

ARKANSAS DEPARTMENT OF TRANSPORTATION

TITLE VI UPDATE

The following is a summary of Title VI activities during the period October 1, 2016, through September 30, 2017.

I. ACCOMPLISHMENTS

A. Title VI Multi-Disciplinary Team

ARDOT's Title VI Multi-Disciplinary Team's responsibilities include reviewing, evaluating and implementing ARDOT's Title VI program utilizing a pro-active approach. Team members utilize the "Multi-Disciplinary Approach to Non-Discrimination" to ensure Title VI issues are addressed on a day-to-day basis.

The team consists of the following members:

Jay Thompson, AHP Major, Highway Police
Jennifer Williams, Assistant Division Head, Right of Way
Charles Martin, Assistant Division Head, Roadway Design
Jerry Trotter, Assistant State Construction Engineer, Construction
Ruby Jordan, Section Head-Public Involvement, Environmental
David Hall, Division Head, Surveys
David Mayo, Division Head, State Aid
Joanna P. McFadden, EEO/DBE Section Head and Title VI Specialist
Patricia Slater, Public FTA Grants Officer, Transportation Planning and Policy
Danny Straessle, Public Information Officer
Tymli Frierson, Advanced Research Study Engineer, System Information and Research
Andrew Brewer, Assistant Division Head, Transportation Planning and Policy
Jared Wiley, Division Head, Program Management

B. Interdisciplinary Staff

The Title VI Specialist serves as a member of the Interdisciplinary (ID) Staff and operates under the responsibilities described in the Public Involvement/Public Hearing Procedures. The Title VI Specialist or a designee attends ID Staff meetings.

The Title VI Specialist or a designee attends selected public hearings and public involvement meetings. The Title VI Specialist also reviews environmental documents and discusses project development with individuals from the various program areas to become more familiar with activities with potential Title VI concerns.

A brochure entitled "Your Guide to Title VI Civil Rights Act of 1964," is available for individuals who attend public hearings or public involvement meetings. *Refer to Attachment A.*

C. Program Review

Appropriate Divisions submitted annual reports to the Title VI Specialist so that a determination could be made regarding compliance with the provisions of the Title VI program. *Refer to the Attachment B for documentation submitted during the reporting period and the Title VI Specialist's response to each submission.*

D. Limited English Proficiency (LEP) Program

Public Notice flyers and comment forms have been translated to Spanish and are utilized for jobs located in areas where there is a significant percentage of Hispanics. Hispanic radio stations and newspapers are utilized to announce the meetings.

E. Americans with Disabilities Act (ADA) and Access for Individuals with Disabilities under Section 504 (Section 504).

Curb and sidewalk meeting was held to assure ARDOT's monitoring of all facilities to ADA compliance.

F. Sub-recipient Review

Eureka Springs Transit, Ozark Regional Transit (ORT), Elizabeth Richardson Center, Inc., Special Services Learning Center, Inc., Faulkner County Council on Aging, Inc., and Van Buren County Aging Program were selected for a Title VI review, including compliance with ADA/Section 504 requirements and Executive Order (EO) 13166 – Improving Access to Service for Persons with LEP.

Eureka Springs Transit, Ozark Regional Transit (ORT), Elizabeth Richardson Center, Inc., Special Services Learning Center, Inc., Faulkner County Council on Aging, Inc., and Van Buren County Aging Program were found to be in compliance.

G. Metropolitan Planning Process Review

Desk Audits were performed for Frontier Metropolitan Planning Organization, and Jonesboro Metropolitan Planning Organization.

H. Miscellaneous

ARDOT's Disadvantaged Business Enterprise Directory is furnished to the Title VI Officers who work in areas where there are contracting opportunities. Those program areas include: Environmental, System Information and Research, Transportation Planning and Policy, Right of Way, Roadway Design, Public Transportation, Surveys, and Program Management. The Directory is furnished to MPOs and Rural Transit System Operators and is available on ARDOT's public website.

ARDOT conducted Title VI training for the Metropolitan Planning Organizations (MPOs) Title VI Coordinators, Transit Agencies and ARDOT Divisions.

J. Liaison

The Title VI Specialist maintains contact by correspondence and telephone with the following FHWA officials:

David Blakeney, Right of Way Officer/Civil Rights, Arkansas Division
Valera McDaniel, Transportation Program Coordinator/Planner, Arkansas Division
Kevin Resler, National Title VI Program Manager

II. GOALS

- A. Appropriate Divisions will submit annual reports to the Title VI Specialist to ensure compliance with the Title VI program.
- B. The Title VI Specialist will attend Federal-aid kick-off meetings of local governments, consultants, school districts, and metropolitan planning organizations to explain the requirements of the Title VI program; EO 12898 and 13166 - Environmental Justice and LEP, respectively, and ADA/Section 504 as necessary.
- C. The Title VI Specialist or a designee will continue to attend selected public hearings, review environmental documents and discuss project development with individuals from the various program areas to stay apprised of activities involving Title VI issues.
- D. The Title VI Specialist or a designee will accompany planning certification and enhanced planning review teams (if any) to assist in the review of Title VI activities conducted as part of the metropolitan and statewide planning processes.
- E. ARDOT will participate in various multi-cultural activities throughout the year.
- F. ADA/Section 504

ARDOT's Transition plan modifications were completed in January 2013.

- G. Six (6) Title VI reviews will be conducted, including a review of ADA/Section 504 requirements, and EO 12898 and 13166.

III. PROBLEMS

No problems were encountered during this reporting period.

IV. COMPLAINTS

None

V. The EEO/DBE Section Head will function in the following capacities:

A. Civil Rights Officer

1. The EEO/DBE Section Head has been designated as the Civil Rights Officer for ARDOT and reports directly to the Director of ARDOT. *Refer to Attachment C for a copy of the Department's Organization Chart.*
2. The Civil Rights Officer, by order of the Director, has overall responsibility for planning, developing, managing, implementing, coordinating, and monitoring all program areas of the civil rights functions, including Title VI.
3. The Civil Rights Officer also assists in carrying out the requirements of Title VI by other Divisions responsible for program area activities affected by Title VI.

B. Section Head EEO/DBE/Title VI Specialist

1. The EEO/DBE Section Head is also designated as the Title VI Specialist and is responsible for initiating and monitoring ARDOT's Title VI activities and preparing reports. The following personnel provide assistance as needed:
 - i. External EEO Coordinator
 - ii. Internal EEO Coordinator
 - iii. EEO Specialist
 - iv. Office Administrative Assistant II
2. The EEO/DBE Section Head has easy access to the Director of ARDOT and is adequately staffed to effectively implement ARDOT's Civil Rights Program.
3. ARDOT's Title VI assurances were updated. *Refer to Attachment D for a copy of the Department Title VI assurances.*

ATTACHMENT A

**A MESSAGE FROM
TITLE VI SPECIALIST
JOANNA P. MCFADDEN**

The primary goal of the Arkansas Department of Transportation's Title VI Program is to ensure that all appropriate personnel and contractors are aware of the provisions of Title VI of the Civil Rights Act of 1964, and are fully aware of their Title VI responsibilities as well as ADA/504, Executive Order 12898 (Environmental Justice) and Executive Order 13166 LEP (Limited English Proficiency).

The ARDOT EEO Section is available to provide you with technical assistance, resources, guidance, and any other information pertaining to Title VI and ADA/504.

Should you have any questions or concerns regarding the Title VI Program, please do not hesitate to contact me at

Joanna.McFadden@ardot.gov (501) 569-2298, Voice/TTY 711.

Joanna P. McFadden



**ARKANSAS DEPARTMENT
OF TRANSPORTATION**

NOTICE OF NONDISCRIMINATION

The Arkansas Department of Transportation (ARDOT) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, the ARDOT does not discriminate on the basis of race, sex, color, age, national origin, disability, religion (*not applicable as a protected group under the FMCSA Title VI Program*), LEP, or low-income status in the admission, access to and treatment in ARDOT's programs and activities, as well as the ARDOT's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the ARDOT's nondiscrimination policies may be directed to Joanna P. McFadden, Section Head - EEO/DBE (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address:

Joanna.McFadden@ardot.gov

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

**Your Guide
To
Title VI
Civil Rights
Act of 1964**

**ARKANSAS
DEPARTMENT
OF
TRANSPORTATION**

10324 Interstate 30
Little Rock, AR 72209

Phone: 501-569-2298
Voice/TTY 711
Fax: 501-569-2965



Nondiscrimination in the Federal Highway Program

The focal point of nondiscrimination law is Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance. However, the broader application of the nondiscrimination law is found in other statutes, regulations and Executive Orders. Section 324 of the Federal-Aid Highway Act of 1973 prohibits discrimination based on sex. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibits unfair and inequitable treatment of persons as a result of projects that are undertaken with Federal financial assistance. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability as does the Americans with Disabilities Act of 1990 (ADA). The ADA also prohibits discrimination in the provision of access to public buildings and requires that rest areas be accessible by wheelchair. The Age Discrimination Act of 1975 prohibits age discrimination. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all program and activities of Federal-aid recipients and contractors whether those programs and activities are federally-funded or not. Executive Order 12898 provides Environmental Justice for Minority and Low-income populations. Executive Order 13166 provides language assistance to persons who are limited English proficient.

What programs are covered by Title VI?

Federally assisted programs address such broad and diverse areas as:

- Transportation (including transit)
- Construction
- Elementary, secondary, and higher education

- Health care, social services, and public welfare
- Parks and recreation
- Natural resources and the environment
- Employment and job training
- Law enforcement and the administration of justice
- Agriculture and nutrition
- Housing and community development

What discrimination is prohibited?

There are many forms of illegal discrimination based on race, color, sex, national origin, age, disability, religion (*not applicable as a protected group under the FMCSA Title VI Program*), LEP, or low-income status that can limit the opportunity of minorities to gain equal access to services and programs. Among other things, in operating a federally assisted program, a recipient cannot, on the basis of race, color, sex, national origin, age, disability, LEP, or low-income status either directly or through contractual means:

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

How can I file a discrimination complaint?

You may file a signed, written complaint within 180 days from the date of the alleged discrimination. The complaint should include:

- Your name, address, and telephone number.
- The name and address of the agency, institution, or department you believe discriminated against you.
- How, why and when you believe you were discriminated against. Include as much specific, detailed information as possible about the alleged acts of discrimination, and any other relevant information. Include names of individuals whom you allege discriminated against you, if you know them.
- The names of any persons, if known, who the ARDOT can contact for clarity of your allegations.

Please submit your signed complaint to the address on the front, attention of Joanna P. McFadden Section Head—EEO/DBE (ADA/504 and Title VI Coordinator).

ATTACHMENT B

Environmental Division

- There were twenty-five (25) meetings held open to the general public during October 1, 2016 through September 30, 2017. There were no Title VI complaints, as well as no ADA requests or complaints.

Transportation Planning and Policy

- FTA programs provide funding through reimbursement of a actual cost of services and items, and the reimbursement process typically takes 45-60 days; Title VI information will be provided once available.

Construction

- There were no new contracts awarded to consultants by the Construction Division for the period of October 1, 2016 through September 30, 2017.

Program Management

- There were no new contracts awarded to consultants by the Program Management Division for the period of October 1, 2016 through September 30, 2017.

Surveys

- There were no complaints received by the Surveys Division for the period of October 1, 2016 through September 30, 2017.

Right of Way Division

- There were Thirty (30) contracts awarded for the period of October 1, 2016 through September 30, 2017. None were awarded to DBE's, minority and or female owned businesses. Property Management solicits bids for different demolition activities. Because of the nature of these activities, there are a very limited number of vendors who handle both asbestos abatement and demolition; therefore, limiting the bid pool. The Property Management staff attempts to contact everyone who might be able to handle these services.

When vendors are identified that meet these criteria, they are given contact information for our DBE staff and encouraged to become certified.

System Information and Research Division

- Arkansas State University, University of Arkansas at Little Rock and University of Arkansas at Fayetteville were all awarded research projects. There were Fifty-Four (54) minorities working on the Sixteen (16) research projects awarded

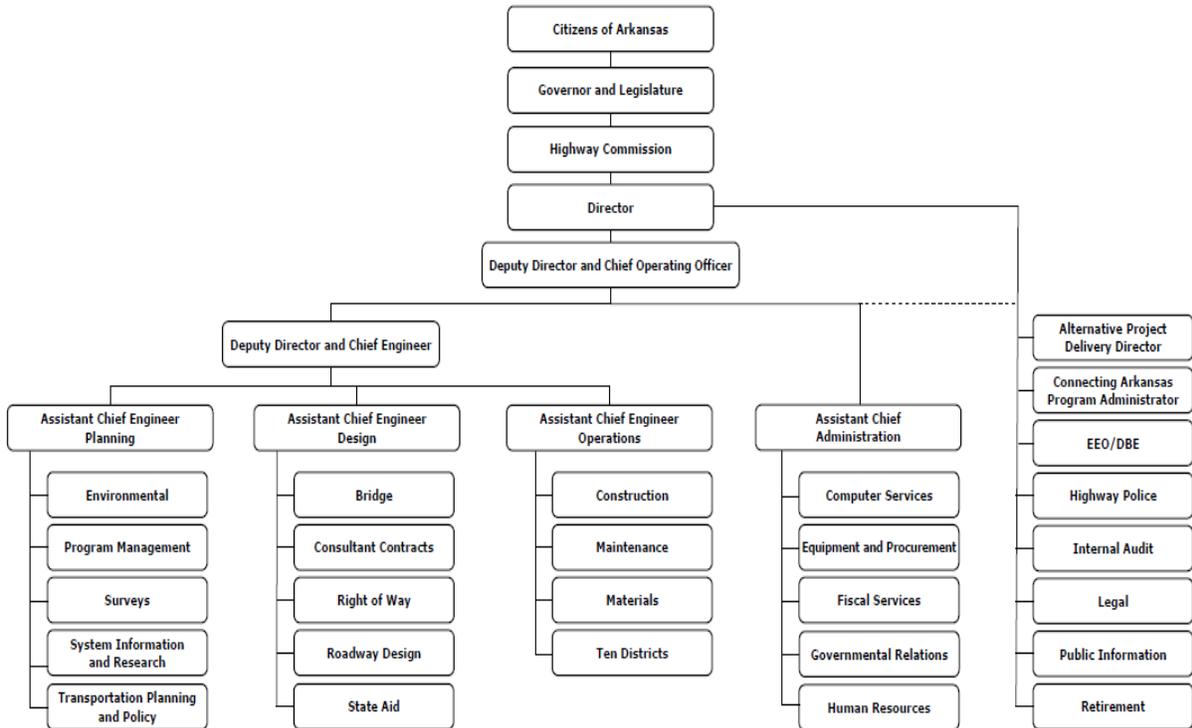
Design Division

- There have been 99 consultant contracts/ task orders issued utilizing federal funds during the reporting period. Attached is the full list of the consultant contracts/task orders by job number, name of the prime and subconsultants, dollar amount, and percent complete.
 - Five (5) federally funded contracts awarded have DBE participation. This firm is highlighted in red in the list referenced above and provided as an attachment.
 - Aerial Data Service, Inc., a WBE, is a subconsultant on multiple survey task orders.
- Thirteen master agreement contracts have been awarded during this time. Many of these master agreements will utilize federal funding in the task orders.
 - One (1) awarded master agreement contract has DBE participation for the prime consultant. This firm is highlighted in red in the list referenced above and provided as an attachment.
 - Alliance Transportation Group, Inc., a WBE, is a consultant on the On-Call Planning agreement.
- Eight (8) awarded contracts awarded have DBE participation in the subconsultants included in the master agreement. These firms are highlighted in red in the list referenced above and provided as an attachment.
 - Aerial Data Service, Inc., a WBE, is a subconsultant on Crafton, Tull's Design Master Agreement.
 - Alliance Transportation Group, a WBE, is a subconsultant on 1. Garver's Planning Master Agreement and 2. Michael Baker's Design Master Agreement.
 - EJES Incorporated, a DBE, is a subconsultant on Michael Baker's Design Master Agreement
 - Harbor Environmental, Inc., a WBE, is a subconsultant on HNTB's 1. Planning Agreement and 2. Design Agreement.
 - ICONIC Consulting Group, a DBE, is a subconsultant on Garver's Design Master Agreement.

- J Kelly Referrals and Information Services, Inc., a DWBE, is a subconsultant on Jacobs Planning Agreement.
- Public Information Associates, a WBE, is subconsultant on Atkins Planning Agreement.
- During the Request for Letters of Interest step of the consultant selection process, notification emails are sent to those DBE, minority, and female firms with relevant experience to inform them of the Department's advertisement. During the Request for Proposal step of the consultant procurement process, a statement is included in the scope of work to encourage DBE participation. In addition, a consultant team who shows a good faith effort to include DBE participation will score higher under one of the evaluation criteria.
- Letters of Interest are generally advertised in Arkansas Democrat Gazette and the Department website.
- None of the consultant service-related documents have been translated into Spanish.
- No interpreters have been utilized to explain consultant service-related documentation or procedures.

ATTACHMENT C

ARKANSAS DEPARTMENT OF TRANSPORTATION ORGANIZATION CHART



Scott C. Bennett

Director of Highways and Transportation

April 11, 2017

Date

ATTACHMENT D

ARKANSAS DEPARTMENT OF TRANSPORTATION

TITLE VI/ ADA NONDISCRIMINATION PROGRAM POLICY STATEMENT

The Arkansas Department of Transportation (ARDOT) policy ensures nondiscrimination compliance, on the grounds of race, color, national origin, age, sex, religion (*not applicable as a protected group under the FMCSA Title VI Program*), disability, limited English proficiency (LEP), or low-income status as provided by Title VI of the Civil Rights act of 1964 and related Nondiscrimination authorities.

The following nondiscrimination statutes and authorities include but are not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C § 2000d et seq.);
- Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 et seq.);
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.);
- Americans With Disabilities Act of 1990;
- The Civil Rights Restoration Act of 1987;
- 49 CFR Part 21;
- 23 CFR Part 200;
- 49 CFR Part 303
- USDOT Order 1050.2A;
- Executive Order # 12898 (Environmental Justice);
- Executive Order # 13166 (Limited-English-Proficiency).

No person will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ARDOT program or activity. Every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. The ARDOT's sub-recipients, grant recipients, and contractors must also comply with this policy.

The ARDOT's Civil Rights Officer and program areas must work closely to implement their mutual Title VI nondiscrimination program responsibilities. Therefore, each program area will take full responsibility for preventing discrimination and ensuring nondiscrimination compliance in all of the ARDOT's programs and activities.

The Director signs assurances and delegates full authority to the Title VI/ADA Program Coordinator to oversee and implement Title VI regulations.

Dated 10-9-17

By 
Scott E. Bennett, P.E.
Director of Arkansas Department of
Transportation

ARKANSAS DEPARTMENT OF TRANSPORTATION

Standard Title VI/Non-Discrimination Assurances

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

Statutory/Regulatory Authorities

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

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

General Assurances

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

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

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

Specific Assurances

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

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

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

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

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

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

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

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

Arkansas Department of Transportation
(Name of Recipient)

By Scott E. Bennett
Scott E. Bennett, P.E.
Director of Arkansas Department
Of Transportation

DATED 10-9-17