



The State of Montana
DEPARTMENT OF TRANSPORTATION

TITLE VI PLAN

Federal Transit Administration

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TITLE VI POLICY STATEMENT

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall on the grounds of race, color, or national origin be discriminated against under any program or activity receiving Federal financial assistance. The Federal Aid Highway Act of 1973 (23 U.S.C. 324) added "sex" as a protected status in all Federal Highway Administration (FHWA) activities. The Airport and Airway Improvement Act of 1982 (49 U.S.C. § 47123) added "sex" and "creed" as protected status in all Federal Aviation Administration (FAA) activities. The Title VI Program also refers, where appropriate, to other Federal civil rights statutes. The State of Montana forbids discrimination in many areas through its Constitution, codes and rules.

Title VI was amended by the Civil Rights Restoration Act of 1987 (P.L. 100-259), effective March 22, 1988, which added section 606, expanding the definition of the terms "programs or activities" to include all of the operations of an educational institution, governmental entity, or private employer that receives federal funds if any one operation receives federal funds.

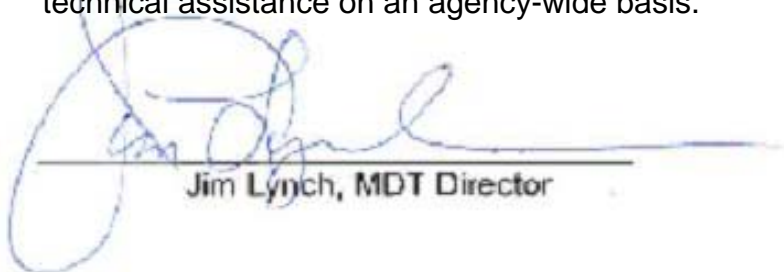
The Montana Department of Transportation (MDT) is a State governmental entity. It is the policy of MDT to ensure compliance with Title VI of the Civil Rights Act of 1964 and all related statutes or regulations in all programs and activities.

MDT assures that no person shall, as provided by Federal and State civil rights laws, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. MDT further ensures every effort will be made to ensure non-discrimination in all programs and activities, whether those programs and activities are federally funded or not.

MDT recognizes the need for continuous Title VI training for its personnel. When MDT distributes federal-aid funds to another governmental entity, MDT will include Title VI language in all written agreements and will monitor for compliance.

Title VI activities are delegated by the Civil Rights Bureau (CRB). Title VI responsibilities are delegated to the appropriate District / Division program managers. The CRB charges them with the responsibility to develop and implement procedures and guides to adequately monitor their programs. In turn, the CRB conducts periodic compliance reviews to assure implementation is adequate.

The MDT Director has delegated the authority to administer and monitor the Title VI Program as promulgated under Title VI of the Civil Rights Act of 1964 and any subsequent legislation to the CRB Chief. The Title VI Coordinator will provide technical assistance on an agency-wide basis.



Jim Lynch, MDT Director

12/12/2007

Date

FTA CIRCULAR 4702.1A Chapter IV Requirements

IV.7.a (1) Public Outreach and Involvement Activities

Steps taken to ensure that minority and low-income people had meaningful access to outreach and involvement activities include:

- Dissemination of the Montana DOT pamphlet to headquarters offices and all field offices for use in public hearings and at reception areas. This pamphlet contains a list of Title VI related hyperlinks. Draft of the pamphlet was shared with the FTA Regional Representative who noted the pamphlet was “excellent” and would be shared with headquarters (See attachment).
- Development, revision, and use of the Title VI public meetings checklist to record public comments and Title VI complaints. For example, the Title VI Public Meeting Report was revised in May and September 2008 and again in March 2009. It is available to MDT staff and the public on the MDT Internet at: http://www.mdt.mt.gov/other/civilrights/external/title_vi_public_hearing_form.pdf. Thus far, 71 public meetings have been tracked for Title VI compliance since October 2006.
- Development, revision, and use of the Title VI Periodic Report by Title VI Representatives throughout the Department to allow periodic assessment of public issues and needs regarding input into Department projects. The Title VI Periodic Report was revised again in April 2009 and placed on the MDT Intranet in 2008. The Periodic Report is used to generate the summary which allows the MDTC to track Title VI issues (complaints, training needs, pamphlet usage, etc.) at MDT. (See Appendix A).
- The Coordinator worked to update the Title VI LEP Interpreter’s List on the Internet. This list of interpreters in various languages was updated in December 2008. The Interpreters list is available to the public at <http://www.mdt.mt.gov/other/civilrights/external/interpreters-list.pdf> and is the only known state Interpreters list developed by any Montana state agencies.
- The Rail Transit and Planning Division section of the Title VI Plan was updated in April 2008 to include organizational and functional department changes. A significant part of this was to gauge Title VI outreach and involvement activity of the RTPD. The update process included interview and training of the RTPD Representative and other staff, substantive revisions of Unit Title VI responsibilities, incorporation of Representative Unit Title VI duties, updating of the Title VI Policy Statement, and updating of the complaint processes. The Coordinator also wrote a report on the RTPD (See Appendix B).
- Title VI pamphlets and holders were distributed by the RTPD Representative to transit agencies throughout the state. 600 additional pamphlets were given to the RTPD for distribution in March 2009.
- 2,000 additional Title VI pamphlets were distributed to Montana DOT offices and sub-recipients in March 2009.
- The Title VI Coordinator worked with the ADA Coordinator and Public Involvement Coordinator to ensure the accuracy of the reasonable accommodations statements on public documents. The Public Involvement Representative was notably involved in

posting of Title VI protections and pamphlets, and helping develop a process of notifying the public of Title VI requirements (e.g., Title VI language is now posted, stated, or paraphrased at all MDT public meetings).

- Title VI complaint procedures were revised and placed on the Intranet and Internet at <http://www.mdt.mt.gov/publications/docs/forms/dbe/vicomplaint.pdf>.
- The MDTC worked with Road Inventory and Mapping Section staff to develop a map for each county that gives up to date statistics on poverty level, race, national origin, and language. Maps for Gallatin, Glacier, Lake, Mineral, Missoula, Rosebud, Sheridan, Toole, and Yellowstone Counties have been developed thus far. Blaine and Stillwater County maps have been requested. The project is progressing slowly because of other priorities for Mapping staff and recent changes in personnel.
- The MDTC tried unsuccessfully several times to contact representatives of Fort Peck Reservation to train and monitor on Title VI responsibilities in regard to the tribal activities on the reservation. No response was ever received from the Reservation and the project was shelved based on this lack of response.
- The MDTC attended FHWA Title VI training in Bismarck, North Dakota in January 2008. The training and interaction with Title VI staff (including Mohamed Dumbuya, FHWA National Title VI Coordinator) was exemplary and clarified several issues which had frustrated the MDTC for some time. This training not only clarified the FHWA Title VI Program (as distinct from Title VI protections) but the differences in implementation between federal agencies (particularly FTA).
- The MDTC presented internal Title VI training to the Montana Transportation Commission, Director, and Deputy Director; the Internal Audit Unit; Motor Carrier Services staff; Missoula Construction staff; Maintenance Management Mentoring trainees. Title VI Reps individually and at group meetings throughout the year; and with the involvement of the Public Involvement Officer and a CTEP Engineer, trained six external engineering/ planning consultants in specifically-targeted Title VI training sessions. This training served to heighten the awareness of these individuals to the need to include minority and low-income participants in planning and implementation of projects.
- The MDTC reviewed various documents for Title VI compliance, including draft environmental documents, contracts, public meeting advertisements, etc. Environmental documents reviewed included Findings of No Significant Impact (FONSI); Environmental Assessments (EA), and Environmental Impact Statements (DEIS). Part of this review is to ensure that the needs of minority and low income individuals was considered (See Appendix C).

IV.7.a (2) Montana DOT Limited English Proficiency Plan

Limited English Proficiency Plan

Montana Department of Transportation

Civil Rights Bureau

Revised November 3, 2004

[This plan will be updated after release of the 2010 Census findings]

Executive Order 13166 implements Title VI of the Civil Rights Act of 1964 by requiring meaningful access to all federally financially assisted programs and activities by persons with limited English proficiency (LEP).

Limited English proficiency is defined as “individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.” LEP individuals are entitled by EO 13166 to language assistance with respect to a particular type of service, benefit or encounter. FHWA has mandated that “...recipients must take reasonable steps to ensure that such persons have meaningful access to the programs, services, and information those recipients provide, free of charge....”

Options for MDT include:

- Multi-language flashcards that MCS could use to identify the driver’s language, then access to an interpreter.
- Using family members to interpret for LEP individuals
- <http://www.lep.gov> should be accessed as statewide and district-wide LEP populations are identified.
- Contract for Deaf/ Hard of Hearing Services.
- Creating and maintaining an “MDT Interpreters List.”

Under the DOJ guidance, MDT is obligated to determine the extent of its obligation to provide LEP services: This determination requires a flexible and fact-dependent analysis on a case-by-case basis of four factors:

1. The number of proportion of LEP persons serviced or encountered in the eligible service population.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity or service provided by the program.
4. The resources available to the recipient and cost.

The MDT Interpreters List has been developed, distributed to MCS, will be updated as new information is received, and included on the MDT Title VI Internet site. MDT enforces LEP in the same manner as Title VI. LEP is included as review criteria in all Title VI compliance reviews. CRB will continue to monitor LEP requirements both internally and in federal aid reviews of local governments and contractors.

EXECUTIVE SUMMARY

Executive Order 13166¹ implements Title VI of the Civil Rights Act of 1964 by requiring meaningful access to all federally financially assisted programs and activities by persons with limited English proficiency (LEP).

Limited English proficiency is defined as “individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP individuals are entitled by EO 13166 to language assistance with respect to a particular type of service, benefit or encounter.² FHWA has mandated that “...recipients must take reasonable steps to ensure that such persons have meaningful access to the programs, services, and information those recipients provide, free of charge....”³

Options for MDT include:

- Multi-language flashcards that MCS could use to identify the driver’s language, then access to an interpreter.
- Using family members to interpret for LEP individuals
- <http://www.lep.gov> should be accessed as statewide and district-wide LEP populations are identified.
- Contract for Deaf/ Hard of Hearing Services.
- Creating and maintaining an “MDT Interpreters List.”

Attachments:

Limited English Proficiency Analysis – 2000 Census (11/3/04)

MDT Interpreters List (6/23/04)

It is intended that this Limited English Proficiency Plan (LEP) be a living document, to change as circumstances require. This plan should properly be included in the MDT Title VI plan, as other states have already done.

This plan is formulated based upon the advice of Andy Strojny of the U.S. Department of Justice who stated at the National Title VI Conference in October 2002 that USDOJ would look at documentation of whether a state has considered the issue.

BACKGROUND:

Executive Order 13166⁴ implements Title VI of the Civil Rights Act of 1964 by requiring meaningful access to all federally financially assisted programs and activities by persons with limited English proficiency (LEP). On June 18, 2002, the Department of Justice (DOJ) published a model DOJ LEP guidance that requires consistent federal wide compliance standards applicable to recipients of federal financial assistance.⁵

Limited English proficiency is defined as “individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. LEP individuals are entitled by EO 13166 to language assistance with respect to a particular type of service, benefit or encounter.⁶ FHWA has mandated that “...recipients must take reasonable steps to ensure that such persons have meaningful access to the programs, services, and information those recipients provide, free of charge....”⁷

State (Montana) or local "English-only" laws do not relieve an entity that receives federal funding from its responsibilities under federal anti-discrimination laws.⁸

METHODOLOGY:

Under the DOJ guidance, MDT is obligated to determine the extent of its obligation to provide LEP services: This determination requires a flexible and fact-dependent analysis on a case-by-case basis of four factors⁹:

5. The number of proportion of LEP persons serviced or encountered in the eligible service population.
6. The frequency with which LEP individuals come in contact with the program.
7. The nature and importance of the program, activity or service provided by the program.
8. The resources available to the recipient and cost.

These factors should be applied to the various kinds of contact that MDT has with the public to assess language needs and decide what reasonable steps should be taken to ensure meaningful access for LEP persons. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.¹⁰

The model DOJ LEP guidance includes a section regarding “safe harbors” for written translations of vital material. A “safe harbor” means that if a recipient provides written translations under these circumstances, such action will be considered strong evidence of compliance with the recipient’s written-translation obligations.

- A. The recipient provides written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally, or
- B. If there are fewer than 50 persons in a language group that reaches the five percent trigger in (A), the recipient does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials free of cost.

These “safe harbor” provisions apply to the translation of written documents only and have been rejected by some federal agencies. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.¹¹

PROCESS:

Once the necessity of a LEP plan is established, it is then necessary to implement an effective plan of language assistance. This consists of:

1. Identifying specific LEP individuals who need language assistance (see steps 1 through 3 of methodology).
2. Ways in which language assistance measures will be provided (see step 4 of methodology).
3. Train staff about procedures and how to work effectively with them.
4. Notify LEP persons that services are available and offered free of charge.
5. Monitor and update LEP plan.

ANALYSIS:

1. The number or proportion of LEP persons serviced or encountered in the eligible service population.

States operating statewide programs should assess statewide language groups to identify potentially significant LEP populations, and ensure that local offices conduct similar surveys of their local service populations.¹² In MDT’s case, this requires statewide analysis and then individual district analysis.

- What prior experiences with LEP have MDT staff encountered and what is the breadth and scope of language services that have been needed.
 - A recurring situation arises with Canadian truck drivers who do not speak English and pass through Montana. MCS officers have repeatedly expressed their frustration with trying to communicate with these individuals, and then later finding a Title VI complaint has been filed against them. This issue is discussed further below
 - Title VI reviews at planning offices in Great Falls, Billings, and Butte and MDT offices in Missoula, Billings, Butte, and Glendive indicate no LEP issues have arisen in those areas, despite substantial non-English speaking populations who speak little or no English.
- What LEP populations may have been underserved because of language barriers?
 - Title VI reviews of MDT units thus far have not indicated any LEP service issues. Right of Way particularly deals with older Native Americans who have limited or no English. This issue is routinely resolved by getting a tribal family member to interpret. According to the RoW Title VI Coordinator, no adverse issues have arisen from this practice.
- What is latest census data statewide? District wide?
 - That data is attached. Significantly, LEP regulations are applicable in areas with a dense population. Montana's average number of persons per square mile is 6.76. In 2000, the most populated counties by persons per square mile were:
 - Yellowstone – 49.1 ppsm.
 - Silver Bow-Butte – 48.2 ppsm.
 - Missoula – 36.9 ppsm.
 - Cascade - 29.9 ppsm.
 - Gallatin – 26 ppsm.
 - Lake – 17.7 ppsm.
 - Lewis & Clark – 16.1 ppsm.
 - Ravalli – 15.1 ppsm.
 - Flathead – 14.6 ppsm.
 - Anaconda-Deer Lodge – 12.8 ppsm.
 - Jefferson – 6.1 ppsm.
 - Hill – 5.8 ppsm.
 - All other counties had fewer than 5 persons per square mile. Montana PPSM figure compares to
 - Analysis of the 2000 census is reflected on the attached spreadsheet entitled, "Limited English Proficiency Analysis – Census 2000."¹³
 - These figures have undoubtedly changed since 2000, with latest reports indicating, for example, Silver Bow-Butte lost 1,300 persons since 2000. Other counties, particularly Missoula, Gallatin, Lake, and Ravalli have gained substantial numbers since 2000.
- Is any information available from state or local governments, community agencies, school systems, faith-based organizations, legal aid entities, etc.?
 - Local governments in Butte, Billings, Missoula, and Great Falls have indicated no LEP issues in their planning or construction operations.

- Future Title VI reviews in local areas particularly should emphasize the issue of LEP and whether remedial solutions are required.
- Statewide interpreter services are listed and available through the MDT CRB. A copy of that list is attached to this plan.

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

Motor Carrier Services officers in Northwest Montana have encountered numerous instances wherein non-English speaking truck drivers from Canada have been difficult, if not impossible, to communicate with. MCS officers have needed to be able to communicate with the truck drivers and have been unable to. The number or proportion of LEP persons encountered is undetermined but significant enough to merit substantial attention by the area MCS Captain.

49 CFR 391.11(b)(2) states:

“... a person is qualified to drive a motor vehicle if he/she... can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records...”

According to the June 2003 Bond Schedule, this is a ticketable offense (\$85), but is not grounds for putting the vehicle “out of service.”

MCS officers have received EEO training from Civil Rights Bureau. MCS officers requested further assistance from Civil Rights Bureau to avoid possible Title VI complaints from the non-English speaking individuals. This resulted in training sessions statewide on communication skills. The intent was to ease tensions for the MCS officers and non-English speaking truck drivers. Conversations with officers by this reviewer on February 24, 2004 indicated some drivers have opted not to deal with non-English speaking truck drivers, while others do lower level inspections on trucks. At least one MCS officer nearing retirement allowed the non-English speaking truck drivers to proceed because of a stated concern that a Title VI complaint could jeopardize his retirement.

The balance of enforcing MCS regulations versus fear of a Title VI complaint can be efficiently dealt with by providing officers with resources to identify the language of the truck driver at issue and dealing with the MCS issue. Additionally, officers should not be placed in a position wherein their individual status is jeopardized at the expense of violation of MCS regulations. In November 2004, one MCS Captain related that the Interpreters List is referred to if there is suspicion of terrorist activity or some other compelling reason, but the Interpreters List is not usually referred to because of cost.

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

Title VI Coordinators or staff members in the following representative areas indicated limited or no interaction in the past with significant numbers of LEP individuals:

- Right of Way – When individuals are encountered, such as Native American elders, a family or tribal member is called upon to interpret for the right of way negotiation. This has worked in the past few years without incident.
- Construction – No LEP issues were noted during the review.
- Transportation Planning – No LEP issues were noted during the review.
- Consultant Design – No LEP issues were noted during the review.
- Aeronautics – No LEP issues were noted during the review.

LEP will remain an on-going discussion issue in all future Title VI review activities.

4. The resources available to the recipient and cost.

Various resource options for MDT include:

- Multi-language flashcards that MCS could use to identify the driver's language, then access to an interpreter. The issue of cost arises, since the cards need to be developed and suitable interpreter services need to be retained.
- Using family members to interpret for LEP individuals. This has been used by Right of Way agents in negotiations, and is successful.¹⁴ There are certain limitations. For example, the interpreter must be trustworthy for both parties since neither is able to gauge the accuracy or trustworthiness of the interpretation.
- An interagency working group on LEP has developed a website, <http://www.lep.gov>, to assist in disseminating language assistance measures, resources and cost-containment approaches developed with respect to its own federally conducted programs and activities. This web site should be accessed as statewide and district-wide LEP populations are identified. Any measures adopted should be incorporated into this MDT LEP plan.
- Contract for Deaf/ Hard of Hearing Services. This statewide network is based in Great Falls at the Montana School for the Deaf and can be reached at (406) 771-9053 (Voice-TTY-Fax number). Interpreter fees start at \$40 per hour and are available 24 hours a day throughout Montana.¹⁵
- Creating and maintaining an "MDT Interpreters List" from the existing Montana Department of Commerce Interpreters list. This can be periodically updated by contact with each interpreter to note if information is still current, kept on the MDT Title VI website, advertised in a future revision of the MDT Title VI pamphlet, with updates routinely disseminated to interested MDT units (e.g., Motor Carrier Services).

Analysis issues include:

- What are estimated costs of implementation of the LEP requirements?
 - Costs would be minimal for each of these options unless contracted services are utilized.
- What are associated areas of impact, if any, on MDT?
 - No associated areas of impact are identified at this time.
- What is impact on MDT business processes and functions that LEP requirements make?
 - It appears all impacted areas of MDT have already or would, through use of these options, utilize processes and functions that incorporate LEP concepts.
- What is importance and nature of the activity?
 - All department functions are treated as equally important in consideration of LEP concepts because of the greater mandate of Title VI that no federal aid services are provided in a discriminatory manner.
- What are number or proportion and frequency of contact with LEP persons?
 - Number, proportion and frequency of contact with LEP persons is less than that of a more urbanized, heterogeneous population except with reference to Indian reservations, each of which provides a unique challenge because of the differences in size of non-English speaking population.
- What are the costs and availability of resources?
 - Resources in Montana are relatively scarce compared to other states but those resources have been identified and will continue to be updated.
- What benefits will be realized by implementation of the requirements?
 - Benefits are already being recognized because of the pre-existing usage of LEP-related practices in areas such as Right of Way.
- Do the costs versus the benefits indicate LEP requirements will be favorable to MDT?
 - By usage of pre-existing practices and these options involving minimal expense and change in practice, the impact of imposing LEP functions is negligible, but the benefits of acknowledging and responding to all impacted population concerns is identifiable.
- What steps have been taken by MDT to date to implement LEP?
 - The LEP plan is being included in the MDT Title VI plan while the MDT interpreters list has already been implemented and is being phased into the practices of Motor Carriers Services.

CONCLUSION:

The LEP plan will be included in the MDT Title VI Plan. The MDT Interpreters List has been developed, distributed to MCS, will be continually updated as new information is received, and will be included on the MDT Title VI Internet site. MDT CRB will continue to monitor LEP requirements both internally and in federal aid reviews of local governments and contractors.

IV.7.a (3) Title VI Complaint Procedures

This section outlines the Title VI complaint procedures related to providing programs, services, and benefits. However, it does not deny the complainant the right to file formal complaints with the Montana Human Rights Bureau, Equal Employment Opportunity Commission, FHWA, FTA, FAA, or to seek private counsel for complaints alleging discrimination, intimidation or retaliation of any kind that is prohibited by law.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs receiving federal financial assistance¹. Executive Order 12898 (Environmental Justice) prohibits discrimination based on low income status.

Procedure

1. Any person believing they have been subjected to discrimination as noted below may file a written complaint with the MDT Civil Rights Bureau (CRB). Complainants have the right to complain directly to the appropriate federal agency. Federal and State law requires complaints be filed within 180 calendar days of the last alleged incident.
 - For FHWA, complaints may be based on race, color, national origin, sex or low income status;
 - For FTA, complaints may be based on race, color, national origin, or low income status;
 - For FAA, complaints may be based on race, color, national origin, sex, creed, or low income status.
2. Within five calendar days of receipt of a written Title VI complaint the CRB Chief will notify the MDT Director of the complaint.
 - FHWA-related complaints received directly by MDT and not by FHWA will be investigated by CRB.
 - FHWA-related complaints received by FHWA will be investigated by FHWA unless delegated to CRB for investigation.
 - All FAA- or FTA- related complaints against MDT will be investigated by CRB.
 - All Title VI complaints against State sub-recipients, regardless of which federal agency is involved, will be investigated by CRB.
3. Within five calendar days of receipt of a complaint against a State sub-recipient, an investigation by the CRB will begin. The Division Equal Employment Opportunity (EEO) Representative may participate in the investigation.

¹ FHWA also includes “sex” as protected status. FAA also includes “sex” and “creed” as protected status.

4. A written investigation report will be prepared by the investigator. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.
5. The CRB Chief will review the report. A copy of the report will be provided to the complainant and the respondent. Each will have five calendar days from receipt of the report to respond. If either party responds negatively or has additional information to provide, an informal meeting will be arranged by the CRB Chief. If neither party responds, the report will be forwarded to the MDT Director for final internal action.
6. The investigation report with recommendations and corrective actions taken will be forwarded within 60 calendar days of the date the complaint was received by MDT to the FHWA Division office, the FTA Regional office, or the FAA Regional office as appropriate, the complainant and the respondent.
7. Complainants will be advised of their appeal rights to the appropriate federal agency.

Title VI Program Complaint Form

**Montana Department of Transportation
Civil Rights Bureau**

**2701 Prospect Avenue, PO Box 201001, Helena, MT 59620-1001
(406) 444-6331**

TTY: (800) 335-7592 or Montana Relay at 711

The Title VI Program prohibits discrimination on the basis of protected status or retaliation in any programs receiving federal financial assistance.

Name (Print): _____

Mailing Address: _____

Work Phone: _____ Home Phone: _____

1. This complaint involves:

Highway
Project/Funds

Transit
Project/Funds

Aeronautics
Project/Funds

2. Indicate protected status you believe was basis for discrimination:

Race

Color

Mental Disability

Religion

Age

Marital Status

Physical Disability

Sex

Creed

Low Income
Status

National Origin

Retaliation

3. Explain why you believe discrimination has occurred. Please provide dates, location and time of discrimination. If there are witnesses, please provide names, addresses and telephone numbers. Use the back of this form or additional sheets as necessary.

4. Indicate the person(s) you believe responsible for the discrimination:

Name & _____
Agency:

Work Location _____
(if known):

5. What remedy are you requesting? Please be specific.

Signature

Date

IV.7.a (4) Title VI Complaint Log

Reference: UMTA C4702.1, Ch. III

Categories: Program, Name, Location, Type, Recipient, Protected Status, Date filed / Nature of Complaint, Summary

- 1 Transit Kalispell Transit Provider Kalispell FTA
7/6/06 - Complaint filed by William F. Complaint unclear. Despite repeated attempts to contact complainant and intervention of regional FTA fed, complaint closure letter sent on 1/5/07 to complainant. Closed
- 2 ADA Anaconda Highway 1 Anaconda FHWA Disability
1/11/2007- Letter from Ms. H. of VA Western Blind Rehab Center re Anaconda intersection. Blind group crosses main thoroughfare in Anaconda. Traffic control device requested. AF (MDT ADA Coordinator) says traffic device installed through Traffic & Safety Bureau.
- 3 ADA Big Timber sidewalk Big Timber FHWA Disability
1/29/07 - Verbal complaint to AF, ADA Coordinator from Linda M., disabled on electric cart. Sign in sidewalk prompts ADA complaint. 4' clearance maintained. Resolved after letter from AF to Pat H.
- 4 Transit/ ADA Large Wheelchair Passenger FTA
3/9/07 - Email inquiry to Tom S. from Pat S. Policy for overweight passengers to be posted. Resolved after suggested memo to provider from State.
- 5 Transit/ ADA Helena Transit provider Helena FTA Disability
5/25/07 - Email from complainant Blair W. to AF. Wheelchair passenger complains that driver berates her for "inconvenience." Resolved after letter from complainant saying driver behavior improved.
- 6 ADA Tabbert Construction Helena FHWA ADA
6/1/07 - ADA Complaint re Smith School project sidewalks not compliant CTEP construction did not comply with ADA. Resolved.
- 7 ADA MET Transit in Billings Billings FTA ADA
6/7/07 - Email from Pat S. re need to locate company that can change current bus brochures into another format for visually impaired. Braille and Large Print needed per request. AF checking on cost of braille. Pending. Braille too expensive and too much material. Can be put on cassette.
- 8 Transit Hot Springs Montana Senior Bus Co. Hot Springs FTA
6/20/07 - Rebecca T. asks if any address for provider in email sent regionally Passenger complaint against provider through FTA T6 complaint. Pending; 6/23/08 - Tom will ask for status next time he talks with them.
- 9 Transit Barbara Bear C. Billings FTA
Inquiry phone call to Audrey A. on 8/7/07. Complaint about amount of time it takes for van to

pick her up in Billings. Billings MET receives funding directly from FTA. Barbara will write complaint to City of Billings.

10 Transit Martha L.; Gallivan Bozeman FTA Martha B.
12/5/2007 - Andy received call regarding Transit refusal to allow her trained (not a registered service) dog on bus. Complaint that Transit will not allow her to take dog on bus. Pending. Two letters with complaint material returned "unable to forward" on 1/28/08. 1/29/08 - SC said close.

11 Transit Cheryl T., Kalispell Transit Provider Kalispell FTA Unknown Disability
1/29/08 - Email question to David J. Complaint that disabled clients riding bus for something to do. Wants to know if they must pick up a destination or not ride. Emails to SC on 1/30/08.

12 Transit Plains Transit Plains FTA Joan N. None
3/6/08 - Mentally ill passenger won't comply with Transit rules regarding "no drinking," and not being at pick up site on time. Not T6 issue. Case Manager should have to ride bus with troublesome passenger. Not required to give mental health passenger special service if undue burden. 3/17/08 - Tom S. handling after consulting with SC.

13 Transit Bert H., Eagle Transit, Kalispell Kalispell FTA Unknown Age/ Disability
4/29/2008 - Daughter who has power of attorney requests that mother who suffers from severe dementia/ Alzheimer's be refused transit services. Requested copies of doctor's medical certification that mother disabled and daughters power of attorney. In meantime, mother allowed to ride unless daughter physically restrains her. 5/1/08 - BA worked w/ AF, and then AF worked with SC in BA's absence. TS relayed all info to provider.

14 ADA Daniel K., 459-9611 Helena ADA Helena Unknown
6/19/08 - Email to AF from Elroy G. of City of Helena Complaint that ADA access taken out during signalization project. 6/20/08 - AF will look at location and report findings/ conclusion. 6/23/08 - AF met with Kale and matter concluded to everyone's satisfaction.

15 Transit Hot Springs Montana Senior Bus Co. Hot Springs FTA Unknown Disability
6/23/08 - Tom S. says traumatic brain injured passenger filed again. Transit provider in contact with Tom. Tom talked to transit, unable to contact complainant. Complainant will file with HRB. Driver "mean" to her. Passenger complaint against provider through HRB complaint. June 2008 - Passenger filed complaint with HRB by Joan N. against Hot Springs transit provider. Discrimination based on physical/mental disability and retaliation. Area is public accommodations. No contact since then.

16 ADA Big Timber sidewalk Big Timber FHWA Disability
9/3/08 - Written complaint to AF, ADA Coordinator from Rae S., ILSD Program Manager in MILP. Signage intruding on right of way in Big Timber again. See #3. Sign in sidewalk prompts ADA complaint. 4' clearance maintained. "9/10/08 - AF talked with Reardon and Billings District about painting line at 4' to mark for employees' boundary where sign cannot intrude. Motivations for the complaint are not clear but may not be strictly related to disability.

Maintenance will visit with the business owner, Cassandra M., about painting a section on the sidewalk ROW for her sign to be placed in and do the same with other street front businesses. Further enforcement of encroaching will be dealt with through Maintenance."

17 Transit HATS Pick-up Procedure East Helena FTA Harold No R. Disability

9/19/08 - Telephone complaint to Andy H.M. Transit bus won't pick him up at trailer court. But while waiting at new location, he later sees bus leaving trailer court. Disabled individual claims Transit has changed bus stop for him. AHM conferred with BA, and then relayed information to Tom S. on 9/22. 10/1 - Ed R. says two services, curb to curb and fixed route, and Harold has used both. Will be informed once again.

18 Construction Audible signal request at crosswalk Lewistown FHWA
Lewistown White Cane Chapter Disability 10/28/08 - Letter to Tom K., EPM, from Ed D., President of Lewistown White Cane Chapter. Disabled group requests audio signals that had been eliminated by prior change order. AF reports that Danielle B., Traffic Engineer, met with White Cane Group and explained new signals. Group appeared satisfied and agreed to contact Danielle B. if any issues arise.

19 Transit Transit schedule in large print Bozeman FTA Disability
11/18/08 - Tom S. received inquiry, contacted CRB to question if "standard font size" or just whatever size she needs. Tom contacted AF via email.

20 Transit Eagle Transit doubles charge for curb to curb Services Disability
2/24/09 - Bert H. called from Eagle Transit (bus driver was David J.). Client complained of doubling of rates because his son is autistic and uses service. Question is what authority is there for transit agency to double rates for curb to curb service. 2/24/09 -AF referred Hauser to Tom S. at 1:50 pm.

21 MDT Building Maintenance Sidewalk by loading dock Helena Internal
3/2/09 - AF informs me, "Larry M. and I are working on this complaint. Please file in complaint file and I will inform you of the outcome." 3/2/09 - AF working with Larry M.

IV.7.a (5) Montana DOT Notice to Public

The Montana DOT Title VI pamphlet is attached to this report. (See Attachment).

SPECIFIC PROHIBITED DISCRIMINATORY PRACTICES

Examples of specific prohibited discriminatory practices include, but are not limited to:

- Denial to an individual of any service, financial aid, or other benefit provided under the program;
- Distinctions in the quality, quantity, or manner in which the benefit is provided;
- Segregation or separate treatment in any part of the program;
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others;
- Different standards or requirements for participation;
- Methods of Administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
- Discrimination in any activities related to highway and infrastructure or facility built or repaired in whole or in part with Federal funds; and/or
- Discrimination in any employment resulting from a program, the primary purpose of which is to provide employment.

OVERVIEW

PURPOSE

To provide guidelines for:

1. Implementing the Federal Transit Administration (FTA) Title VI compliance program under Title VI of the Civil Rights Act of 1964, Federal Transit Administration (FTA) Circular FTA C 4702.1A (5/13/07) and related civil rights laws and regulations;
2. Conducting Title VI program compliance reviews; and
3. Processing Title VI complaints pursuant to the requirements of FTA.

APPLICATION

The provisions of this Title VI Plan apply to all recipients of federal assistance with and through MDT. A “recipient” includes any public or private entity or any individual receiving the benefits of any transit program and to all phases of MDT operations.

AUTHORITIES

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d; Federal Transit Laws as Amended (49 U.S.C. Chapter 53 et. seq.); Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S. C. 4601 et. seq.); Department of Justice regulation 28 CFR part 42, Subpart F, “Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs” (December 1, 1976, unless otherwise noted); DOT regulation, 49 CFR part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964” (June 18, 1970, unless otherwise noted); Joint FTA/Federal Highway Administration (FHWA regulation, 23 CFR part 771, “Environmental Impact and Related Procedures (August 28, 1987); Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, “Planning Assistance and Standards,” (October 28, 1993, unless otherwise noted); DOT Order 5610.2, “U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations,” (April 15, 1997); DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons, (December 14, 2005); Section 12 of FTA’s Master Agreement, FTA MA 13 (October 1, 2006).

Other federal statutes with related authority that may apply:

Age Discrimination in Employment Act (45 CFR 90)

The Americans with Disabilities Act of 1990

Environmental Justice Act, Executive Order 12898

Civil Rights Restoration Act of 1987 (P.L. 100-259)

Limited English Proficiency, Executive Order 13166

Applicable Montana non-discrimination statutes include:

The Montana Human Rights Act, Title 49, Chapter 2, M.C.A.

Governor's Executive Order 41-2008 (11/14/08)

Governmental Code of Fair Practices, Title 49, Chapter 3, M.C.A

MONTANA DEPARTMENT OF TRANSPORTATION ADMINISTRATIVE RESPONSIBILITIES REQUIRED BY 23 CFR PART 200

1. "Establish a Civil Rights Unit and designate a coordinator who has a responsible position and easy access to the Director. The Coordinator shall be responsible for initiating and monitoring Title VI activities and preparing required reports."
2. The CRB must be adequately staffed to effectively implement the requirements."
3. The CRB must submit an Equal Employment Opportunity (EEO) report annually to FHWA. [A copy is then provided to FTA for review. FTA's comments are then forwarded to FHWA for consideration and inclusion in FHWA's response to the Department.]

CIVIL RIGHTS BUREAU (CRB) TITLE VI COORDINATOR RESPONSIBILITIES

1. Develop procedures for prompt processing and disposition of Title VI complaints.
2. Conduct Title VI reviews of program areas.
3. Conduct annual reviews of special emphasis program areas to determine effectiveness.
4. Review MDT program directives and include Title VI and related requirements.
5. Conduct Title VI training for State program staff.
6. Prepare an annual Title VI accomplishments report and work plan by October 1.
7. Submit an updated FTA Title VI plan within FTA time frames every three years
8. Submit an updated FHWA Title VI plan within FHWA time frames.
9. Disseminate Title VI information to the general public.
10. Establish procedures for pre-grant and post-grant approval reviews of MDT programs and applicants; i.e., highway location, design and relocation, and persons seeking contracts with MDT.
11. Establish procedures to identify and eliminate discrimination when found to exist.
12. Establish procedures for promptly resolving deficiency status through voluntary means, if possible.

DIVISION/ UNIT/ DISTRICT TITLE VI REPRESENTATIVE RESPONSIBILITIES

1. Complete Title VI Public Meeting Form for each public meeting not already covered, and submit electronically to Coordinator. (For purposes of this requirement, a “public meeting” is any meeting or hearing for which there is an open invitation (via news release, paid advertising and/or letter of invitation) to the general public (not just contractors) to attend for the purpose of informing the public and/or soliciting input from the public.)
2. Complete and submit Title VI Periodic Report every four months.
3. Report all written Title VI complaints immediately to Coordinator.
4. Seek opportunities to train staff/public on Title VI and notify Coordinator.
5. Attend Title VI Representative meeting once every four months.
6. Ensure current Title VI pamphlets are available at all unit public meetings and hearings and in unit area.
7. As necessary, work with consultants to ensure all public meetings and hearings have Title VI pamphlets and a public meeting form will be completed by consultant or MDT staff present at meeting/hearing and submitted to the Coordinator.
8. Monitor Division activities for potential Title VI impact and consult with MDT Title VI Coordinator as necessary.

GENERAL PROGRAM AREA RESPONSIBILITIES

RAIL, TRANSIT, AND PLANNING DIVISION

Ensures Title VI compliance in the transportation planning process and in related programs such as highway safety, rail and transit. This includes State Highway Traffic Safety Bureau and Title VI reviews of appropriate cities, counties, rail and transit providers and consultant contracts.

SPECIFIC AREA RESPONSIBILITIES

DIRECTOR'S OFFICE

Public Information / Public Involvement Units

The Public Information / Public Involvement Units are responsible for ensuring that Montana citizens are aware of transportation issues/ projects and afforded the opportunity to participate in public involvement activities (public meetings, comment periods, etc.).

The Public Information Unit provides media support for the department. The Public Information Officer (PIO) acts as the director's spokesperson and coordinates marketing activities; manages media contacts; writes speeches and press releases; and assists staff when media issues arise. In addition, the PIO coordinates publication of the Interchange, MDT's online employee newsletter, every payday.

The Public Involvement Unit works to increase public awareness of upcoming projects and to provide the public with ample opportunity to become involved in shaping project design and development.

This is primarily accomplished through two mechanisms:

Public meetings

The Public Involvement Unit coordinates meetings for upcoming projects throughout the state, working with district staff and MDT consultants to ensure that MDT provides ample opportunity for public input and comment. The PIU ensures that provisions are made for special meeting accommodations for individuals with special needs (with sufficient notice to obtain it, ideally 48 hours). Accommodations include, but are not limited to, translators, sign language interpreters, etc. at no charge. Public meetings will be held at locations accessible to persons with disabilities. The unit will frequently moderate or facilitate public meetings.

News releases

Public Involvement staff prepares and distributes news releases to general circulation and minority-focused media announcing proposed projects, including total reconstructions, railroad crossings, bridge replacements, temporary detours, and paving or overlay projects. Special formats/alternative formats of all written documents are provided on request.

Direct mail letters may also be used if a mailing list of interested/affected parties is available.

DISTRICT RESPONSIBILITIES

Each of the five MDT Districts relies upon the Purchasing Services Bureau to administer MDT's purchasing procedures connected with procuring items and equipment costing greater than \$5,000 purchased by MDT. District purchasing policy adheres to the Headquarters' Purchasing Bureau's Procedures Manual. In cases when leasing is required, the District utilizes a format provided by MDT's Purchasing Services Bureau that includes the necessary Title VI language.

Schedules of public meetings, open houses and forums should be coordinated between the MDT Public Information Office and the District Engineering Services Supervisor, Area Engineer, or the Consultant Project Engineer. The nearest location or town offering accessible facilities for all protected groups is selected. Consideration for meeting time and location is given to assure all protected groups have an opportunity to participate. Documentation is maintained to assure these considerations have been accomplished.

Monitoring

1. The Administrative Support Supervisor or District Financial Officer or District Purchasing Agent or District Engineering Services Supervisor is responsible to report any Title VI compliance issues as they relate to purchase orders and agreement requirements.
2. District Construction personnel are responsible to report any Title VI compliance issues regarding construction documents (state and contractor) and operations.
3. Persons scheduling public meetings, open houses, and forums are responsible for Title VI compliance. The District Title VI Representative is responsible for periodic reporting of this activity.
4. Purchasing Services Bureau ensures appropriate Title VI language is contained in contracts issued by the District. The District Title VI Representative reports any Title VI compliance issues.
5. Specific duties of District Title VI Representatives are included in this Plan under the section entitled "Division/ District Title VI Responsibilities".

Civil Rights Bureau

The Civil Rights Bureau (CRB) is responsible for developing and implementing the agency- wide Title VI Plan, enforcing requirements of the ADA, conducting Division/District Title VI reviews (including recipients of pass through funding) and managing the DBE Program. All corrective actions necessary as a result of review

findings will be reduced to writing and delivered to the entity reviewed within 90 calendar days of the review. All non-construction contracts will be reviewed and approved by CRB to ensure incorporation of appropriate Title VI language. Complaints will be processed in accordance with 49 CFR §21.11, subject to individual agency (FHWA, FTA, or FAA) requirements.

Americans with Disabilities Act (ADA) Program

The ADA (1990) prohibits discrimination against people with physical or mental disabilities including transportation, public services, and public accommodations. The MDT ADA Program Specialist works to ensure compliance with ADA requirements.

ADA requires:

- Nondiscrimination based on disability;
- That MDT will provide a fully accessible transportation system. MDT transportation facilities are planned, designed, constructed, and maintained with accessibility in mind;
- MDT's state and local partners have accessible programs and services;
- Transportation-related public meetings will be accessible and public announcements offer reasonable accommodation when the meetings pertain to a project that receives federal aid or is federally mandated.

Disadvantaged Business Enterprise (DBE) Program

The MDT DBE Program has been approved by FHWA, FTA, and FAA.

To ensure that bidding opportunities are made available for minority and women owned businesses, the DBE Program will:

- Seek out minority and women-owned businesses for certification;
- Publish a directory of certified firms;
- Monitor participation levels in Federal-aid construction contracts and consultant contracts;
- Participate in goal-setting meetings to establish goals on Federal-aid construction projects and consultant contracts, and ensure input from appropriate tribal officials for reservation projects;
- Monitor work performed by certified firms and prime contractors, and provide technical assistance to contractors.

The definition of “construction” for DBE purposes includes virtually all MDT activities, including Maintenance, Purchasing, CTEP, Transit, etc.

RAIL, TRANSIT, AND PLANNING DIVISION

Rail, Transit, and Planning Division (RTPD) is subject to both FTA and FHWA Title VI responsibilities. RTPD provides a broad range of multi-modal transportation planning functions and analyses to enable project selection and programming for MDT’s short and long-range transportation and grant programs. The principal areas in this Division which have Title VI impacts are planning, public involvement, contractual/consultant services procurement, grant/sub-grant recipients, equipment procurement, rail transit, special studies and sub allocated pass-through funding to governmental subdivisions.

The impacts of these areas are incorporated in the Process Handbook for Transportation Planning program description. At a minimum, RTPD ensures that:

- Grant and sub-grant programs for non-governmental organizations are publicized through the State to assure that protected groups receive appropriate notification and are able to participate in identified programs;
- Existing statistical data identifying concentrations of protected group populations is used in the development of MDT Public Involvement Strategies; and
- Procurement of consultant services and equipment will be accomplished in accordance with State and Federal law (see Purchasing section of this Plan).

The statewide transportation planning process includes the development, administration, and update of highway, transit, rail and bicycle/pedestrian plans and programs in accordance with federal and state laws, regulations, and policies. The process relies heavily on cyclical and ongoing public involvement efforts to involve stakeholders, the public, and other state, tribal and local agencies and governments in the decision-making process. Products include plans, reports, and studies that guide MDT decision makers in carrying out MDT’s statutory responsibilities as the Montana agency responsible for comprehensive statewide transportation planning and policy.

FTA regulations governing Section 5310 funds (elderly and disabled transportation) and Section 5311 funds (non-urban transportation) require that the state management plan include:

- A description of the process by which the state develops the annual program of projects submitted to FTA as part of its Section 5311 grant application, especially the method used to ensure fair and equitable distribution of funds, including to Native American tribes where present.

- A description of the state’s efforts to assist sub-recipients² in applying for Section 5311 funds, especially any efforts made to assist minority applicants.
- A description of the state’s criteria for selecting transit providers to participate in the program, especially its efforts to include sub-recipients serving significant minority populations.
- A description of the state’s ongoing process to monitor sub-recipient’s compliance with Title VI, such as ongoing site visits to each sub-recipient, review checklists, etc.

Transit Section and Rail Planner

The Transit (Urban) Section and the MDT’s Rail Planner are responsible for ensuring that Montana residents are aware of transit and rail issues and programs and that the benefits of MDT’s services are equitably distributed. This is accomplished by publicizing the availability of assistance in regional, local and minority newspapers, the MDT newsletter, and direct mail. Staff solicits participation from throughout Montana including the seven Indian reservations.

Staff also provides opportunities to participate in the transit and rail planning and decision-making processes through public meetings, surveys, toll-free telephone numbers, and consultant studies. Interpreters will be used to aid those with special needs.

To prevent discriminatory treatment of protected groups, staff ensures that applicants and recipients of assistance have access to processes for corrective or remedial actions. Complaint procedures are in place that will facilitate a resolution of problems at the lowest possible level.

Staff also ensures that decisions on locations of services and facilities and the level and quality of transit services comply with Title VI requirements.

Transit (Urban) Section staff and the Rail Planner are also involved in the following activities:

- Review data to determine if concentration of Title VI protected populations exist and may affect decision-making;
- Review (by Urban) of Metropolitan Planning Organization (MPO) Title VI plans to ensure the plans effectively address and comply with Title VI requirements;
- Review of FTA Section 5310 and 5311 transportation providers on a three-year rotational basis with one-third being reviewed each year;

² “Sub-recipient” is a local government or other entity receiving pass-through federal funds from MDT.

- Reviews of MPOs (by Urban) on a three-year rotational basis to ensure compliance with Title VI requirements;
- Urban areas without formal transportation plans are reviewed as appropriate or as changes in federal-aid property projects may dictate; and
- Other RTPD Title VI activities.

The Bicycle and Pedestrian Transportation Program is a part of the RTPD. It is tasked with institutionalizing bicycle and pedestrian modes and to target bicycle-related and pedestrian improvements.

Monitoring

The RTPD retains a Title VI Representative on staff. This Representative monitors Title VI and DBE compliance in all Division areas by conducting Division internal reviews and external compliance reviews which include metropolitan planning organizations (Urban), transit providers, and urban areas as necessary.

The RTPD Title VI Representative will assist in conducting formal complaint investigations of program participants. Formal complaints against a local government and sub-recipients will be referred directly to the CRB. The CRB Chief will do final approval on the investigation process.

Transit related formal complaints filed against MDT will be investigated by MDT and a written report will be sent to FTA. Formal complaints related to FHWA funding will be investigated immediately with a written report subsequently sent to FHWA.

TITLE VI CONTRACT LANGUAGE

The following Title VI contract language is physically attached to each non-construction contract executed by the Montana Department of Transportation.

NON-DISCRIMINATION NOTICE

During the performance of this Agreement, _____ (hereafter in this Section "the Party"), for itself, its assignees and successors in interest, agrees as follows:

A) COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 FOR FEDERAL-AID CONTRACTS

- (1) Compliance with Regulations: The Party shall comply with all Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, 49 Code of Federal Regulations (CFR), Part 21, as they may be amended (hereafter referred to as the Regulations), which are incorporated by reference and made a part of this Agreement, even if only state funding is here involved.
- (2) Nondiscrimination: The Party, with regard to the work performed by it during the Agreement, shall not discriminate on the grounds of sex, race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Party shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR Sec. 21.5.
- (3) Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations, whether by competitive bidding or negotiation by the Party for work to be performed under a subcontract, including procurement of materials or leases of equipment, any potential subcontractor or supplier shall be notified by the Party of the Party's obligations under this Agreement and the Regulations relative to nondiscrimination.
- (4) Information and Reports: The Party will provide all reports and information required by the Regulations, or directives issued pursuant thereto, and permit access to its books, records, accounts, other sources of information and its facilities as may be determined by State or the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with Regulations or directives. Where any information required of the Party is in the exclusive possession of another who fails or refuses to furnish this information, the Party shall so certify to the Department or the FHWA as requested, setting forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the Party's noncompliance with the nondiscrimination provisions of this Agreement, State may impose sanctions as it or the FHWA determines appropriate, including, but not limited to,

- (a) Withholding payments to the Party under the Agreement until the Party complies, and/or
 - (b) Cancellation, termination or suspension of the Agreement, in whole or in part.
- (6) Incorporation of Provisions: The Party will include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Party will take such action with respect to any subcontract or procurement as the State or the FHWA may direct to enforce such provisions including sanctions for noncompliance: Provided, however, that in the event the Party is sued or is threatened with litigation by a subcontractor or supplier as a result of such direction, the Party may request the State to enter into the litigation to protect the interests of the State, and, in addition, the Party or the State may request the United States to enter into such litigation to protect the interests of the United States.

B) COMPLIANCE WITH THE MONTANA GOVERNMENTAL CODE OF FAIR PRACTICES, SEC. 49-3-207, MCA

In accordance with Section 49-3-207, MCA, the Party agrees that for this Agreement all hiring will be made on the basis of merit and qualifications and that there will be no discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the Agreement.

C) COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)

- (1) The Party will comply with all regulations relative to implementation of the AMERICANS WITH DISABILITIES ACT.
- (2) The Party will incorporate or communicate the intent of the following statement in all publications, announcements, video recordings, course offerings or other program outputs: **"The Party will provide reasonable accommodations for any known disability that may interfere with a person in participating in any service, program or activity offered by the Party. In the case of documents, recordings or verbal presentations, alternative accessible formats will be provided. For further information call the Party."**
- (3) All video recordings produced and created under contract and/or agreement will be closed-captioned.

D) COMPLIANCE WITH PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS, 49 CFR PART 26

Each Agreement the Department signs with a Party (and each subcontract the

prime contractor signs with a subcontractor) must include the following assurance:

The Party, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Party shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the Party to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

DOT (FTA) TITLE VI ASSURANCE

Title VI assurances are the foundation of our commitment to non-discrimination. The Montana Department of Transportation deals with Title VI issues through the monitoring of its compliance with the principles specifically set forth in the law. Pursuant to FTA Circular 4702.1A (May 13, 2007), every application for financial assistance from FTA is accompanied by an assurance that the applicant will carry out the program in compliance with Title VI of the Civil Rights Act of 1964. This requirement is fulfilled on an annual basis when the department submits the annual certifications and assurances. The assurances are submitted electronically under the Administrator of the Rail, Transit and Planning Division or the Chief of the Multimodal Planning Bureau's automated signature. A hard copy of the assurance signed by the Chief Legal Counsel is kept on file at the Statewide and Urban Planning Section of Rail, Transit and Planning Division.

Additionally, each transit agency is required to submit their already executed "Non-Discrimination Assurance Statement" during their annual application. This statement, including complaint procedures, is review as part of the MDT triennial site reviews.

ENVIRONMENTAL JUSTICE

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994),” was enacted to reinforce Title VI of the Civil Rights Act of 1964.

The Civil Rights Act states, “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 subjected to discrimination under any program or activity receiving Federal financial assistance.”

Executive Order 12898 states, “Each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”

MDT enforces Environmental Justice in the same manner as Title VI. Environmental Justice is included as review criteria in all Title VI compliance reviews, particularly local government reviews.



The Montana Department of Transportation (MDT) attempts to provide accommodations for any known physical or mental disability that may interfere with a person participating in any service, program or activity of the department. Alternative accessible formats of this information will be provided upon request. For further information, please contact:

Civil Rights Bureau
Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001
(406) 444-6331 Phone
(406) 444-7685 FAX
Montana Relay 711
Website

www.mdt.mt.gov/business/contracting/civil/titlevi.shtml

100 copies of this booklet were produced at an estimated cost of \$_____ each, for a total of \$_____.

Appendix A

Title VI Periodic Report

Title VI of the 1964 Civil Rights Act provides “... *no person shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance, on the basis of race, color, or national origin [FHWA: also sex; FAA: also sex and creed].*”

Please prepare and submit this report electronically at the end of March, July, and November to bianderson@mt.gov to ensure compliance with Title VI requirements. Please attach additional sheets if necessary.

District/Headquarters Unit? _____

Who completed this review? _____

Period? March 20__ July 20__ November 20__

1. What Title VI related activities did you engage in during this reporting period (e.g., reporting to unit staff of Title VI activities, dissemination of Title VI information, etc.)?

2. Has your Unit/District assumed any responsibilities that Title VI will impact?

Yes No If yes, please explain: _____

3. Has your unit encountered any issues regarding Disadvantaged Business Enterprises (DBE) during this reporting period that have not already been reported to the DBE Program Manager?

Yes No

Public Meetings or Hearings: Do **NOT** complete this section if: (1) public meeting/hearing form was previously submitted; (2) no open invitation to meetings; or (3) no public meetings or hearings.

- Number of public meetings or hearings: _____
- Were any requests for alternative accessible documents (e.g., large type, braille, etc.) received? Yes No
- Were Title VI Public Meeting/Hearing Forms completed for all public hearings? Yes No
- Was discrimination/complaint process shared with those in attendance? Yes No
- Did any Title VI issues come out during the public hearings or meetings? Yes No N/A
- If yes, were these Title VI complaints documented? Yes No N/A

- If yes, were these Title VI complaints resolved? Yes No N/A

Complaints:

- How many Title VI complaints were received regarding public involvement during this reporting period? _____
 - Was the MDT Title VI Coordinator notified of these complaints? Yes No N/A
- What program were the discrimination complaints filed under?
 - Federal Aviation Administration (FAA)
 - Federal Highway Administration (FHWA)
 - Federal Transit Administration (FTA)
 - N/A
- What type of discrimination has been claimed or reported?
 - Race Color National Origin Sex
 - Creed Low Income Disability Age
 - N/A Other: _____
- What is the project concerned in the Title VI complaint? What is the status of the complaint(s) (e.g., 'ongoing investigation', 'informal resolution process', etc.)?
 - N/A _____

Training:

- Was any Title VI training provided to staff during this reporting period? Yes No
 - If yes, list date(s) and identify audience(s) and number(s):

- What are the dates and titles for any upcoming staff meetings or conferences that would allow the opportunity for Title VI training?

- If yes, do you need assistance to set up the Title VI training? Yes No N/A
- Have you updated your area's supply of Title VI pamphlets? Yes No N/A
- Do you need any additional Title VI pamphlets? Yes No
If yes, how many pamphlets do you need? _____

Appendix B

TITLE VI REVIEW 2007 – Rail Transit & Planning Division (April 6, 2007)

Date of Review: March 14, 2007
Unit Name: Rail, Transit & Planning Division (RTPD)
Title VI Representative: Tom Stuber
Attendees: Tom Stuber, Planner; Bill Anderson, Title VI Coordinator

Organizational: Rail, Transit & Planning Division (RTPD) has assumed no additional duties that affect its Title VI responsibilities. RTPD works principally with Federal Transit Administration (FTA) so FTA's Title VI requirements control at RTPD. Since the Director's position changed in 2005, FTA has requested a new set of assurances (FTA and DOT). Current structure is accurately reflected on the December 22, 2006 organizational chart.

Title VI Plan Wording: 1) FTA Region VIII has clarified that MDT's Title VI Program is "good until June 1, 2009." Further, FTA Region VIII has requested a "stand alone" Title VI plan with ADA incorporated into the plan. Requests for clarification and examples from FTA and other states have revealed no other "stand alone" FTA Title VI Plan or plans where ADA was integrated. 2) During discussion, Stuber indicated that statistical data was being used in development of public involvement strategies, but not being documented. 3) Stuber clarified that the Urban section of RTPD should be aware of the responsibilities regarding the statewide transportation process and verify those during MPO reviews. 4) Stuber clarified that the process to ensure fair and equitable distribution of funds for Native Americans as part of the 5311 grant application was in place prior to the 2005 FTA review, but has only been documented since. 5) Anderson clarified that Civil Rights Bureau does both the EEO (AAP) and the Title VI update, but that neither have, contrary to FTA assertion, been submitted simultaneously. 6) Stuber clarified that he works with Leslie Wootan-Hartung of Civil MDT Rights to conduct the annual DBE report each August 1. 7) RTPD Title VI Representative duties will be included. 8) Updated wording is attached to this report.

Title VI Representative Duties: Title VI duties defined in revised section wording.

Title VI Periodic Report: Updated Periodic Report form attached to this report.

Title VI Public Meeting Form: Updated form attached to this report.

Action Items: 1) Anderson drafted and circulated to the CRB Chief and Legal the draft updated FTA and DOT Title VI Assurances. Anderson originally proposed that FTA Title VI contract language be amended to parallel changes in FHWA and FAA Title VI contract language but, without prior FTA concurrence, agency decision-makers balked at changing the FTA language, so the Assurances will be submitted as printed in FTA documentation; 2) Anderson will use the "Title VI Program Update Report Guidelines" to complete FTA

annual reports; 3) Stuber will talk to Lynn Zanto, Chief of the Urban section, to clarify that they are verifying that statewide transportation planning processes be verified during MPO reviews; 4) Anderson will complete report and necessary revisions as result of this meeting. Final draft will be circulated to Administrators in October or November for finalization by December. 5) Stuber will request FTA due dates and share with Anderson; 6) Anderson will share 500 more Title VI pamphlets for distribution to Transit providers; 7) Anderson will draft memo out to all Administrators regarding ongoing internal Title VI reviews; 8) Anderson and Stuber will work further on FTA Regional Officer's request for a "stand-alone" FTA Title VI Plan that incorporates ADA; 9) Anderson sent MPO reports to Stuber (done April 6, 2007); 10) Stuber will contact the Regional FTA Title VI Officer on "income status" required to qualify as "low income" on Title VI complaint forms (under "Environmental Justice.") .

Title VI Plan Wording regarding RTPD

[Page 4]

Rail, Transit, and Planning Division

Ensures Title VI compliance in the transportation planning process and in rail and transit programs. This includes state highway traffic safety bureau, and Title VI reviews of appropriate cities, counties, rail and transit providers and consultant contracts.

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RAIL, TRANSIT, AND PLANNING DIVISION

Rail, Transit, and Planning Division (RTPD) is subject to both FTA and FHWA Title VI responsibilities. RTPD provides a broad range of multi-modal transportation planning functions and analyses to enable project selection and programming for MDT's short and long-range transportation and grant programs. The principal areas in this Division which have Title VI impact are planning, public involvement, contractual/consultant services procurement, grant/sub-grant recipients, equipment procurement, rail, transit, special studies and suballocated pass-through funding to governmental subdivisions.

The impacts of these areas are incorporated in the Process Handbook for Transportation Planning program description. At a minimum, Transportation Planning Division ensures that:

- Grant and sub-grant programs for non-governmental organizations are publicized through the State to assure that protected groups receive appropriate notification and are able to participate in identified programs;
- Existing statistical data identifying concentrations of protected group populations is used in the development of Department Public Involvement Strategies; and

- Procurement of consultant services and equipment will be accomplished in accordance with State and Federal law (see Purchasing section of this Plan).

The statewide transportation planning process includes the development, administration, and update of highway, transit, rail and bicycle/pedestrian plans and programs in accordance with federal and state laws, regulations, and policies. The process relies heavily on cyclical and ongoing public involvement efforts to involve stakeholders, the public, and other state, tribal and local agencies and governments in the decision-making process. Products include plans, reports, and studies that guide MDT decision makers in carrying out the department's statutory responsibilities as the Montana agency responsible for comprehensive statewide transportation planning and policy.

Federal Transit Authority (FTA) regulations governing Section 5310 funds (elderly and disabled transportation) and Section 5311 funds (non-urban transportation) require that the state management plan include:

- A description of the process by which the state develops the annual program of projects submitted to FTA as part of its Section 5311 grant application, especially the method used to ensure fair and equitable distribution of funds, including to Native American tribes where present.
- A description of the state's efforts to assist subrecipients³ in applying for Section 5311 funds, especially any efforts made to assist minority applicants.
- A description of the state's criteria for selecting transit providers to participate in the program, especially its efforts to include subrecipients serving significant minority populations.
- A description of the state's ongoing process to monitor subrecipient's compliance with Title VI, such as ongoing site visits to each subrecipient review checklists, etc.

Transit (URBAN) Section and Rail Planner

The Transit (Urban) Section and the MDT's Rail Planner are responsible for ensuring that Montana residents are aware of transit and rail issues and programs and that the benefits of MDT's services are equitably distributed. This is accomplished by publicizing the availability of assistance in regional, local and minority newspapers, the MDT newsletter, and direct mail. Staff solicits participation from throughout Montana including the seven Indian reservations.

Staff also provides opportunities to participate in the transit and rail planning and decision-making processes through public meetings, surveys, toll-free telephone numbers, and consultant studies. Interpreters will be used to aid those with special needs.

To prevent discriminatory treatment of protected groups, staff ensures that applicants and

³"Subrecipient" is a local government or other entity receiving pass-through federal funds from MDT.

recipients of assistance have access to processes for corrective or remedial actions. Complaint procedures are in place that will facilitate a resolution of problems at the lowest possible level.

Staff also ensures that decisions on locations of services and facilities and the level and quality of transit services comply with Title VI requirements.

Transit (Urban) Section staff and the Rail Planner are also involved in the following activities:

- Review data to determine if concentrations of Title VI protected populations exist and may affect decision-making;
- Review (by Urban) of Metropolitan Planning Organization (MPO) Title VI plans to ensure the plans effectively address and comply with Title VI requirements;
- Review of Federal Transit Administration Section 5310 and 5311 transportation providers on a three-year rotational basis with one-third being reviewed each year;
- Reviews of MPOs (by Urban) on a three-year rotational basis to ensure compliance with Title VI requirements;
- Urban areas without formal transportation plans are reviewed as appropriate or as changes in federal-aid property projects may dictate; and
- Other Rail Transit and Planning Division Title VI activities.

The Bicycle and Pedestrian Transportation Program is a part of the Rail, Transit, and Planning Division. It is tasked with institutionalizing bicycle and pedestrian modes and to target bicycle-related and pedestrian improvements.

Monitoring

The Rail, Transit, and Planning Division retains a Title VI Representative on staff. This Representative monitors Title VI and Disadvantaged Business Enterprise compliance in all Division areas by conducting Division internal reviews and external compliance reviews which include metropolitan planning organizations (Urban), transit providers, and urban areas as necessary.

The RTPD Title VI Representative will assist in conducting formal complaint investigations of program participants. Formal complaints against a local government and sub-recipients will be referred directly to the Civil Rights Bureau. The CRB Chief will do final approval on the investigation process.

Transit related formal complaints filed against MDT will be investigated by MDT and a written report will be sent to FTA. Formal complaints related to FHWA funding will be forwarded immediately to FHWA for investigation.

[Proposed Wording] RPTD Title VI Coordinator Duties:

- (1) Notify MDT Title VI Coordinator beforehand of public meetings.*
- (2) Report all Title VI complaints immediately to MDT Title VI Coordinator.*
- (3) Train staff/public on Title VI as opportunities arise.*
- (4) Ensure public meetings have Title VI pamphlets and complete Title VI Public Hearing Form for each public meeting and submit electronically to MDT Title VI Coordinator.*
- (5) Attend Title VI Representative meetings approximately once every four months.*
- (6) Manage unit revisions to Title VI Plan with Title VI Coordinator.*
- (7) Work with FTA Title VI Regional Officer as necessary.*
- (8) Ensure all sub-recipients have Title VI procedures and policies in place.*
- (9) Assist Civil Rights Bureau in conducting Title VI complaint investigations.*

TITLE VI COMPLAINT PROCEDURES

This section outlines the Title VI complaint procedures related to providing programs, services, and benefits. However, it does not deny the complainant the right to file formal complaints with the Montana Human Rights Commission, Equal Employment Opportunity Commission, FHWA, FTA, FAA, or to seek private counsel for complaints alleging discrimination, intimidation or retaliation of any kind that is prohibited by law.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs receiving federal financial assistance⁴. Executive Order 12898 (Environmental Justice) prohibits discrimination based on income status.

PROCEDURE

3. Any person believing they have been subjected to discrimination as noted below may file a written complaint with the Montana Department of Transportation's Civil Rights Bureau. Complainants have the right to complain directly to the appropriate federal agency. Federal and State law requires complaints be filed within 180 calendar days of the last alleged incident.
 - For FHWA, complaints may be based on race, color, national origin, sex or income status;
 - For FTA, complaints may be based on race, color, national origin, or income status;
 - For FAA, complaints may be based on race, color, national origin, sex, creed, or income status.
4. Within five (5) calendar days of receipt of a written complaint the Civil Rights Bureau Chief will notify the MDT Director of the complaint.
 - FHWA-related complaints against MDT will be referred to FHWA for investigation.
 - All FAA- or FTA- related complaints against MDT will be investigated by CRB.
 - All Title VI complaints against State subrecipients, regardless of which federal agency is involved, will be investigated by MDT.
3. Within five (5) calendar days of receipt of a complaint against a State subrecipient, an investigation by the MDT Civil Rights Bureau will begin. The Division Equal Employment Opportunity Representative may participate in the investigation.
4. A written investigation report will be prepared by the investigator within 30 calendar days of receipt of the complaint. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.

⁴ FHWA also includes "sex" as protected status. FAA also includes "sex" and "creed" as protected status.

5. The Civil Rights Bureau Chief will review the report. A copy of the report will be provided to the complainant and the respondent. Each will have five calendar days from receipt of the report to respond. If either party responds negatively or has additional information to provide, an informal meeting will be arranged by the Civil Rights Bureau Chief. If neither party responds, the report will be forwarded to the MDT Director for final internal action.
6. The investigation report with recommendations and corrective actions taken will be forwarded to the appropriate federal agency, the complainant and the respondent.
7. Complainants will be advised of their appeal rights to the appropriate federal agency.

TITLE VI COMPLAINT FORM
Montana Department of Transportation
Civil Rights Bureau
2701 Prospect Avenue, Helena, MT 59620-1001
(406) 444-6331
TTY (800) 335-7592 or (406) 444-7696

File # _____

1) This complaint involves:

- Highway funds/ projects
- Transit funds/ projects
- Aeronautics funds/ projects

2) Indicate basis of complaint.	
Race <input type="checkbox"/>	Gender (male <input type="checkbox"/> female <input type="checkbox"/> <small>[FHWA and FAA Only]</small>)
Color <input type="checkbox"/>	Income Status <input type="checkbox"/> <small>[Exec. Order 12898 - Environmental Justice]</small>
National Origin (refers to parental country of origin) <input type="checkbox"/>	Creed [FAA Only] <input type="checkbox"/>

3) Indicate why you believe discrimination has occurred. 4) Please provide dates, times, witness names, addresses, and telephone numbers. 5) Explain what kind of resolution you believe is appropriate. Use additional sheets of paper if needed.

(SIGNATURE)

(DATE)

Title VI Periodic Report – All Units
(Rev. 3/23/07)

Please prepare and submit this report electronically at the end of March, July, and November to MDT Title VI Coordinator (bianderson@mt.gov) to ensure compliance with Title VI requirements. Please attach additional sheets if necessary.

District/Headquarters Division? _____
Period? March 200__ July 200__ November 200__

Who completed this review? _____

What Title VI related activities did you engage in during this reporting period (e.g. notice of meetings, conduct of meetings, reporting to unit staff of Title VI activities, etc.)?

Have you encountered any issues regarding Disadvantaged Business Enterprises (DBE) during this reporting period? Yes No

Has your area assumed any responsibilities that Title VI will impact? Yes No
If "yes", please explain:

Public Hearings:

- How many public hearings or meetings were held and where? (See attached Public Meeting form).

- Were any requests for alternative accessible documents received? Yes No
- Were Title VI Public Hearing Forms completed for all public hearings? Yes No

Complaints:

- During the public hearing or meeting were any Title VI complaints discussed?
 Yes No N/A
- Were these Title VI complaints documented? Yes No N/A
- Were these Title VI complaints resolved? Yes No N/A

- How many Title VI complaints were received during this reporting period? _____
 - Was the MDT Title VI Coordinator notified of these complaints?
 - Yes No N/A

- What program were the discrimination complaints filed under?
 - Federal Aviation Aeronautics (FAA)
 - Federal Highway Aeronautics (FHWA)
 - Federal Transit Aeronautics (FTA)

- What type of discrimination has been claimed or reported?
 - Race Color National Origin Sex
 - Creed Low Income Other _____

- What is the project concerned? What is the status of the complaint(s)?

Training:

- Was any Title VI training provided to staff during this reporting period?
 - Yes No
 - If yes, list date(s) and identify audience(s) and number(s):

- What are the dates and titles for any upcoming staff meetings or conferences that would allow the opportunity for Title VI training?

- Do you need assistance to set up the Title VI Training? Yes No N/A
- Have you updated your area's supply of Title VI pamphlets? Yes No N/A
- Do you need any additional Title VI pamphlets? Yes No
 - If yes, how many pamphlets do you need? _____

No Title VI Activity in this Reporting Period

TITLE VI PUBLIC MEETING FORM (REV 3/15/07)

Date: _____	Location _____	District: _____	
Title VI Representative: _____		Signature: _____	
Project No: _____		Designation: _____ CN _____	

Was the following language stated or paraphrased to the audience?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<i>This meeting is held pursuant to Title VI of the 1964 Civil Rights Act which ensures that no person shall, as provided by Federal and State Civil Rights laws, be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination on the basis of a protected status during any MDT project. Further information is available in Title VI pamphlets available at the sign-in table.</i>	

Type of Meeting:			
<input type="checkbox"/> Informational	<input type="checkbox"/> Hearing (Public Input Sought)	<input type="checkbox"/> Scoping	<input type="checkbox"/> Other

Type of Notices(s) for Meeting:						
<input type="checkbox"/> Newspaper		<input type="checkbox"/> Radio		<input type="checkbox"/> Television		<input type="checkbox"/> Internet
<input type="checkbox"/> Paid Advertising			<input type="checkbox"/> Public Service			
<input type="checkbox"/> Landowner Letter			<input type="checkbox"/> Direct Mailing (e.g. postcard, brochure, etc.)		<input type="checkbox"/> Other _____	

Will this project / issue impact minority groups?			<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
(If yes, describe on sheet attached to this form.)					
Complete questions below as appropriate:					
Will there be:	Relocations?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
	Additional R/W?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Unknown
(If yes, describe on sheet attached to this form.)					

What minority groups were represented?

Native American Hispanics Asians African-Americans Not Identified Other _____

The meeting was held within _____ miles of the project site.

Was there a language barrier? Yes No **Unknown**

Was a translator requested? Yes No

If yes, what language? _____

Were the facilities accessible to the disabled? Yes No

If no, please explain: _____

Were other accommodations requested? Yes No

If yes, please explain: _____

Were disabled persons present? Yes No **Unknown**

Were Title VI Pamphlets with accessibility statements available? Yes No

Did any of the persons listed below make comments:

Public Attendees Yes No

MDT Representatives Yes No

Were any written complaints regarding the meeting/ project received? Yes No

If yes, please submit a copy of the complaint to the Title VI Coordinator.

What time was the meeting held? A.M/P.M A.M/P.M
to

Please submit this completed form electronically to the Title VI Coordinator at bianderson@mt.gov.

Appendix C

Title VI EA/EIS Review Checklist

Revised 12/17/2008

Document: _____

Draft EA	
Final EIS	

Reviewer(s): _____

Review Date: _____

A. Review			Comments
1 Is review while EA/EIS still in draft form?	Yes	No	
2 Is there a list of acronyms and abbreviations?	Yes	No	Acronym meaning easily accessible in beginning of EA at page
3 Is there a list of figures?	Yes	No	
4 Is there a list of tables?	Yes	No	
5 Were visuals and graphics used appropriately throughout the document?	Yes	No	
6 Will notice of the availability of this document appear in various media outlets and not just the Internet?	Yes	No	Not required but no indication on draft
7 Alternative Document statement?	Yes	No	
B Project Site			
Was population analyzed by:			
1 age group?	Yes	No	
2 languages spoken?	Yes	No	Please include one sentence related to languages in population.
3 national origin of population?	Yes	No	
4 income groups?	Yes	No	Please include one sentence related to low income population/ percentages
5 race?	Yes	No	
6 color?	Yes	No	

7	If total population changed substantially, are most recent census figures being used?	Yes	No	Other	Minority is defined by the census.
C Public Input					
1	All effected groups contacted?	Yes	No	Other	<i>Document mehod of identification and contact.</i>
2	Were adjoining property owners contacted?	Yes	No	Other	
3	Were all the comments summarized?	Yes	No	Other	
4	Indication of how affected groups were identified?	Yes	No	Other	
5	Were bi-lingual services needed or requested for LEP?	Yes	No	Other	
6	Summary table in EA [not required]?	Yes	No	Other	
7	Was there targeted contact?	Yes	No	Other	
8	What means were used for contact?	Landowner letter		TV	
9	Are copies of public notices/ news releases in EA?	Yes	No	Other	
10	Was reasonable accomodation statement present for public meetings?	Yes	No	Other	
11	Was alternative accessible statement present in the meeting notice?	Yes	No	Other	
12	Was number of attendees at meetings discussed?	Yes	No	Other	
13	Were public hearings/workshops held and summarized in document?	Yes	No	Other	
14	If high % of protected status, is there discussion of involvement?	Yes	No	Other	
15	Were adverse comments as detailed as the supporting comments?	Yes	No	Other	
16	Were minutes of public meetings included?	Yes	No	Other	
17	Were newspaper articles regarding the meetings included in the document?	Yes	No	Other	
18	Was time of meetings practicable?	Yes	No	Other	
19	Is there documentation that Title VI Public Meeting form was used?	Yes	No	Other	

Observation only; no remedial action necessary.

Summary alright if minutes kept in permanent file.

Were articles deleted because of bulk? If so, permanent file should retain copies.

20	Are post EA public meetings discussed?	Yes	No	Other
D Impacts				
1	Disclose construction impacts?	Yes	No	Other
2	Discuss mitigation for each construction impact?	Yes	No	Other
3	Discuss air quality impacts?	Yes	No	Other
4	Discuss mitigation of air quality impacts?	Yes	No	Other
5	Discuss impacts on affected businesses?	Yes	No	Other
6	Discuss mitigation for each business impact?	Yes	No	Other
7	Discuss noise impacts during construction?	Yes	No	Other
8	Discuss mitigation for construction noise impacts?	Yes	No	Other
9	Discuss noise impacts after completion?	Yes	No	Other
10	Discuss mitigation for noise impacts after completion?	Yes	No	Other
11	Discuss land use impacts?	Yes	No	Other
12	Discuss mitigation of land use impacts?	Yes	No	Other
13	Discuss visual impacts?	Yes	No	Other
14	Discuss mitigation of visual impacts?	Yes	No	Other
15	Discuss ADA issues?	Yes	No	Other
16	Discuss mitigation of ADA issues?	Yes	No	Other
17	Discuss Hazmat issues?	Yes	No	Other
18	Discuss mitigation of Hazmat issues?	Yes	No	Other
19	Does lack of mitigation specifically affect any group?	Yes	No	Other
20	If urban project, does project "divide neighborhood?"	Yes	No	Other
21	Does document discuss displacement?	Yes	No	Other
22	Is displacement being mitigated?	Yes	No	Other
23	Were economic impacts identified?	Yes	No	Other
24	Was mitigation to economic impacts identified?	Yes	No	Other
25	Were right of way acquisitions identified?	Yes	No	Other

Is good faith effort documented in permanent file?

- | | | | | |
|-----------|--|-----|----|-------|
| 26 | Were mitigations to right of way acquisitions identified? | Yes | No | Other |
| 27 | Was statement of disproportionate impact on low income or minority populations included? | Yes | No | Other |
| 28 | Was there an explanation why there was or was not an Environmental Justice impact? | Yes | No | Other |

¹ 65 Federal Register 50121 (August 16, 2000)

² 68 FR 32293 (May 29, 2003)

³ 66 FR 6733 (January 22, 2001)

⁴ 65 Federal Register 50121 (August 16, 2000)

⁵ 67 FR 41455 (June 18, 2002)

⁶ 68 FR 32293 (May 29, 2003)

⁷ 66 FR 6733 (January 22, 2001)

⁸ Department of Justice website re: "Commonly Asked Questions and Answers regarding the EO 13166"

⁹ 66 FR 6733 (January 22, 2001)

¹⁰ 68 FR 32295 (May 29, 2003)

¹¹ 68 FR 32291 (May 29, 2003)

¹² 68 FR 32294 (May 29, 2003)

¹³ Spreadsheet prepared by Bill Anderson, Title VI Coordinator, on February 27, 2004.

¹⁴ Interview with Shane Mintz, Right of Way Supervisor, 2002.

¹⁵ Brochure: Agency Responsibilities for Interpreter Services "Working Together"; Brochure: "Montana Deaf/Hard of Hearing Services"; Brochure: "Working together With/And for MDHHS: Responsibilities/ Roles and Functions."