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

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

APPENDIX E

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

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of
 - Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC§ 4 71, Section 4 7123), as amended, (prohibits discrimination based on race, religion, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123)(prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited
 - English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to -ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U .S.C. 1681 *et seq.*).



State of Alaska Department of Transportation & Public Facilities Limited English Proficiency Plan

I. Purpose

This order establishes the policy and guidance for the United States Department of Transportation's Limited English Proficiency (LEP) Plan, as required by Executive Order 13166.¹

II. Policy

It is the department's policy to provide meaningful access to transportation services, programs and decision making to all affected and interested persons who, as a result of national origin, are limited in English proficiency.

III. Authorization

This LEP Plan is established pursuant to and in accordance with Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, hereon the Alaska Department of Transportation & Public Facilities (ADOT&PF) statewide LEP Plan.

IV. Applicability

This directive applies to all (ADOT&PF) and sections that reside within ADOT&PF hereon, "sections."

V. Limited English Proficiency Plan

A. Statement of Assurance

The department's assurance "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, "for which the Recipient receives Federal assistance from ADOT&PF, including the Federal Highway Administration (FHWA)."

The ADOT&PF statewide LEP Plan serves as guidance for sections in helping to ensure meaningful access to programs and services conducted by the ADOT&PF for persons who, as a result of national origin, are limited in English proficiency.

¹ Exec. Order No. 13166, §2; 65 Fed. Reg. 50121 (August 16, 2000).



State of Alaska Department of Transportation & Public Facilities Limited English Proficiency Plan

ADOT&PF identifies LEP persons as those whose proficiency in speaking, reading, writing, or understanding English, as a result of national origin, is such that it would deny or limit their meaningful access to programs and services provided by the ADOT&PF if language assistance were not provided. The ADOT&PF has taken a number of steps, outlined in this document, to assist LEP individuals in accessing sections programs and services and is committed to improving access.

Executive Order No. 13166, *Improving Access to Services for Persons with Limited English Proficiency*, was adopted to "... improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP). The ADOT&PF is committed to examining its services it provides and develop and implement a process by which LEP persons can have meaningful access to programs and services consistent with, and without unduly burdening, the fundamental mission of the ADOT&PF. ADOT&PF outlines this statewide LEP Plan to guide the department's efforts to improve the access it provides to LEP persons.

This ADOT&PF statewide LEP Plan is designed to assist sections by providing guidance on translation, interpretation, and outreach services for LEP persons seeking access to ADOT&PF programs.

The first priority of the LEP Plan is to improve access for LEP individuals to critical services or activities. The ADOT&PF also will focus on improving access to its other programs and services, particularly in those areas with regular contact with LEP persons. In addition to this DOT statewide LEP Plan, each section must commit to the monitoring of this statewide LEP Plan so that we may continue to improve access for LEP individuals to its programs and services.

This statewide LEP Plan ensures that persons served by these programs are protected from discrimination based on national origin by Title VI of the Civil Rights Act of 1964 and its regulations, which apply to any recipient of federal financial assistance. The ADOT&PF Civil Rights Office (CRO) will provide guidance and technical assistance and enforcement for ensuring that LEP persons have equal and meaningful access to ADOT&PF programs and services for which it serves.



State of Alaska Department of Transportation & Public Facilities Limited English Proficiency Plan

B. Providing Access to LEP Persons to Department Programs, Services, and Activities through Translation of Publications and Oral Language Assistance

The ADOT&PF is committed to making its services and programs available to LEP persons as part of its mission “to ensure equal access.” Based on this commitment, the ADOT&PF makes designated publications available in languages other than English; the following brochure “You’re Civil Rights & How to file a complaint” are available in Spanish, Tagalog, Hmong, Korean, Yupik, Russian and English. The languages were chosen due to the current certified translators provided by the Language Interpreter Center.

In the case of outreach materials and determining what documents should be translated or identified as vital and non-vital information. The ADOT&PF will determine on a case-by-case basis assessing the overall circumstances and all things considered the four factor analysis. In addition, to the lifespan and frequency of the document whether it’s more feasible to incur upfront cost vs. a translator.

C. Stakeholder Input

Executive Order 13166 requires each agency to allow stakeholders to have an adequate opportunity to provide input to the agency.² In its development of this wide LEP Plan, the CRO will utilize the ADOT&PF Title VI Liaisons within the three regions (Central, Northern and South coast), in addition to community organizations.

D. Resources for Translating and Interpretation Assistance

The following resources have been identified to have certified translators.

Language Interpreter Center - Anchorage Office

431 West 7th Avenue, Suite 208

Anchorage, AK 99501

Phone: 907-297-2760

Fax: 907-279-2450

Toll Free: 1-877-273-2457

² Exec. Order 13166, §4; 65 Fed. Reg. at 50122.



State of Alaska Department of Transportation & Public Facilities Limited English Proficiency Plan

Language Interpreter Center - Juneau Office

9085 Glacier Highway, Suite 204

Juneau, Alaska 99801

Phone: 907-789-1326

Fax: 907-789-1324

Toll Free 1-877-273-2457

The ADOT&PF CRO understands that resources needed to provide the cost of translation services or have a certified translator in certain parts of rural Alaska might be high or non-existing. In such circumstances the LEP person may use friend or someone appropriate. In this circumstance,

The ADOT&PF CRO – Title VI Specialist shall be notified when using a non-certified individual via email DOT.Title6.com or phone call 907-268-0850 or 1-800-770-6236 within Alaska.

The ADOT&PF CRO will explore the possibility of creating a ADOT&PF Bilingual staff directory with their contact information and post on the ADOT&PF CRO LEP and other ADOT&PF web pages.

When feasible, the ADOT&PF will post signs/posters such as bus stations, job centers, community based organizations and state offices. In addition, use public service announcements, radio, print and television that primarily target non-English audiences regarding free language assistance for ADOT&PF's programs and services.



State of Alaska Department of Transportation & Public Facilities Limited English Proficiency Plan

E. Process of Determining Four Factor Analysis

As a recipient of federal funds, the TPA must take reasonable steps to ensure meaningful access to the information and services it provides. As noted in the Federal Register, Volume 70; Number 239 on December 14, 2005, there are four factors to consider when determining "reasonable steps." This is known as "the four-factor analysis" and is outlined as follows:

Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the ADOT&PF programs, services or activities.

Factor 2: The frequency with which LEP individuals come in contact with these programs, services or activities.

Factor 3: The nature and importance of the program, service or activity to people's lives.

Factor 4: The resources available and the overall cost to the ADOT&PF CRO.

F. LEP Plan Data Collection

The Title VI Liaisons shall document translating services requested and provided for any of programs and services conducted by the ADOT&PF for persons who, as a result of national origin, are limited in English proficiency. The following information must be collected:

- copy of the flyer of event and/or program
- sign in sheet
- translation services provided (language)
- name of entity who provided the language translation(s)
- name of individual, email, phone number



State of Alaska Department of Transportation & Public Facilities Limited English Proficiency Plan

G. Continuous LEP Plan Assessment / Monitoring

The Title VI Specialist will continue to work with the regions Title VI Liaisons to identify the needs and services for LEP populations by assisting departments with identifying vital and non-vital documents, other certified languages, other distribution channels for LEP populations. The ADOT&PF CRO will conduct period evaluations and report annual updates in the Title VI report.

H. Conclusion

Providing meaningful access to LEP persons to ADOT&PF's programs, services, and activities is an important effort that will help enable the ADOT&PF to achieve its mission, "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, "for which the Recipient receives Federal assistance from ADOT&PF, including FHWA."

Nondiscrimination Policy Statement

It is the policy of the Department of Transportation & Public Facilities (DOT&PF) that no person shall be excluded from participation in, or be denied benefits of any and all programs or activities we provide based on race, religion, color, gender, age, marital status, ability, or national origin, regardless of the funding source, including Federal Transit Administration, Federal Aviation Administration, Federal Highway Administration, Federal Motor Carrier Safety Association and State of Alaska funds.

Persons who believe they may have experienced discrimination in the delivery of these federally-assisted programs or activities may file a confidential complaint with:

Alaska DOT&PF Civil Rights Office
2200 East 42nd Avenue, Room 310
Anchorage, AK 99508
Telephone 1 907 269 0851
Toll Free in Alaska Only 1 800 770 6236
Fax 1 907 269 0847
or by calling Alaska Relay