



# **Title VI / Environmental Justice Plan**

**September- 2010**

Title VI/ Environmental Justice Plan

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## SECTION I: INTRODUCTION, POLICY STATEMENT AND ASSURANCE

The Vermont Agency of Transportation (VTrans) is a recipient of federal financial assistance. As a federal-aid recipient, VTrans will ensure full compliance with *Title VI of the Civil Rights Act of 1964, as amended* (referred to as Title VI) and related federal statutes and regulations in all VTrans programs and activities. Specifically, Title VI provides that *no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance*. Additionally, the *Civil Rights Restoration Act of 1987* (FHWA Notice 4720.6) clarified the original intent of Congress with respect to Title VI, 23 USC 324 (sex), the *Age Discrimination Act of 1975*, and *Section 504 of the Rehabilitation Act of 1973* by restoring the broad, institution-wide scope and coverage of the non-discrimination statutes to include all programs and activities of federal-aid recipients and contractors, whether or not such programs and activities are federally-assisted.

To satisfy the legal and regulatory requirements as defined in the following cites, VTrans has created and implemented a Title VI Program Agency wide:

- Title VI of the Civil Rights Act of 1964, as amended (42 USC 2000d to 2000d-4);
- Federal Transit Laws, as amended (FTA C 4702.1A) – This Circular delineates the Federal Transit Administration's (FTA) Title VI requirements;
- Title VIII of the Civil Rights Act of 1968, as amended (42 USC 3601-3619) – This Act is known as the Fair Housing Act and Title VIII of this Act prohibits discrimination with respect to the sale or renting of housing;
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 USC 4601-4655) – This Act is known as the Uniform Act and provides for the uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and establishes uniform and equitable land acquisition policies for Federal and federally assisted programs;
- Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794) – No otherwise qualified individual with a disability in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance (cite taken from 49 CFR 27.1);
- 23 USC 109(h) – Requires the promulgation of guidelines intended to ensure that possible adverse economic, social, and environmental effects relating to any proposed project on any Federal-aid system have been fully considered in developing such project, and that the final decision on the project are made in the best overall public interest.;
- 23 USC 324 – Prohibits discrimination on the basis of sex;
- 23 CFR 200 – This part delineates the Federal Highway Administration's (FHWA) Title VI regulation;
- 23 CFR 450 & 49 CFR 613 – Joint FTA/FHWA regulation: "Planning Assistance and Standards" (October 28, 1993, unless otherwise noted);
- 23 CFR 771 – Joint FTA/FHWA regulation: "Environmental Impact and Related Procedures" (August 28, 1987);
- FHWA Order 6640.23 – Actions to Address Environmental Justice in Minority Populations and Low-Income Populations;
- 28 CFR 42, Subpart F (Department of Justice regulation) – "Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs" (December 1, 1976, unless otherwise noted);
- 49 CFR 21 – "Nondiscrimination in Federally-Assisted Programs of VTrans of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, as amended" (June 18, 1970, 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” (EJ) (April 15, 1997);
- DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons (LEP) (December 14, 2005);
- Section 12 of FTA's Master Agreement, FTA MA 13 (October 1, 2006).

VTrans has executed a Non-Discrimination & State Assurances Agreement with the FHWA dated November 12, 2010, detailing the Title VI and Americans With Disabilities Act of 1990 (ADA) assurances that the VTrans Secretary has committed the Agency to fulfilling (**see Attachment A**). Also, VTrans has issued a Title VI Policy Statement dated November 12, 2010, (**see Attachment B**). Finally, VTrans makes available to members of the public a Title VI brochure (**see Attachment C**). These documents assure FHWA, FTA, and FAA that the VTrans Secretary is committed to implementing all programs, projects, and activities in a non-discriminatory manner.



## SECTION II: ORGANIZATION AND STAFF RESPONSIBILITIES

### Introduction

The VTrans Office of Civil Rights and Labor Compliance has the primary responsibility for implementing VTrans' Title VI Program Plan. The Civil Rights Chief, as the Title VI Coordinator, administratively reports to the Director of the VTrans Finance and Administration Division and periodically briefs the Secretary's Office and senior VTrans management regarding Title VI issues. The VTrans Title VI Program Manager initiates and monitors day-to-day Title VI activities, processes Title VI complaints, and prepares requisite reports. The VTrans Secretary has delegated the responsibility for Title VI implementation to each Agency Director, Commissioner, and Section Chief through the issuance of a Policy Statement and Assurance.

To assist the VTrans Title VI Program Manager, each Agency Director and Commissioner has appointed one or more Title VI Liaisons. Liaisons are responsible for working with the VTrans Title VI Program Manager regarding Title VI review and compliance, observations and recommendations, data collection, and data reporting. The Title VI Liaisons have responsible positions within the Divisions' sections and/or Department's program areas and have the support of the Directors and Commissioner when performing data collection, analysis and reporting. Additionally, the Title VI Liaisons have received training from the VTrans Title VI Program Manager; meeting periodically and submitting timely Title VI reports to the VTrans Title VI Program Manager.

The VTrans Title VI Coordinator meets periodically with the Agency's Executive Staff, including the Agency Secretary, Division Directors, and Department of Motor Vehicles (DMV) Commissioner. Senior Agency management coordinates the dissemination of information specific to their oversight responsibilities with the VTrans Title VI Program Manager.

VTrans Divisions and Department are as follows:

- Policy & Planning;
- Finance & Administrative Services;
- Program Development;
- Operations; and
- Department of Motor Vehicles

The Federal-aid Program Areas are as follows:

- Planning;
- Project Development/Environmental;
- Rights-of-Way;
- Construction/Maintenance (Includes Contract/Agreement Processing, Pre-qualification, & Award);
- Research;
- Safety; and
- Training

### Responsibilities/Authority For Title VI Activities

The VTrans Title VI Coordinator has a direct reporting relationship with the Secretary's Office concerning Title VI issues. The VTrans Title VI Coordinator administratively reports to the VTrans Finance and Administration Director. In addition to the Title VI Coordinator, the VTrans Office of Civil Rights and Labor Compliance has four Civil Rights Program Specialists, one of whom is designated the Title VI Program Manager.



The VTrans Title VI Program Manager is responsible for the following duties:

- Develop and coordinate the implementation of the VTrans Title VI Program. These activities include coordination and monitoring VTrans Divisions and Department to ensure continuous and timely completion of Title VI activities;
- Be thoroughly conversant with and knowledgeable of the federal statutory and regulatory requirements and VTrans Title VI Program. Additionally, the VTrans Title VI Coordinator will be involved via oversight and monitoring activities in the various phases of federal-aid project development so as to assist the Directors and Commissioner in addressing Title VI issues and to develop an awareness of Title VI concerns;
- Ensure the prompt processing, disposition and investigation of all Title VI complaints in **accordance with the Title VI Complaint Process (see Chapter III)**;
- Coordinate with the Title VI Liaisons to review VTrans policies and procedures to determine the adequacy of Title VI provisions contained therein, and when necessary, coordinate with the appropriate VTrans management to revise such policies and procedures to adequately address Title VI concerns;
- Develop cooperatively with the FHWA training programs regarding Title VI and related statutes for Title VI Liaisons and Directors and Commissioner;
- Prepare and submit by October 1st of each Federal Fiscal Year (FFY) an Annual Title VI Plan Update which will include the accomplishments for the previous FFY, the goals for the next FFY, and an update as to the reviews performed and a schedule of reviews for the next FFY;
- Develop Title VI information for dissemination to the general public and where appropriate, provide the information in languages other than English (see Chapter VII);
- Coordinate the resolution of Title VI deficiencies with the Title VI Liaisons identified as a result of Title VI Program reviews, federal agency citations, or through other methods. Resolutions of Title VI deficiencies will be completed and submitted to the appropriate parties within a period not to exceed ninety (90) days;
- Conduct reviews of special emphasis federal-aid Program areas as required (i.e., advertising procedures, legal notices, consultant selection, etc.);
- Conduct a review of selected elements within the federal-aid Program area(s); and
- Conduct or coordinate reviews of local public agencies, universities, etc., that receive US Department of Transportation funding as to their Title VI compliance.

#### Division Directors and Commissioner

Each VTrans Director and Commissioner is responsible for the implementation of the Title VI Program area(s) within his/her Division, Section, and/or Department. The Directors and Commissioner will designate one or more Title VI Liaisons; the Title VI Liaisons will coordinate with the VTrans Title VI Program Manager. Liaisons will be responsible for the administration of the respective Division's and Department's Title VI Program area(s). The Directors and Commissioner will advise the VTrans Title Program Manager of any interim changes in the Title VI Liaisons(s) immediately following the occurrence.

#### Title VI Liaisons

The Title VI Liaisons have the following responsibilities:

- Provide periodic reports to the VTrans Title VI Program Manager for inclusion in the Annual Title VI Plan Update. The final Division and Department Title VI reports for the FFY will be provided to the VTrans Title VI Program Manager by September 1st of each FFY. These reports will be reviewed by the Directors and Commissioner prior to



providing the reports to the VTrans Title VI Program Manager. The Directors and Commissioner will meet with the VTrans Title VI Program Manager as needed to discuss any Title VI issues;

- Monitor their Division's or Department's Title VI implementation progress and track accomplishments towards the identification and elimination of discrimination and recommend corrective actions as necessary; and
- Address the VTrans Title VI Program Manager's and/or federal agency's comments regarding Division or Department Title VI deficiencies. All deficiencies will be clearly defined and corrective actions will be stated in writing. All corrective actions shall be implemented within ninety (90) days of receipt of notice of stated deficiency.

### SECTION III: TITLE VI COMPLAINT/ INVESTIGATION PROCEDURES

#### Title VI Complaint Procedures:

All Title VI complaints will be filed in accordance with the following Title VI Complaint Procedures:

Any person alleging to be aggrieved by a discriminatory practice may in person or through a legal representative, obtain a Title VI Complaint Reporting Form, fill it out and file said complaint with the VTrans Title VI Program Manager or with a VTrans Director or DMV Commissioner:

- Within 180 days following the date of the alleged discriminatory action; or
- The date when the person(s) became aware of the alleged discriminatory action.

Alternatively, the VTrans Title VI Program Manager may complete the Complaint Reporting Form and attach the Complainant's letter.

All complaints will be referred to the VTrans Title VI Program Manager. The VTrans Title VI Program Manager will review the complaint and inform the appropriate Title VI Liaisons. Complaints must be in writing, signed by the Complainant or representative, and include the Complainant's name, address, and telephone number, or other means by which the Complainant may be contacted. Complaints shall explain as fully as possible the facts and circumstances surrounding the alleged discriminatory action, and identify the individual(s) and/or organization(s) responsible for the alleged discriminatory action. In cases where the Complainant will be assisted in converting an oral complaint into a written complaint, the Complainant is required to sign the written complaint. Signed allegations of discrimination received by facsimile or e-mail will be acknowledged and processed. Complaints received by telephone will be reduced to writing and provided to the complainant for confirmation, revision and signature before processing (**see attachment D**).

The VTrans Title VI Program Manager or the Director or DMV Commissioner receiving the written complaint will review the written complaint to ensure that the required information is provided, the complaint is timely, and is within the appropriate jurisdiction. The complaint will be accepted unless it is withdrawn, is not timely filed, or the Complainant fails to provide the required information after a written follow-up request for the missing information.

Issues that do not involve discrimination or are not based upon a protected basis will not be directed to the appropriate entity. Individuals should never be discouraged from filing a written complaint.

#### Complaints Filed Against VTrans:

Written complaints filed with VTrans in which the VTrans is named as the Respondent will be forwarded to the FHWA Office of Civil Rights (HCR) for processing. The allegation(s) will be analyzed by HCR and the Complainant will be notified by HCR of the status of the complaint. The VTrans Title VI Program Manager may conduct an independent evaluation regarding affected Agency policy and may direct actions be taken within VTrans to address any policy deficiencies.

#### Complaints Filed Against A Sub-recipient:

Written complaints filed with VTrans in which a VTrans sub-recipient (i.e., contractor, subcontractor, consultant, sub-consultant, or other sub-recipient) is named as the Respondent will be analyzed and investigated by the VTrans Title VI Coordinator. The VTrans Title VI Program Manager may forward a complaint against a sub-recipient to the FHWA HCR for



investigation. Once the investigation has been conducted and the investigative report (IR) written, the Title VI Coordinator will forward a copy of the complaint and a copy of the IR within sixty (60) days of the complaint date of receipt by VTrans to the FHWA Division Office Civil Rights Coordinator and Regional Civil Rights Team Leader.

A complaint log will be maintained for all complaints filed with and investigated by VTrans (**see Attachment E**). The Investigator will advise the Complainant of his/her rights under Title VI, Title VIII, and related statutes.

The Respondent is notified by VTrans that he/she has been named in a complaint. The letter will indicate the Investigator's name and inform the Respondent that he/she will be contacted for an interview. The complaint investigation will be completed within forty (40) days of the date of receipt.

## INVESTIGATION PROCEDURE

The Investigation Procedure includes the following documents/actions:

- INVESTIGATIVE PLAN
- REQUEST FOR INFORMATION
- CONDUCTING INTERVIEWS
- ON-SITE VISIT
- OBTAINING EVIDENCE
- ANALYZING DATA
- WRITING THE INVESTIGATIVE REPORT

## INVESTIGATIVE PLAN

The Investigative Plan is a procedural document intended to provide a framework with which to complete the investigation. The Investigative Plan is an internal document for use by the Investigator and his/her supervisor to investigate the merit of the filed complaint. . The following elements should be contained in an Investigative Plan:

- I. Complainant(s) Name and Address/ Attorney For Complainant with Name and Address
- II. Respondent(s) Name and Address/ Attorney For Respondent with Name and Address
- III. Applicable Law (i.e., Title VI, Title VIII, Compliance Review Under Regulations)
- IV. Basis
- V. Issue(s)
- VI. Background
- VII. Name of Person(s) to be Interviewed, including Questions for the Complainant, Respondent, and Witness(s)
- VIII. Evidence to be Obtained During the Investigation

For a sample Investigative Plan, please **see Attachment F**.

## REQUEST FOR INFORMATION

To prepare the Request for Information (RFI), refer to the Evidence section of the Investigative Plan. The RFI (**see Attachment G**) is sent to the appropriate official(s) at the Respondent's facility. Contact the Respondent to advise him/her of the complaint and to determine the appropriate official(s) to whom the RFI should be sent and eventually interviewed.



Prepare a cover letter to transmit the RFI (*see Attachment H*). The cover letter should explain the process and provide information regarding any meetings that have been scheduled. Modify the cover letter to satisfy the circumstances. Provide the RFI to the Respondent prior to conducting the on-site visit. This will facilitate the availability and review of the evidence during the on-site visit.

## CONDUCTING INTERVIEWS

When preparing for the interviews, always remember that the main objective is to obtain information from witnesses who can provide information that will either support or refute the allegations. A list of major questions should be prepared that address the issues involved in the complaint. During the interview, the following steps are recommended:

- Introduce yourself and outline the interviewing process (i.e., whether a signed statement will be requested, whether notes will be taken, etc.);
- Place the person being interviewed at ease;
- Listen effectively;
- Differentiate factual information from opinions;
- Ask questions best worded to provide factual responses;
- Take clear and precise notes; and
- Obtain a signed statement from the person being interviewed.

**COMPLAINANT** – The purpose of interviews is to gain a better understanding of the situation outlined in the complaint of discrimination. The Investigator needs to contact the Complainant to ensure that he/she understands the Complainant's allegation(s). It is recommended that the Investigator interview the Complainant prior to preparing the Investigative Plan. If this is not possible, be ready to make any changes as appropriate to the Investigative Plan based upon any new information provided by the Complainant. Always inquire of the Complainant whether he/she desires to resolve the complaint.

**RESPONDENT** – Respondents are interviewed to provide an opportunity to respond to the allegations raised by the Complainant as well as to provide the Investigator the opportunity to understand the Respondent's operation or policies that Complainant cites in the complaint. As the keeper of the records, you will need to discuss the RFI with the Respondent and be able to explain the need for requesting any document on the list. Inform the Respondent that he/she has the right to submit a formal position statement addressing the Complainant's allegations. Question the Respondent regarding possible settlement opportunities.

**WITNESSES** – Complainant or Respondent may request that additional persons be interviewed. Determine what relevant information, if any, a witness has to provide prior to conducting an interview. Only interview persons who have information relevant to the allegations raised in the complaint of discrimination. Determine whether the testimony to be provided is relevant. Determine when sufficient interviews have been conducted.

## ON-SITE VISIT

An On-Site visit should be conducted when:

- Personal contact with the Complainant and the Respondent may yield information and clarification that might not otherwise be discovered by only reviewing the written documents or telephone contacts;
- It is necessary to review the physical environment;
- More effective communication can be established with representatives and witnesses of the Complainant and Respondent; and
- Documentation can only be examined on-site for reasons of convenience, cost, format, or volume.



## OBTAINING EVIDENCE

Evidence requested should be related to the issues cited in the complaint. An evidence request should contain some or all of the following:

- The policies and procedures regarding the practice that Complainant has alleged;
- All documents relating to Respondent's dealing with Complainant in the situation described in the complaint;
- Documents which exhibit how others, not in the Complainant's group, were treated under similar circumstances;
- Respondent's reason(s) for the action taken; and
- A formal position statement from Respondent addressing Complainant's allegations.

The Types of Evidence include the following:

- CIRCUMSTANTIAL EVIDENCE – Includes facts from which may be inferred intent or discriminatory motive and proves intent by using objectively observable data;
- COMPARATIVE EVIDENCE – A comparison between similarly situated individuals;
- DIRECT EVIDENCE – Related to the Respondent's motive, it is defined as any statement or action by an official of the Respondent that indicates a bias against members of a particular group;
- DOCUMENTARY EVIDENCE – Written material, which is generated during the course of normal business activity;
- STATISTICAL EVIDENCE – Statistics, facts, or data of a numerical type, which are assembled, classified, and tabulated so as to present significant information about a given subject; and
- TESTIMONIAL EVIDENCE – Evidence which is provided orally.

## ANALYZING DATA

Data must be analyzed to determine whether a violation has occurred. When analyzing data, you must:

- Review what happened to the Complainant;
- Compare Complainant's treatment with the appropriate policies and procedures;
- Compare Complainant's treatment with others in the same situation;
- Review Respondent's reason(s) for the treatment afforded the Complainant; and
- Compare Respondent's treatment of the Complainant with the treatment afforded others.

## WRITING THE INVESTIGATIVE REPORT

The Investigative Report (IR) will contain the following sections:

- Complainant(s) Name and Address
- Respondent(s) Name and Address
- Applicable Law
- Basis
- Issues
- Findings For Each Issue with a corresponding Conclusion For Each Issue
- Recommended Decision
- Recommendations (If Applicable)

For a sample IR, see **Attachment I**.



## A. WHAT IS AN INVESTIGATION?

An investigation is an official inquiry for the purpose of determining whether there has been a violation of Title VI or other non-discrimination laws or statutes and includes a determination of appropriate relief where a violation has been identified and substantiated. An investigation requires an objective gathering and analysis of the evidence, ensuring that any resulting remedial action taken is supported by the comprehensive investigative process.

## B. ROLE OF THE INVESTIGATOR

The investigator is a neutral party provided by the agency to conduct an investigation of the issues raised in a written complaint. The investigator's behavior, demeanor, and attitude reflect the agency and may affect the degree of cooperation received from the parties. The investigator has an obligation to identify and obtain relevant evidence from all available sources in order to produce a comprehensive investigative report reflective of the evidence obtained. ***The investigator is not an advocate for the complainant or the respondent.*** The investigator is a neutral fact finder.

## C. RESPONSIBILITIES OF THE INVESTIGATOR

The Investigator MUST:

- Never express his/her opinions;
- Never tell the parties that the complaint represents a good case or that the complaint is frivolous;
- Always remain NEUTRAL. DO NOT take sides;
- Write the FACTS. State what the facts are based upon the evidence or testimony;
- Stay in control at all levels of the process;
- Decide who is to be interviewed. If the Complainant or the Respondent is adamant about a witness interview, perform the interview;
- Decide when sufficient evidence has been gathered to begin writing the investigative report;
- Always remain professional and polite;
- Be patient; and
- Be a good listener.

## D. THEORIES OF DISCRIMINATION

A *Theory of Discrimination* refers to the *Type of Discrimination*:

- INTENTIONAL DISCRIMINATION/DISPARATE TREATMENT – The decision maker was aware of the complainant's race, color, national origin, sex, age, or disability and acted at least in part because of that information. The action was taken because of the complainant's race, color, national origin, sex, age, or disability;
- DISPARATE/ADVERSE IMPACT – Discrimination which occurs when a neutral policy or procedure has a disparate or adverse impact on a protected class. The practice, even though applied equally to all, has the effect of excluding or otherwise adversely affecting a particular group; and
- RETALIATION – Discrimination against persons because of the filing of a complaint, participation in an investigation, or opposing a practice made unlawful pursuant to the laws.

## E. ELEMENTS OF PROOF

HOW DOES THE INVESTIGATOR PROVE DISCRIMINATION?



- **ESTABLISH A PRIMA FACIE CASE** – The complainant has the responsibility of initially establishing a prima facie case of discrimination. A prima facie case means that the complainant has provided information, which contains all of the elements necessary for a complaint of discrimination. Establishing a prima facie case requires the following elements:
  1. Complainant is a member of a protected group;
  2. Complainant was harmed by some decision; and
  3. Similarly situated persons of a different group were not or would not have been harmed under similar circumstances.

These elements constitute an ideal complaint of discrimination and establish a prima facie case. However, in many situations, the Investigator will not initially have all of these elements. It is the Investigator's responsibility to obtain from the complainant all missing information.

- **DURING THE INVESTIGATION** – One of the first items that must be determined by the Investigator from the Respondent is the reasons for the Respondent's actions against the Complainant. In other words, establish the Respondent's legitimate non-discriminatory reasons for the actions taken against the Complainant. The Investigator must also obtain evidence to determine whether Respondent's reasons are true based upon the evidence or whether the reasons are an excuse (pretext) to discriminate against the Complainant.
- **OBTAINING THE EVIDENCE** – During the investigation, the Investigator should obtain the following types of evidence:
  1. Respondent's policies and procedures;
  2. Evidence establishing actions taken against the Complainant;
  3. Evidence establishing how others, not in the Complainant's group, were treated in similar situations;
  4. Evidence establishing the normal policies and procedures and how Respondent followed or did not follow the normal policies and procedures when making the decision/action involving the Complainant;
  5. Evidence establishing whether Respondent followed the normal policies and procedures for similarly situated persons; and
  6. A position statement from the Respondent outlining the reasons for the action taken against the Complainant.

## **F. EXAMPLES OF ELEMENTS OF PROOF**

### **INTENTIONAL DISCRIMINATION:**

- Complainant is a member of a protected group;
- Complainant was excluded from participation in or denied the benefits of a program or activity receiving federal financial assistance;
- Complainant was rejected despite his/her eligibility;
- Respondent selected applicants, whose race, color, national origin, sex, age, or disability were different from the Complainant; or
- The Program remained open and the Respondent continued to accept applications from applicants of a different race, color, national origin, sex, age, or disability than the Complainant.

### **DISPARATE/ADVERSE IMPACT:**

- Respondent has a facially neutral policy or practice having a disparate or adverse effect on the Complainant;



- The policy or practice operates to disproportionately exclude members of the protected group;
- The policy or practice is a business necessity; or
- There is an effective business alternative with a less adverse impact.

#### RETALIATION:

- Complainant opposed any policy or practice made unlawful or participated in any manner in an activity pursuant to the laws prohibiting discrimination;
- The individual who allegedly retaliated against Complainant knew or should have known of the opposition or participation;
- An adverse action was taken against the Complainant subsequent to the protected activity;
- There was a \*causal connection between the opposition or participation and the decision made involving the Complainant;
- There was a legitimate, non-discriminatory reason for the action taken; or
- The articulated reason is a pretext for retaliatory discrimination.

#### CAUSAL CONNECTION: To establish a causal connection, you must establish the following:

- Did the treatment of the Complainant change after the protected activity;
- Time line: How long after the initial protest did the adverse action occur; and
- Compare the Complainant's treatment with others who were not engaged in the protected activity.

## SECTION IV: DATA COLLECTION/DATA ANALYSIS/DATA REPORTING

### Data Collection

As VTrans is comprised of the Divisions of Policy and Planning, Program Development, Operations, Finance and Administration, and the Department of Motor Vehicles (DMV), the VTrans Title VI Liaisons are responsible for collecting all requisite Title VI-related data associated with his/her Program Area. Data Collection will occur periodically via written report and by the Title VI Liaisons performing annual Title VI Reviews. As the VTrans Public Transit Section has an FTA approved Title VI Program, the Title VI Liaison is responsible for collecting data in accordance with the Title VI Program (from Transit Districts/Transit Providers receiving federal funds through VTrans). Providers of data may be outside of VTrans; for example, the VTrans Policy & Planning Division will collect data from federal-aid recipients, including the Chittenden County Metropolitan Planning Organization (CCMPO), Regional Planning Organizations (RPOs) and educational institutions. The VTrans Aviation Section is responsible for collecting data from airports receiving federal funds through VTrans.

### Data Analysis

Once the Title VI data is collected, the data must be analyzed for the purpose of identifying patterns of discrimination. The Title VI Liaisons are responsible for analyzing the data collected and recommending corrective action as appropriate. A pattern of discrimination may result from a specific process and/or procedure or may occur as the result of a process and/or procedure being implemented in a discriminatory manner. The number of occurrences that may determine a pattern of discrimination depends upon the amount of data collected and the length of time over which the data was collected. Recommendations based upon the analyzed data will be included in the periodic Title VI Reports.



## Data Reporting

Each Title VI Liaison is responsible for submitting periodic Title VI Reports through the Director or Commissioner to the VTrans Title VI Program Manager. The VTrans Title VI Program Manager acts as the Agency clearinghouse for all Title VI Reports. Additionally, the Title VI Program Manager provides input regarding Title VI corrective actions and meets periodically with Directors and the Commissioner and Title VI Liaisons to discuss Title VI issues. Title VI Liaisons are required to submit quarterly Title VI Reports to the Directors and Commissioner and will copy the VTrans Title VI Program Manager. The Divisions and Department are responsible for providing the annual Title VI Updates to the applicable USDOT funding Agency (FHWA, FTA, and FAA) after coordination with the VTrans Title VI Program Manager. The USDOT funding Agency annual Update is required to be submitted by September 1<sup>st</sup> of each Federal Funding Year (FFY) to the appropriate federal Agency.

## SECTION V: TITLE VI REVIEWS -- FEDERAL-AID HIGHWAY PROGRAMS

### INTRODUCTION

An integral part of the Title VI Program is the process whereby data is collected from various Divisions and Department and is analyzed to identify any patterns of discrimination. Annually, Title VI Liaisons collect and assimilate federal-aid Program-related data and provide this data to the Title VI Program Manager. This process is more fully described under the section of this Plan entitled "Title VI Reporting".

This section will detail the federal-aid Programs and will describe the significance of each Program, the required data, will provide Program-related questions intended to assist each Title VI Liaisons with the collection of the data, and describe the Title VI Liaisons' responsibilities. Title VI Program Reviews are vital when establishing Program baselines and crucial to identifying Special Emphasis Programs to conduct more defined and refined Program Reviews. The VTrans Title VI Program Manager acts as a core Program Review Team member as well as a clearinghouse for the collected and analyzed Title VI-related data.

The VTrans Divisions, Department, and/or Sections tasked with implementing the following federal-aid programs will have a Title VI Liaison assigned and may be considered a Special Emphasis Program depending upon the observations of the Title VI Program Review and the data collected and analyzed by the Liaison: Planning, Project Development/ Environmental, Rights-of-Way, Construction, Research, Safety and Training. The Liaison will be responsible for coordinating and conducting Program Reviews. The Liaison will identify data and documentation that will be collected and reviewed to determine possible patterns of discrimination. Each Program will be divided into sub-Program elements and each element will be reviewed.

### FEDERAL-AID PROGRAMS

#### THE PLANNING PROCESS:

**23 CFR 450 & 49 CFR 613 – Joint FTA/FHWA regulation:** "Planning Assistance and Standards" (October 28, 1993, unless otherwise noted).

The FTA and FHWA jointly oversee the transportation planning process. Federal regulations indicate that a key element for addressing Title VI during the Planning Process is an effective Public Involvement Process (PIP). The PIP must be proactive and provide complete information, timely public notice, full public access to key decision-making points, and an opportunity for early and continuing involvement. A PIP will also include a process for identifying and addressing the needs of minority and low-income populations within existing transportation systems. Each Regional Planning Organization (RPO) and VTrans, is required to have updated and approved Public Participation Plans.

Under the Planning Process, there are two major sub-elements:

- Statewide Transportation Planning Process: Under this sub-element, VTrans is required to prepare the following documents –
  1. Statewide Transportation Improvement Program (STIP): This document contains the sum of the total urban RPOs' Transportation Improvement Programs (TIPs) and the VTrans programmed projects for the STIP duration. The STIP contains line-item projects, funding committed to the projects, and the year of funding authorization during the life of the STIP;
  2. Statewide Transportation Plan (Long-Range Plan): Considers a range of transportation options designed to meet the transportation needs (both of passenger and freight) of the State including all modes and their



connections. Long-range plans frame the State's long-range transportation goals and objectives for the State and/or region. Projects should be identified and programmed in the STIP and implemented. The projects implemented from the STIP should reflect the goals and objectives identified in the long-range plan; and

3. Public Involvement Process (PIP): Must be proactive and provide complete information, timely public notice, full public access to key decision-making points, and an opportunity for early and continuing involvement.
- Metropolitan (Regional) Planning Process: The following eight planning factors must be considered during this Process –
    1. Support the economic vitality of the United States, the States, non-metropolitan and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency ;
    2. Increase the safety of the transportation system for motorized and non-motorized users;
    3. Increase the security of the transportation system for motorized and non-motorized users;
    4. Increase the accessibility and mobility of people and for freight;
    5. Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
    6. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
    7. Promote efficient system management and operation; and
    8. Emphasize the preservation of the existing transportation system.

Plans and programs have the potential of being created and implemented in a discriminatory manner. The major impact that plans/programs have is through decisions, which identify one or more planned improvements to the exclusion of other alternatives. The implementing procedures and processes for plans/programs may be applied in a manner that prevents a group from participating or may prevent the consideration of impacts of various transportation system alternatives upon one or more identified groups. To the degree that plans/programs include proposed improvements with disparate impacts or reflect decision-making processes that exclude certain groups, the long-range plan may be biased leading to project implementation that may be inconsistent with nondiscrimination requirements. The actual impacts may only be experienced as projects are implemented. The planning process represents a comprehensive perspective from which to assess the potential consequences of developing and operating the transportation system.

The following questions may be utilized to evaluate the Planning Process:

- Is there effective public involvement/participation within the Planning Process?
- Is input from affected groups/persons adequately sought out and considered within the Planning Process?
- Is there coordination with Native American tribal governments in statewide metropolitan transportation planning?
- Are the data collection/data analysis processes sufficiently inclusive to identify community boundaries, and to effectively assess demographic groups, income levels/property taxes, and community services/schools/hospitals/shopping areas?
- Are Social, Economic, and Environmental (SEE) effects and impacts identified, described, and analyzed?
- Are contracting opportunities for planning studies, corridor studies, and other technical work available to all groups/persons?



For each of these questions, processes/procedures should be identified and evaluated with a narrative justification to support the response.

#### THE PROJECT DEVELOPMENT (ENVIRONMENTAL) PROCESS:

The term "Project Development" refers to the environmental study performed to satisfy the requirements of the *National Environmental Policy Act of 1969, As Amended* (NEPA) for a transportation project. The NEPA is the foundation of the project development process and is described in 23 CFR Part 771, which is the FHWA/FTA joint environmental regulation. The NEPA requires all federal agencies to examine and disclose the possible and likely effects of their actions on the human environment. The FHWA interprets the term "*human environment*" to include neighborhoods, communities, and natural ecosystems. Effects on the human environment include a broad array of impacts such as direct physical effects to air, water, and land, as well as less quantifiable effects such as impacts to cultural resources, community life, and land use patterns.

For all federal-aid FHWA projects, VTrans is required to prepare an environmental document. FHWA's involvement in the process is detailed in the VTrans/FHWA Stewardship Agreement. Environmental compliance requires consideration of all possible Social, Economic and Environmental (SEE) effects of a proposed project and seeks to ensure that decisions are made in the public's best interest. During this process, project alternatives data and information and all related environmental effects are identified, collected, and analyzed. The goal of this process is to develop the most complete understanding of existing and future environmental conditions and possible effects of a proposed project so as to make project decisions that meet the intended transportation need, the goals of an area or community, and help ensure the protection and enhancement of the environment. Project alternatives may be modified to avoid or minimize impacts to sensitive resources identified during the environmental studies and based upon public input. The potential for avoiding and minimizing SEE impacts that are likely to result from the implementation of a chosen alternative, must be considered for any proposed alternative regardless of its ability to satisfy the purpose and need or meet the transportation goals of a given area.

The NEPA defines three levels of documentation, the choice of which is dependent upon the potential significance of the environmental impacts (direct or indirect) as the result of a project. Documentation and processing options are referred to as "classes of actions" and include Environmental Impact Statement (EIS, Class I), Categorical Exclusion (CE, Class II), and Environmental Assessment (EA, Class III). A description of each class of documentation is as follows:

- EIS (Class I) – An EIS is prepared when it is determined through environmental studies, public involvement, and coordination with other Federal, State, and local agencies that the proposed project will have a significant impact on the environment. The EIS process is the most involved, detailed, demanding, and formal and is the least frequently utilized. It requires a detailed and thorough consideration of all reasonable alternatives, including the following: the no-build alternative; in-depth analysis of the SEE effects associated with the alternatives; and involvement of the public and other Federal, State, and local agencies in the process and the decisions related to the selection of a preferred alternative. The EIS process requires the preparation of a Notice of Intent (NOI), a Draft Environmental Impact Statement (DEIS), a Final Environmental Impact Statement (FEIS), and a Record of Decision (ROD);
- CE (Class II) – The CE is the most commonly utilized environmental processing option. The CE is not an environmental document, but is a determination that a project will have no significant individual or cumulative SEE impacts. Examples include the following; that the project will not have significant impacts upon planned growth or land use for the affected area; the project does not require the relocation of significant numbers of persons; the project will not involve significant air, noise, or water quality



impacts; the project will not have significant impacts on travel patterns; the project does not otherwise either individually or cumulatively have any significant environmental impacts. Therefore, there is no requirement for the preparation of an environmental document (EIS or EA), although environmental studies may be undertaken to support that the CE determination is proper. A list of project types that have been determined to meet the CE criteria is provided in 23 CFR 771.117(c) and (d); and

- EA (Class III) – The EA is prepared for proposed projects when the significance of potential impacts is unknown or not clearly established. Proposed projects that are not CEs and do not require an EIS will require the preparation of an EA to determine the significance of the impacts and whether or not an EIS will need to be prepared. The amount of information and degree of analysis that is required for inclusion in an EA will depend upon the proposed project's size, type, location, number of reasonable alternatives, potential for significant impacts and other factors of the project. The EA will identify the location of the project, the population demographics and other neighborhood and community characteristics, the estimated number of residences and businesses that may be affected, and other potential/probable impacts for each alternative being considered. The EA may only require that one or two alternatives be considered, including the no-build alternative. If the SEE impacts, along with the appropriate interagency coordination and public involvement indicate the action will not have any significant direct/indirect, or cumulative impacts, a Finding of No Significant Impact (FONSI) is prepared. The FONSI will finalize the EA process, document the decisions, and detail why the impacts are not considered significant. However, if it appears that there will be significant impacts, a NOI will be published in the Federal Register and a DEIS will be prepared.

A preferred alternative will be selected from the range of alternatives presented in the DEIS or EA. The decision and selection of a preferred alternative will be based upon how well the alternative will address the transportation problems and meet the document's stated purpose and need. The potential for avoiding and minimizing SEE impacts likely to result from the implementation of a given alternative, must be considered for any proposed alternative regardless of the ability to satisfy the purpose and need or meet the transportation goals of a given area. Approval of the FEIS and subsequent ROD or preparation of a FONSI by FHWA constitutes acceptance of the general project location and major design elements as described in the environmental documents. After completion of the project development process, the FHWA may authorize VTrans to proceed with the development of final engineering design plans and specifications, acquire rights-of-way, and advertise the project for receipt of construction bids.

The environmental study of project alternatives and impacts must include the consideration of mitigation measures for potentially adverse impacts. Mitigation measures and other agreements that are made as part of the decision-making process must be documented and implemented. All proposed projects and environmental studies, whether a CE, EA, or EIS, must include appropriate measures to mitigate for adverse environmental impacts regardless of significance. Environmental commitments, such as sound barriers, joint-use facilities, rights-of-way replacement housing, and others should be monitored to assure that these mitigation measures are included in the design plans and are constructed as part of the project.

The following questions may be utilized to evaluate the Project Development Process:

- Is public involvement adequately solicited, considered, and documented during the Project Development Process?
- Are SEE impacts adequately identified?
- Is the potential for disproportionate or discriminatory impacts adequately addressed?

For each of these questions, processes/procedures should be identified and evaluated with a narrative justification to support the response.



## RIGHTS-OF-WAY:

*Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, As Amended* (Uniform Act); 49 CFR Part 24; 23 CFR Part 710.

The Rights-of-Way phase may be initiated during the Development phase of a Federal-aid transportation project. The 5<sup>th</sup> Amendment to the United States Constitution states the following: **"No person shall...be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."** The 1<sup>st</sup> clause of this section refers to the power of eminent domain and the 2<sup>nd</sup> clause requires an offer of just compensation be made to the owner of record and that bona fide (good faith) negotiations be conducted. These clauses are further expanded in the Uniform Act, 42 United States Code (USC) 4621, and 49 CFR Part 24.

42 USC 4621(b) establishes a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a Federal agency or with federal financial assistance. The primary purpose is to ensure that such persons shall not suffer disproportionate injuries as a result of programs and projects designed for the benefit of the public as a whole and to minimize the hardship of displacement on such persons. 42 USC 4621(c) indicates the following: federal agencies shall minimize fraud, waste, and mismanagement and reduce unnecessary administrative costs, ensure that the unique circumstances of any displaced person are taken into account and that persons in essentially similar circumstances are accorded equal treatment, the improvement of housing conditions of economically disadvantaged persons shall be undertaken to the maximum extent feasible in coordination with existing federal, state, or local governmental programs, and that the implementing policies and procedures will be administered consistent with Title VI of the Civil Rights Act of 1964 (As Amended) and Title VIII of the Civil Rights Act of 1968 (As Amended).

Rights-of-Way (ROW) input should be solicited during the preparation of the draft and final EISs and EAs to address all socio-economic impacts of all alternatives and during selection and implementation of the preferred alternative. Certain ROW-related activities are eligible for reimbursement prior to the authorization of a ROW phase. These activities include the following: ROW Relocation Survey/Study, ROW Relocation Plan, Title Searches, and initiation of real estate appraisal reports for parcels to be acquired entirely (however, the appraisal report may not be signed until after the ROW phase has been authorized). These costs may be reimbursed under the Preliminary Engineering phase. Hardship/Protective purchases must be authorized prior to the initiation of the ROW phase, but will not be reimbursed until after the project-wide environmental document has been approved and the ROW phase authorized. A State DOT may perform early acquisitions with State funds and without FHWA authorization; however, for the State DOT to receive credit for the expended funds, the property must be incorporated into the ROW and the State DOT must be able to show that it satisfied the Uniform Act-related requirements when it previously acquired the property.

Title VI requirements of non-discrimination apply to all ROW-related activities.

The following are ROW-related activities:

- **Title Searches** – A governmental agency must make an offer of just compensation to the owner of record. The title search establishes the owner of record;
- **Appraisals** – The Uniform Act requires that an acquiring authority cannot make an offer of just compensation less than the fair market value estimate performed for the property and project impact. 49 CFR Part 24 recognizes the Uniform Standards of Professional Appraisal Practice (USPAP) as the accepted standards for property valuation reports. There are three accepted approaches to value: Sales Comparison (Market), Cost, and Income. If the appraisal assignment is for a partial acquisition, then the appraisal report should contain a pre-appraisal analysis and a post-appraisal analysis. Additionally, the Uniform Act requires the appraiser to offer an opportunity for



the property owner of record to accompany the appraiser on the property site inspection;

- **Appraisal Review** – The Uniform Act requires that the appraisal product be reviewed by a different appraiser/employee. This additional step allows for a more global view to be taken of the appraisal product. The appraisal review report becomes the justification for the agency to register the appraised value as the agency's offer of just compensation. The offer of just compensation may be higher than the appraised value if there are situational elements that are not able to be accorded a value under USPAP;
- **Acquisition** – The acquiring authority must conduct bona fide negotiations with the property owner of record. Simply put, the acquiring authority must negotiate in good faith with the property owner. This includes providing all necessary documentation as well as responding to all concerns from the property owner. Prior to the Initiations of Negotiations (making the offer of just compensation), the acquiring authority is to provide an initial notice to the property owner informing the owner in writing that the public agency intends to acquire partially or entirely real property from the property owner. At the Initiation of Negotiations, the property owner is to be presented with the offer of just compensation. The offer will be in writing and will indicate the allocation of the offer; specifically, value of the land/improvements (if any) and damages to the remainder (if any), including easements. The written offer will be accompanied by a summary of or the entire appraisal report. The property owner must be provided with a reasonable time period to communicate concerns, obtain an appraisal, and make counteroffers. A reasonable time period, depending upon the individual circumstances should be approximately four weeks. If the property owner accepts the offer, the acquiring authority will prepare all closing documents and will compensate all eligible closing fees. If the property owner does not agree to the offer and the acquiring authority does not accept the owner's counteroffer, the acquiring authority will initiate condemnation proceedings. Prior to taking possession of the property, the full amount of the offer of just compensation must be deposited in court;
- **Relocation** – If the acquiring authority requires a property in its entirety, the property owner may be eligible for certain relocation benefits. Relocation benefits differ from valuations associated with property rights and real property. There are specific criteria associated with relocation benefits and a property owner must be eligible to be reimbursed for certain costs. Relocation benefits are reimbursable. Persons whom are not lawfully present in the United States are not eligible for relocation benefits. Relocation benefits, with respect to property owners, have specific eligibility requirements associated with them. These benefits are based upon the values associated with the offer of just compensation. Relocates should be informed as to their eligibility for relocation benefits at or soon after the Initiation of Negotiations. All communications regarding benefit eligibility must be in writing. There are different benefits that may be available to residential relocatees compared to business relocatees. For residential relocatees, there is a ninety-day period during which a person cannot be forced to relocate. Finally, if a relocatee's relocation benefits exceed the monetary amounts provided for by the United States Congress, the relocatee may receive relocation benefits that exceed the monetary caps. This is entitled Last Resort Housing. All relocatees are eligible for advisory services. Advisory Services include the following: measures and services necessary to determine the relocation needs and preferences of persons displaced, explanation of the relocation payments and other assistance for which such persons may be eligible, provision of current and continuous information regarding the availability/purchase prices/rental costs of comparable dwellings/suitable replacement properties for businesses/farms/non-profit organizations;
- **Property Management** – This function applies to the leasing of operating highway ROW for non-highway use and the sale of acquired property not deemed necessary for the project. Fair market rent should be charged for an airspace lease and fair market value should be charged for the sale of excess property. This income should be



deposited in the State's transportation fund and should be used to fund future transportation projects;

- **Other ROW-related Program Areas** – Outdoor Advertising Program: Involves the control of outdoor advertising structures along controlled highways outside of the ROW. Functional Replacement Program: Provides a method for acquiring and compensating for publicly-owned property providing essential public services. Publicly-owned land and/or improvements may be functionally replaced with a facility of equivalent functional utility to that acquired for the project. Examples of eligible public properties include schools, police and fire stations, and parks.

The following questions may be utilized to evaluate the ROW-related activities:

- **General**
  1. Does ROW have a policy requiring records to be kept of parcels having minority and female owners/tenants, including residential and commercial properties?
  2. If so, which ROW division is responsible for maintaining these records? Please describe the procedures in place to gather the data and maintain the records.
  3. Who is the ROW Office Title VI liaison? What are the responsibilities of the Title VI liaison?
  4. After the data is collected, how is the data analyzed to ascertain acts of discrimination, if any? How is the record document prepared?
  5. Once the record documents are prepared, to whom does the responsible employee forward the record documents?
  6. How does ROW identify and communicate with persons of Limited-English-Proficiency?
- **Titles**
  1. Does the VTrans ROW Plans and Titles Section contract out any portion of its title searching responsibility? If so are available and qualified minority and/or disadvantaged title search contractors included in the hiring process? If the Plans and Titles Section contracts out work, are DBE firms offered an opportunity to perform a percentage of the assignments?
- **Appraisals/Appraisal Review**
  1. Does the VTrans ROW Appraisals Section contract out appraisal assignments to fee appraisers?
  2. If so, does the Appraisals Section maintain a list of acceptable fee appraisers?
  3. If so, how does the Appraisals Section solicit interest for fee appraisers to be included on the list?
  4. Is this solicitation of interest provided to a Screening Committee with a DBE Contract Goal assigned for review and concurrence?
  5. How is a fee appraiser chosen to perform a given appraisal assignment?
  6. How is a fair market value estimate appraisal assignment performed? Is the value arrived at utilizing a non-discriminatory process?
  7. Is the review appraiser process non-discriminatory in its application?
- **Acquisition**
  1. How does the VTrans ROW Acquisition Section initiate negotiations with a property owner?
  2. Are property owners afforded a minimum period of time to negotiate regardless of race, color, national origin, sex, age, and disability? (Please note the total amount of time will depend upon the situation).
  3. How does the Acquisition Section perform bona fide negotiations? Does the Acquisition Section perform bona fide negotiations with all property owners?
  4. Does the Acquisition Section offer at least the amount of the fair market value estimate as the offer of just compensation?



5. How does the Acquisition Section process administrative settlement requests from property owners? Is this performed in a non-discriminatory manner?
- Relocation
    1. What relocation advisory assistance services does the VTrans ROW Section make available to relocatees? Are relocation advisory assistance services available to all relocatees?
    2. How does the ROW Section solicit information regarding whether an owner/tenant is lawfully present in the United States?
    3. For eligible relocatees, how does the ROW Section evaluate replacement housing to ascertain whether the housing is decent, safe, and sanitary? Is this process applied regardless of the person's race, color, national origin, sex, age, and disability?
    4. How does the ROW Section process relocation appeals, including Title VIII (fair housing) complaints?
    5. How does the ROW Section identify the eligibility of relocatees?
    6. How does the ROW Section establish the amount of relocation benefits available to relocatees for the following items: replacement housing payment or rental assistance, mortgage differential payment, and moving expenses.
    7. How does the ROW Section notify the relocatees of the benefits for which the relocatees are eligible? When are the relocatees notified of their eligibility for benefits?
    8. How are relocatees notified of the date required to vacate the property? Are all relocatees provided at least 90 days from the initiation of negotiations date?
    9. How does the ROW Section determine when to utilize the Housing of Last Resort? Is this process applied uniformly?
  - Property Management
    1. How does the VTrans Property Management Section provide maintenance and repair work on VTrans-owned improved properties?
    2. If contractors are utilized, how does the Property Management Section award specific work to individual contractors?
    3. How does the Property Management Section ensure that DBE firms are provided an opportunity to perform the necessary work?
    4. Are VTrans-owned improved properties maintained and repaired uniformly, regardless of the race, color, national origin, sex, age, and disability of the occupants?
    5. How does the Property Management Section calculate the rent applied to each tenant? Is this process non-discriminatory?
    6. Concerning the collection of delinquent rentals, how does the Property Management Section verify to ascertain whether a reassessment or relocation payment is pending prior to referring the case to a staff/fee attorney for collection?

For each of these questions, processes/procedures should be identified and evaluated with a narrative justification to support the response.

#### **CONSTRUCTION/MAINTENANCE:**

This Program area will be separated into the following sections –

- FHWA Approval and Oversight;
- Project Development;
- Federal-aid Contract Provisions;
- Project Authorization and Advertisement;
- Bid Opening;



- Bonding, Licensing, and Prequalification;
- Bid Analysis and Contract Award;
- Notice of Award and Execution of the Contract
- Construction Project Administration and Project Monitoring; and
- Title VI Federal-Aid Construction Contract Requirements

#### **FHWA Approval and Oversight**

In accordance with 23 USC 106(c), the FHWA Division Office and the STA shall enter into an agreement detailing the federal delegated responsibilities assumed by the STA pursuant to this cite. When a STA assumes project approval responsibilities, it must have procedures, processes, and operations manuals ensuring that all project actions will be carried out according to all applicable federal statutes, implementing regulations, FHWA policies and guidance documents. This is equally applicable to Federal-aid projects administered by the VTrans Local Transportation Facilities (LTF) Section. The FHWA Division Office must conduct oversight and monitoring activities to ensure that the STA is implementing the Federal-aid programs in accordance with all federal statutes, implementing regulations, and FHWA policies and guidance documents. The FHWA Division Offices' oversight and monitoring activities are similar to the quality assurance and quality control (QA/QC) programs present in many construction and materials programs.

#### **Project Development**

The creation of a Federal-aid construction project begins with the planning phase. System deficiencies relating to safety, traffic capacity, highway structure, land use, or other problems, may be identified by STA personnel, RPOs, cities, outside agencies, or individual citizens. The project development process begins after early planning studies identify a valid need for project improvement. Next, the project scoping phase identifies which deficiencies should be corrected, including the existence of potential impacts. Field reviews and background investigations are usually performed to assess identified needs, deficiencies, potential impacts, reasonable alternatives, and other factors that may be important elements of the project. The preliminary design (PD) and environmental study phase continue to refine the engineering design and may include the consideration of alternative designs, while seeking to eliminate and/or minimize adverse impacts and enhance the condition of the impacted environment. This phase may take the form of a simple environmental determination statement or may be as extensive as a complex geometric layout involving many hours of meetings and numerous detailed reports. The final design (FD) phase and rights-of-way (ROW) acquisition phase (if necessary) utilizes the preliminary plans and reports to prepare detailed ROW and construction project plans (Plans, Specifications, & Estimates or PS&E) and mitigation features. Following the completion of the project development phases, the contract is let, the project is awarded, and the construction phase begins.

#### **Federal-aid Contract Provisions**

Federal-aid construction contracts contain required provisions as stipulated in Form FHWA-1273. The provisions contained in Form FHWA-1273 are generally applicable to all Federal-aid construction projects and must be included in all contracts, as well as appropriate subcontracts and purchase orders. These required contract provisions contain requirements for the following; prohibition of discrimination, provision for EEO, required payment of pre-determined minimum wages, stipulation of subcontracting requirements and limitations, mandates compliance with health and safety standards at the work place, and requires compliance with all appropriate environmental regulations among the noted provisions. The Form FHWA-1273 also contains a number of certification/provision requirements including non-collusion, lobbying, and suspension/debarment. Additionally, federal-aid contracts must contain *Buy America*, DBE Program provisions and, unless exempted by State statute or promulgated by its own developed provision, must include a standardized changed-site condition clause. For project contracts with a DBE goal, the successful bidder must either meet the contract goal or document that every good faith effort was made to achieve the goal. When a federal-aid contract does not have a DBE goal, the contractor may solicit bids from any number of subcontractors and must provide



DBEs the maximum opportunity to participate in the subcontract and procurement bid process whenever possible. On-The-Job Training requirements and Native American provisions may be included in selected Federal-aid contracts.

### **Project Authorization and Advertisement**

Competitive bidding by private businesses (i.e., contractors) is basic to the Federal-aid Highway Construction Program. The intent of this policy is to eliminate the unfair advantage that public agencies may have relative to available resources, to provide equal economic opportunity for all qualified contractors, and to permit projects to be completed at the lowest possible cost. A FHWA-funded project may only be advertised for bids from prospective contractors after PS&E approval and project authorization to proceed to the construction phase. The authorization to proceed is based upon the following assurances:

- All ROW clearances, utility and railroad work either have been completed, or that arrangements have been made for coordination during construction;
- All ROW matters involving the relocation of individuals and families have been properly addressed (including all notices to relocatees, comparable replacement housing made available, etc.);
- All requirements pertaining to the public involvement/hearing process and the location/design approval process have been satisfactorily addressed;
- All requirements of 23 CFR 771 have been fulfilled and appropriate measures have been included in the PS&E to ensure that conditions and commitments made in the development of the project to mitigate environmental impacts will be met;
- Area-wide agency review has been accomplished (where applicable); and
- PS&E provides for the erection of only those information signs and traffic control devices that conform to the standards and do not include promotional or other informational signs that identify public officials, contractors, organizational affiliations, and other related logos and symbols.

SAFETEA-LU broadened the definition of "qualified project" allowing VTrans or a local public agency (LPA) to award a design-build contract without regard to the project cost. All VTrans advertising policies and practices must ensure free and open competition. This also relates to requirements and practices involving the following:

- Licensing, bonding, prequalification, and bidding; and
- Title VI, non-discrimination assurances with regard to race, color, national origin, sex, age, or disability.

Contracts are normally advertised in newspapers, trade journals, or other appropriate media to reach a wide audience, attract greater attention, and enhance competition. Normally, the minimum advertisement period is three weeks. However, there can be exceptions when circumstances warrant shorter periods. This period may also be extended for more complex projects, especially those with scheduled pre-bid meetings to address prospective contractors' concerns and questions. Addendums to an advertised contract may be issued to correct plan and/or specification errors or to append more current contract document items, such as revised wage rate schedules, certified DBE firm lists, etc. The advertisement period can be extended in order to give prospective contractors time to receive addendums, review project changes and additions, and to correct/change their bid submissions.

### **Bid Opening**

Contractors submit sealed bids, which are opened at *bid opening* (often referred to as the "bid letting"). The bid opening, as indicated in advertisement, is the last moment that bids may be submitted and accepted. For the bidding firm, the reading of the bids confirms whether the bidder is successful. For VTrans and the general public, this forum establishes the range of bids received for the project and the apparent low bidder. Federal regulation requires that all bids be



opened publicly and read aloud either by the total amount or item-by-item. If a bid is not read, the bidder is to be identified and the reason for not reading the bid announced. The reasons for not reading a bid will either be the result of a bid being non-responsive (often termed "irregular") or a bidder is determined to be not responsible. Bid documents must clearly identify those requirements bidder must comply with to make the bid responsive. Reasons for finding a bidder not responsible may include the following:

- Failure to meet VTrans' qualification requirements; or
- Suspension or debarment by a State/Federal agency.

A successful bid opening must identify the responsible bidder submitting the apparent lowest and responsive bid. Please note that electronic bidding with electronic signatures is becoming more common within the practice.

#### **Bonding, Licensing, & Prequalification**

FHWA does not require DOTs to implement procedures or requirements for the following on Federal-aid projects: pre-qualification, qualification, bonding, or licensing. If a STA has such procedures/requirements, these must conform to the FHWA competitive bidding policy. All proposed procedures/requirements or changes to existing procedures/requirements must be submitted to the FHWA Division Office for prior review and approval. No procedure/requirement may operate to restrict competition, prevent submission of a bid, or prohibit consideration of a submitted bid from a responsible contractor, whether resident or non-resident (including DBE contractors). No contractor is to be required to obtain a license before a submission of a bid or prior to the bid being considered for award of contract. VTrans may require licensing of contractors after the bids are opened if the requirement is consistent with competitive bidding principles. Regarding pre-qualification of contractors, such requirements may be imposed as a condition for submission of a bid or award of contract only if sufficient time exists between the date of advertising and the date of the bid opening to allow a bidder to obtain the required pre-qualification rating.

#### **Bid Analysis and Contract Award**

The engineer's estimate should be accurate and credible, based upon realistic current data, and generally kept confidential. VTrans should have written procedures for justifying the award of a contract, or rejection of the bids, when the low bid appears excessive. Bid analysis is the process performed to justify the award or rejection of bids. A proper bid analysis ensures the following: good competition, receipt of the lowest possible cost, and funds are utilized in the most effective manner. The bid analysis process is an examination of the unit bid prices for reasonable conformance with the engineer's estimated prices. In addition to the comparison of prices, the following factors may be considered:

- Comparison of the bids against the engineer's estimate;
- Number of bids submitted;
- Distribution or range of bids received;
- Identity and geographic location of the bidders;
- Potential for savings if the project is re-advertised;
- Bid prices for the project under review versus bid prices for similar projects in the same letting;
- Urgency of the project;
- Current market conditions/workload;
- Any unbalancing of bids;
- Which unit bid prices differ significantly from the estimate and from other bids;
- If there is a justification for the difference; and
- Any other factors that VTrans has determined to be important.



Additionally, in order to justify an award of a contract, a bid analysis should provide answers to the following questions:

- Was there good competition?
- Is the project essential and would deferral be contrary to the public interest?
- Would re-advertisement result in higher bids?
- Is there an error in the engineer's estimate?

An adequate period of time is required to reproduce and distribute the bid tabulations to the appropriate personnel within VTrans and FHWA, as applicable, for review and award concurrence determinations prior to the actual award. Contract awards shall be within a pre-determined period of time established by VTrans and subject to prior concurrence by FHWA. This period of time should be specified in VTrans' standard specifications. During the award process, projects may be awarded, rejected, or held for further details and study. If all bids are rejected, the delay is added to the project by re-advertising the project or making changes to the project PS & E plans/documents as needed. The FHWA Division Office may require the concurrence to be formally documented in writing, which will include all qualifying statements regarding the concurrence. FHWA Division Office concurrence is also required when the low bidder or all bidders are rejected.

#### **Notice of Award and Execution of the Contract**

Once VTrans awards the contract, the contractor is advised by a "Notice of Award". A copy of this award is sent to the appropriate District Office allowing the District Office to arrange for appropriate staffing, supervision, and project control. The *Notice of Award*, the contract, and the contracting bonding forms are sent to the contractor. The contractor transmits these documents to the surety company. These executed documents are to be returned, usually within 15 to 30 calendar days from the award date and include all evidence of appropriate insurance. If the contractor fails to execute the contract and file a performance bond within this allotted period of time, a cause for annulment of the award has been established. The proposal guaranty is forfeited to cover liquidated damages and the contract may be awarded to the next lowest responsible bidder or re-advertised as determined by VTrans and concurred with by FHWA Division Office.

Following the award of the contract, one of the four VTrans Regional Construction offices schedules a pre-construction meeting. The purpose of the pre-construction meeting is as follows:

- Allows for advance control planning;
- Allows for discussion of known and potentially major problems before they occur;
- Inform the contractor of the scope and status of the agreements;
- Analyze the agreements based upon the proposed operations;
- Outline the sequence of operations;
- Coordinate the efforts and schedules of the agencies/utilities; and
- Introduce the VTrans personnel assigned to the project.

A crucial portion of the pre-construction meeting relates to reviewing the EEO-related contract requirements: DBE, OJT, & Workforce Utilization. The contractor's EEO liaison and the owner/owner's designee (including the project manager) must attend the meeting and will present the following:

- Proposed schedule of work;
- Listing of proposed sub-contractors (if applicable);
- Listing of suppliers from whom materials are anticipated to be purchased; and
- OJT (Training Program/Outline), DBE (Listing of DBEs submitted to satisfy the contract goal), and all other EEO-related required documentation.

Subcontractors may be invited to attend the pre-construction meeting.



Current FHWA policy requires the prime contractor perform at least 30 percent of the contract work with prime contractor employees. VTrans may be more restrictive and may specify an increased percentage. FHWA further requires each subcontract be approved in writing by VTrans.

Once all requirements have been satisfied and all forms have been properly completed, at or shortly following the pre-construction meeting, VTrans issues a "*Notice to Proceed*" to the contractor. This notice stipulates the date on which the contractor is expected to begin the construction and from which date the contract time will be charged.

### **Construction Project Administration and Project Monitoring**

Once contract time has started, a contractor can start receiving progress payments as early as two – four weeks from initiation of project construction. However, payments received by the contractor are a function of the value of work completed. 23 USC 302 requires VTrans to be suitably equipped and organized to implement the Federal-aid program. Contractors are required to complete projects in accordance with the approved PS & E packages. Ultimately, VTrans is responsible for ensuring that the contractor constructs the project according to the contract specifications/requirements and applicable federal/state law/regulations. Therefore, VTrans is responsible for administering the Federal-aid construction contract.

VTrans is responsible for providing a sufficient number of construction-related personnel to monitor contractor compliance with the contract PS & E. Additionally, monitoring includes the sampling and testing of all materials for acceptance, as well as the monitoring/enforcement of required mitigation measures, which were stipulated in the project environmental documentation. Finally, monitoring includes labor compliance and EEO provisions (DBE, OJT, and Workforce Utilization). FHWA Division Office personnel may perform periodic on-site inspections and/or may perform a process/ program review as spelled out in the contract agreement. Upon completion of construction, final inspections are performed by VTrans and FHWA Division Office as appropriate. VTrans and FHWA Division Office may grant final acceptance of the project after confirmation of reasonable conformance to the PS & E by the contractor and all authorized changes, extra work orders, required documentation (such as material certification), Form FHWA – 47, and final voucher are received.

### **Title VI Federal-aid Construction Contract Requirements**

Federal-aid construction contracts must include Title VI non-discrimination requirements. At a minimum, Form FHWA-1273 should be made a part of every federal-aid contract, subcontract, and purchase order and may not be incorporated by reference. VTrans may not modify the provisions of Form FHWA-1273; however, minor additions covering State requirements may be included in a separate supplemental specification, provided the additional requirements do not conflict with applicable State and federal laws/regulations and do not modify the intent of the required contract provisions. The Form FHWA-1273 provisions apply to all work performed on the Federal-aid contract, including work performed by a subcontractor. The prime contractor is responsible for ensuring subcontractor/lower-tier contractor compliance with the Form FHWA-1273 provisions. Failure by a prime contractor to ensure compliance may be considered as justification for contract termination.

### **Title VI-Related Questions**

Title VI requirements of non-discrimination apply to all Construction-related activities. The following questions may be utilized to evaluate the Construction-related activities:

- Are appropriate contract provisions incorporated in all federal-aid contracts?
- Does VTrans monitoring/inspection of work performed indicate disparate treatment of protected individuals/groups?
- Have required mitigation measures been effectively implemented (i.e., safety through construction zones, noise and air impacts, employment and contracting goals, etc.)?



- Do barriers exist in the following processes: pre-qualification, approval of subcontractors, bonding, and licensing?
- Does uniformity in application exist concerning approval of plan changes and supplemental agreements?
- Does uniformity in application exist in the following: assessment of sanctions, liquidated damages, withholding payments, suspension/termination of contracts, and decertification?

For each of these questions, processes/procedures should be identified and evaluated with a narrative justification to support the response.

## RESEARCH:

VTrans is encouraged to conduct transportation-related research projects, which may be funded with Federal-aid funds. The research may be conducted by VTrans personnel or contracted to universities and/or consultants exhibiting the capabilities and staff to perform the research.

A research project begins with the solicitation of a problem statement. The problem statement provides a brief description of the proposed research, need for the research, and estimated cost. VTrans then prioritizes all problem statements. The project may be performed by VTrans personnel or may be awarded to a university/consultant by utilizing VTrans' procurement regulations. If VTrans determines to use a university and more than one university has the desired capabilities, a request for proposal may be sent to the eligible universities. VTrans' selection of a university to perform the research is usually pre-determined based upon the type of research required and the university's area of expertise. Minority universities interested in performing research are encouraged to learn the procurement regulations and to submit proposals as research opportunities become available in the university's area of expertise. Once a research project is awarded, VTrans personnel and a principal researcher at the university monitor the project. University research may be conducted by university students under the supervision of the principal researcher. Research projects include engineering, socio-economic and environmental impacts, and transit or transportation needs studies.

Title VI requirements of non-discrimination apply to all Research-related activities. The following questions may be utilized to evaluate the Research-related activities:

- Does the process to solicit proposals/problem statements promote diversification?
- How does VTrans ensure non-discrimination when selecting research projects? Please include a description regarding how projects are proposed for inclusion in the Research Program.
- What factors does VTrans utilize when selecting universities, consultants, or other researchers? How does VTrans ensure diversification in the selection of universities/consultants?
- Following project acceptance, how does the research agency select the principal investigator(s) and research staff? How are directions provided and/or action taken by VTrans and the research agency to promote the use of women and minorities on the research staff?
- If subcontractors are involved, describe the research agency's selection procedures. Also, describe how the prime contractor monitors Title VI compliance by the subcontractor.

For each of these questions, processes/procedures should be identified and evaluated with a narrative justification to support the response.

## SAFETY



Federal funding for Safety-related projects is available for State and Local Public Agency (LPA) use. If an LPA receives Safety funds through VTrans to perform specific safety improvements, VTrans is required to ensure that the funds are disbursed in a non-discriminatory manner. The Highway Safety Improvement Program (HSIP) has a number of sub-elements, including the SLOSS List, Highway Safety Plan, High Risk At-Grade Railroad Crossings, etc.

## TRAINING

This section applies to VTrans external educational/training courses/programs (i.e., National Highway Institute, Institute of Rights-of-Way Appraisers, etc.) and internal educational/training courses/programs that are created and/or conducted utilizing federal-aid funds. Title VI requires that educational training courses and programs created and/or conducted utilizing federal-aid funds must be performed in a non-discriminatory manner. When reviewing VTrans policies and procedures related to the provision of courses and programs utilizing federal-aid funds, consider the following questions:

- Are there existing procedures that encourage participation by women and minorities in the educational/training courses/programs offered by and/or through VTrans? If so, how is the effectiveness of the training and participation by women and minorities tracked?
- What are the types of courses/programs offered to VTrans employees?
- Does VTrans provide opportunities to women and minority owned consultants when contracting out educational/training courses/programs? How is this done?
- Does VTrans provide educational/training courses/programs oriented towards women and minority advancement within VTrans federal-aid Programs? If so, how does VTrans ensure effectiveness and participation?
- Does VTrans provide educational/training courses/programs specifically targeted to Title VI implementation within each federal-aid Program area (i.e., Rights-of-Way, Environment, Planning, Construction, etc.)? If so, identify the courses/programs?
- Has VTrans received any complaints regarding the provision of education/ training courses/programs to employees? If so, what corrective actions (if any) have been implemented?



## SECTION VI: VTRANS PUBLIC TRANSIT SECTION

The FTA's Title VI Program guidelines/instructions have been promulgated by FTA C 4702.1A and dated May 13, 2007. The Circular applies to all assistance authorized by the Federal Transit Laws, as amended, and all programs administered by FTA. VTrans has submitted a Title VI Program and FTA Region I has approved the Program on \_\_\_\_\_. Please refer to the approved FTA Title VI Program for all VTrans Public Transit Title VI operational matters.



## SECTION VII: VTRANS AVIATION SECTION

The Federal Aviation Administration (FAA) Region I reviewed this document and accepted this Title VI Plan as satisfying FAA's Title VI requirement. Therefore, this Title VI Plan applies to the VTrans Aviation Section in addition to the Divisions of Policy and Planning, Program Development, Operations, Finance and Administration, and the Department of Motor Vehicles..



## SECTION VIII: LIMITED-ENGLISH-PROFICIENCY IMPLEMENTATION PLAN

### Overview

On August 11, 2000, President Clinton issued Executive Order 13166, entitled *"Improving Access to Services for Persons With Limited English Proficiency"* (LEP). The Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA) were instructed to ensure that all FHWA/FTA/FAA funding recipients provide meaningful access to their LEP applicants and beneficiaries.

Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. Recipients of Federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important governmental services.

While most individuals living in the United States read, write, speak and understand English, there are many individuals for whom English is not their primary language. Individuals with a limited ability to read, write, speak, or understand English are Limited English Proficient, or LEP. The greater the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population, the more likely language services are needed.

As a recipient of Federal funding, VTrans must take reasonable steps to ensure meaningful access to all Federal-aid programs and activities to LEP persons. To comply with Title VI of the Civil Rights Act of 1964, as amended, VTrans adheres to acceptable compliance standards ensuring reasonable access to all Federal-aid programs and activities by LEP persons and thereby preventing discrimination on the basis of national origin. Coverage extends to all VTrans programs and activities.

This section of the Title VI Plan describes steps that VTrans must take to ensure meaningful access by LEP persons to Federal-aid Programs and activities.

Populations likely to include LEP persons seeking or utilizing VTrans programs and services may include, but are not limited to:

- Public transportation passengers.
- Persons who apply for a driver's license at a State department of motor vehicles.
- Persons subject to the control of State or local transportation enforcement authorities, including, for example, commercial motor vehicle drivers
- Persons served by emergency transportation response programs.
- Persons living in areas affected or potentially affected by transportation projects.
- Business owners who apply to participate in the Disadvantaged Business Enterprise Program.

The LEP Program is designed to be flexible and fact dependent. The LEP four-factor analysis will be utilized to ensure balanced individualized assessment, and are as follows:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee
2. The frequency with which LEP individuals come in contact with the program
3. The nature and importance of the program, activity, or service provided by the recipient to people's lives
4. The resources available to the recipient and costs



VTrans will ensure that any resource limitations are identified and that every reasonable effort will be made to ensure access to programs, services, and activities, and made available to the LEP group, community, or population.

Resources that may reduce the costs needed to provide access to LEP individuals include, but are not limited to:

- Training bilingual staff to act as interpreters and translators
- Information sharing through industry groups
- Telephonic and video conferencing interpretation services
- Translating vital documents posted on Web sites
- Pooling resources and standardizing documents to reduce translation needs
- Using qualified translators and interpreters to ensure that documents need not be "fixed" later and that inaccurate interpretations do not cause delay or other costs
- Centralizing interpreter and translator services to achieve economies of scale
- Formalized use of qualified community volunteers

### Language Services

There are two main ways to provide language services; oral interpretation either in person or via telephone interpretation services; and written translation. Oral interpretation can range from on-site interpreters for critical services to commercially available telephonic interpretation services. Written translation can range from translation of an entire document to translation of a short description of the document.

Providing transportation access to LEP persons is crucial. An LEP's person's inability to utilize effectively public transportation may adversely affect his or her ability to obtain health care, or education, or access to employment. When it is determined that interpretation is needed and reasonable, it should be provided in a timely manner in order to be effective.

### Procedure

If an LEP person voluntarily chooses to provide his or her own interpreter, VTrans should consider making a record of that choice and whether or not the offer of assistance is appropriate. Where precise, complete, and accurate interpretations or translations of information and/or testimony are critical, or where the competency of the LEP person's interpreter is not established, VTrans may decide to provide its own, independent interpreter, even if the LEP person wants to use his or her own interpreter as well. Extra caution should be used when the LEP person chooses to use a minor as an interpreter.

Interpreters should demonstrate proficiency in the ability to communicate information accurately in both English and in the other language and identify and employ the appropriate mode of interpreting (e.g., consecutive, simultaneous, summarization, or sight translation). Interpreters should have knowledge in both languages of any specialized terms or concepts peculiar to the program or activity and of any particularized vocabulary and phraseology used by the LEP person; and understand and follow confidentiality and impartiality rules to the extent as the person for whom they are interpreting and/or to the extent their position requires. They should understand and adhere to their role as interpreters without deviating into a role as counselor, advocate, or legal advisor.

VTrans will determine which items will be translated applying the four-factor analysis. VTrans will translate written materials into the language(s) most frequently identified with the intent of ensuring meaningful access to the particular LEP population. Written materials may include, but are not limited to:



- Emergency transportation information.
- Markings, signs, and packaging for hazardous materials and substances.
- Signage in bus and train stations, and in airports.
- Notices of public hearings (i.e. legal notices) regarding VTrans' proposed transportation plans, projects, or changes, and reduction, denial, or termination of services or benefits.
- Signage in waiting rooms, reception areas, and other initial points of entry.
- Notices advising LEP persons of free language assistance and language identification cards for staff (i.e. "I speak cards") (See Attachment J).
- Statements about available services and access to free language translation services in appropriate non-English languages, in brochures, booklets, outreach and recruitment information, and other materials for the identified LEP population..
- Written tests that do not assess English-language competency, but test competency for a particular license, job, or skill for which knowing English is not required.
- Applications or instructions on how to participate in a recipient's program or activity or to receive recipient benefits or services (i.e. ROW acquisition/relocation brochure).
- Consent forms.

### Language Assistance

VTrans maintains a listing of employees proficient in languages other than English. This is a resource made available by VTrans employees to assist LEP persons in accessing necessary services, programs, or activities. (**See Attachment K**)

### Responsibilities

VTrans is responsible for ensuring that LEP persons have meaningful access to all Federal-aid programs, activities, and services. Federal-aid Programs include the following: Planning, Environment, Design, Rights-of-Way (ROW), Construction, and Safety. Federal-aid activities include the following; commuter rail/bus, Rideshare, and Air transportation. Concerning Federal-aid Programs, whenever VTrans holds a public hearing/meeting (whether during Environment or Design), the legal notice regarding the hearing or meeting must indicate that LEP persons requiring documents be printed in an alternate language contact a VTrans representative to communicate this need a reasonable amount of time prior to the event. Additionally, legal notices must inform LEP persons that a translator will be made available if VTrans is notified sufficiently in advance of the hearing/meeting. In the case of ROW agents making individual contacts, if a property owner does not speak English as his/her primary language, the ROW agent will consult the VTrans *Language Request List* to coordinate the services of another VTrans employee who may act as a translator or contract out for translation services (see LEP Interpreters Translators Listing). Regarding federal-aid activities, commuter services (bus, rail, airport, etc.) must offer informational documents in alternate languages and provide reasonable accommodation regarding translation services at train stations, airports, etc.



## SECTION IX: ENVIRONMENTAL JUSTICE

Executive Order 12898-Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires each Federal agency, to the greatest extent practicable and permitted by law- to make achieving environmental justice part of its mission by identifying and addressing disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. This can be realized through the development and implementation of an integrated approach towards Environmental Justice (EJ) through the collection, analysis, and dissemination of understandable and useful information on the adverse environmental and health impacts on minority and low-income populations. Through the National Environmental Policy Act of 1969 (NEPA) process, the EJ analysis is included as an individual section of the environmental document and is thereby disseminated to the public. For a Regional Planning Organization (RPO), the EJ analysis is included as another area of study under Title VI during the Planning process for transportation projects, plans and programs. Additionally, RPOs should analyze the impact of benefits provided by the RPO upon low-income and minority communities within the RPO's boundaries. This should include benefits already offered as well as benefits to be offered.

There are three fundamental EJ principles. The principles are as follows:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including Social and Economic Effects (SEE), on minority and low-income populations;
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process; and
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Environmental Justice is applicable to persons belonging to any of the following groups:

- **Black**—a person having origins in any of the black racial groups of Africa.
- **Hispanic**—a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- **Asian**—a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent.
- **American Indian and Alaskan Native**—a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.
- **Native Hawaiian or Other Pacific Islander**—a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- **Low-Income**—a person whose household income (or in the case of a community or group, whose median household income) is at or below the U.S. Department of Health and Human Services poverty guidelines.



## **SECTION X: TRAINING PROGRAM**

The VTrans Civil Rights and Human Resources Sections are responsible for providing and/or coordinating the provision of required and elective courses to be presented to specific employees on a required or voluntary basis. The implementation of the Title VI Program by VTrans carries the responsibility to ensure that all VTrans employees interacting with the public have a minimum understanding of Title VI and the protections afforded under Title VI.



## SECTION XI: ATTACHMENTS

Attachment A: VTrans Title VI Assurance Agreement

Attachment B: VTrans Title VI Policy Statement

Attachment C: VTrans Title VI Brochure

Attachment D: Title VI Complaint Reporting Form

Attachment E: Title VI Complaint Log

Attachment F: Sample Investigative Plan

Attachment G: Sample Request For Information (RFI)

Attachment H: Sample RFI Transmittal Letter

Attachment I: Sample Investigative Report

Attachment J: LEP Language Cards

Attachment K: LEP Interpreters Translators Listing

Attachment L: LEP Maps

Attachment M: EJ Maps



## NONDISCRIMINATION AGREEMENT AND STATE ASSURANCES

### TITLE VI ASSURANCES

The State of Vermont, acting through its Agency of Transportation, (hereinafter referred to as the "Recipient"), agrees that as a condition to receiving any federal financial assistance from the United States Department of Transportation (USDOT), it will be subject to and will comply with Title VI of the Civil Rights Act of 1964, as amended, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 (hereinafter referred to as the "Act"), as amended and all requirements imposed by or pursuant to Title 49 Code of Federal Regulations (CFR) Part 21 (USDOT, Subtitle A, Office of the Secretary), which is entitled, *"Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation- Effectuation Of Title VI Of The Civil Rights Act Of 1964"* (hereinafter referred to as the "Regulations"), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance from the USDOT, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Subsection 7 (a) (1) of the Regulations. Furthermore, the Civil Rights Restoration Act of 1987, clarified the original intent of Congress with respect to the Act, 23 USC 324 (sex), the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, by restoring the broad, institution-wide scope and coverage of the non-discrimination statutes to include all programs and activities of the Recipient, whether or not such programs and activities are federally assisted.

Such discrimination is prohibited by the Recipient in the selection and retention of contractors, by contractors in the selection and retention of first-tier subcontractors, and by first-tier subcontractors in the selection and retention of second-tier subcontractors, etc., who participate in federal-aid highway construction, acquisition of rights-of-way and related projects, including those who supply materials and lease equipment. Such contractors and subcontractors by contract for, or incidental to, construction, planning, research, highway safety, engineering, property management, and fee contracts and other commitments with persons for services and expenses incidental to the acquisition of rights-of-way, including, but not limited to:

- Advertising contracts;
- Agreements for economic studies;
- Contracts for surveys and plats;
- Contracts for abstracts of title, title certificates and title insurance;
- Contracts for appraisal service and expert witness fees;
- Contracts to negotiate for the acquisition of rights-of-way;
- Contracts for disposal of improvements and property management services;
- Contracts for employment of fees attorneys for rights-of-way procurement, or preparation and trial of condemnation cases; and
- Contracts for escrow and closing services

Such discrimination is also prohibited against the traveling public and business users of the federally-assisted highways in their access to and use of the facilities and services provided for public accommodations (such as eating, sleeping, resting, recreation, and vehicle servicing) constructed on, over, or under the rights-of-way of such highways or on property subject to the provision of this document, which is disposed of by the Recipient. In addition, such discrimination by the Recipient and its agents is



prohibited against eligible persons in making relocation payments and in providing relocation advisory assistance where relocation is necessitated by highway rights-of-way acquisitions.

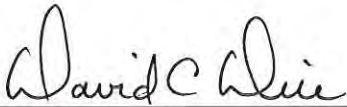
More specifically and without limiting the above general assurance, the Recipient agrees with respect to its federally-assisted highway program as follows:

1. The Recipient agrees that each "program" and each "facility" as defined in Subsections 23 (b) and 23 (e) of the Regulations, will be conducted ("program") or will be operated ("facility") in compliance with all requirements imposed by, or pursuant to, the Regulations;
2. The Recipient shall insert the following notification in all solicitations for bids and RFP's for work or material subject to the Regulations made in connection with the Federal-Aid Highway program and, in adapted form, in all contracts and proposals for negotiated agreements (includes all notifications/solicitations and contracts/agreements regardless of funding source)-- *"The Vermont Agency of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964, as amended (78 Stat. 252, 42 U.S.C. 2000d to 2000d-4), and the Regulations of the United States Department of Transportation (49 CFR Part 21), as amended, issued pursuant to such Act, hereby notices all bidders that it will affirmatively ensure that the contract entered into pursuant to this advertisement will be awarded to the lowest bidder without discrimination on the grounds of race, color, national origin, sex, or disability."*;
3. "Attachment 1" of this Assurance shall be included as an attachment in all contracts and agreements, except for agreements concerning deeds, licenses, leases, permits, and similar instruments entered by the Recipient with other parties or Federal Transit Administration (FTA) grant agreements;
4. Where federal financial assistance is received to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith;
5. "Attachment 2" of this Assurance shall be included in deeds, licenses, leases, permits, or similar instruments entered into by the Recipient and shall extend to rights to space on, over, or under such property;
6. The Recipient will include the appropriate clauses set forth in "Attachment 2" of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties:
  1. For the subsequent transfer of real property acquired or improved with federal financial assistance under this Project; and
  2. For the construction or use of or access to space on, over, or under real property acquired or improved with federal financial assistance under this Project.
7. 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 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:
  1. The period during which the property is used for the purpose for which federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  2. The period during which the Recipient retains ownership or possession of the property.

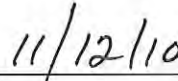


8. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors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

This Assurance is given in consideration of and for the purpose of obtaining federal financial assistance and is binding on the Recipient, its contractors, subcontractors, transferees, successors in interest and other participants. The person whose signature appears below is authorized to sign this Assurance on behalf of the Recipient.



David C. Dill, Secretary  
Vermont Agency of Transportation



Date



## TITLE VI CONTRACTOR ASSURANCES

### ATTACHMENT 1

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

1. **Compliance with Regulations:** The contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the United States Department of Transportation (hereinafter, "USDOT"), Title 49, CFR, Part 21, as they may be amended from time to time (hereinafter referred to as the "Regulations"), which are herein incorporated by reference and made part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, age, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate directly or indirectly in the discrimination prohibited by Subsection 5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, or disability.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Vermont Agency of Transportation (VTrans) or the Funding Agency (FHWA, FTA, and FAA), to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to VTrans of the Funding Agency, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscriminatory provisions of this contract, the VTrans shall impose such sanctions as it or the Funding Agency may determine to be appropriate, including, but not limited to:
  - A. Withholding contract payments until the contractor is in compliance; and/or
  - B. Cancellation, termination, or suspension of the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs 1 through 5 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the VTrans or Funding Agency may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the VTrans to enter into such litigation to protect the interests of the Funding Agency, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.



**TITLE VI ASSURANCES FOR DEEDS, LICENSES, LEASES, PERMITS  
OR SIMILAR INSTRUMENTS**

**ATTACHMENT 2**

The following clauses shall be included in deeds, licenses, leases, permits, or similar instruments entered into by the Recipient pursuant to the provisions of Assurances.

1. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself/herself, his/her personal representatives, successors in interest, and assigns, as part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for the purpose for which a United States Department of Transportation (USDOT) program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to 49 CFR Part 21, entitled "Nondiscrimination in Federally Assisted Program of the Department of Transportation," and as said Regulations may be amended.

2. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself/herself, his/her personal representatives, successors in interest, and assigns, as part of the consideration hereof, does hereby covenant and agree (in the case of deeds and licenses add "as a covenant running with the land") that: (1) no person on the grounds of race, color, national origin, sex, age, or disability shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, national origin, sex, age, or disability shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, and (3) the (grantee, licensee, lessee, permittee, etc.,) shall use the premises in compliance with all other requirements imposed by or pursuant to 49 CFR Part 21, entitled "Nondiscrimination in Federally Assisted Programs of the Department of Transportation," and as said Regulations may be amended.





## VERMONT AGENCY OF TRANSPORTATION POLICY STATEMENT

**SUBJECT:** Title VI Policy

The Vermont Agency of Transportation (Agency) will effectuate the provisions of Title VI of the Civil Rights Act of 1964, as amended; 49 CFR Part 21; 23 CFR Part 200; and other directives. The Agency will ensure that no person in the United States shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance from the United States Department of Transportation.

In accordance with these regulations, the Agency has developed and executed a document entitled "Nondiscrimination Agreement and State Assurances", dated November 12, 2010.

The Office of Civil Rights and Labor Compliance shall have the responsibility for the Agency's Title VI activities. The Office of Civil Rights and Labor Compliance reports administratively to the Director of Finance and Administration. Jonathan Goddard has been designated the Agency's Title VI Program Manager and can be reached at (802) 828-4002. The Office of Civil Rights and Labor Compliance is located at: One National Life Drive, Montpelier, VT 05633.

The Secretary has delegated the Title VI program implementation responsibilities to the Agency's Division Directors. The Division Directors will designate Title VI Liaisons who will be responsible for the day-to-day collection, analysis, and reporting of Title VI related data.

Title VI special emphasis areas include the following programs:

Construction/Maintenance  
Rights of Way Design  
Safety and Training

Contract/Agreement Processing, Prequalification, and Award  
Environmental Planning  
Planning and Research

The Title VI Liaisons will conduct compliance and program reviews to ensure that the Agency is adhering to the procedures outlined in the Agency's Title VI Program Plan. In cooperation with the designated Title VI Liaisons, the Title VI Program Manager will prepare an annual update of Title VI activities for the past year and establish goals for the upcoming year.

As Secretary of the Agency, I am personally committed to the effective implementation of the Agency's Title VI Program and Plan. It is expected that all the divisions and sections will fully cooperate with the Title VI Program Manager in the implementation of the procedures outlined in the Title VI Implementation Plan.

A handwritten signature in cursive script that reads "David C. Dill".

David C. Dill, Secretary  
Vermont Agency of Transportation

11/12/10

Date



## Discrimination Prohibited by Title VI & Other Laws



There are many forms of illegal discrimination based on race, color, national origin, sex, age and disability that limit the opportunity for low income and minority persons to participate. A federally assisted program, a recipient cannot directly or indirectly:

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

### Programs or Services Include but are not Limited to:

- |                            |                                |
|----------------------------|--------------------------------|
| • Transportation           | • Materials                    |
| • Construction             | • Programming                  |
| • Environmental Services   | • Administrative Services      |
| • Transportation Planning  | • Web site services            |
| • Location & Design        | • Human Resources              |
| • Right of Way & Utilities | • Local Planning Organizations |
| • Asset Management         | • DMV                          |

### Title VI Federal-aid Contract Provisions:

All Federal-aid contracts must include Title VI contract assurance language which requires compliance with Title VI of the Civil Rights Act of 1964. Federal-aid contractors may not discriminate in selection & retention of first-tier subcontractors; subcontractors may not discriminate in the selection & retention of second-tier subcontractors who participate in Federal-Aid Highway construction; and contractors and subcontractors cannot discriminate in their employment practices in connection with highway construction projects assisted by Federal Highway Administration.

## How to File a Complaint or Obtain Additional Information

**You may file a signed, written complaint 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.
- The names of any persons, if known, whom the VTrans Civil Rights Division could contact for clarity of your allegations.

Your complaint must be signed and dated.

Please submit your complaint to the address stipulated below:

Jonathan Goddard  
Title VI Program Manager  
Vermont Agency of Transportation  
Civil Rights and Labor Compliance  
1 National Life Drive  
National Life Building  
Montpelier, Vermont 05633-5001

Phone (802) 828-4002  
Fax (802) 828-1047



# Vermont Agency of Transportation



Office of Civil Rights &  
Labor Compliance

TITLE VI PROGRAM



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

President John F. Kennedy



## Title VI Program Commitment

The primary goal of VTrans' Title VI Program is to ensure that all management staff, subrecipients, and service beneficiaries are aware of the provisions of Title VI and the responsibilities associated with Title VI of the Civil Rights Act of 1964. We are readily available to provide you with technical assistance, resources, guidance, and any other information in regards to Title VI. Please do not hesitate to call our office for further assistance.



## What is Title VI of the Civil Rights Act of 1964 and the Title VI Program?

It is the policy of VTrans to ensure 42 U.S.C. 2000d, which states 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 subjected to discrimination under a program or activity receiving federal financial assistance." The Title VI Program is made up of the Title VI Civil Rights Act of 1964 and other related laws including but not limited to, The Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (prohibits unfair treatment of persons displaced or whose property will be acquired as a result of a highway project); Section 504 of the Rehabilitation Act of 1973 (prohibits discriminating against persons with DISABILITIES); The 1973 Federal Aid Highway Act (prohibits discrimination based on SEX); and The 1975 Age Discrimination Act (prohibits discrimination based on all AGES).

## Environmental Justice (EJ)

On February 11, 1994, President Clinton signed Executive Order 12898: *Federal Action to Address Environmental Justice in Minority Populations and Low-Income Populations*. The Executive Order focused attention on Title VI by providing that, "each 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 and low-income populations." In support of Executive Order 12898, the US DOT issued an Order on Environmental Justice (DOT Order 5610.2). This order clarifies and reinforces Title VI responsibilities as well as addressing the effects on low-income populations.



## Adverse Impact may include:



- The denial of, reduction in, or significant delay in the receipt of, benefits of DOT programs, policies, or activities
- Bodily impairment, infirmity, illness, or death
- Air, noise, and water pollution
- Soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or disruption of availability of public and private facilities and services
- Vibration
- Adverse employment effects
- Displacement of persons, businesses, farms, or nonprofit organizations
- Increased traffic congestion, isolation, exclusion, or separation of minority or low-income individuals within a given community or from the broader community

## Public Involvement

Is an integral part of transportation planning and project development decision making. The DOT Order (5610.2) on EJ directs the department to provide minority populations and low-income populations greater access to information on, and opportunities for public participation in matters that may impact human health and environment.



## Limited English Proficiency (LEP)

The federal government and those receiving assistance from the federal government must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information those entities provide. This will require agencies to think "outside the box" for creative solutions to address the needs of this ever growing population of individuals, for whom English is not their primary language.



## Who is a Limited English Proficient Person?

Persons who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English can be limited English proficient, or "LEP." These individuals may be entitled to language assistance at no cost to them with respect to a particular type of service, benefit, or encounter. DOT has provided recipients with an assessment tool entitled the "Four Factor Analysis." The four factors include: Demography— number and/or proportion of LEPs served and languages spoken in a service area; Frequency—rate of contact with service or program; Importance—nature and importance of program/service to people's lives (transportation); and Resources—available resources, including language assistance services (limited or wide-ranging).

**Who Must Comply with Title VI and Who Can be Found in Violation?** All entities that receive financial assistance from the federal government.



 **Office of Civil Rights & Labor Compliance**

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**VERMONT AGENCY OF TRANSPORTATION**

**TITLE VI COMPLAINT FORM**

\_\_\_\_\_ External (from citizen/rider/contractor)      \_\_\_\_\_ Internal (from staff/employee)

Date of Report: \_\_\_\_\_ Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_

Location of Incident: \_\_\_\_\_

Circumstances of Incident and Names/Titles of Other Involved Parties: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Alleged Harm: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of person filing complaint: \_\_\_\_\_ Phone #: \_\_\_\_\_

Address: \_\_\_\_\_

Title VI Related?      Yes \_\_\_\_\_ Maybe \_\_\_\_\_ No \_\_\_\_\_ (if in doubt, check "maybe")

Name and contact info of witnesses or other relevant parties: \_\_\_\_\_

\_\_\_\_\_

Person Taking Report Information: \_\_\_\_\_

**(over)**



## CHIEF'S SECTION

Discussions with reporting person: Date: \_\_\_\_\_ Time: \_\_\_\_\_

Details of discussion: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Discussions with involved VTrans employees. Date: \_\_\_\_\_ Time: \_\_\_\_\_

Details of discussion: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Other action/follow up required (i.e. information gathering, investigation, interviews): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Copy to Safety Officer when case is closed.

Signature of Chief: \_\_\_\_\_ Initials of Title VI Officer: \_\_\_\_\_



## VTrans' Title VI Complaint Log

[illegible][illegible]



## **Investigative Plan (Sample)**

1. Complainant Name and Address
2. Respondent Name and Address
3. Applicable Law (i.e., Title VI, or other applicable Civil Rights Laws and Regulations)
4. Basis of Investigation
5. Relevant Issues
6. Factual Background
7. Name of Person(s) Interviewed, Questions for Complainant, Respondent, and Witnesses
8. Evidence to be Obtained during the Investigation

## Request for Information Letter (RFI)-Sample

Mr. John Jones, President  
ACME, Inc.  
1234 Boulevard  
Montpelier, VT 05602

October 28, 2010

Dear Mr. Jones,

The Vermont Agency of Transportation (VTrans), Office of Civil Rights and Labor Compliance, has received a formal discrimination complaint against ACME, Inc.

The complaint has been made by a former employee, Jane Doe, alleging sexual harassment and gender discrimination while an employee with ACME, Inc.

VTrans will be conducting an investigation concerning the allegations made in the written complaint pursuant to Title VI of the 1964 Civil Rights Act and other state and federal Civil Rights Laws and Regulations.

As part of the investigative process, please provide the following documents for our review:

- Dates of employment for Jane Doe with ACME Inc.
- Names and contact information for other employees employed on projects with Ms. Doe.
- A listing of any prior discrimination complaints filed against your firm during the last three years.
- A copy of your personnel policy concerning termination of employment.

Please provide the requested documents within one week of receipt of this letter. Should you have additional questions, please contact me.

Sincerely,

Jonathan Goddard  
Title VI Program Manager  
VTrans- Civil Rights and Labor Compliance  
One National Life Drive  
Montpelier, VT 05633  
(802) 828-4002



## RFI Transmittal Letter (Sample)

Ms. Jane Doe  
333 High Street  
Montpelier, VT 05633

October 15, 2010

Dear Ms. Doe,

This letter confirms receipt by our office of your written discrimination complaint filed on October 9, 2010, against ACME Inc. In order to proceed further with an investigation, our office will need additional information. Please provide the information by October 22, 2010. If we do not receive a written response from you by that date, we will not proceed further with the investigation.

Please submit the following information:

- 1) State the basis of your complaint (age, race, sex, disability, national origin, or other);
- 2) Specify the way in which you were discriminated against;
- 3) Provide the dates specifying your period of employment with ACME Inc.;
- 4) Any other information you believe would be helpful in advancing the investigation.

If you have additional questions regarding this matter, please contact me at (802) 828-4002.

Sincerely,

Jonathan Goddard  
Title VI Program Manager  
VTrans Civil Rights Office

## **Investigative Report (Sample)**

1. Complainant Name and Address
2. Respondent Name and Address
3. Applicable Law (i.e., Title VI, or other applicable Civil Rights Laws and Regulations)
4. Basis of Investigation
5. Relevant Issues
6. Findings for Each Issue with Corresponding Conclusions
7. Recommended Decision
8. Recommendations (If Applicable)



**VERMONT LIMITED ENGLISH PROFICIENCY (LEP)  
RESOURCES FOR THE GENERAL PUBLIC**

| Service                             | Service Provider                                                                                                              | Contact Information                                                                                                                                                                                                                                                   | Fee Structure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>IN-PERSON<br/>INTERPRETATION</b> | <b>Association of Africans<br/>Living in Vermont (AALV)</b><br>20 Allen Street, 3 <sup>rd</sup> Floor<br>Burlington, VT 05401 | Online: complete the request<br>form at <a href="http://www.AALVInterpret.org">www.AALVInterpret.org</a> ;<br>(your request will be confirmed<br>by email)<br><br>Email: send your request<br>to <a href="mailto:AALVInterpret@yahoo.com">AALVInterpret@yahoo.com</a> | <ul style="list-style-type: none"> <li>• Base rate is \$50 an hour</li> <li>• 15-minute minimum charge, then charge is for 15-min increments</li> <li>• No surcharge for afterhours, weekends, or holidays</li> <li>• No charge for first 50 miles, state mileage rates used thereafter</li> <li>• No charge for cancellations with at least 12 hours notice; one hour charge for less than 12 hours notice</li> <li>• Telephone call to client to confirm appt is available for \$5 per appt</li> </ul>                                                                                                                                                                    |
| <b>IN-PERSON<br/>INTERPRETATION</b> | <b>Vermont Refugee<br/>Resettlement<br/>Program (VRRP)</b><br>462 Hegeman Ave., Suite<br>101<br>Colchester, VT 05446          | Jacqueline Rose, Coordinator,<br>Interpretation Services<br><br>Tel. (802) 654-1706<br>Fax (802) 655-4020<br>E-mail <a href="mailto:jrose@uscrvt.org">jrose@uscrvt.org</a>                                                                                            | <ul style="list-style-type: none"> <li>• Base rate of \$70.00 an hour during state working business hours, 1 hour minimum.</li> <li>• Outside VRRP business hours, on weekends or Federal holidays: \$20.00 per hour surcharge.</li> <li>• No travel time or mileage fee in Burlington, Winooski, Essex Junction, Colchester or South Burlington. Outside above area, travel charge of \$1.50 per mile (in lieu of mileage and travel time).</li> <li>• Telephone confirmation of appointment by interpreter to client available on request for \$15.00 per appointment.</li> <li>• VRRP not responsible for client's response or incorrect contact information.</li> </ul> |

| Service                                                                                                                                            | Service Provider                                                                                                     | Contact Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Fee Structure                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>TELEPHONIC INTERPRETATION</b>                                                                                                                   | <b>Voiance Language Services / CyraCom</b> (formerly LLE)<br>Contact: Christy Liu<br>Phone: 1-866-742-9080, ext.1828 | To request telephonic interpreter: <ul style="list-style-type: none"> <li>For accounts opened with LLE before they merged with Voiance in 2009: Call 1-800-234-0780 + account access code - say the language</li> <li>For accounts opened with Voiance: Call 1-866-998-0338 + Last 5 digits of your account number + 4-digit pin - say the language</li> <li>To request written translation: Christy Liu: <a href="mailto:cliu@voiance.com">cliu@voiance.com</a><br/>Fax: (520) 745-9022</li> </ul> | <ul style="list-style-type: none"> <li>Rate is \$1.21 per minute for telephonic interpretation.</li> <li>Flat rate across 170 languages, 24/7/365</li> </ul> |
| <b>VOICE-MAIL INTERPRETATION</b><br>For messages left on your voice-mail in foreign languages (Available <u>only</u> for languages spoken at VRRP) | <b>VRRP</b><br>462 Hegeman Ave., Suite 101<br>Colchester, VT 05446                                                   | Jacqueline Rose, Coordinator<br>Tel. (802) 654-1706<br>E-Mail <a href="mailto:jrose@uscrvt.org">jrose@uscrvt.org</a>                                                                                                                                                                                                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>\$15 per 15 minute message (minimum)</li> </ul>                                                                       |
| <b>WRITTEN TRANSLATION</b>                                                                                                                         | <b>CyraCom</b><br>5780 N Swan Rd,<br>Tucson, AZ 85718<br>(800) 713-4950                                              | E-Mail: <a href="mailto:cliebner@cyracom..com">cliebner@cyracom..com</a> or <a href="mailto:nfo@cyracom.com">nfo@cyracom.com</a><br>800-713-4950 ext. 1857                                                                                                                                                                                                                                                                                                                                          | <ul style="list-style-type: none"> <li><i>Check with provider</i></li> </ul>                                                                                 |





# Language List

The Voiance Language List provides a listing of the most frequently requested languages by clients nationwide. Additional languages are available upon request.



ACHOLI  
AFRIKAANS  
ALBANIAN  
AMHARIC  
ARABIC  
ARMENIAN  
ASSYRIAN  
AZERBAIJANI  
BAMBARA  
BENGALI  
BOSNIAN  
BULGARIAN  
BURMESE  
CAMBODIAN  
CANTONESE (Chinese)  
CEBUANO  
CHALDEAN  
CHINESE  
CHUUKESSE  
CROATIAN  
CZECH  
DARI  
DINKA  
DUTCH  
EWE  
FARSI  
FINNISH  
FRENCH  
FRENCH CREOLE  
FUKIENESE  
FULANI  
GEORGIAN  
GERMAN  
GREEK

GUJARATI  
HAITIAN CREOLE  
HAUSA  
HEBREW  
HINDI  
HMONG  
HUNGARIAN  
IBO  
ILOCANO  
INDONESIAN  
ITALIAN  
JAPANESE  
KANJOBAL  
KAREN  
KOREAN  
KRAHN  
KRIO  
KURDISH  
LAO  
LITHUANIAN  
MAAY SOMALI  
MACEDONIAN  
MALAY  
MALAYALAM  
MANDARIN (Chinese)  
MANDINGO  
MARSHALLESE  
MIEN  
MIXTECO  
MONGOLIAN  
NAVAJO  
NEPALI  
NUER  
OROMO

PASHTO  
POLISH  
PORTUGUESE  
PUNJABI  
ROMANIAN  
RUSSIAN  
SAMOAN  
SERBIAN  
SERBO - CROATIAN  
SHANGHAINESE  
SLOVAK  
SOMALI  
SPANISH  
SWAHILI  
TAGALOG  
TAIWANESE  
TAMIL  
TELUGU  
THAI  
TIBETAN  
TIGRIGNA  
TOHONO O'ODHAM  
TOISHANESE  
TONGAN  
TURKISH  
TWI  
UKRAINIAN  
URDU  
VIETNAMESE  
WOLOF  
YIDDISH  
YORUBA

**LLE Link**  
**Language Request Codes**

|                   |     |                            |     |
|-------------------|-----|----------------------------|-----|
| Afrikaans         | 701 | Laotian                    | 732 |
| Akan              | 723 | Latvian                    | 733 |
| Albanian          | 702 | Levantine                  | 541 |
| Amharic           | 91  | Lingala                    | 734 |
| Arabic            | 92  | Lithuanian                 | 735 |
| Armenian          | 772 | Macedonian                 | 775 |
| Ashante Twi       | 510 | Malagasy                   | 736 |
| Assyrian          | 502 | Malay                      | 737 |
| Azerbaijani       | 778 | Malayalam                  | 507 |
| Bambara           | 544 | Mandarin                   | 97  |
| Belorussian       | 779 | Mandingo or Mandinka       | 739 |
| Bengali           | 706 | Marathi                    | 714 |
| Bulgarian         | 707 | Mirpuri                    | 533 |
| Burmese           | 708 | Mongolian                  | 790 |
| Cambodian         | 991 | Navajo                     | 549 |
| Cantonese         | 93  | Ndebele                    | 521 |
| Catalan           | 506 | Nepali                     | 741 |
| Cebuano           | 768 | Norwegian                  | 742 |
| Chaldean          | 503 | Oromo                      | 796 |
| Creole (Haitian)  | 780 | Pahari                     | 524 |
| Czech             | 710 | Pashto                     | 98  |
| Danish            | 711 | Polish                     | 5   |
| Dinka             | 748 | Portuguese                 | 996 |
| Dutch             | 713 | Pothwari                   | 523 |
| Egyptian          | 538 | Pulaar                     | 746 |
| Estonian          | 783 | Punjabi, Eastern           | 749 |
| Fanti             | 509 | Romanian                   | 750 |
| Farsi, Eastern    | 712 | Russian                    | 997 |
| Farsi, Western    | 94  | Rwanda                     | 519 |
| Finnish           | 716 | Serbo-Croatian             | 752 |
| Flemish           | 501 | Sinhala                    | 754 |
| French            | 95  | Slovakian                  | 755 |
| French Canadian   | 511 | Slovenian                  | 756 |
| Fukienese         | 715 | Somali                     | 757 |
| Fulani            | 745 | Soninke                    | 536 |
| Fuzhou            | 546 | Sorani (Kurdi)             | 730 |
| Georgian          | 784 | Spanish                    | 1   |
| German            | 4   | Sudanese                   | 542 |
| Greek             | 993 | Swahili (Tanzania & Kenya) | 998 |
| Gujarati          | 738 | Swedish                    | 761 |
| Hakka             | 513 | Sylheti                    | 526 |
| Hausa             | 721 | Tagalog                    | 762 |
| Hebrew            | 722 | Taiwanese                  | 763 |
| Hindi             | 994 | Telegu                     | 532 |
| Hmong             | 744 | Thai                       | 992 |
| Hungarian         | 724 | Thmne                      | 527 |
| Ibo or Igbo       | 759 | Tibetan                    | 798 |
| Icelandic         | 725 | Tigrinya                   | 773 |
| Ilocano           | 726 | Tongan                     | 792 |
| Indonesian        | 727 | Trukese                    | 740 |
| Iraqi             | 539 | Turkish                    | 764 |
| Italian           | 995 | Twi                        | 709 |
| Japanese          | 96  | Ukrainian                  | 765 |
| Javanese          | 540 | Urdu                       | 999 |
| Karen             | 548 | Uzbek or Uzbeki            | 793 |
| Kazakh            | 786 | Vietnamese                 | 2   |
| Kirghiz           | 787 | Welsh                      | 531 |
| Kirundi           | 537 | Wolof                      | 747 |
| Korean            | 3   | Xhosa                      | 769 |
| Krio              | 720 | Yoruba                     | 794 |
| Kurdish Bandinani | 731 | Zulu                       | 770 |
| Kurmanji          | 520 |                            |     |



Use this chart to phonetically say **Please Hold** or **One Moment, Please** when you need to place a Limited English Proficient caller on hold to access an interpreter.

| English           | Please Hold                  | One Moment, Please                        |
|-------------------|------------------------------|-------------------------------------------|
| <b>Arabic</b>     | Arjoo alintithar             | Lahtha min fadlek                         |
| <b>Armenian</b>   | Khntroom enk spasel          | Mi rope                                   |
| <b>Chinese</b>    | Qǐng bié guà jī              | Qǐng nín shāo děng                        |
| <b>Farsi</b>      | Lotfan gooshee               | Yek Lahzeh lotfan                         |
| <b>French</b>     | Vuyeh pahsyontay             | Uhng momeng sil voo play                  |
| <b>German</b>     | Bit-tuh lay-gen zee niht owf | Bit-tuh hah-ben zee einen moment ge-doold |
| <b>Italian</b>    | Attay nday ray pray-goh      | Uhn moh may ntoh pray-goh                 |
| <b>Japanese</b>   | Omachiqudasai                | Sukoshi omachiqudasai                     |
| <b>Khmer</b>      | Sōm cham bontèk              | Sōm cham mūy plait                        |
| <b>Korean</b>     | Jam kkan man yo              | Jam si man yo                             |
| <b>Mandarin</b>   | Qǐng bié guà jī              | Qǐng nín shāo děng                        |
| <b>Portuguese</b> | Por fahvorh, ahguahrdee      | Oong momentu por fahvorh                  |
| <b>Russian</b>    | Po-zha-lui-sta po-do-zhdi-te | Ad-nu mi-nut-ku                           |
| <b>Spanish</b>    | Ace-pay-rae poor-fah-vohr    | Oon moe-main-toe poor-fah-vohr            |
| <b>Vietnamese</b> | Sin zu may                   | Doi mot Lat                               |

- Note: If you hear beeps, do not hang up. You are in-queue and will be connected to the next interpreter.

[illegible]

- Allow the interpreter to greet you and the customer
- Provide the interpreter with a brief explanation of the call
- Speak directly to your customer in the first person
- Use short but complete phrases as interpreter needs to process two languages
- Avoid slang, jargon or metaphors
- Allow the interpreter to clarify linguistic and cultural issues.

For 24-hour assistance  
call Client Services  
800-481-3289





## **Voiance Language Services**

### **Over-the-Phone Interpretation - Issue Reporting and Resolution Process**

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#### **Contact information:**

Voiance 24-hour Client Services Support

[support@voiance.com](mailto:support@voiance.com)

800-481-3289

#### **Process Steps:**

1. Client submits issue/feedback to Voiance Client Services via [support@voiance.com](mailto:support@voiance.com) or phone if appropriate.
2. Voiance will acknowledge receipt of the issue/feedback immediately.
3. The issue/feedback summary must include: client contact name, language requested, date/time, interpreter ID# (if applicable), and a brief, yet detailed, summary of what occurred.
4. Voiance Client Services will review the issue/feedback to properly log, categorize (ex: System, Telco, Interpreter) and assign to an appropriate representative.
5. Voiance representative will begin an investigation which may include reviewing call log reports, conducting interpreter interviews, or consulting company systems analysts or telco provider technicians.
6. Voiance representative will analyze all pertinent information to determine appropriate resolution.
7. Voiance will report the investigation results and resolution next steps to the Client within 48 hours.

#### **Required information for submitting feedback – (Sample Outline):**

Client Name:

Staff member name/#:

Site/Location:

Service: Voiance Over-the-Phone Interpretation Services

Type: ☐ Complaint ☐ Commendation ☐ General Feedback

Issue: ☐ Service/Access ☐ Interpreter ☐ Technical

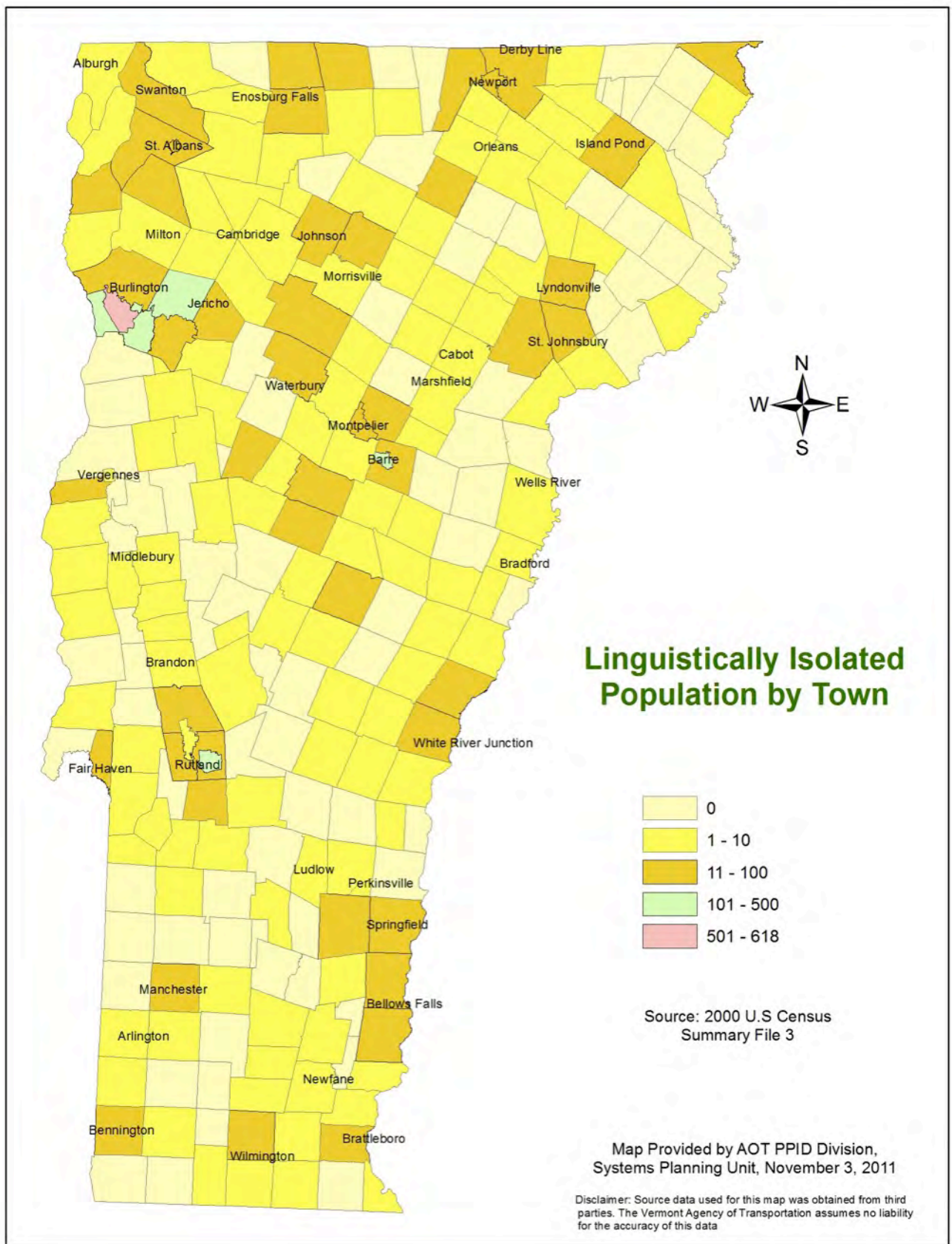
Date of Occurrence:

Time of Occurrence:

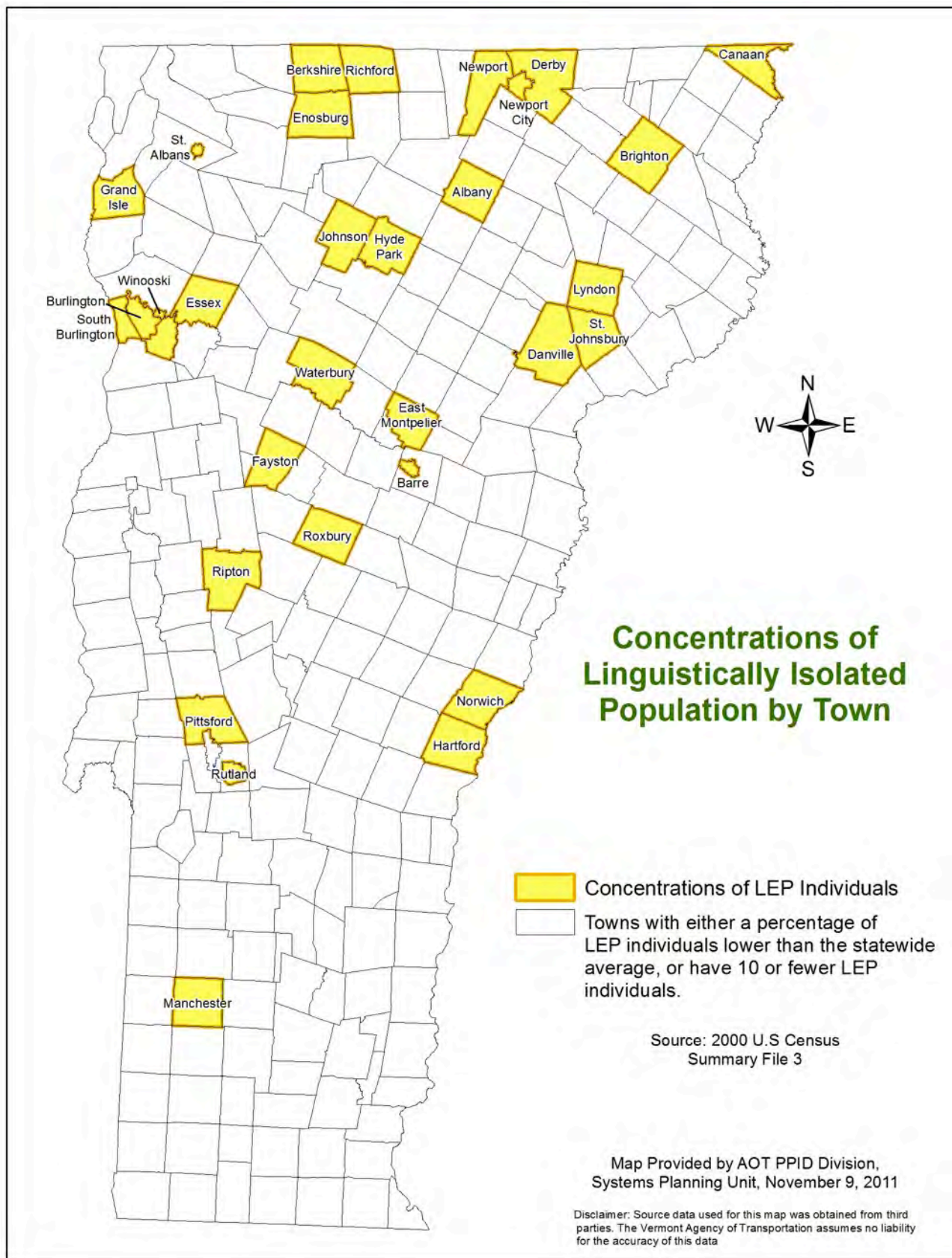
Language:

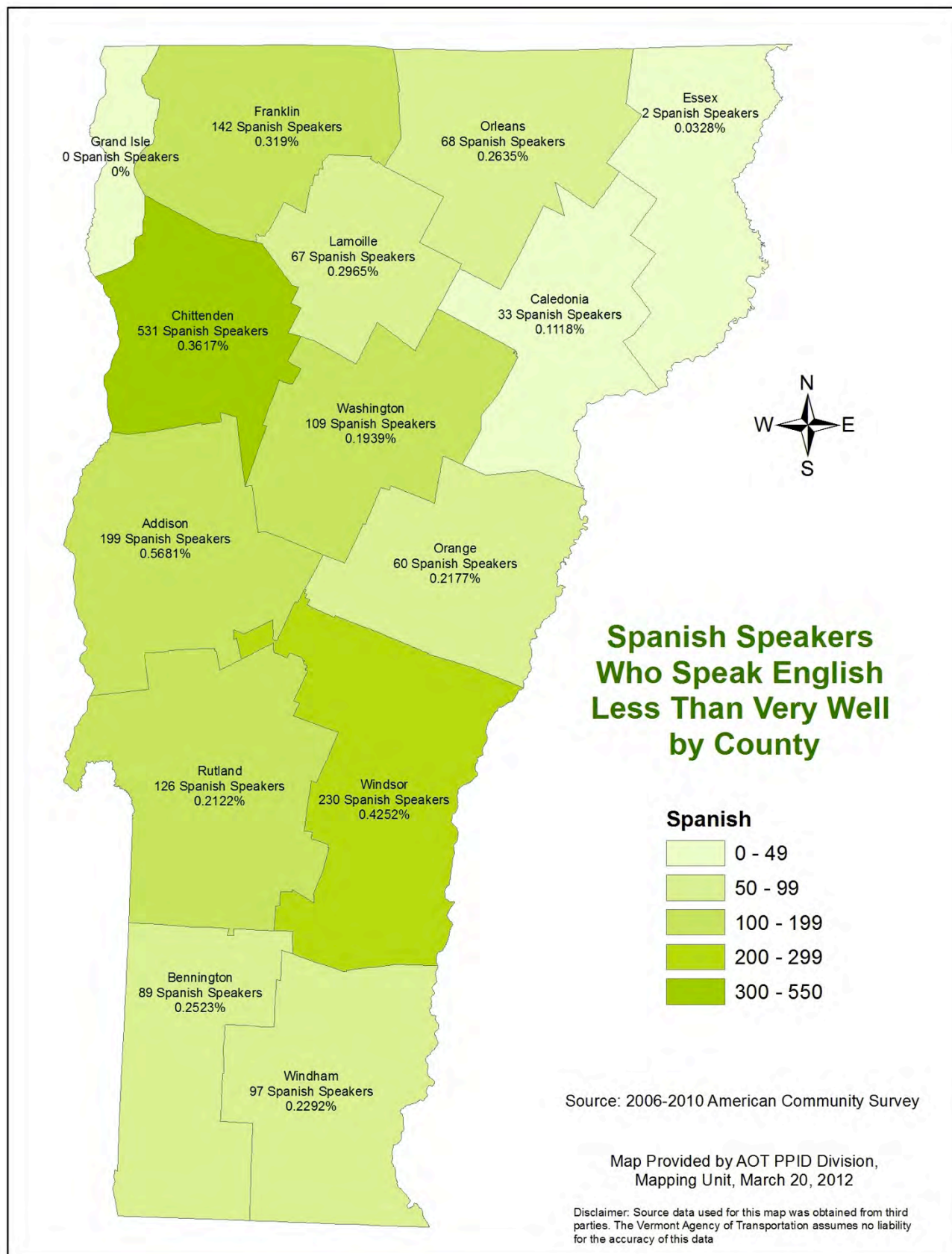
Interpreter ID# (if applicable):

Detailed description of feedback (please use specific examples):

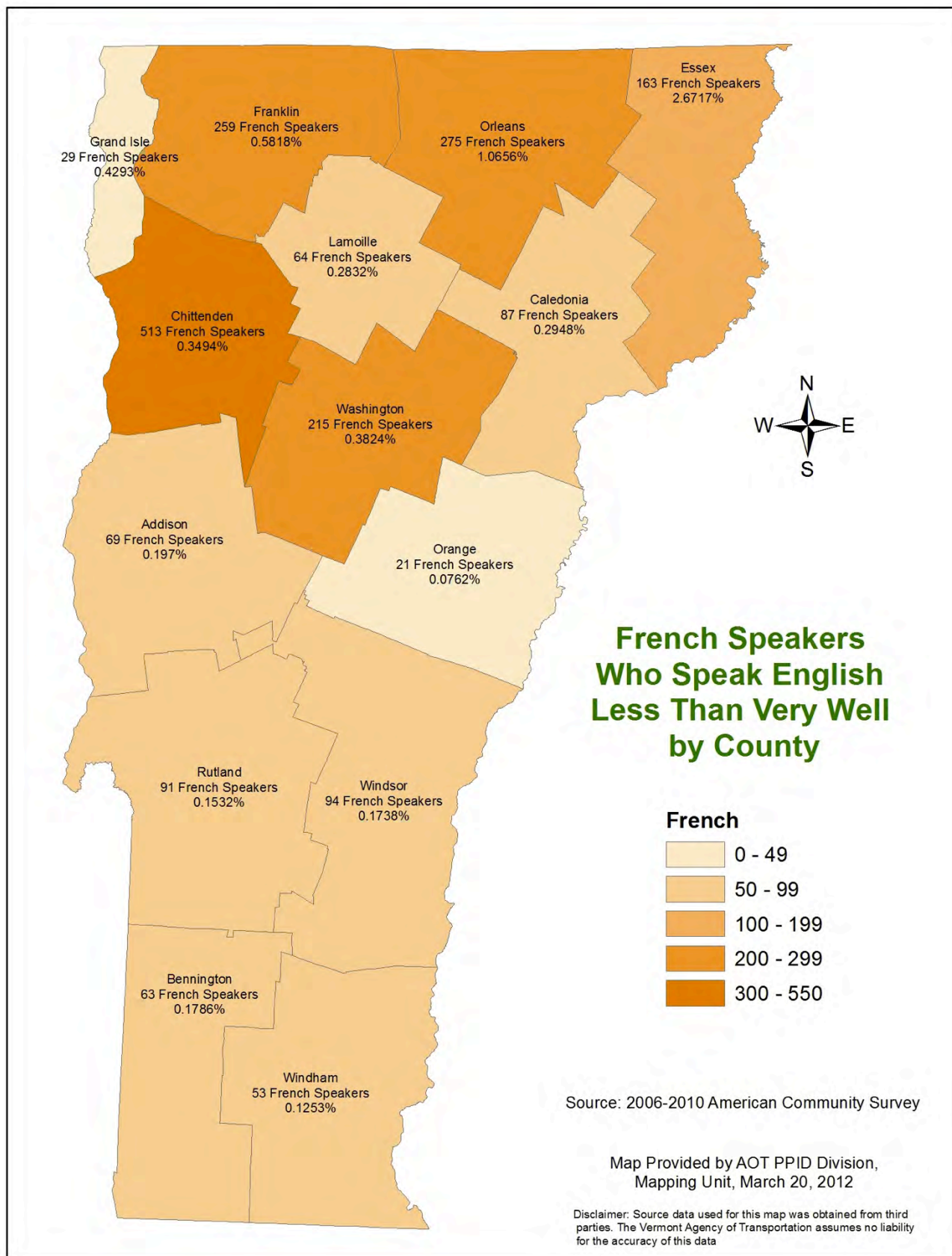


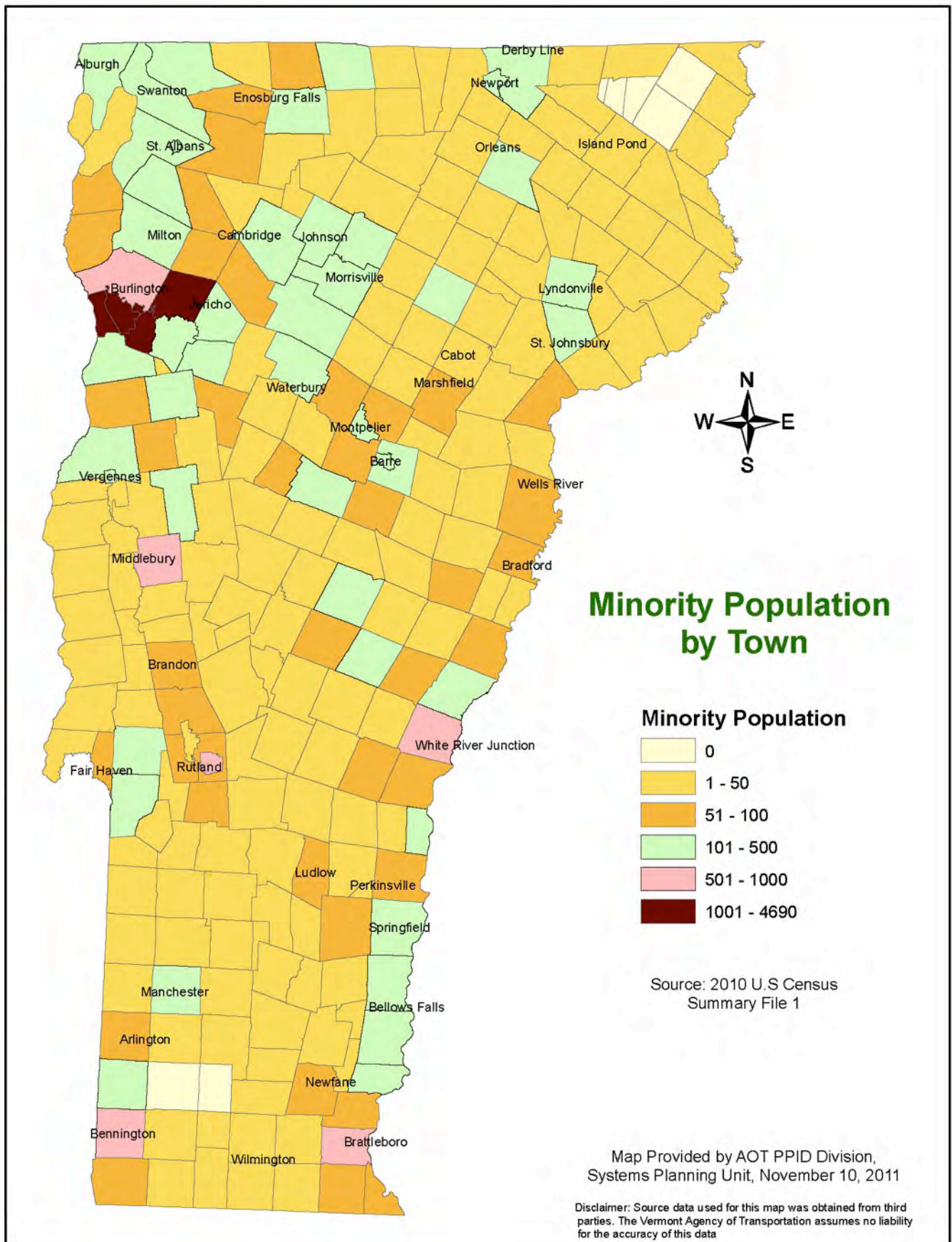




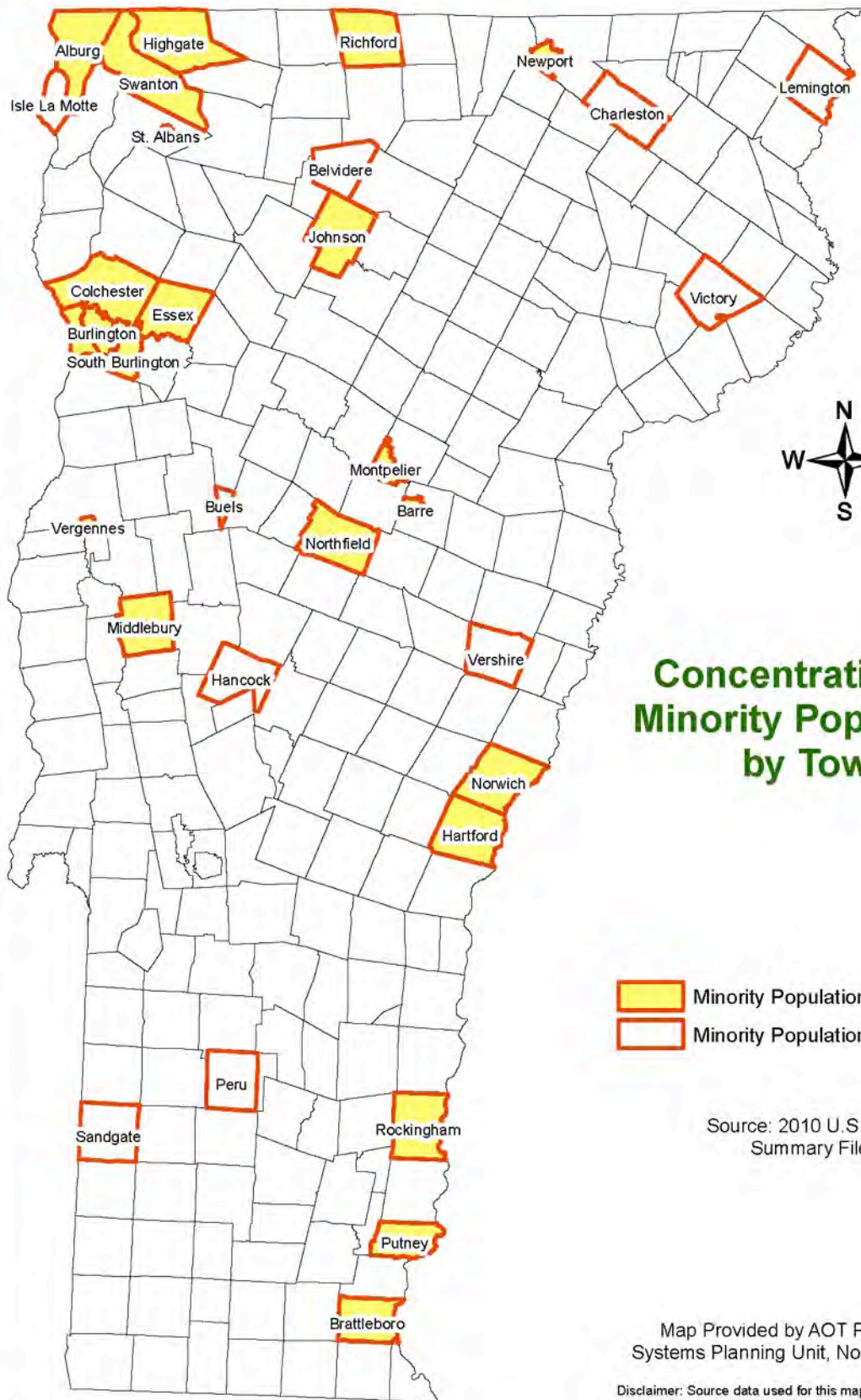












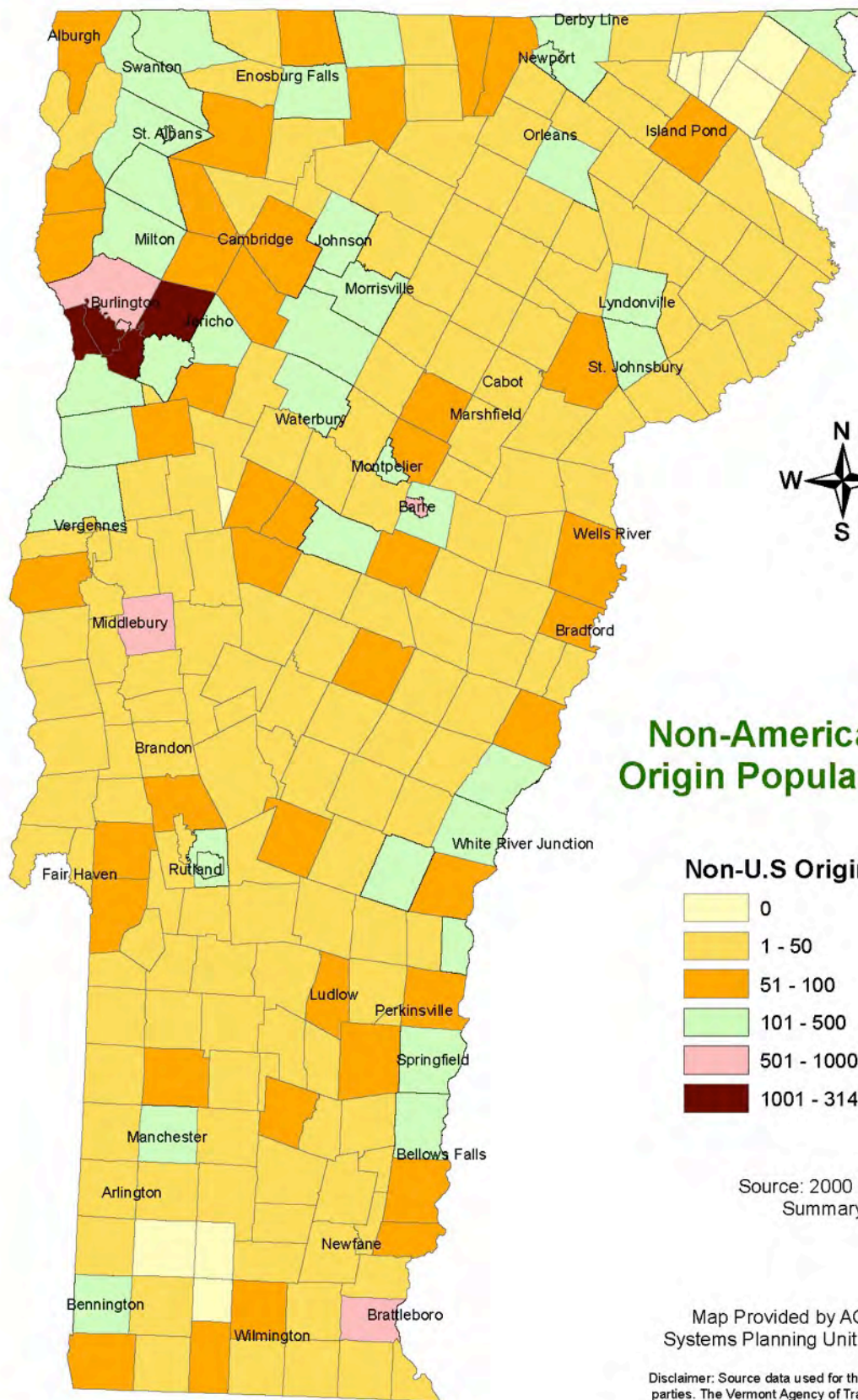
## Concentrations of Minority Population by Town

- Minority Population
- Minority Population (Less than 100)

Source: 2010 U.S Census  
Summary File 1

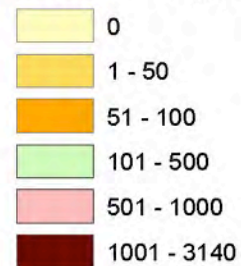
Map Provided by AOT PPID Division,  
Systems Planning Unit, November 10, 2011

Disclaimer: Source data used for this map was obtained from third parties. The Vermont Agency of Transportation assumes no liability for the accuracy of this data



## Non-American National Origin Population by Town

### Non-U.S Origin Population

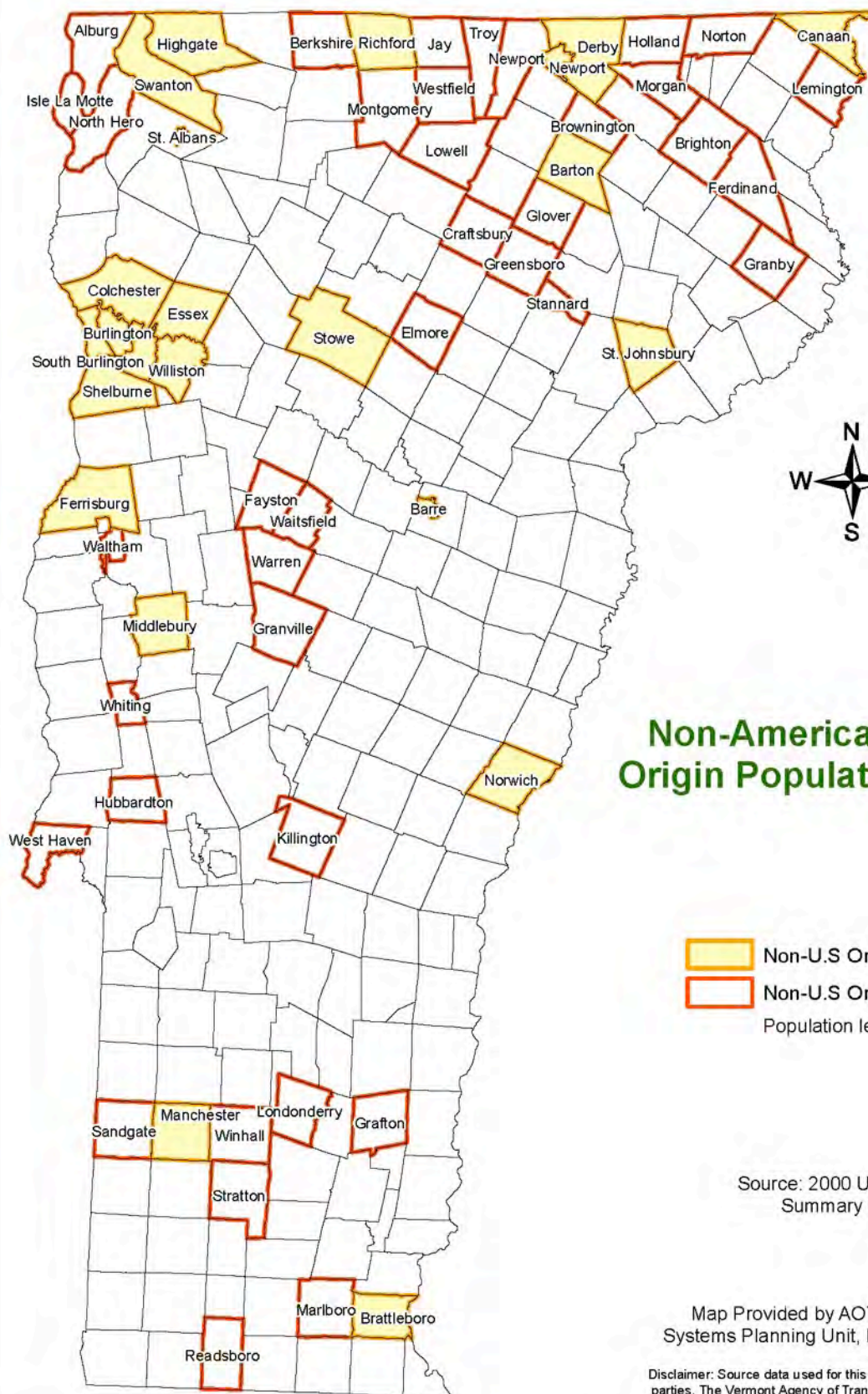


Source: 2000 U.S Census  
Summary File 3

Map Provided by AOT PPID Division,  
Systems Planning Unit, November 10, 2011

Disclaimer: Source data used for this map was obtained from third parties. The Vermont Agency of Transportation assumes no liability for the accuracy of this data





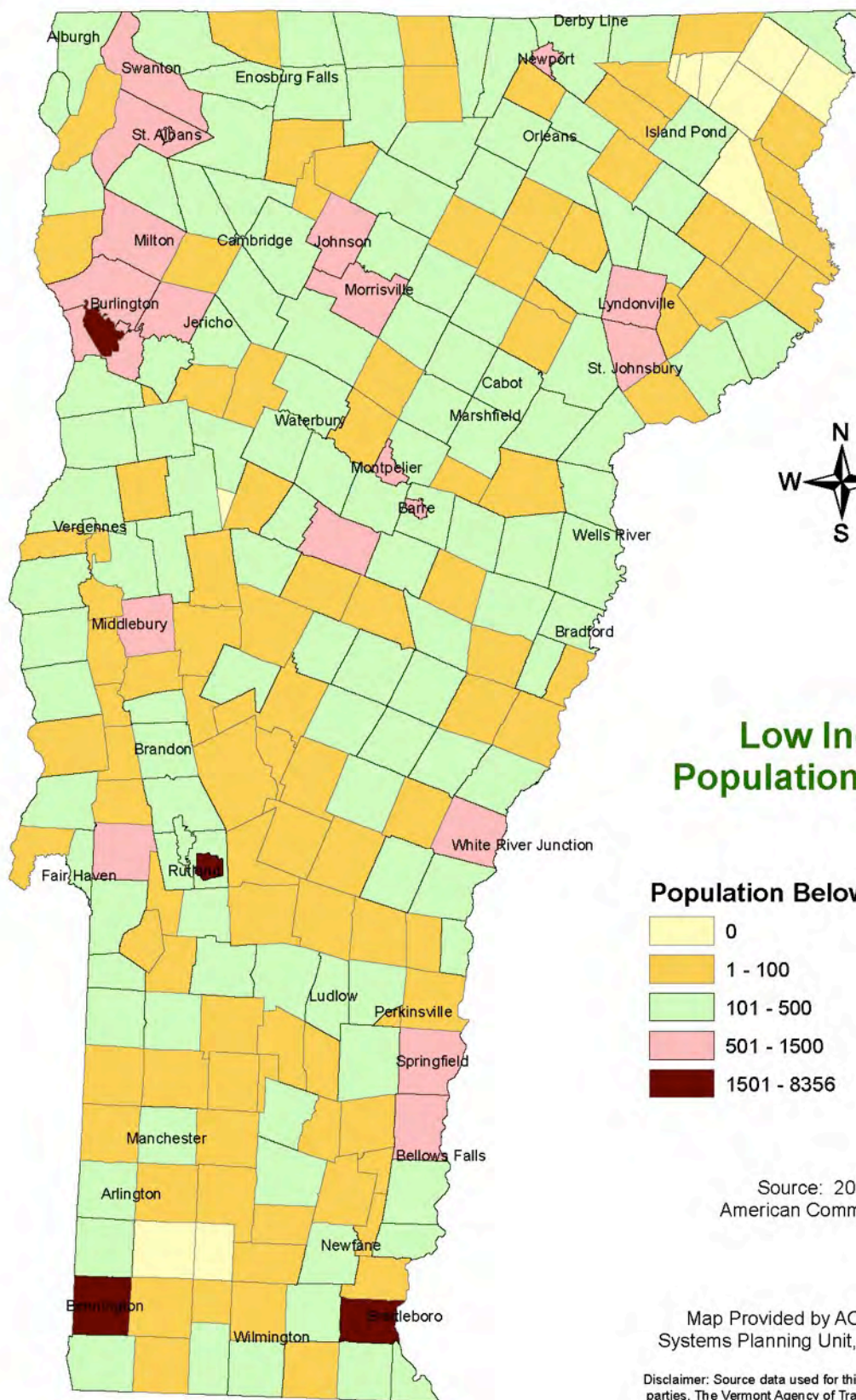
## Non-American National Origin Population by Town

- Non-U.S. Origin Population
- Non-U.S. Origin Population less than 100

Source: 2000 U.S Census  
Summary File 3

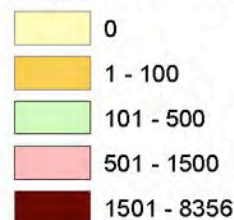
Map Provided by AOT PPID Division,  
Systems Planning Unit, November 10, 2011

Disclaimer: Source data used for this map was obtained from third parties. The Vermont Agency of Transportation assumes no liability for the accuracy of this data



## Low Income Population by Town

### Population Below Poverty Line

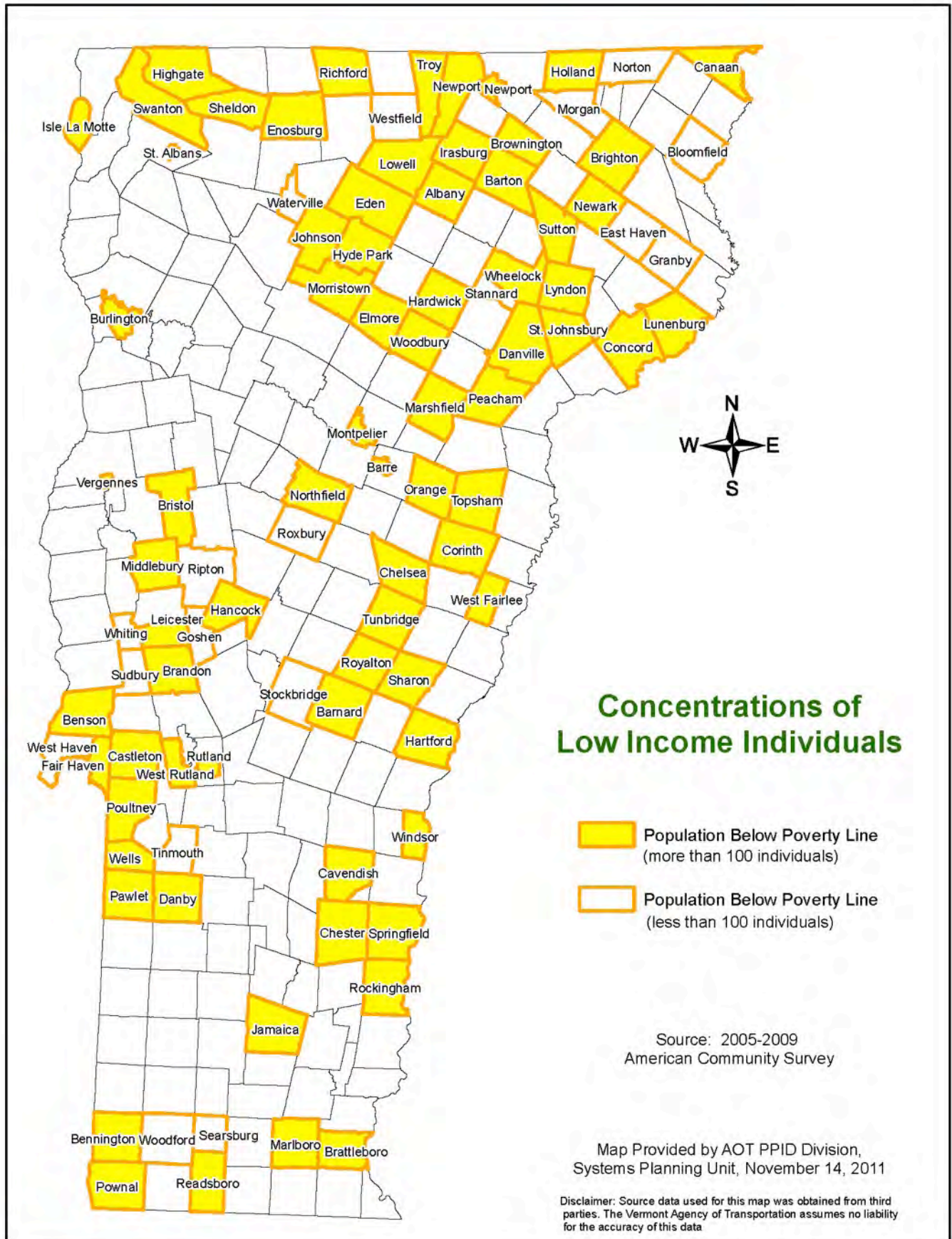


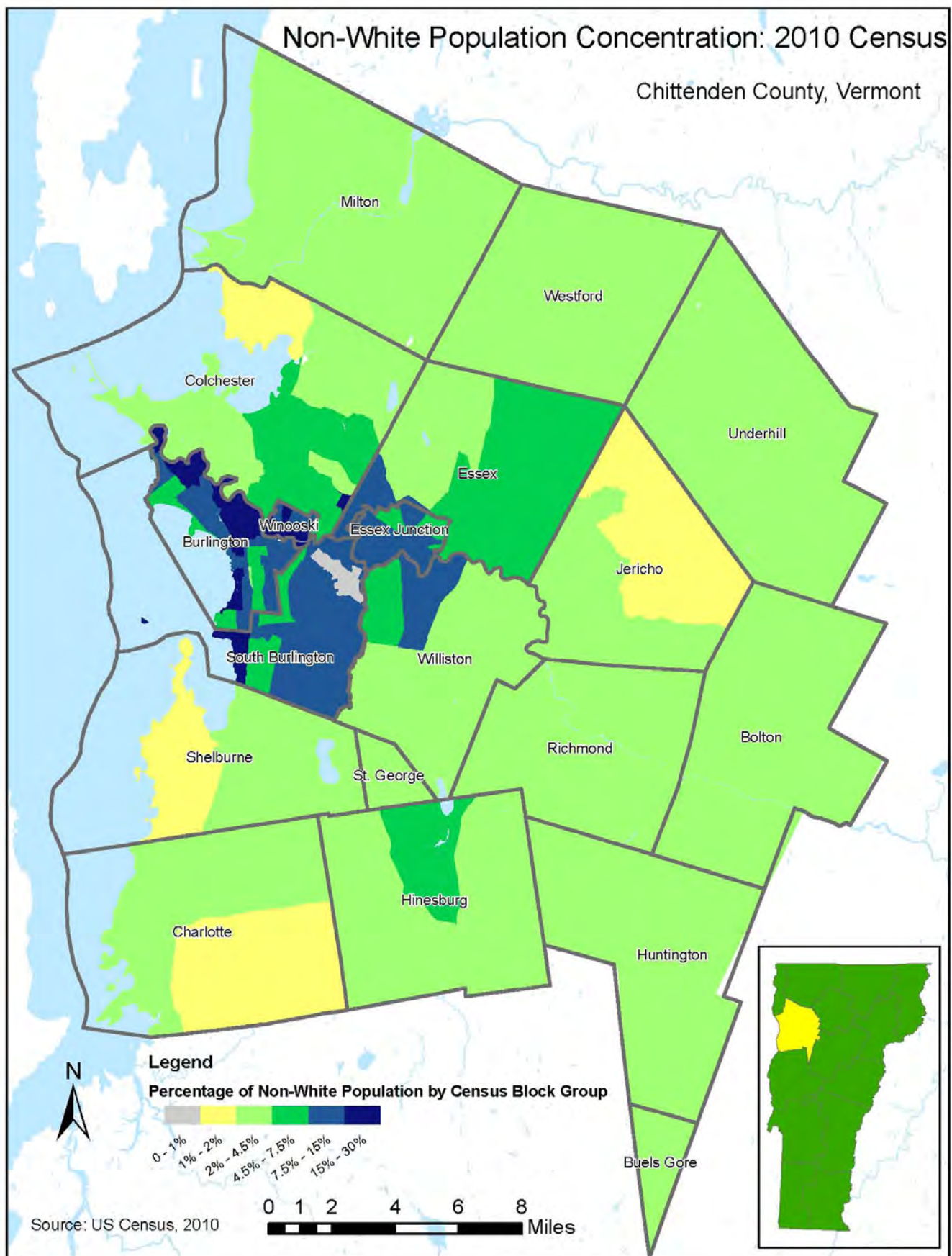
Source: 2005-2009  
American Community Survey

Map Provided by AOT PPID Division,  
Systems Planning Unit, November 14, 2011

Disclaimer: Source data used for this map was obtained from third parties. The Vermont Agency of Transportation assumes no liability for the accuracy of this data



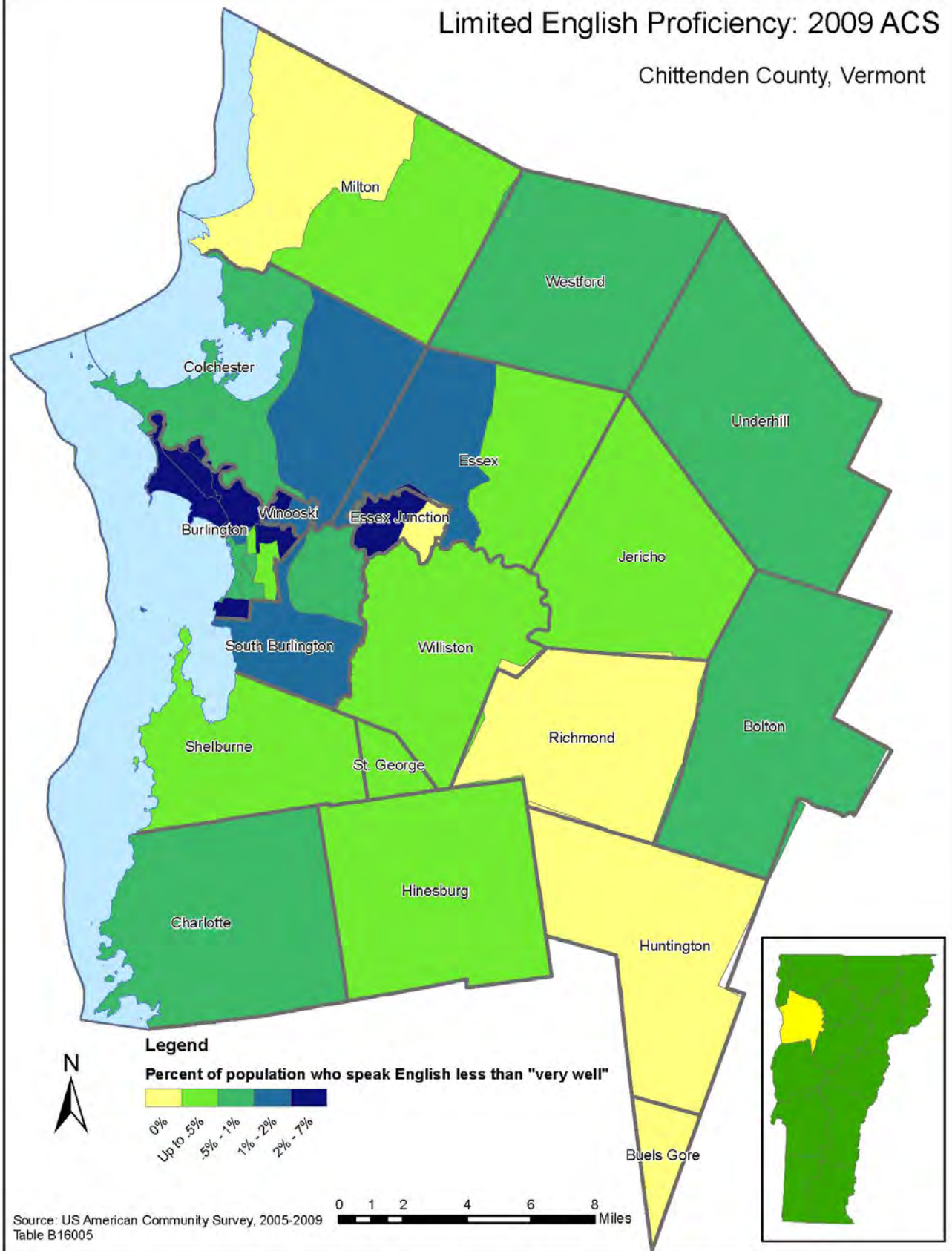




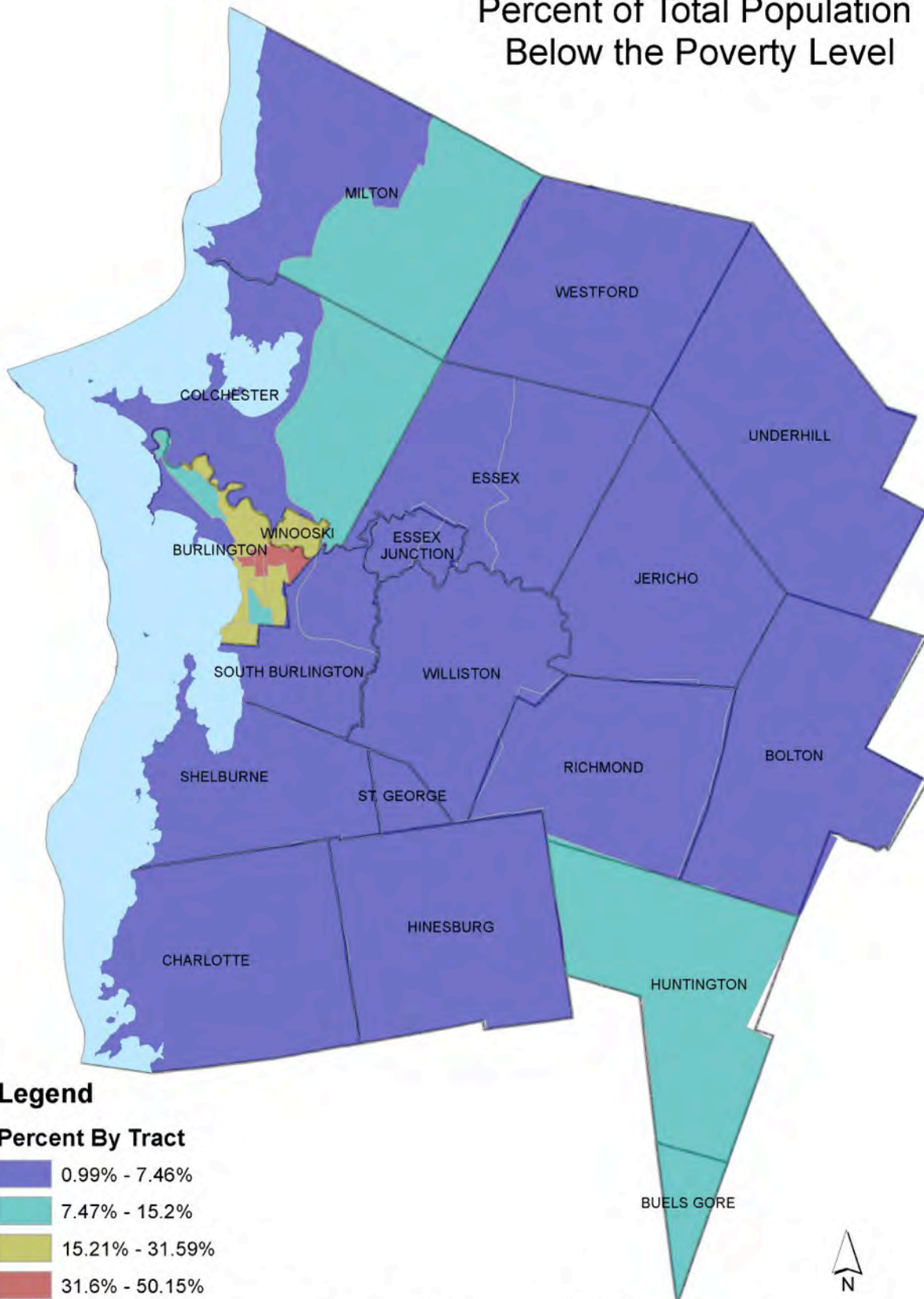


# Limited English Proficiency: 2009 ACS

Chittenden County, Vermont



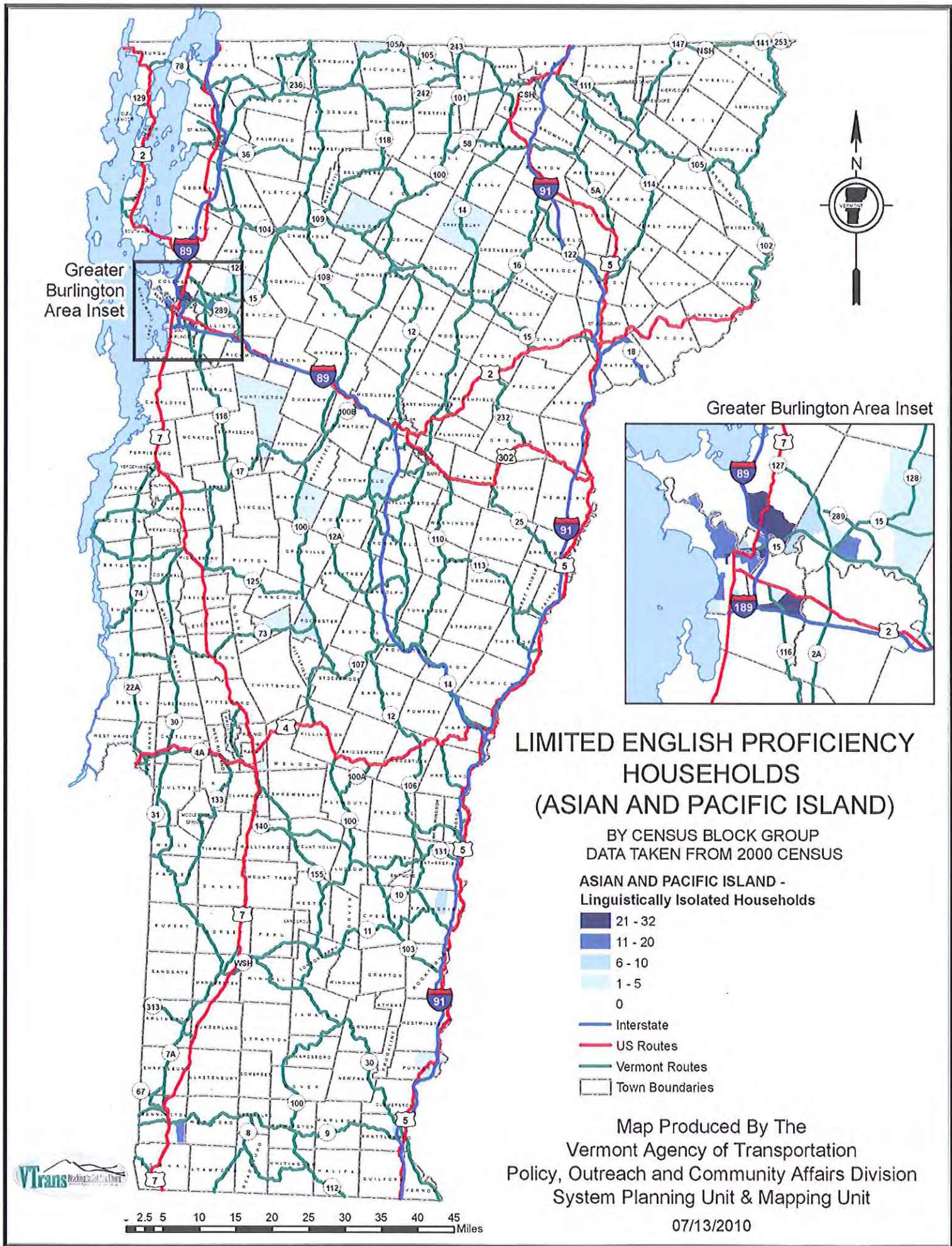
## Percent of Total Population Below the Poverty Level



Source: 2005-2009 American Community Survey, B17001

0 1 2 4 6 8 Miles







Greater  
Burlington  
Area Inset

Greater Burlington Area Inset

## LIMITED ENGLISH PROFICIENCY HOUSEHOLDS (OTHER INDO-EUROPEAN)

BY CENSUS BLOCK GROUP  
DATA TAKEN FROM 2000 CENSUS

Other Indo-European -  
Linguistically Isolated Households

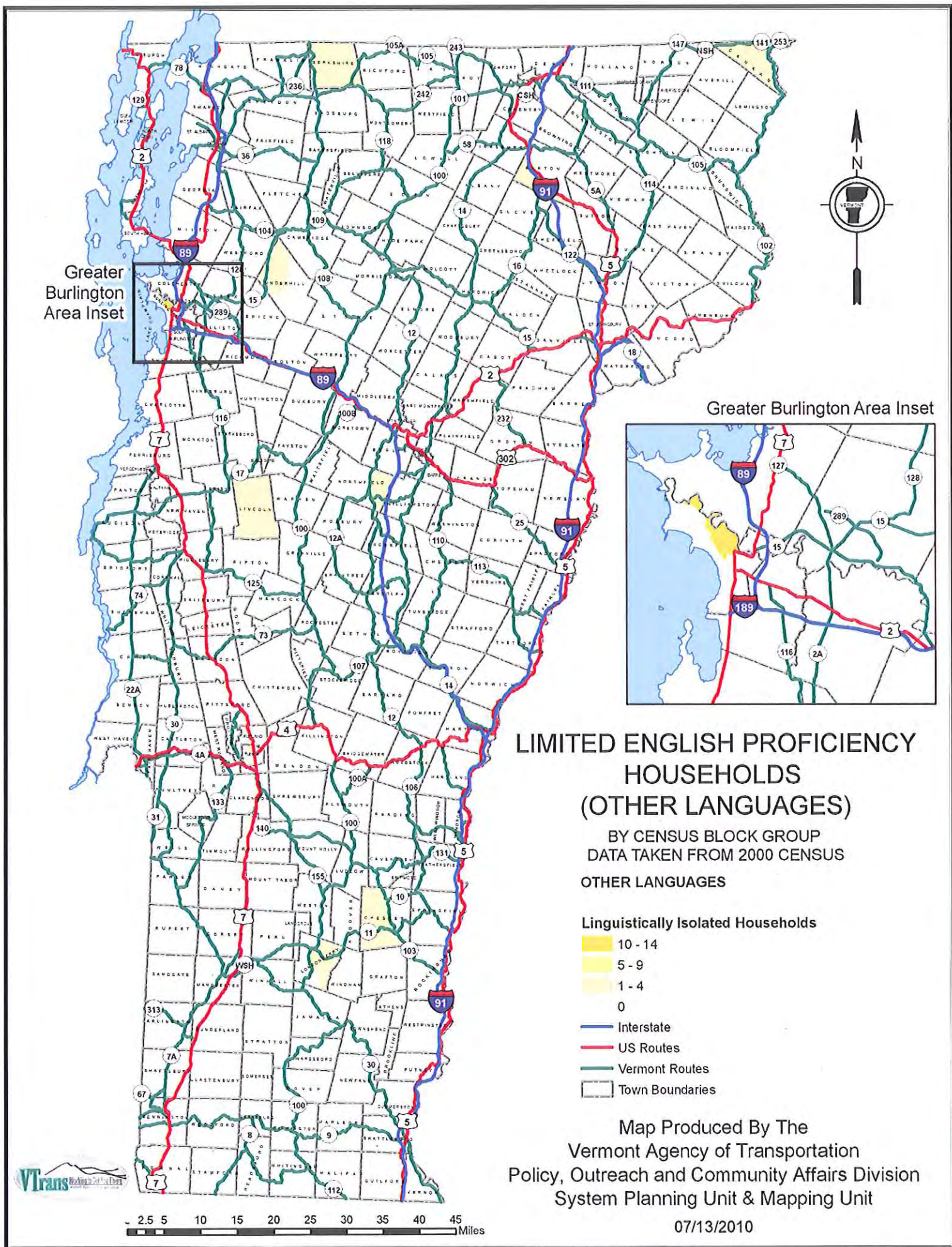
20 - 49  
10 - 19  
5 - 9  
1 - 4  
0

Interstate  
US Routes  
Vermont Routes  
Town Boundaries

Map Produced By The  
Vermont Agency of Transportation  
Policy, Outreach and Community Affairs Division  
System Planning Unit & Mapping Unit

07/14/2010







Greater  
Burlington  
Area Inset

Greater Burlington Area Inset

# LIMITED ENGLISH PROFICIENCY HOUSEHOLDS (SPANISH)

BY CENSUS BLOCK GROUP  
DATA TAKEN FROM 2000 CENSUS

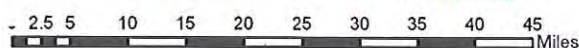
Spanish - Linguistically Isolated Households

- 9 - 12
- 6 - 8
- 4 - 5
- 1 - 3
- 0

- Interstate
- US Routes
- Vermont Routes
- Town Boundaries

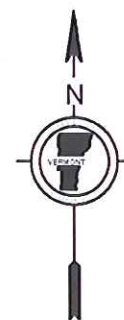
Map Produced By The  
Vermont Agency of Transportation  
Policy, Outreach and Community Affairs Division  
System Planning Unit & Mapping Unit

07/13/2010

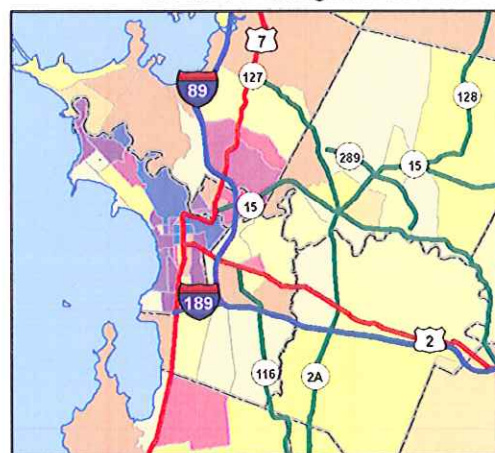




Greater  
Burlington  
Area Inset

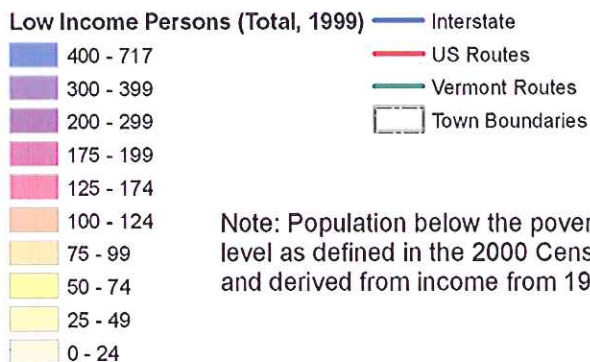


Greater Burlington Area Inset



# LOW INCOME PERSONS

BY CENSUS BLOCK GROUP  
DATA TAKEN FROM 2000 CENSUS



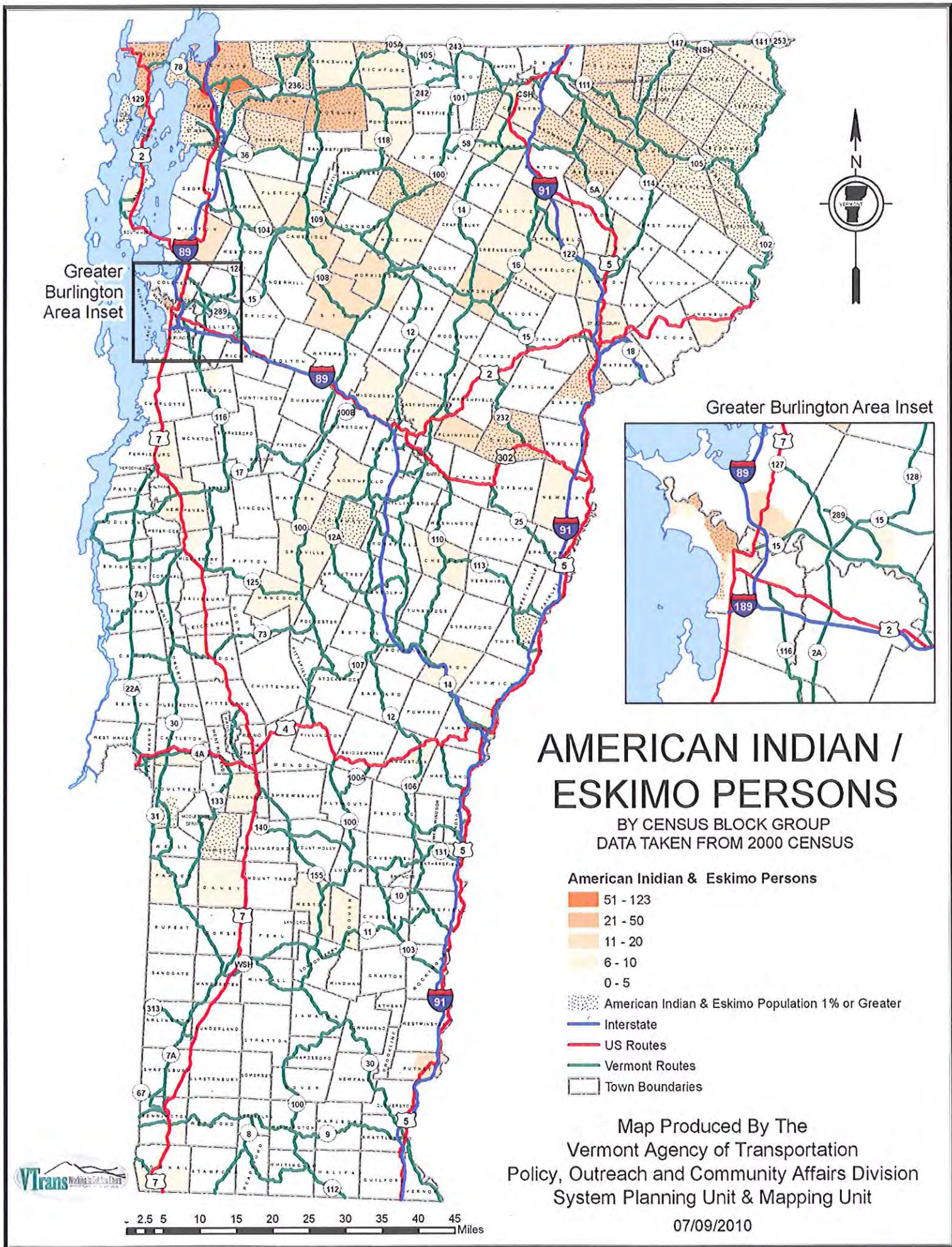
Note: Population below the poverty level as defined in the 2000 Census and derived from income from 1999.

Map Produced By The  
Vermont Agency of Transportation  
Policy, Outreach and Community Affairs Division  
System Planning Unit & Mapping Unit

07/13/2010









Greater  
Burlington  
Area Inset

Greater Burlington Area Inset

# ASIAN PERSONS

BY CENSUS BLOCK GROUP  
DATA TAKEN FROM 2000 CENSUS

Asian Population (Total) by Block Group

51 - 162

21 - 50

11 - 20

6 - 10

0 - 5

Asian Population (Percent) - 1% or Greater

Interstate

US Routes

Vermont Routes

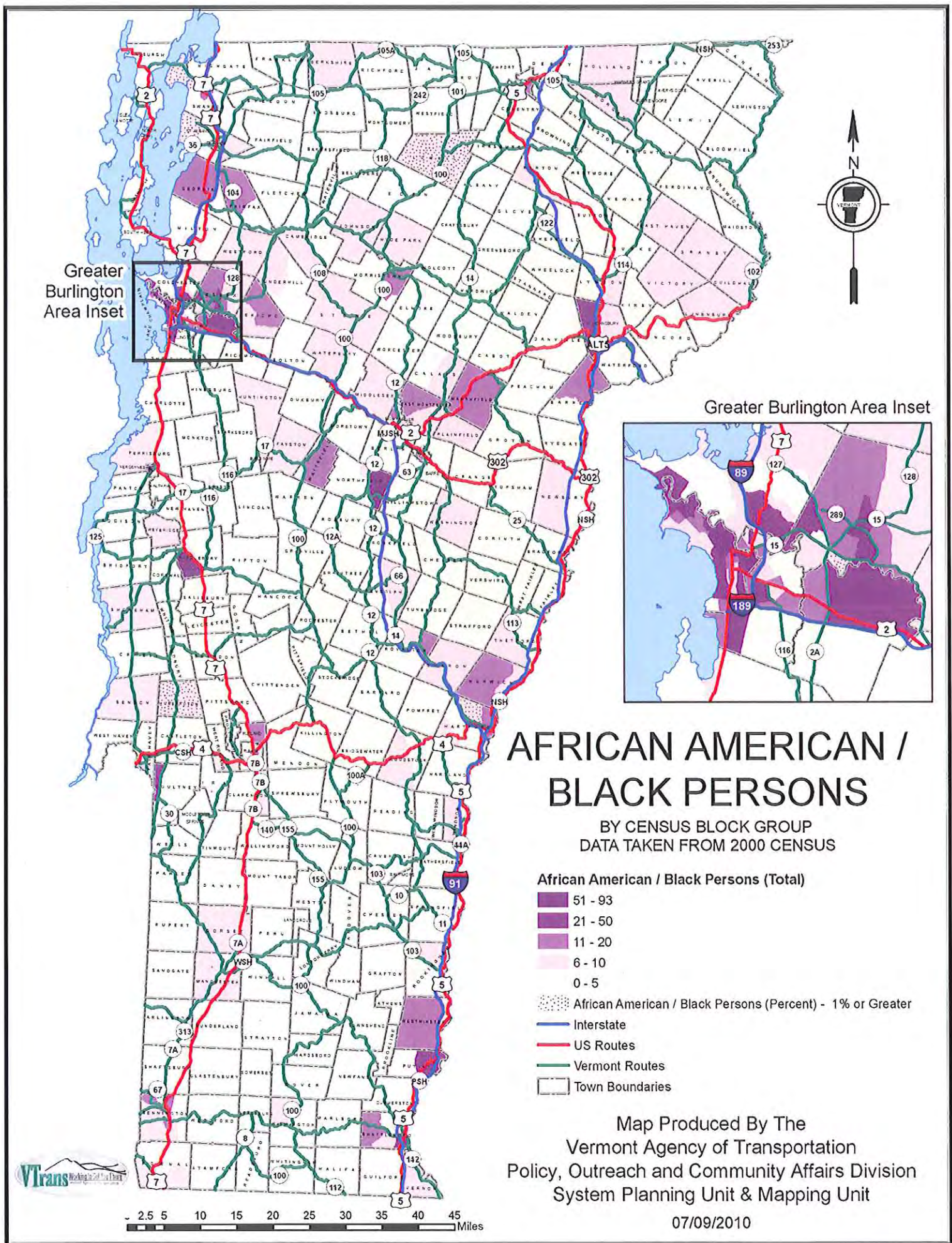
Town Boundaries

Map Produced By The  
Vermont Agency of Transportation  
Policy, Outreach and Community Affairs Division  
System Planning Unit & Mapping Unit

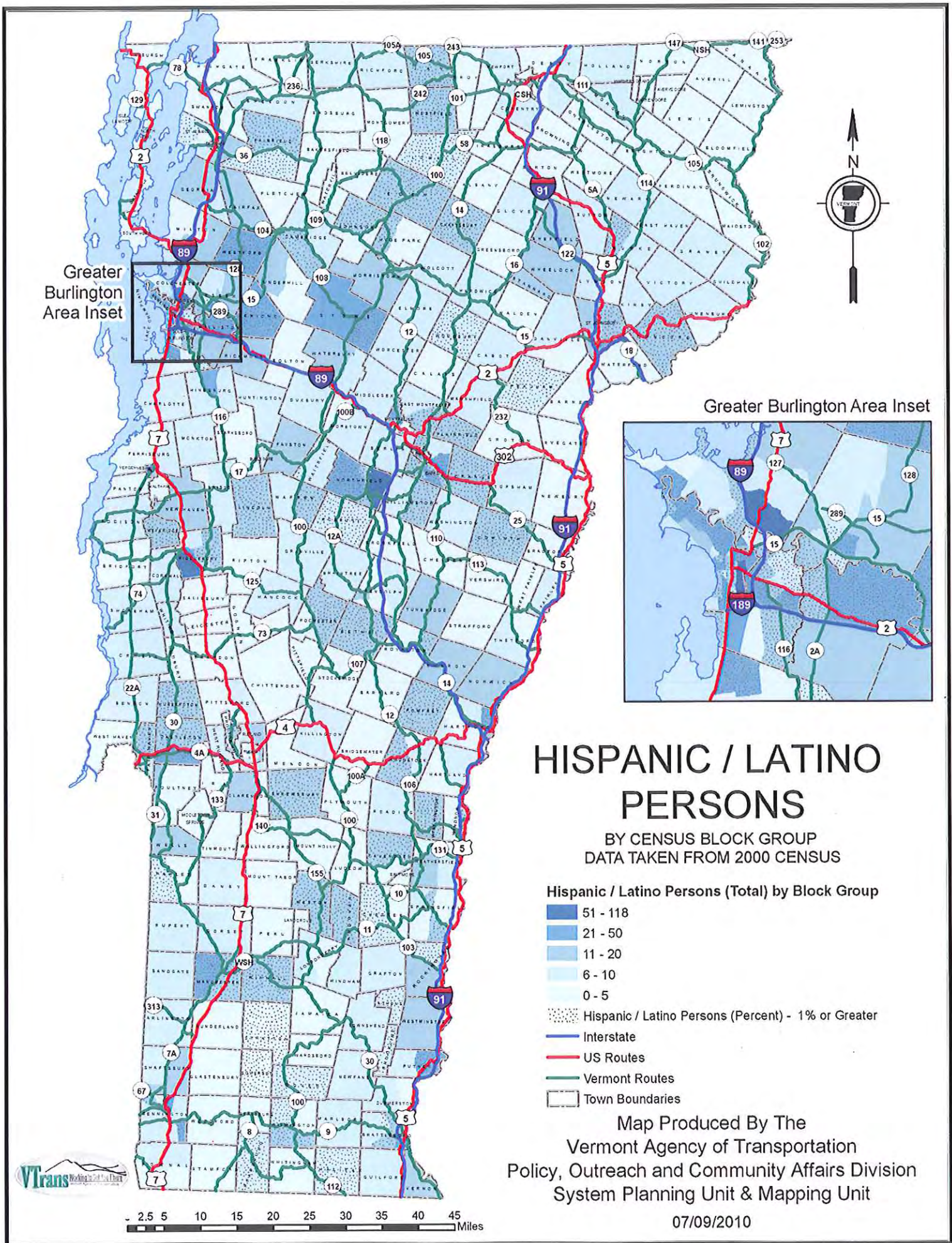
07/09/2010



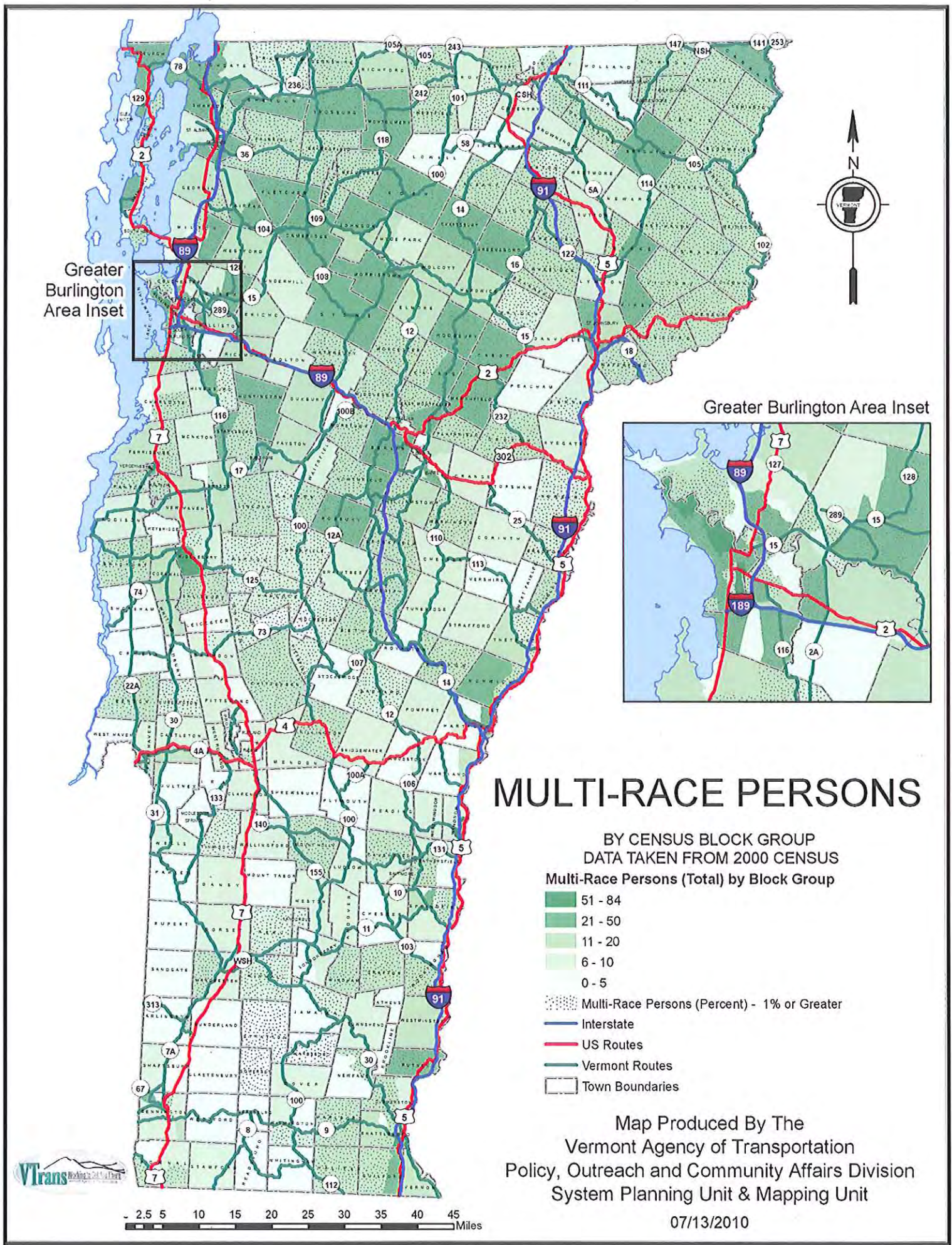














Greater  
Burlington  
Area Inset

Greater Burlington Area Inset

## NATIVE HAWAIIAN AND OTHER PACIFIC ISLANDER PERSONS

BY CENSUS BLOCK GROUP  
DATA TAKEN FROM 2000 CENSUS

Native Hawaiian and Other Pacific Islander  
Persons (Total) by Block Group

- 4 - 5
- 2 - 3
- 0 - 1
- Interstate
- US Routes
- Vermont Routes
- Town Boundaries

Map Produced By The  
Vermont Agency of Transportation  
Policy, Outreach and Community Affairs Division  
System Planning Unit & Mapping Unit

07/12/2010



2.5 5 10 15 20 25 30 35 40 45  
Miles



Greater  
Burlington  
Area Inset

Greater Burlington Area Inset

## OTHER PERSONS

BY CENSUS BLOCK GROUP  
DATA TAKEN FROM 2000 CENSUS

### Other Persons (Total) by Block Group

21 - 41

11 - 20

6 - 10

0 - 5

Other Persons (Percent) - 1% or Greater

Interstate

US Routes

Vermont Routes

Town Boundaries

Map Produced By The  
Vermont Agency of Transportation  
Policy, Outreach and Community Affairs Division  
System Planning Unit & Mapping Unit

07/13/2010



2.5 5 10 15 20 25 30 35 40 45 Miles