



FFY 2022



# FHWA Title VI Implementation Plan

Rhode Island Department of Transportation

Submitted by: The Office of Civil Rights

September 2021

“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. Direct discrimination by Federal, State, or local governments is prohibited by the Constitution. But indirect discrimination, through the use of Federal funds, is just as invidious; and it should not be necessary to resort to the courts to prevent each individual violation.”

President John F. Kennedy

See H.R. Misc. Doc. No. 124, 88th Cong., 1st Sess. 3, 12 (1963)

“That is why we need Title VI of the Civil Rights Act, H.R. 7152—to prevent such discrimination where Federal funds are involved.... Title VI is sound; it is morally right; it is legally right; it is constitutionally right.... What will it accomplish? It will guarantee that the money collected by colorblind tax collectors will be distributed by Federal and State administrators who are equally colorblind. Let me say it again: The title has a simple purpose - to eliminate discrimination in Federally financed programs.”

Senator Pastore

# TABLE OF CONTENTS

TABLE OF CONTENTS .....	2
1. INTRODUCTION.....	4
Title VI Overview .....	4
Types of Discrimination.....	6
RIDOT & Title VI .....	7
2. NONDISCRIMINATION POLICY.....	9
3. STANDARD USDOT TITLE VI ASSURANCES .....	10
4. ORGANIZATION & STAFFING .....	11
RIDOT’s Office of Civil Rights.....	11
5. PROGRAM AREA (INTERNAL) REVIEW PROCEDURES.....	17
Internal Review Methodology .....	17
Planning Program Area.....	18
Environmental Program Area .....	19
Right-of-Way Program Area .....	20
Contract Administration Program Area.....	21
Construction Program Area .....	22
Public Participation .....	23
6. SUBRECIPIENT (EXTERNAL) REVIEW PROCEDURES .....	25
External Review Methodology .....	25
Metropolitan Planning Organization (MPO) .....	26
Subrecipients - Cities & Towns .....	27
7. DATA COLLECTION & ANALYSIS METHODS .....	29
8. TRAINING & TECHNICAL ASSISTANCE PROCEDURES .....	39
Web-Based Training By Program Area .....	39
9. COMPLAINT PROCEDURE.....	44
RIDOT’s Complaint Procedure .....	45
Investigation Plan & Summary .....	45
	2

	Complaint and Adjudication Reporting.....	46
10.	DISSEMINATION OF TITLE VI INFORMATION .....	47
	Vital Documents .....	47
	Language Assistance Plan: .....	47
	Website Update .....	47
	Public Meetings and Hearings.....	48
	Notice to the Public .....	48
11.	LIMITED ENGLISH PROFICIENCY (LEP) .....	49
	RIDOT’s LEP Assessment .....	49
	RIDOT’s Vital Documents .....	50
12.	ENVIRONMENTAL JUSTICE (EJ) .....	51
	Environmental Justice (EJ) Analysis: .....	51
13.	REVIEW OF RIDOT’S DIRECTIVES.....	53
14.	COMPLIANCE & ENFORCEMENT PROCEDURES .....	54
15.	GOALS & ACCOMPLISHMENTS REPORT .....	57
	2021 Accomplishments.....	57
	2022 Goals .....	57
	Appendix A - Nondiscrimination Policy .....	58
	Appendix B - Assurances .....	60
	Appendix C - Complaint Procedure.....	70
	Appendix D - ADA & LEP Public Meeting Checklist.....	80
	Appendix E - LEP Assessment .....	84

# 1. INTRODUCTION

---

*“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. Direct discrimination by Federal, State, or local governments is prohibited by the Constitution. But indirect discrimination, through the use of Federal funds, is just as invidious; and it should not be necessary to resort to the courts to prevent each individual violation.” John F. Kennedy, 1963*

## TITLE VI OVERVIEW

The [Civil Rights Act of 1964](#) was a product of the growing demand during the early 1960s for the federal government to launch a nationwide offensive plan against racial discrimination. After years of intensive work on the part of civil rights advocates and their supporters in Congress, President Lyndon B. Johnson signed the landmark Civil Rights Act of 1964. Included among the Civil Rights Act’s eleven<sup>1</sup> titles is Title VI, which directly addresses the then-common practice of denying certain persons access to federally funded programs, services, and activities based on their race, color, or national origin.

The [Title VI of the Civil Rights Act of 1964](#) (42 USC 2000d et seq) prohibits recipients of [Federal financial assistance](#) to discriminate on the basis of race, color, or national origin in their programs, services, and activities. The law provides that: “[n]o 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.” For instance, State Transportation Agencies (STA) and Local Public Agencies (LPA), such as cities and towns, that receive federal financial assistance directly or indirectly from USDOT’s Federal Highway Administration (FHWA) must take concrete steps to ensure nondiscrimination to persons in their programs, services, and activities. The use of the word “*person*” is important as the protections afforded under Title VI apply to anyone, regardless of whether the individual is lawfully present in the United States or a citizen of a State within the United States. The [USDOJ’s Title VI Legal Manual](#) and [FHWA’s Title VI Essentials](#) provide an introductory overview of Title VI, including its legislative history and purpose, types of discrimination prohibited, and roles and responsibilities of recipients of federal assistance recipients.

---

<sup>1</sup> The [eleven](#) titles of the Act are: Title I - Voting Rights; Title II – Public Accommodation; Title III – Desegregation of public Facilities; Title IV – Desegregation of Public Education; Title V – Civil Rights Commission; Title VI – Nondiscrimination in Federal Assisted Programs; Title VII – Equal Employment Opportunity; Title VIII – Registration and Voting Statistics; Title IX – Intervention in Court Cases; Title X – Community Relations Service; and Title XI – Court Proceeding and Legalities.

Title VI has, since its passing, been supplemented by many Title VI-related statutes for the purpose of restoring its original intent, clarifying its scope and applicability, and achieving its nondiscrimination objectives. The applicable Title VI-related statutes are:

[Section 162 \(a\) of the Federal Highway Act of 1973](#) (23 USC 324 *et seq*) prohibits recipients of Federal financial assistance to discriminate on the basis of sex in transportation programs. This statute requires sex discrimination to be treated as a protected class under Title VI and to be enforced through already established Title VI provisions.

The [Civil Rights Restoration Act of 1987](#) (PL 100-209) amended the Title VI definition of “[programs and activities](#)” to restore the broad, institution-wide scope and coverage of the anti-discrimination statutes to include all the operations of a department, agency, or other instrumentality of a state or of a local government, or any part of which is extended Federal financial assistance. This statute overturned *Grove City College v. Bell*, 465 US 555 (1984).

The [Executive Order 12898](#) *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (1994) mandates recipients of federal financial assistance to address equity and fairness toward low-income and minority persons/populations by requiring cost-benefit analyses and meaningful consideration of disproportionate adverse environmental and health impacts on low-income and minority populations. Its primary legal authorities are Title VI and the [National Environmental Procedures Act \(NEPA\)](#) while its analytical standards are from the [Council of Environmental Quality \(CEQ\)](#) and Federal agency guidance.

The [Executive Order 13166](#) *Improving Access to Services for Persons with Limited English Proficiency* (2000) mandates, based on the supreme court decision *Lau v. Nichols*, 414 US 563 (1974), recipients of federal financial assistance to provide meaningful access to Limited English Proficient (LEP) applicants and beneficiaries to all federally assisted programs, services, and activities by conducting a Four-Factor Analysis and developing a Language Access Plan. Its main guidance are [USDOT Policy Guidance Concerning Recipient’s Responsibilities to Limited English Proficient \(LEP\) Persons](#) and [USDOJ Language Access Assessment and Planning Tool for Federally Conducted and Federally-assisted Programs](#).

The [49 CFR Part 21](#) *Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964* regulates the [U.S. Department of Transportation \(USDOT\)](#)’s effectuation of Title VI.

The [23 CFR Part 200](#) *Title VI/Nondiscrimination Program Implementation and Review Procedures* regulates the [Federal Highway Administration’s \(FHWA’s\)](#)<sup>2</sup> implementation of Title VI. A [Title VI](#)

---

<sup>2</sup> The FHWA is one of the operating agencies of the USDOT with stewardship over the construction, maintenance and preservation of the Nation’s highways, bridges and tunnels.

[complaint](#) can be filed with FHWA by any person who believes they - or with a specific class of persons - were subjected to discrimination on the basis of race, color, national origin, or sex in any Federal-aid Highway program, services, and activity. More information about Title VI complaints can be found at [Q&A for Complaints Alleging Violations of Title VI of the Civil Rights Act of 1964](#).

The [DOT Order 1050.2A US Department of Transportation Standard Title VI Assurances](#) creates a binding agreement with recipients of Federal financial assistance to ensure nondiscrimination in their activities, facilities, and programs; disseminate appropriate notice to the public; provide access to records; cooperate with program reviews and complaint investigations; and comply with record retention and reporting requirements.

The [28 C.F.R. Part 42 Subpart C. Nondiscrimination in Federally-assisted Programs - Implementation of Title VI of the Civil Rights Act of 1964](#) regulates [U.S. Department of Justice's \(USDOJ's\)](#) coordination and enforcement of Title VI. USDOJ's technical assistance guidance for recipients with responsibilities under Title VI can be found in the [Title VI Legal Manual](#).

## TYPES OF DISCRIMINATION

The USDOT's Title VI regulation (49 CFR Part 21) describes specific types of discriminatory actions that are prohibited and which generally fall under three legal categories: [disparate treatment](#), [disparate impact](#), and [retaliation](#).

Disparate treatment (also known as intentional discrimination) occurs when similarly situated persons are treated differently because of their race, color, or national origin due to the decisions made by a recipient who acts, at least in part, because of the actual or perceived race, color, or national origin of those persons. Disparate impact discrimination occurs when a facially neutral policy, procedure, or practice results in members of a protected group receiving different and/or inferior services, benefits, or treatment and when such policy, procedure, or practice lacks a substantial legitimate justification. Under USDOT regulations, recipients must not, directly or through contractual or other arrangements, utilize criteria or methods of administration that have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of nondiscrimination in a program. In disparate impact investigations, the focus is on the consequences of a decision, policy, or practice rather than the intent. Retaliation occurs when a person is subjected to adverse treatment for filing a complaint, testifying, assisting, or participating in any manner in an investigation. The standards to investigate cases of disparate treatment and impact can be found at [FHWA's Title VI - Intentional Discrimination and Disparate Impact](#).

All transportation program areas - especially those with a direct effect on the public such as planning, environmental, right-of-way, contracts, construction, and maintenance - are prohibited to engage in the following specific forms of discrimination:

- Deny a person any service, financial aid, or other benefit provided under a program;
- Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;
- Subject a person to segregation or separate treatment in any matter related to the person's receipt of any service, financial aid, or other benefit under the program;
- Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;
- Treat a person differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial aid, or other benefit provided under the program;
- Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford the person an opportunity to do so which is different from that afforded others under the program; or
- Deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.

## RIDOT & TITLE VI

The Rhode Island Department of Transportation (RIDOT) is a recipient of [Federal-aid Highway Program](#) to carry out projects for the construction and maintenance of multi-modal transportation infrastructure. As part of its [Stewardship and Oversight Agreement with FHWA](#) (Order 5020.2), RIDOT is required to fully comply with the [Title VI of the Civil Rights Act of 1964](#).

RIDOT effectuates its nondiscrimination commitment through its Title VI/Nondiscrimination Program. The Program consists of a system of standard operating procedures and oversight tools to assess and ensure the methods of administration employed by RIDOT and its subrecipients to deliver projects do not result in any Title VI-related type of discrimination. The standard operating procedures and oversight tools are:

- Program Area (Internal) Review Procedures;
- Subrecipient (External) Review Procedures;
- Data Collection and Analysis Methods;
- Complaint Procedure;
- Dissemination of Title VI Information;
- Limited English Proficiency (LEP);
- Environmental Justice (EJ);



- Review of RIDOT’s Directives;
- Compliance and Enforcement Procedures.

The Program has been systematized in a [Title VI Implementation Plan](#) with the purpose of disseminating these operating procedures and of providing its transportation practitioners, subrecipients, contractors, and consultants with guidance on how to adhere to Title VI principles in their daily planning, implementation, monitoring, evaluation and enforcement operations. The Plan includes the structure of RIDOT’s Title VI Program as well as the policies, procedures, and practices RIDOT uses to comply with nondiscrimination requirements. This Plan is intended to be a living document, regularly monitored and updated by RIDOT’s Office of Civil Rights to meaningfully reflect the Program as it changes and grows. The Plan contains the following eleven (11) elements:

- Standard USDOT Title VI Assurances;
- Organization and Staffing;
- Program Area (Internal) Review Procedures;
- Subrecipient (External) Review Procedures;
- Data Collection and Analysis Methods;
- Training and Technical Assistance Procedures;
- Complaint Procedure;
- Dissemination of Title VI Information;
- Limited English Proficiency (LEP);
- Environmental Justice (EJ);
- Review of RIDOT’s Directives;
- Compliance and Enforcement Procedures.

Pursuant to 23 CFR 200.9(b)(11), RIDOT submits this Title VI Implementation Plan for review and approval by FHWA. This Plan describes how RIDOT administers its programs and operations consistent with Title VI and how it intends to carry out its Title VI/Nondiscrimination Program year to year. This Plan will be implemented during the course of Federal Fiscal Year 2022. Comments and suggestions are welcomed and may be addressed to:

Rhode Island Department of Transportation  
Office of Civil Rights  
Attn: Lilliam Abreu, Title VI Coordinator  
Two Capitol Hill  
Providence, RI 02903  
Phone: 401.563-4256  
Email: [DOT.TitleVI@dot.ri.gov](mailto:DOT.TitleVI@dot.ri.gov)

## 2. NONDISCRIMINATION POLICY

---

49 CFR 21.5(b)

*“That is why we need Title VI of the Civil Rights Act, H.R. 7152—to prevent such discrimination where Federal funds are involved.... Title VI is sound; it is morally right; it is legally right; it is constitutionally right.... What will it accomplish? It will guarantee that the money collected by colorblind tax collectors will be distributed by Federal and State administrators who are equally colorblind. Let me say it again: the title has a simple purpose to eliminate discrimination in Federally financed programs.” Senator John Pastore*

RIDOT affirms its full commitment with both Title VI of the Civil Rights Act of 1964, and pledges that **it does not and will not** exclude from participation in, deny the benefits of, or otherwise subject to discrimination any persons on the grounds of race, color, national origin (including limited English proficiency), and sex from its programs or activities, whether or not such programs and activities are federally-assisted.

RIDOT’s Title VI/Nondiscrimination Policy (see [Appendix A](#)) can be obtained:

- By contacting the Title VI Coordinator via telephone (401) 563-4256;
- By contacting the Title VI Coordinator via email [DOT.TitleVI@dot.ri.gov](mailto:DOT.TitleVI@dot.ri.gov);
- By contacting the Title VI Coordinator via mail RI Department of Transportation, Office of Civil Rights, Two Capitol Hill, Room 110. Providence, RI 02903.
- By visiting RIDOT’s website at [http://www.dot.ri.gov/documents/about/civilrights/Title\\_VI\\_Policy\\_Statement.pdf](http://www.dot.ri.gov/documents/about/civilrights/Title_VI_Policy_Statement.pdf)

RIDOT’s Title VI Nondiscrimination Policy is also available in:

- [Spanish](#);
- [Portuguese](#);
- [Chinese](#);
- [French](#);
- [Khmer](#).

### 3. STANDARD USDOT TITLE VI ASSURANCES

---

49 CFR 21.7; USDOT Order 1050.2A;  
23 CFR200.9(a)(1)

RIDOT also certifies its contractual commitment to the provisions of the USDOT Order 1050.2A Standard Assurances - “a contract whereby the recipient agrees to comply with the nondiscrimination provisions as a condition of receiving federal assistance” - pertaining to nondiscrimination in its activities, facilities, and programs; dissemination of appropriate notice to the public; access to records; cooperation with program reviews and complaint investigations; and compliance with record retention and reporting requirements.

A copy of RIDOT’s Title VI Standard Assurances (see [Appendix B](#)) can be obtained:

- By contacting the Title VI Coordinator via telephone, (401) 563-4256;
- By contacting the Title VI Coordinator via email, [DOT.TitleVI@dot.ri.gov](mailto:DOT.TitleVI@dot.ri.gov);
- By contacting the Title VI Coordinator via mail, RI Department of Transportation, Office of Civil Rights, Two Capitol Hill, Room 110. Providence, RI 02903.

By visiting RIDOT’s website at [http://www.dot.ri.gov/about/who/civil\\_rights.php](http://www.dot.ri.gov/about/who/civil_rights.php).

## 4. ORGANIZATION & STAFFING

---

23 CFR 200.9 (b)(1); (b)(2)

### RIDOT'S OFFICE OF CIVIL RIGHTS

The Office of Civil Rights (OCR) reports directly to RIDOT's Chief of Staff and has been established in accordance with 23 CFR 200.9(b)(1). The OCR administers and oversees RIDOT's Title VI, Americans with Disabilities Act (ADA), Internal Equal Employment Opportunity (EEO), Disadvantaged Business Enterprise (DBE), Equal Opportunity Contractor Compliance (EOCC), and On-the-Job Training (OJT)/On-the-Job Training Supportive Service (OJT/SS) programs. The Civil Rights Administrator and the Title VI Coordinator report directly to RIDOT's Director on Title VI matters, as indicated in [RIDOT's Direct Access to Director Memo](#), [RIDOT's Organizational Chart](#) and [RIDOT's Office of Civil Rights Organizational Chart](#) (See pages 15 and 16).

The Director of Transportation is responsible for ensuring overall management and implementation of the Title VI Plan at RIDOT. The Director, pursuant to 23 CFR 200.9(a)(3), is responsible for RIDOT's implementation of, and compliance with, Title VI and provides leadership, guidance, direction, and support for RIDOT's Title VI Program. Peter Alviti Jr., P.E. has been RIDOT's Director since his confirmation by the Rhode Island Senate in February 2015.

The Chief of Staff assists the Director in the implementation of a proactive and comprehensive Civil Rights Program and provides leadership, support, and guidance to OCR. John Igliazzi, Esq., was appointed Acting Chief of Staff in 2017.

The Civil Rights Administrator answers directly to the Chief of Staff and the Director of Transportation on an as needed basis on civil rights issues, including Title VI issues. The Civil Rights Administrator has the responsibility of administering, organizing, directing, and evaluating the work of staff engaged in comprehensive programs designed to ensure compliance of federal and state laws and regulations regarding civil rights, and providing technical assistance to Program Chiefs. Nancy Rodriguez was designated Civil Rights Administrator in November of 2020.

### Internal Civil Rights Programs

RIDOT's internal civil rights programs consist of the following compliance units: Americans with Disabilities Act (ADA), Internal Equal Employment Opportunity (EEO), and Title VI/Nondiscrimination. The internal programs are staffed by three (3) Program Chiefs.

The ADA Program Chief has the responsibility of implementing RIDOT's ADA Transition Plan. The ADA Program Chief works co-operatively with RIDOT's Project Management Office and other teams to implement the requirements of ADA and Section 504 of the Rehabilitation Act of 1973. Barry Simpson was designated ADA Program Chief in May 2017.

The Internal EEO Officer, RIDOT's designated Affirmative Action Officer or AAO, has direct access to the Director to report on the progress of RIDOT's Affirmative Action Plan on at least a quarterly basis, and has the responsibility to develop, implement, monitor, and report on affirmative action programs all required reports and analyses regarding the implementation of RIDOT's EEO Program. This position is currently vacant, a request to fill the position has been submitted and is being processed.

The Title VI Program Chief (Title VI Coordinator) position was designated to Lilliam Abreu in July of 2020. The Title VI Program Coordinator is responsible for the administration of the statewide Title VI Program for RIDOT. Internally, the Coordinator is responsible for statewide guidance, technical assistance, and training on Title VI, as well as the development and implementation of RIDOT's Title VI, special emphasis areas (i.e., FHWA/FTA placing emphasis on any special program area), language assistance policy for Limited English Proficiency (LEP) and Environmental Justice (EJ) monitoring, analyzing data, evaluating and investigating Title VI complaints, and reporting Title VI activities. The Title VI Coordinator has direct access to the Director of Transportation on an "as needed" basis. More specifically, the Title VI Coordinator will:

- Serve as a liaison between RIDOT and Federal and state officials regarding Title VI issues;
- Participate in the development of RIDOT's policy and strategic plans to ensure initiatives and goals are consistent with RIDOT's Title VI requirements;
- Oversee, guide, and direct RIDOT's Title VI Program;
- Monitor, review and evaluate the effectiveness of RIDOT's programs, policies, and activities for Title VI compliance;
- Establish procedures to identify and eliminate discrimination and impediments to nondiscriminatory practices where such impediments are found;
- Develop and implement procedures for the collection of demographic and socio-economic data (i.e., race, color, national origin, sex, English proficiency, and income status) of participants in, and beneficiaries of, RIDOT's highway programs;
- Develop procedures for Title VI compliance reviews of program areas (planning, environmental, right-of-way, contracts, construction, and maintenance) to determine their effectiveness;
- Establish procedures for promptly resolving Title VI deficiency status and reducing to writing the remedial action needed, within a period not to exceed 90 calendar days from the submission of the annual goal accomplishment report;
- Provide guidance and instruction regarding compliance reviews and investigations and assist other divisions with Title VI compliance;
- Develop training and technical materials to assist departmental personnel and subrecipients to attain compliance;
- Develop Title VI information for dissemination to the general public and, in languages other than English;

- Work closely with community leaders and other stakeholders to ensure their concerns are heard regarding Title VI issues;
- Monitor the Title VI staffing level and bring resource or program deficiencies to the Director's attention; and
- Prepare or cause to be prepared, annual assurances for FHWA and Title VI activities and accomplishments report.

## External Civil Rights Program

RIDOT's external civil rights program consists of the Disadvantaged Business Enterprises (DBE), the Equal Opportunity Contractor Compliance (EOCC), and the On-the-Job Training (OJT) and On-the-Job Training Supportive Service (OJT/SS) Programs. RIDOT's DBE Supportive Service (DBE/SS) program is in development.

The DBE Program Chief, RIDOT's designated DBE Liaison Officer (DBELO), has the responsibility of developing, implementing, and monitoring the DBE program plan, including certification and three-year methodology; increasing awareness of minority-owned financial institutions; ensuring that recipients are fully and properly familiarized with the DBE Program; coordinating the work with other relevant RIDOT's business units and external stakeholders; and supervising the DBE Compliance staff - responsible for DBE goal setting, post-qualifications, CUF and on-site reviews, pre-construction meetings, data keeping, close-outs, shortfall analysis, prompt payment, and reporting. Sheree Gomes was designated DBE Program Chief/DBELO in May 2020.

The Equal Opportunity Contractor Compliance (EOCC) Program Officer has the responsibility of developing, implementing, monitoring, reviewing, evaluating, and compiling all required reports and analyses relative to RIDOT's Equal Opportunity Contractor Compliance Program. Nathan Shapiro was designated EOCC Program Officer in 2019.

The Principal equal opportunity (EO)/ On-the-Job Training (OJT) Program Officer has the responsibility to set project goals, review applications, provide technical assistance, and monitor goal achievement. The position is currently vacant, a request to fill the position has been submitted and is being processed.

## DIRECT ACCESS TO DIRECTOR MEMO



Department of Transportation  
Two Capitol Hill  
Providence, RI 02903

Office 401-222-2450  
Fax 401-222-3905

---

### MEMO:

**To:** All Staff

**cc:** John Igliazzi, Assistant Director of Administrative Services (Legal Office) /  
Acting Chief of Staff  
Nancy Rodriguez, Administrator, Civil Rights

**From:** Peter Alviti, Jr., Director *PA for PA 9/30/21*

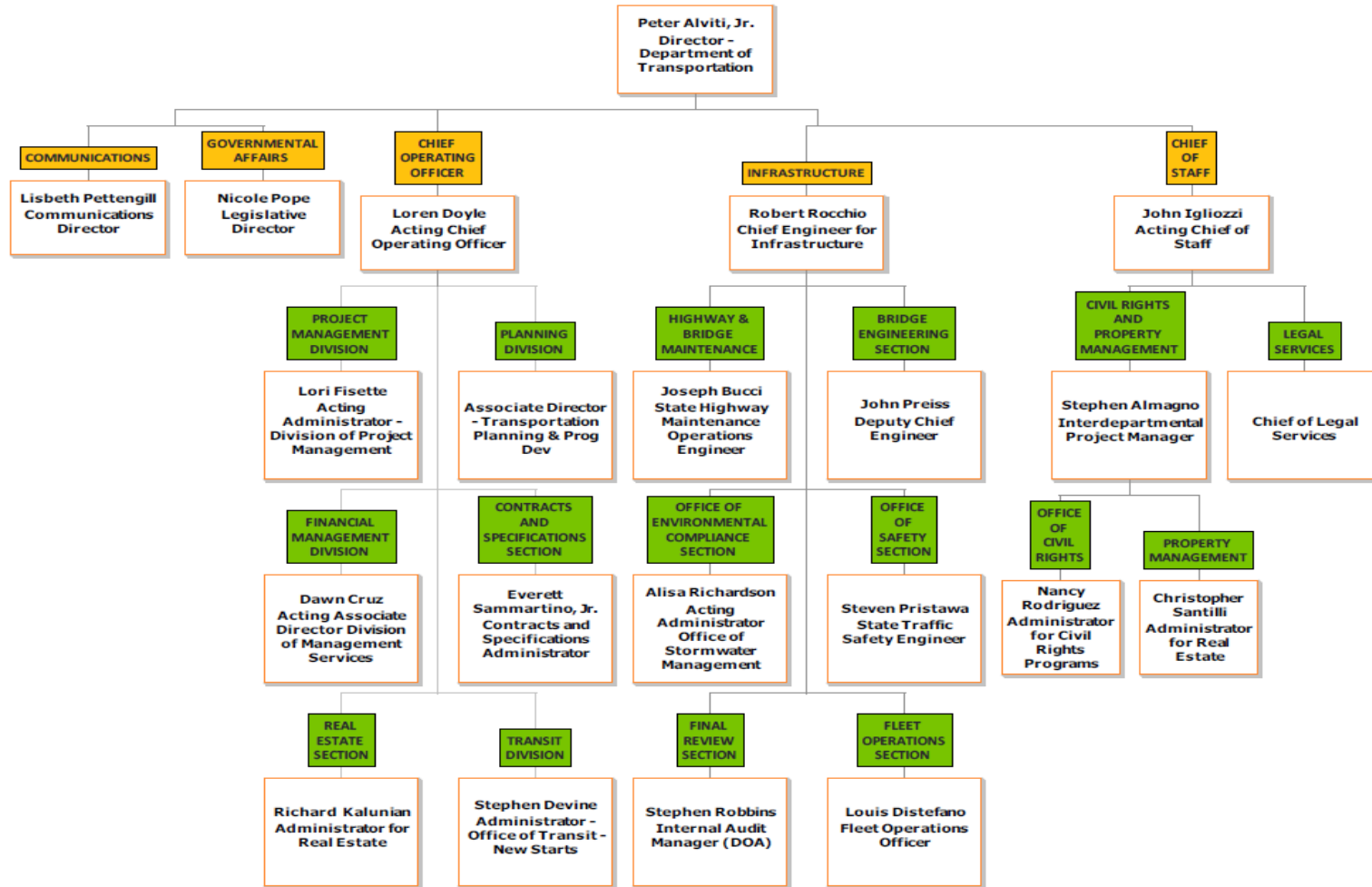
**Subject:** Access to Director by Title VI Coordinator

**Date:** September 30, 2021

Per federal regulation and departmental policy, the Office of Civil Rights staff, specifically, the Civil Rights Administrator, currently Nancy Rodriguez; the Title VI Coordinator, currently Lilliam Abreu; the Disadvantaged Business Enterprises Liaison Officer (DBELO), currently Sheree Gomes; the Equal Employment Opportunity/Affirmative Action Officer (EEO/AA Officer), currently vacant; and the ADA Coordinator, currently Barry Simpson, shall have direct and unimpeded access to the Director in order to fulfill the requirements of those positions.

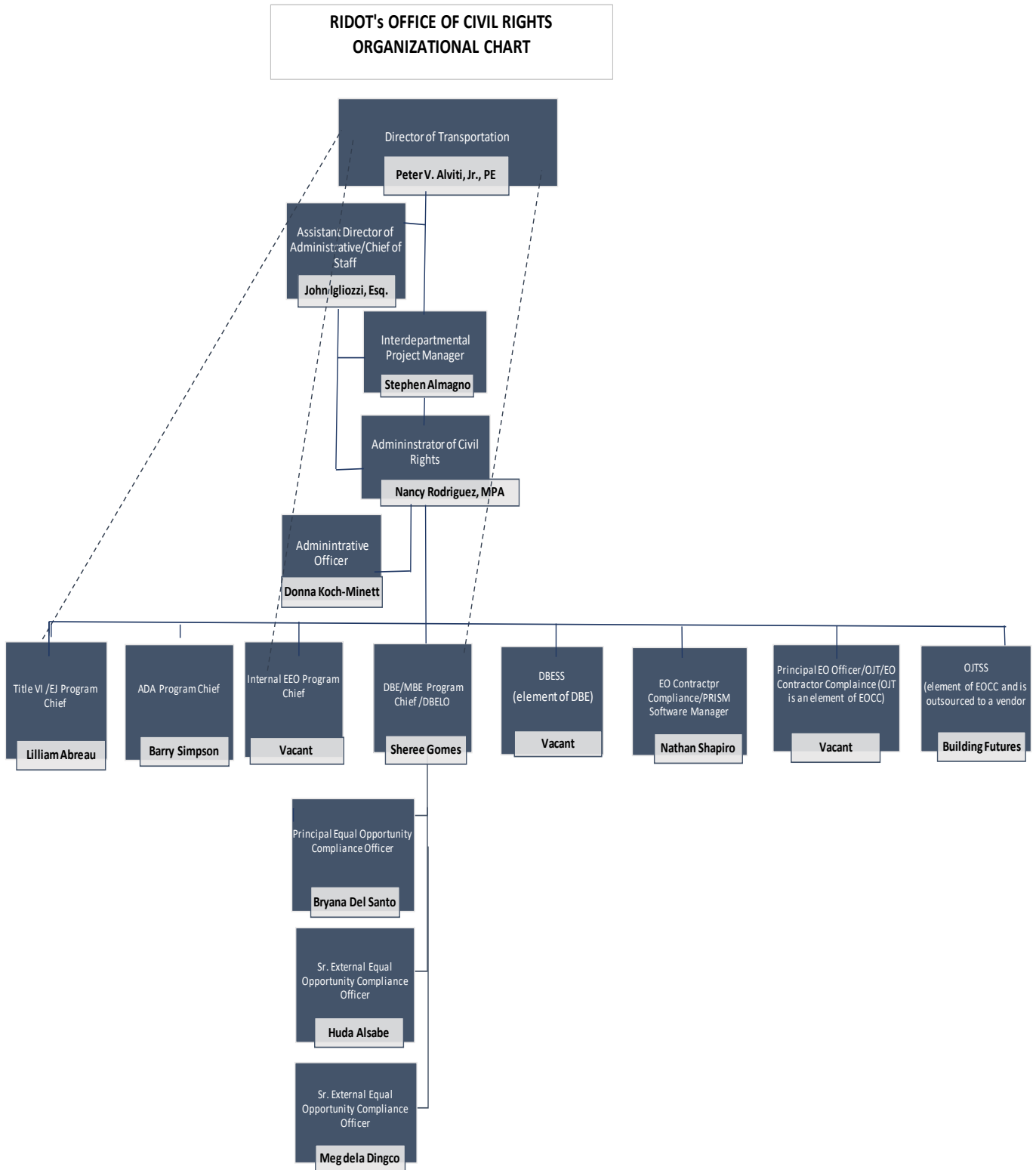
# RIDOT'S ORGANIZATIONAL CHART

## OFFICE OF DIRECTOR ADMINISTRATION SECTION





# RIDOT'S OFFICE OF CIVIL RIGHTS ORGANIZATIONAL CHART



## 5. PROGRAM AREA (INTERNAL) REVIEW PROCEDURES

---

23 CFR 200.9 (a)(4); (b)(5), (6), & (13)

*“Transportation can be both a means and a barrier to economic development, employment, housing, education, and social opportunities.”*

RIDOT’s Office of Civil Rights (OCR) conducts periodic and alternating internal reviews of its [program areas](#) to determine whether their standard operating procedures incorporate Title VI requirements and assess whether adherence to these operating procedures result in trends and patterns of discrimination.

The OCR implements a risk-based assessment to prioritize internal reviews of those program areas that carry the highest potential to impact the general public, i.e. planning, environmental review, right-of-way, contracts administration, construction, and maintenance.

### INTERNAL REVIEW METHODOLOGY

The Title VI Coordinator (Coordinator) follows a three-phase review methodology, comprised of a desk-assessment, field assessment, and findings and recommendations, to conduct internal reviews.

During the desk-assessment phase, the Coordinator conducts interviews with program area personnel for the purpose of identifying the operating procedures (i.e. policies, protocols, and practices) used to collect and analyze demographic and socio-economic data of participants and beneficiaries of their programs and activities. Demographic data refers to race, color, national origin, sex, and status as Limited English Proficient (LEP) person. Socio-economic data refers to environmental justice populations, i.e. minority and low-income. The Coordinator then reviews the operating procedures to assess whether they integrate Title VI requirements into their daily operations, i.e. collect demographic and socio-economic data of participants and beneficiaries of their programs and conduct a burden-benefit analysis to detect and eliminate potential discriminatory effects of their procedures. The Coordinator selects the program area with the greatest need for technical assistance to advance the one-on-one review process.

During the field assessment, the Coordinator randomly sample programs and projects to assess whether program area personnel adheres to the operating procedures. The Coordinator then reviews the demographic and socio-economic data collected through the implementation of these operating procedures to assess whether they result in trends or patterns of discrimination and/or disparate impact. Data collection must be stored and documented in a format that allows for manipulation of the data.

During the findings and recommendation phase, the Coordinator meets with the program area personnel to discuss any potential or factual disparate impact resulted from the adherence or partial adherence, or even absence, of operating procedures. The Coordinator, when warranted, recommends training (Title VI or otherwise) to program area personnel, recommends enhancement of operating procedures to further integration with Title VI requirements, and/or assists with the development of a corrective action plan to remedy discriminatory

effects and disparate impacts within 90 days. The Coordinator documents the findings by way of an internal report and monitors progress with the implementation of the corrective plan.

Examples of review analysis framework include:

- 1) Threshold and representation analysis which compares demographics to actual distribution of benefit/burden (e.g. project alternative route selection);
- 2) Barrier analysis to test whether practices have a disproportionate, adverse impact, acting as a barrier to participation (e.g. venue for public meetings); and
- 3) Selection analysis to determine whether the selection rate for one demographic group of beneficiaries is lower than other groups (e.g. selection of consultants).

The Coordinator considers the following Title VI requirements of each program area and respective data and information during internal reviews.

## PLANNING PROGRAM AREA

The Planning Program Area (Planning) plays a crucial role in leading RIDOT toward equity in project distribution and prioritization. Planning is responsible for the distribution and allocation of funding, prioritization of multi-modal projects, and consideration of social, economic, and environmental effects resulted from its programmed projects. Planning's internal review will consist of consideration of the following requirements:

### Operating Procedures

- Procedure to equitably allocate federal transportation funding;
- Procedure to equitably prioritize transportation projects;
- Procedure to equitably distribute projects;
- Procedure to collect and analyze demographic and socio-economic data of participants and beneficiaries of transportation projects, services, and activities;
- Procedure or methodology to conduct benefits-burden analysis;
- Procedure to analyze demographic and socio-economic data of populations within a project area and readily identify the presence of traditionally underserved and/or environmental justice populations;
- Procedure to verify that environmental justice analysis is included in Request for Proposal (RFP), draft and final EIS/EAs;
- Procedure to identify projects with potential to result in disparate impact;
- Procedure to refer Title VI complaints and public concerns promptly to the Title VI Coordinator and assist, when applicable, with the investigation and resolution of these complaints and public concerns;
- Procedure to periodically monitor staff adherence to its operating procedures, analyze the effects resulted from its procedures, and take immediate corrective action to eliminate procedures responsible for, or with the potential to, result in discriminatory effect and disparate impact;
- Procedure to document systemic and individual barriers for equity and disparate impact;
- Procedure to evaluate past issues and best practices to increase Planning's compliance with Title VI;
- Procedures within RIDOT's Public Participation Plan.

## Data Collection & Analysis

- Funding allocation data by geography type (municipality, tract, block group, etc.) vs. demographic and socio-economic data statewide;
- Project prioritization data by geography type (municipality, tract, block group, etc.) vs. demographic and socio-economic data statewide;
- Project distribution data by geography type (municipality, tract, block group, etc.) vs. demographic and socio-economic data statewide;
- Programmed projects data by geography type (municipality, track, block group, etc.) vs. demographic and socio-economic data statewide;
- Projects with potential for disproportionately high and adverse social, economic, and environmental effects by geographic type (municipality, track, block group, etc.) vs. demographic and socio-economic data statewide;
- Projects with recommended mitigation measures/alternatives vs. projects in which recommendation was implemented;
- Records of Title VI complaints and public concerns;
- Records of past internal review's findings and recommendations, and any corrective action taken; and
- Data resulted from adherence to, and implementation of, RIDOT's Public Participation Plan procedures.

## ENVIRONMENTAL PROGRAM AREA

The Environmental Program Area (Environmental) plays a crucial role in leading RIDOT toward equity in the distribution of burdens and benefits of projects. Environmental is responsible for the assessment of potential social, economic, and environmental effects, impact and disparities associated with each project alternative, determination of the level/type of the environmental assessment warranted in each project, analyses of environmental justice, and determination of equitable mitigation measures. Environmental's internal review will consist of consideration of the following requirements:

## Operating Procedures

- Procedure to define the scope of projects;
- Procedure to document and track approved NEPA classes of action (CE, EIS, EA, FONSI, ROD) and community impact assessments;
- Environmental justice procedure to assess potential human health, socio, economic and environmental impacts for each project alternative and act to avoid/minimize/mitigate individual and cumulative disproportionately and adverse effects on minority, low-income, and LEP persons and populations;
- Procedure or methodology to conduct benefits-burdens analysis;
- Procedure to equitably select a preferred alternative;
- Procedure to develop and monitor implementation of a mitigation plan;
- Procedure to collect and analyze demographic and socio-economic data of participants and beneficiaries of transportation projects, services, and activities;
- Procedure to refer Title VI complaints and public concerns promptly to the Title VI Coordinator and assist, when applicable, with the investigation and resolution of these complaints and public concerns;

- Procedure to periodically monitor staff adherence to its operating procedures, analyze the effects resulted from its procedures, and take immediate corrective action to eliminate procedures responsible for, or with the potential to, result in discriminatory effect and disparate impact;
- Procedure to document systemic and individual barriers for equity and disparate impact;
- Procedure to evaluate past issues and best practices to increase Environmental's compliance with Title VI;
- Procedures within RIDOT's Public Participation Plan.

### Data Collection & Analysis:

- NEPA classes of action of programmed projects by geography type (municipality, tract, block group, etc.) vs. demographic and socio-economic data statewide;
- Programmed projects with identified disproportionately high and adverse social, economic, and environmental effects by geographic type (municipality, track, block group, etc.) vs. demographic and socio-economic data statewide;
- Programmed projects with no identified disproportionally high and adverse impact data by geographic type (municipality, tract, block group, etc.) vs. demographic and socio-economic data statewide;
- Alternatives proposed, including but not limited to, preferred alternative vs. demographic and socio-economic data of directly impacted population;
- Projects with recommended mitigation measures/alternatives vs. projects in which recommendation was implemented;
- Records of Title VI complaints and public concerns;
- Records of past internal review's findings and recommendations, and any corrective action taken; and
- Data resulted from adherence to, and implementation of, RIDOT's Public Participation Plan procedures.

### RIGHT-OF-WAY PROGRAM AREA

The Right-of-Way (ROW) Program Area plays a crucial role in leading RIDOT toward equity in the relocation process of, and fairness in the treatment of, people (property owners and renters) and businesses, through nondiscriminatory property appraisals, negotiations with property owners, acquisition of properties, etc. ROW's internal review will consist of consideration of the following requirements:

- Procedures to equitably procure appraisers and other right-of-way experts, and evaluate their performance;
- Procedure to equitably appraise properties;
- Procedure to equitably offer just compensation and relocation assistance packages to relocatees;
- Procedure to equitably use condemnation rate and administrative settlements;
- Procedures to equitably treat displaced businesses and persons during appraisals by way of just compensation, relocation counseling, relocation assistance packages, relocation payments, etc.;
- Procedures to collect, analyze, and retain demographic and socio-economic data of relocatees and other beneficiaries of right-of-way projects, services, and activities;
- Procedure to analyze demographic and socio-economic data of populations within a project area and readily identify the presence of traditionally underserved and/or environmental justice populations;
- Procedure to identify projects with relocation with potential to result in disparate impact;

- Procedure to periodically monitor staff adherence to its operating procedures, analyze the effects resulted from its procedures, and take immediate corrective action to eliminate procedures responsible for, or with the potential to, result in discriminatory effect and disparate impact;
- Procedure to refer Title VI complaints and public concerns promptly to the Title VI Coordinator and assist, when applicable, with the investigation and resolution of these complaints and public concerns;
- Procedure to document systemic and individual barriers for equity and disparate impact;
- Procedure to evaluate past issues and best practices to increase Planning’s compliance with Title VI;
- Procedures within RIDOT’s Public Participation Plan.

### Data & Information Considered During Internal Review:

- Relocatees and beneficiaries (property owners, renters, businesses, etc.) data by geography type (municipality, tract, block group, etc.) vs. demographic and socio-economic data statewide;
- Appraisal and payment data by geographic type (municipality, tract, block group, etc.) vs. demographic and socio-economic data statewide;
- Just compensation and relocation assistance packages data by geographic type (municipality, tract, block group, etc.) vs. demographic and socio-economic data of relocates and beneficiaries;
- Appraisers (bidders, awardees, contracts, experts, consultant firm ownership) data vs. demographic and socio-economic data of available appraisers statewide and project area;
- Condemnation and administrative settlement data by geography type (municipality, tract, block group, etc.) vs. demographic and socio-economic data statewide and project area
- Relocation counseling data by geography type (municipality, tract, block group, etc.) vs. demographic and socio-economic data statewide and project area;
- Projects with potential for disproportionately high and adverse social, economic, and environmental effects by geographic type (municipality, track, block group, etc.) vs. demographic and socio-economic data statewide;
- Projects with recommended mitigation measures/alternatives vs. projects in which recommendation was implemented;
- Records of Title VI complaints and public concerns;
- Records of past internal review’s findings and recommendations, and any corrective action taken; and
- Data resulted from adherence to, and implementation of, RIDOT’s Public Participation Plan procedures.

### CONTRACT ADMINISTRATION PROGRAM AREA

The Contract Administration Program Area plays a crucial role in leading RIDOT toward fairness in construction contracts and enforcement of Title VI contractual provisions. Contract Administration’s internal review will consist of consideration of the following requirements:

- Procedure to insert required appendices of USDOT Order 1050.2A Title VI Standard Assurance into Federal-aid consultant contracts, construction contracts and subcontracts;
- Procedure to equitably manage on-call contracts procedures;
- Procedure to collect demographic and socio-economic data of bidders and awardees;
- Procedure to identify potential licensing barriers and to propose recommendations to eliminate those barriers;

- Procedure to evaluate efficacy of contract advertising strategies in reaching out a diverse pool of construction contractors, and recommend adoption of more effective strategies;
- Procedure to periodically monitor staff adherence to its operating procedures, analyze the effects resulted from its procedures, and take immediate corrective action to eliminate procedures responsible for, or with the potential to, result in discriminatory effect and disparate impact;
- Procedure to refer Title VI complaints and public concerns promptly to the Title VI Coordinator and assist, when applicable, with the investigation and resolution of these complaints and public concerns;
- Procedure to document systemic and individual barriers for equity and disparate impact;
- Procedure to evaluate past issues and best practices to increase Planning's compliance with Title VI;
- Procedures within RIDOT's Public Participation Plan.

### Data & Information Considered During Internal Review:

- Sample of contracts;
- Demographic and socio-economic data of utilized on-call firms vs. demographic and socio-economic data of registered on-call firms;
- Demographic and socio-economic data of construction bidders vs. demographic and socio-economic data of available construction firms;
- Demographic and socio-economic data of construction awardees and award amounts vs. demographic and socio-economic data of available construction firms and bidders;
- Demographic and socio-economic data of professional services awardees and award amounts vs. demographic and socio-economic data of available professional services and bidders;
- Records of Title VI complaints and public concerns;
- Records of past internal review's findings and recommendations, and any corrective action taken; and
- Data resulted from adherence to, and implementation of, RIDOT's Public Participation Plan procedures.

### CONSTRUCTION PROGRAM AREA

The Construction Program Area plays a crucial role in leading RIDOT toward nondiscriminatory construction of a project and implementation of mitigating factors within a project area. Construction's internal review will consist of consideration of the following requirements:

- Procedure to monitor, document, and retain records of executed and non-executed mitigation commitments;
- Procedure to approve change orders;
- Procedure to evaluate quality inspection of projects;
- Procedure to manage vehicular and non-vehicular access to project area;
- Procedure to re-assess projects with potential to result in disparate impact;
- Procedure to periodically monitor staff adherence to its operating procedures, analyze the effects resulted from its procedures, and take immediate corrective action to eliminate procedures responsible for, or with the potential to, result in discriminatory effect and disparate impact;
- Procedure to refer Title VI complaints and public concerns promptly to the Title VI Coordinator and assist, when applicable, with the investigation and resolution of these complaints and public concerns;
- Procedure to document systemic and individual barriers for equity and disparate impact;

- Procedure to evaluate past issues and best practices to increase Planning’s compliance with Title VI;
- Procedures within RIDOT’s Public Participation Plan.

### Data & Information Considered During Internal Review:

- Mitigation implementation (unfeasibility, partial feasibility, fully executed, not executed) data by geographic type (municipality, tract, block group, project area etc.) vs. demographic and socio-economic data statewide and project area;
- Projects with recommended mitigation measures/alternatives vs. projects in which recommendation was implemented;
- Change orders data by geographic type (municipality, tract, block group, project area etc.) vs. demographic and socio-economic data of construction contractors and professional service firms;
- Quality inspection data (good, poor, re-construction) data by geographic type (municipality, tract, block group, project area etc.) vs. demographic and socio-economic data statewide and project area;
- Vehicular and non-vehicular access data by geographic type (municipality, tract, block group, project area etc.) vs. demographic and socio-economic data statewide and project area;
- Projects that resulted in disproportionately high and adverse social, economic, and environmental effects by geographic type (municipality, track, block group, etc.) vs. demographic and socio-economic data statewide;
- Records of Title VI complaints and public concerns;
- Records of past internal review’s findings and recommendations, and any corrective action taken; and
- Data resulted from adherence to, and implementation of, RIDOT’s Public Participation Plan procedures.

## PUBLIC PARTICIPATION

Public Participation is required of all program areas and the internal reviews of the above-described program areas will evaluate the level of adherence and implementation of the following requirements:

### Operating Procedures

- Procedures of RIDOT’s Public Participation Plan to objectively determine the level of public participation based on purpose and need of project without regard to the demographic and socio-economic profile of project area;
- Procedures of RIDOT’s Language Access Plan to engage LEP persons;
- Procedure to inventory all programs, services and activities for which LEP persons are likely to be served, and document the frequency with which LEP persons come in contact with them;
- Procedure to evaluate the nature and important of programs, services, and activities to people’s lives and identify vital documents for translations;
- Implementation of Public Participation Plan (PPP) strategies to engage project-area stakeholders, minority, low-income, LEP persons, and nonprofit organizations that represent traditionally underserved populations in public participation activities (meetings, hearings, workshops, etc.), and seek their feedback about the effectiveness of these strategies;
- Implementation of PPP strategies to advertise project-specific public meetings/hearing in non-mainstream media serving minority, low-income, and LEP persons, when warranted;
- Implementation of PPP strategies to gather demographic and socio-economic data of attendees;



- Implementation of PPP procedures to document number and location of public hearings/meetings;
- Implementation of PPP strategies to solicit, document, and consider formal and informal public comments from project-area stakeholders, minority, low-income, and LEP persons in transportation projects, services, and activities;
- Procedure to periodically identify lessons learned and evaluate effectiveness of public involvement strategies in outreaching and engaging project-area stakeholders, minorities, low-income, and LEP persons, and recommend more effective strategies for the PPP;

## Data Collection & Analysis

- Programmed projects for the year by geographic type (municipality, track, block group, etc.) vs. public meetings/hearings held;
- Public meetings/hearings data by project area vs. demographic and socio-economic data of attendees;
- Public meetings/hearings data by organizations reached out and notified vs. local organizations within the project area that serves traditionally underserved and/or environmental justice populations;
- Public meetings/hearings paid advertisement data vs. demographic and socio-economic data of advertising outlet's audience, and language of advertisement;
- Amount spent with paid advertisements;
- Number of translation services requested vs. provided, and languages requested;
- Number of interpreter services requested vs. provided, and languages requested;
- Cost of translation and interpreter services provided;
- Records of formal and informal public comments received, and actions taken in response to the comments.
- Records of efforts made to advertise public meetings/hearings;
- Records of number and location of public meetings/hearings;
- Records of efforts made to engage the public and seek their feedback about the engagement strategies.

## 6. SUBRECIPIENT (EXTERNAL) REVIEW PROCEDURES

---

23 CFR 200.9 (b)(7)

RIDOT's Office of Civil Rights (OCR) conducts periodic and alternating external reviews of its subrecipients to determine whether their standard operating procedures incorporate Title VI requirements and assess whether the effectuation of their operating procedures result in trends and patterns of discrimination. RIDOT's subrecipients include Local Public Agencies (LPAs), such as cities and towns; Rhode Island's Metropolitan Planning Organization (MPO) and other state agencies; and private non-profit organizations as defined and recognized under the provision 501(c)(3) of the Internal Revenue Code.

The OCR implements a risk-based methodology to prioritize external reviews of major subrecipients, i.e., those with a total award greater than \$500,000 and/or those awarded a total number of projects greater than five (5). RIDOT's Major 2021 Subrecipients are:

- Rhode Island's Statewide Planning with the Department of Administration that serves as the Rhode Island's Metropolitan Planning Organization (MPO)
- Herreshoff Marine Museum
- City of Newport
- City of Providence
- City of Woonsocket
- Town of Portsmouth
- Town of New Shoreham
- Town of Narragansett
- City of Central Falls
- Town of Middletown
- Town of Westerly

### EXTERNAL REVIEW METHODOLOGY

The Title VI Coordinator follows a three-phase review methodology, comprised of desk-assessment, sampling analysis, and findings and recommendations, to conduct external reviews.

During the desk-assessment phase, the Coordinator requests subrecipients to complete a [Title VI/Nondiscrimination Departmental Assessment Tool](#) for the purpose of identifying the operating procedures (i.e. policies, protocols, and practices) used to collect and analyze demographic and socio-economic data of participants and beneficiaries of their programs and activities. The Coordinator then analyzes the identified operating procedures to assess whether the program areas integrate Title VI requirements into their daily operations, i.e. collect and analyze demographic and socio-economic data to detect and eliminate potential discriminatory effects of their procedures. The Coordinator selects the subrecipient with the greatest need for technical assistance to advance the one-on-one review process.

During the sampling of projects phase, the Coordinator randomly selects projects to assess whether the operating procedures are implemented appropriately and to analyze whether the demographic and socio-economic data collected shows trends or patterns of discrimination and/or results in disparate impact.

During the findings and recommendation phase, the Coordinator meets with subrecipient's personnel to discuss any potential or factual disparate impact resulted from the effectuation, deficient effectuation of, or lack of operating procedures. The Coordinator, when warranted, recommends training (Title VI or otherwise) to subrecipient's personnel, provides technical assistance, recommends enhancement of operating procedures to further integration with Title VI requirements, and/or assists with the development of a corrective action plan to remedy discriminatory effects and disparate impacts within 90 days. The Coordinator documents the findings by way of a report and monitors progress with the implementation of the corrective plan.

The Coordinator considers the following Title VI requirements of its subrecipients and respective data and information during external reviews.

## **METROPOLITAN PLANNING ORGANIZATION (MPO)**

The State Planning Council within the Rhode Island Division of Statewide Planning serves as the single statewide Metropolitan Planning Organization (MPO) for Rhode Island. The MPO is responsible for preparing and maintaining plans for physical, economic, and social development of the state, encouraging their implementation, and coordinating the actions of the State, Federal, and local agencies and private individuals within the framework of the state's development goals and policies. The MPO is responsible for developing, and has developed - the State's [Long-Range Transportation Plan \(LRTP\)](#), [State Transportation Improvement Plan \(STIP\)](#), [Unified Planning Work Program \(UPWP\)](#), and [Public Participation/LEP Plan](#). With respect to Title VI, some of the MPO's requirements are:

- RIDOT monitors the MPOs utilization of demographic information to identify minority populations and examine the distributions of the benefits/burdens of the transportation plans and activities on these groups.
- RIDOT and the MPOs developed public outreach and participation plans that outline processes and strategies to ensure the service equities of the planning data collection and analyses for members on different socio-economic groups.
- RIDOT conducts public meetings and hearings and has numerous boards and committees that are open to participation during the development of plans, programs, and projects that may involve various modes of travel. Federal, state, local government and private industry representatives are included in these processes to improve performance and eliminate participation barriers for minority populations.
- RIDOT monitors MPO compliance with E.O. 13166, Limited English Proficiency, to improve access and understanding of transportation planning processes for those in the population confronted with language barriers.
- RIDOT's and the MPO's plans contain goals, strategies, and performance measures to assist in identifying and addressing accomplishments and problem areas.
- RIDOT and the MPO develop travel demand models for the large and small urban areas of the state to analyze travel patterns by demographics.

- Statewide county and Tribal workshops and tours are conducted and allow these groups to participate in the decision-making process.

## Data & Information Considered During External Review:

- Strategies used to ensure that all components of the transportation planning process comply with Title VI;
- Demographic profile of the MPO's metropolitan planning area that includes identification of minority populations;
- Process used by the MPO to identify the needs of populations and the demographic information used to assess the distribution of benefits across those populations;
- Process used by the MPO to identify the needs of minority populations and the demographic information used to assess the distribution of benefits across those populations;
- The process used by the MPO to assess the benefits/burdens of transportation system investments on minority populations on an analytic basis and the data source and tools used to support that analysis;
- Whether a public involvement strategy for engaging minority populations in transportation decision-making is in place for the MPO and the steps being taken to eliminate participation barriers;
- Examination of the public involvement process, whether it is evaluated and whether there have been efforts to improve performance, especially relative to minority populations;
- Examination of what efforts have been made to engage minority populations in the public outreach effort and whether the public outreach effort utilizes media targeted to underserved groups;
- What procedure the MPO has established for using issues/concerns raised by minority populations in the decision-making process;
- The demographics of attendees at public meetings/hearings as well as information regarding all aspects of public involvement to include advertising and LEP access;
- Data and information regarding Title VI training for internal staff and Local Public Agencies (LPAs);
- Review of the MPO's internal Title VI complaint procedure/policy;
- Procedures regarding the coordination of complaints filed with the MPO or the member LPAs;
- Whether annual report submitted by the MPO included any significant accomplishments during the review period and any significant actions planned for the coming year; and
- Review of the MPO's significant Title VI accomplishments for the review period and Title VI actions planned for the upcoming biannual period.

## SUBRECIPIENTS - CITIES & TOWNS

With respect to Title VI, subrecipients are to perform all the actions under [49 C.F.R. Part 21](#) and [USDOT Standard Title VI/Nondiscrimination Assurances DOT Order No. 1050.2A](#) (Title VI Assurances) summarized below;

- Conform to RIDOT's policies and procedures described in its [Title VI Implementation Plan](#);
- Submit, contractually, [Title VI Assurances 1050.2A](#) signed by the subrecipient's chief executive (Mayor/Town Manager) . If there is a change in leadership at the subrecipient, the new chief executive must re-sign and resubmit the standard Assurances to RIDOT within 30 calendar days of assuming that

chief executive position. The chief executive is ultimately responsible for the subrecipient's compliance with Title VI;

- Designate a Title VI coordinator with direct access to the subrecipient's chief executive (Mayor/Town Manager) in order to expedite resolution of potential Title VI discrimination violations (evidence of disparate treatment and impact). The Title VI Coordinator is responsible for overseeing Title VI requirements and activities, and prepare reports;
- Insert language and appendices A and E of the [Title VI Assurances 1050.2A](#) in all federally-funded contracts, subcontracts, solicitations for bids, request for proposals, agreements, and lower-tier contracts;
- Disseminate Title VI information to the general public, including but not limited to, the types of discrimination prohibited by subrecipients of federal funds and their right to file a Title VI complaint within 180 days of the alleged violation. Forward Title VI complaints to RIDOT, [FHWA's Q&A dated 4/11/2019](#);
- Collect and analyze demographic (race, color, national origin, sex, and English proficiency) and socio-economic (minorities and low-income status) data of beneficiaries and participants of subrecipient's transportation programs, services, and activities. The objective is to measure whether transportation funds have been equitably distributed within the subrecipient's jurisdiction and identify, and consequently correct, disparate impacts resulted from inequitable distribution of transportation funds. The analysis consists of comparing the demographic and socio-economic data of persons within the project area eligible to benefit and participate from project; demographic and socio-economic data of property owners relocated or adversely affected; requests and approvals for language services; information regarding multi-lingual employees; information regarding public outreach efforts;
- Participate in Title VI training provided by FHWA and RIDOT. Provide Title VI training, or oversee provision of training, to subrecipient's employees;
- Forward Title VI Complaints to RIDOT, per [FHWA's Q&A dated 4/11/2019](#);
- Cooperate with RIDOT reviews and data requests, communicate with RIDOT regarding monitoring and enforcement activities, and take affirmative action to correct any deficiencies.

## 7. DATA COLLECTION & ANALYSIS METHODS

23 CFR 200.9(b)(4)

RIDOT conducts an analysis of project distribution, facility maintenance response, future facility distribution, and pavement condition in relation to EJ populations in the state. The objective of this analysis is to identify potential impacts to EJ populations to be addressed during the planning and be carried forward to the project-specific level.

To provide for this analysis, statewide maps were broken into four categories:

- Four-year project outlook;
- Maintenance work orders;
- RIDOT’s Transportation facilities; and,
- Pavement condition.

The source of the demographic data was the U.S. Census and the American Community Survey (ACS) of 2014-2018. Each map series showed tracts by race, color, national origin, income, and LEP, and are compared to the statewide averages showed in the picture below.

### Demographic Breakdown of the State of Rhode Island

Source: U.S. Census Bureau, American Community Survey (ACS) 2014-2018

2014-2018 ACS 5 year estimates		
Population by Race	Estimate	Percent
Total	1,056,611	100%
Population Reporting One Race	1,057,315	96%
White	879,445	83%
Black	86,052	8%
American Indian	14,239	1%
Asian	43,553	4%
Pacific Islander	2,392	0.20%
Some Other Race	66,494	6%
Population Reporting Two or More Races	25,024	2%
Total Hispanic Population	158,858	15%
Total Non-Hispanic Population	897,753	85%
White Alone	767,727	72%
Black Alone	59,001	5%
American Indian Alone	3,708	0.40%
Non-Hispanic Asian Alone	35,128	3%
Pacific Islander Alone	684	0.10%
Other Race Alone	7,090	0.70%
Two or more Races Alone	32,730	3.10%

## Title VI Analysis of Project Distribution

RIDOT conducts analysis of project distribution to locate EJ populations within the state and to identify projects within the State Transportation Improvement Program (STIP) where potential impacts to EJ populations can be expected and considered up front. The procedure is as follows:

- The state's Division of Planning within the Department of Administration<sup>3</sup> selects the projects within the STIP that are programmed or projected, over the next four years;
- RIDOT's GIS Unit generates mapping overlaying data of EJ populations (race, color, national origin, low-income and LEP) and the projects in the STIP over the next four years. The GIS Unit provides this mapping to the Title VI Coordinator. Below is an example of a map overlaying STIP projects and LEP population;
- The Title VI Coordinator analyzes the mapping identifying projects with potential impacts, and will provide this information to the Civil Rights Administrator and the GIS Unit; and
- The GIS Unit flags those projects with potential impacts in VueWorks - the performance asset management database used by RIDOT to track service requests, manage work, and prioritize asset maintained considering risk and condition -- for use by the Planning Department for planning purpose and initiation of project development.

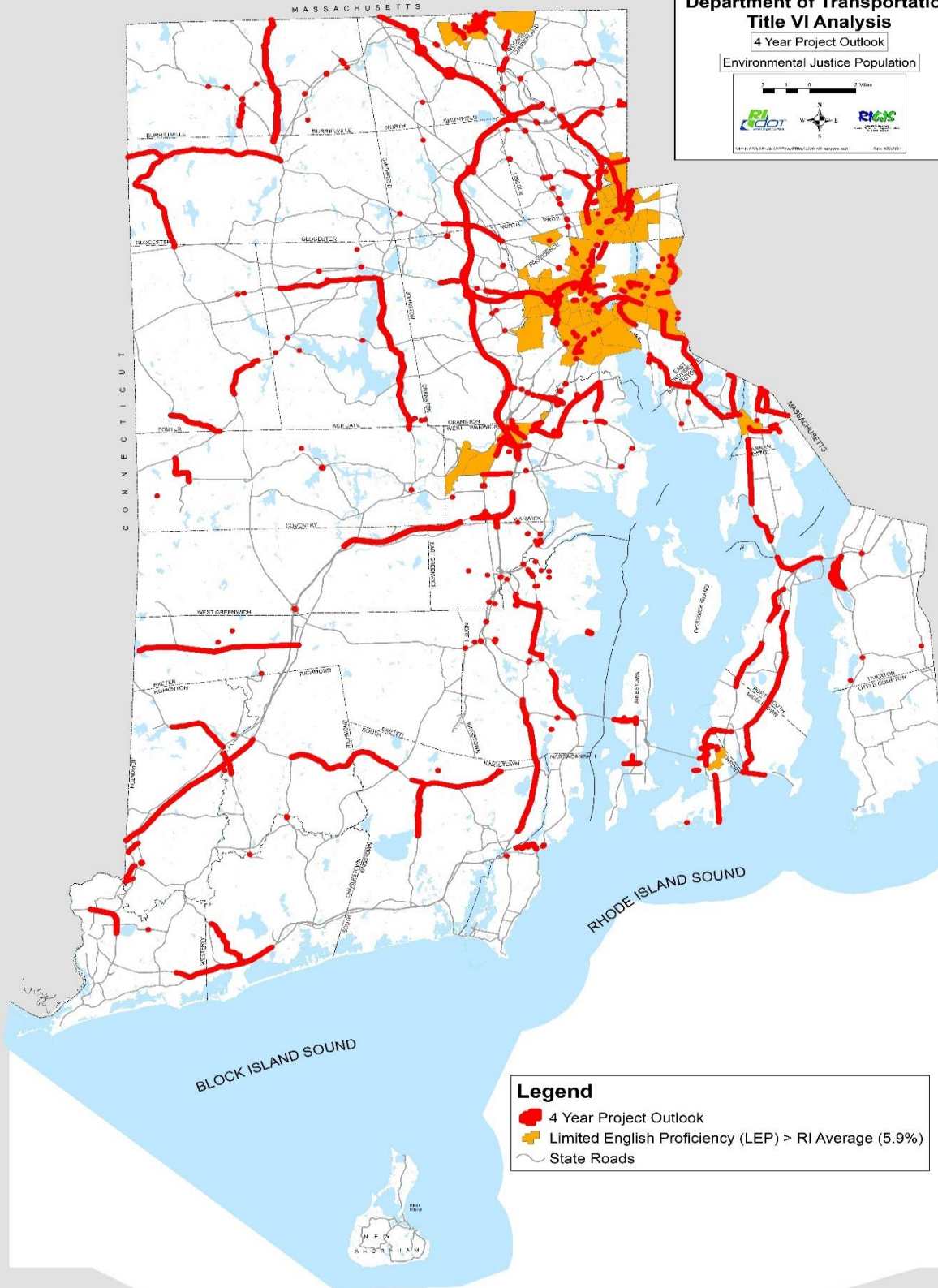
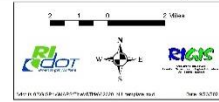
---

<sup>3</sup> The State Transportation Improvement Plan (STIP) released its nine-year program in September 2016. The Plan contains, in addition to information on project selection process and an analysis of investment areas, an Equity Benefits Analysis for the FFY 2017-2025. The Analysis concludes that the percentage of project funding allocated to individuals with disabilities, aging and LEP populations exceeds the percentage of these populations in the State of Rhode Island. With respect to Environmental Justice, 39% of STIP project funds have been allocated to minorities while this population comprises 33% of the state population; and 45% of the projects funds have been allocated to individuals in poverty/low-income while this group comprises 39% of the state population. A copy of the STIP Equity Benefit Analysis can be found at [http://www.planning.ri.gov/documents/tip/2017/RI\\_STIP\\_FFY2017\\_2025\\_Amended\\_01312017-Final.pdf](http://www.planning.ri.gov/documents/tip/2017/RI_STIP_FFY2017_2025_Amended_01312017-Final.pdf)

**State of Rhode Island  
Department of Transportation  
Title VI Analysis**

4 Year Project Outlook

Environmental Justice Population



- Legend**
- 4 Year Project Outlook
  - Limited English Proficiency (LEP) > RI Average (5.9%)
  - State Roads



## Title VI Analysis of Maintenance Response

RIDOT conducts analysis to assess the relationship between RIDOT's maintenance activities and potential Title VI impacts, the state of good repair of facilities by the number of maintenance activities on a given facility, the potential need for construction of facility not currently in STIP, and the Title VI served population potentially benefitted or impacted by a construction action not currently in the STIP.

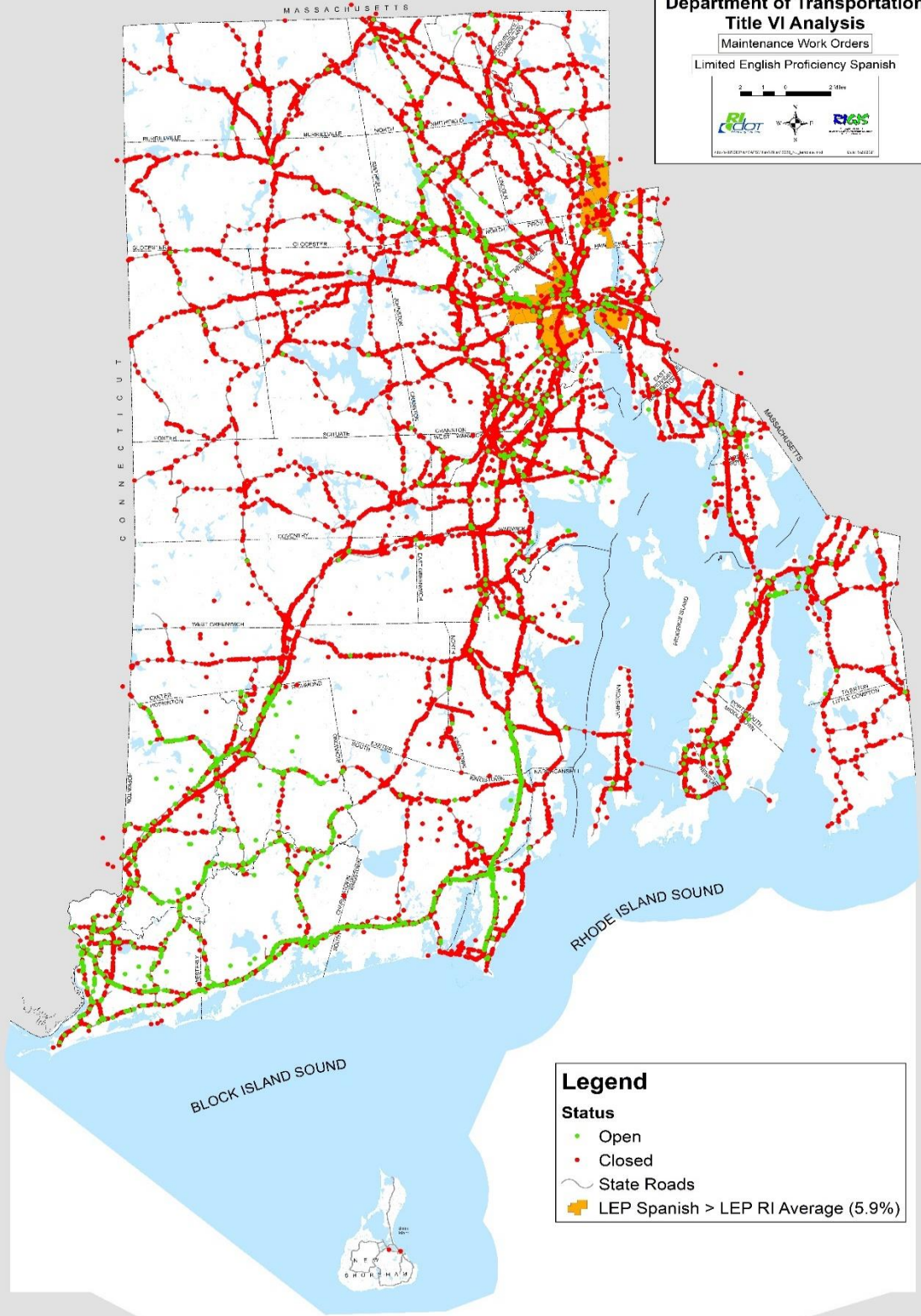
RIDOT's Highway and Bridge Maintenance Division (Maintenance) receives calls statewide regarding its facilities, comprised generally of roads, bridges, traffic signals, sidewalks, drainage appurtenances, train stations and maintenance services. Maintenance compiles, logs and tracks all calls resulting in Work Orders by facility through VueWorks. RIDOT's GIS Unit has enhanced VueWorks with informational layers of race, color, national origin, income status, and LEP to assess impact of maintenance activity to EJ populations. The procedure is as follows:

- Maintenance collects all calls and generates appropriate Work Orders;
- The GIS Unit generates annually mapping overlaying data of EJ populations (depicting race, color, national origin, low-income and LEP) and the array of maintenance Calls and Work Orders across its facilities statewide. The GIS Unit provides this mapping to the Title VI Coordinator;
- The Title VI Coordinator analyzes this mapping and compiles a report noting areas of potential disproportionate impact to EJ populations, and provides this information to the Civil Rights Administrator for the review and approval before forwarding this information to the Planning Department.
- The Planning Department assesses whether and what type of a project should be added to RIDOT's 10-Year Plan and/or be considered as part of the STIP, and assesses the potential benefit or impact to EJ populations. The Planning Department notifies the GIS Unit of any updates; and
- The GIS Unit updates the VueWorks database, accordingly.

Below is an example of a map overlaying Maintenance work orders and limited English Proficiency - Spanish population and EJ populations.

**State of Rhode Island  
Department of Transportation  
Title VI Analysis**

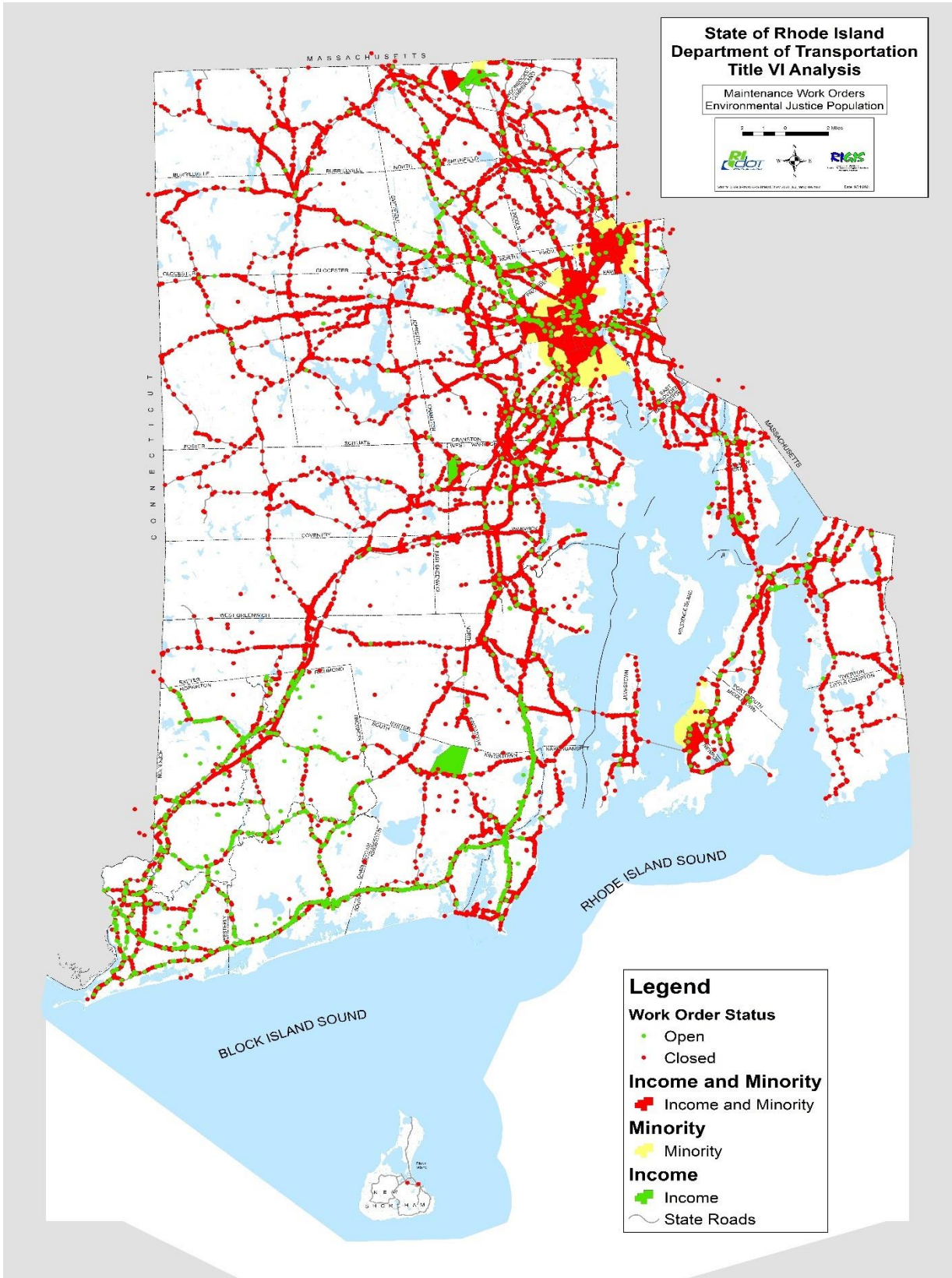
Maintenance Work Orders  
Limited English Proficiency Spanish



**Legend**

**Status**

- Open
- Closed
- State Roads
- LEP Spanish > LEP RI Average (5.9%)



## Title VI Analysis of RIDOT's Future Facility Distribution

RIDOT conducts an annual analysis of the distribution of proposed location and/or relocation of RIDOT facilities (not yet programmed in RIDOT's 10-Year Plan or the STIP) and likely impacts to EJ populations. RIDOT facilities are comprised of roads, bridges, traffic signals, sidewalks, drainage appurtenances, train stations and maintenance services. This analysis focuses on the proposals that may:

- Substantively change one or more of RIDOT's existing facilities;
- Remove an existing facility; and/or
- Provide for new RIDOT facilities.

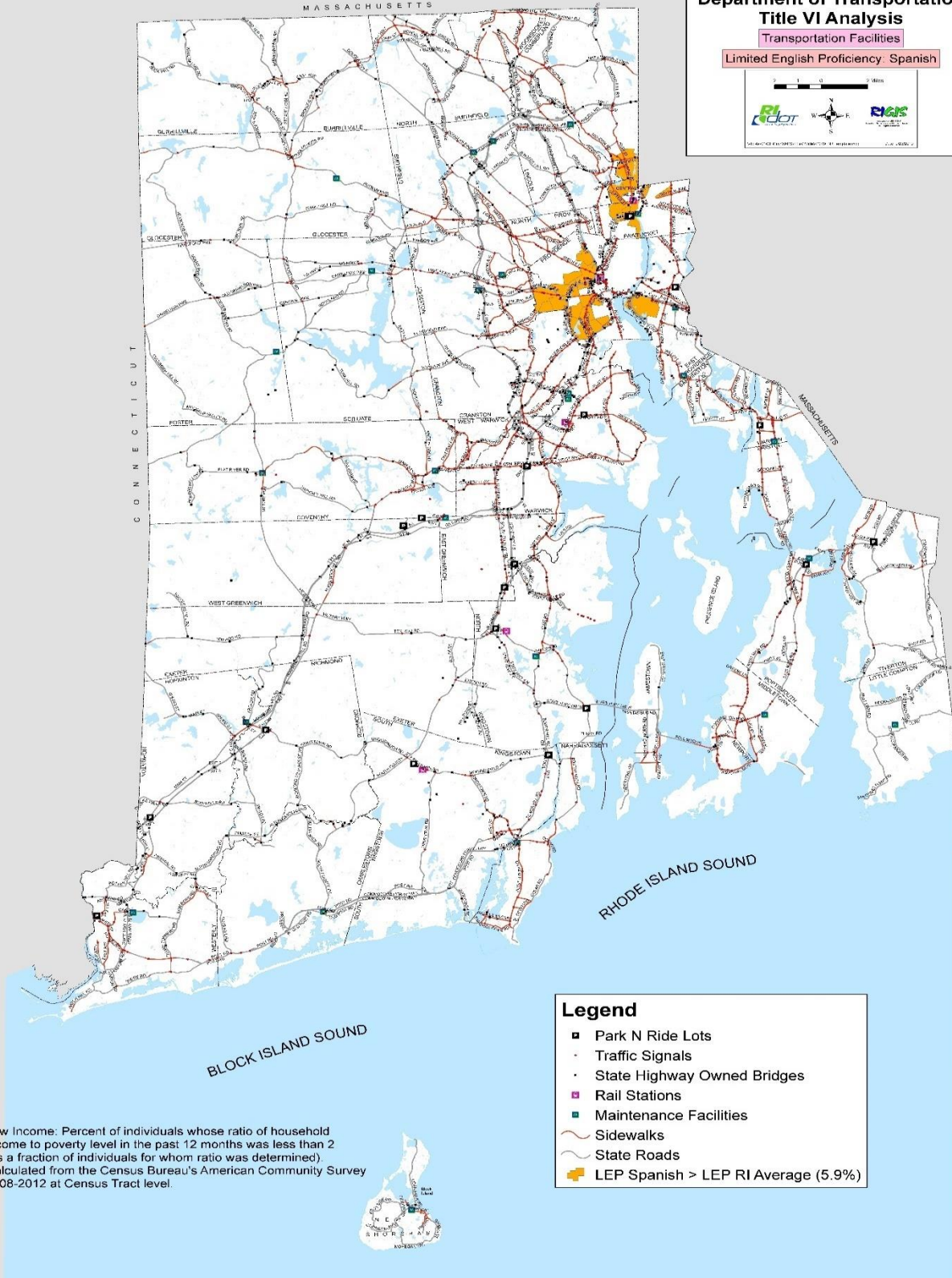
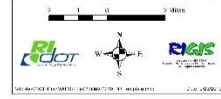
The procedure is as follows:

- RIDOT's Planning Department provides, annually, a list of new projects and concepts not yet identified in the 10-Year Plan that have arisen over the past year. This list of projects includes those projects carried forward from the Maintenance Response analysis, projects potentially funded by TIGER grants or any other award-based grants overseen by FHWA, and any project subject to FHWA funding, including but not limited to projects related to freight planning;
- The GIS Unit generates mapping overlaying data of EJ populations (race, color, national origin, income and LEP) and the proposed new projects and project concepts compiled by the Planning Department; and
- The Title VI Coordinator analyzes the mapping identifying those projects with potential Title VI/EJ impact and provides this information to the Planning Department for planning purpose.

Below is an example of a map overlaying facilities and LEP/Spanish speakers.

**State of Rhode Island  
Department of Transportation  
Title VI Analysis**

Transportation Facilities  
Limited English Proficiency Spanish



**Legend**

- Park N Ride Lots
- Traffic Signals
- State Highway Owned Bridges
- Rail Stations
- Maintenance Facilities
- Sidewalks
- State Roads
- LEP Spanish > LEP RI Average (5.9%)

Low Income: Percent of individuals whose ratio of household income to poverty level in the past 12 months was less than 2 (as a fraction of individuals for whom ratio was determined). Calculated from the Census Bureau's American Community Survey 2008-2012 at Census Tract level.



## Title VI Analysis of RIDOT Pavement Condition

RIDOT reviews pavement condition to assess potential impact to EJ populations. The procedure is as follows:

- RIDOT's Planning Department generates the most current map of pavement condition for RIDOT facilities;
- The GIS Unit generates mapping overlaying data of EJ populations (race, color, national origin, low-income, and LEP) and data of pavement condition;
- The Title VI Coordinator analyzes the mapping and cross-check all areas with potential Title VI implications;
- The Title VI Coordinator:
  - In instances where pavement condition is classified as failed within a Title VI served area and/or no project exists, coordinates with the Planning Department and the ADA Coordinator to establish and expedite a project through scoping to be recommended as part of the next annual update of the STIP.
  - In those instances where a project does exist and pavement condition is classified as failed, coordinates with the Project Management Division to explore acceleration of the project, where warranted.

Below is an example of a Pavement Condition Map.

**State of Rhode Island  
Department of Transportation  
Title VI Analysis**

Pavement Condition 2020



**Legend**

**Pavement Condition**

- Failed PSHI 0 - 60
- Poor PSHI 60 - 70
- Fair PSHI 70 - 80
- Good PSHI 80 - 90
- Excellent PSHI 90 - 100

## 8. TRAINING & TECHNICAL ASSISTANCE PROCEDURES

---

23 CFR 200.9(b)(9)

RIDOT has recently undergone a major reorganization that positions the Department to more effectively and efficiently manage and deliver transportation projects. Core to this reorganization is the adoption of industry best practices for project management.

RIDOT's project management model requires the Project Managers and the Title VI Coordinator to actively participate in all Scoping and Design project meetings to incorporate Title VI principles into RIDOT's business operations.

RIDOT's Title VI Coordinator will ensure the delivery of annual Title VI training to all RIDOT staff, including, but not limited to, Project Managers and RIDOT Departments, particularly Planning, Environmental, Right-of-Way, Contract Administration, Construction, and those with direct interface with the public. The training sessions will focus on general requirements and specific requirements for each department. The Title VI Coordinator also will develop training materials appropriate for new employee orientation. A Civil Rights Library containing introductory Title VI videos is being created within RIDOT's Learning Management System (LMS) to familiarize new hires with their main responsibilities of Title VI.

Title VI training also will be provided to RIDOT's stakeholders, particularly its subrecipients of federal-aid (Metropolitan Planning Organization, Municipalities, Universities, and state agencies). RIDOT's website is being updated to serve as subrecipients' first resource tool. Records of training materials and attendance will be maintained for three (3) years.

RIDOT has responded to FHWA Resource Center's call to order and submitted a formal training request for the FFY 2022. In addition, the Title VI Coordinator will continue to provide formal and informal training to RIDOT's employees and consultants. Training to subrecipients will be delivered in conjunction with the Transportation Alternative Program (TAP) unit to disseminate the TAP Manual currently being designed.

### WEB-BASED TRAINING BY PROGRAM AREA

#### Title VI

[Title VI Essentials](#). FHWA/Civil Rights.

[Title VI Data Collection](#). FHWA/Civil Rights.

[Title VI - Intentional Discrimination and Disparate Impact](#). FHWA/Civil Rights.

[Equity Analysis Data, Measures, and Methods for MPOs and Transit Agencies](#). Travel Model Improvement Portal (TMIP) webinar. An overview of best practices to systemize and standardize equity analysis and perform comparative assessments. Includes a discussion of the broader trends in transportation equity research and practice.



[Ethics Awareness for the Transportation Industry](#). National Highway Institute (1h, Free). An introduction to fairness, conflict of interest, safety, fraud, falsification of documentation, reporting ethical concerns, gifts and favors, personal use of agency property, and consequences.

## Planning

[Basics of Transportation Planning](#). National Highway Institute (4h, Free). An introduction to the Statewide, metropolitan, and rural transportation planning requirements, processes and techniques. This course identifies the key stakeholders and describes their roles, responsibilities, and relationships in informed decision making.

[Census Transportation Planning Products \(CTPP\) Training](#). An introduction to the American Community Survey (ACS), ACS-based CTPP Data Tabulations, Geography, Margin of Error, etc.

[Census Data Gems](#). A series of "how-to" videos to assist with navigating the website, applying concepts and techniques, using data-access tools, creating tables and visualizations, etc.

## Environmental Justice

[Fundamentals of Environmental Justice](#). National Highway Institute (5h, Free). An introduction to EJ and nondiscrimination principles and their integration into all Federal programs/activities and each stage of transportation decision making. Topics covered: EJ definitions, principles, and benefits; public involvement in the transportation decision-making process; EJ application in planning, environmental review and design, right of way, construction, operations, and maintenance.

[EJScreen: Environmental Justice Screening and Mapping Tool](#). EPA videos. EJSCREEN is a web-based environmental justice screening and mapping tool based on standard and nationally-consistent data to highlight places that may have higher environmental burdens and vulnerable populations. The tool provides access to environmental and demographic information, at high geographic resolution, across the entire country and displays in color-coded maps and standard data reports. The maps and reports show how a selected location compares to the rest of the nation, EPA region or state. The tool also combines environmental and demographic indicators to create EJ indexes. [EJScreen FAQ](#).

[AASHTO Environmental Justice Peer Exchange](#), [Moving EJ Forward in Transportation Planning and Project Development](#). AASHTO webinar. A summary of the peer exchange outcomes. Topics covered: roadmap of strategies, EJ best practices, lessons learned for the planning and project development, key take-aways, technical assistance needs, research gaps, and recommendations for FHWA and AASHTO.

[Environmental Justice Oversight](#). AASHTO Webinar. An introduction to EJ analysis in the planning phase based on DOTs and MPOs experiences, lessons learned and best practices. Audience: practitioners working in planning, public involvement, and Title VI.

[Guidance and Consistency of Analysis](#). AASHTO Webinar. Case studies from Delaware Valley Regional Planning Commission and Kentucky's Newton Pike. Topics covered: EJ-related data sets and equity challenges.

[Disproportionate Impact from Planning and/or Project](#). AASHTO Webinar. Case studies from Wisconsin DOT's US151/Verona Road project and Ohio DOT's Beavercreek Bus Battle. Topics covered: EJ process and best practices.

[NEPA Regulatory Framework and Process: The Social Environment](#). Evaluate a project's impacts on the social environment, people and communities.

## Environmental

[Introduction to NEPA and Transportation Decision making](#). National Highway Institute (4h, Free). An introduction to the National Environmental Policy Act of 1969 and FHWA's NEPA transportation decision making process. The training covers NEPA requirements established by the Council on Environmental Quality and FHWA's regulations and guidance to consider the potential impacts of transportation projects on the human and natural environment balanced with the public's need for safe and efficient transportation. Topics covered: purpose and need, alternatives development and analysis, impact analysis, public involvement, interagency coordination, mitigation, and documentation.

[Air Quality Planning: Clean Air Act Overview](#). National Highway Institute (1.5h, Free). An introduction to air quality planning, requirements, processes in transportation planning and project development.

[Highway Traffic Noise: Basic Acoustics](#). National Highway Institute (2h, Free). An overview of acoustic principles related to highway traffic noise. The course incorporates the Interactive Sounds Information System (ISIS) - a customized noise simulation model- to demonstrate Acoustic Principles. Topics include: characteristics of sound; application of basic acoustics concepts to solve sample problems; propagation of sound (four phenomena of divergence, ground effects, atmospheric effects, and shielding by natural and man-made features); interaction between highway noise and barriers; key noise barrier concepts (direct, incident, transmittal, reflected, and diffracted); traffic noise sources; traffic noise modeling and vehicle classification types.

## Right of Way

[Real Estate Acquisition under the Uniform Act: An Overview](#). National Highway Institute (6h, Free). An introduction to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act). Topics covered: the three key elements (valuation, acquisition, and relocation), and importance of following Uniform Act requirements when acquiring property for a Federally-funded transportation project.

[Local Public Agency Real Estate Acquisition](#). National Highway Institute (6h, Free). An introduction to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and the Federal requirements for acquisition of real property and relocation of individuals and businesses for Federally-assisted transportation projects. Topics covered: project development and administrative challenges; valuation; acquisition and negotiation; relocation; and property management; case studies and important resources.

[Plan Reading: Right-of-Way Plans](#). National Highway Institute (1h, Free). Topics covered: purpose of right-of-way plans; information provided in right-of-way plans; acquisition of land for easements; use of parcels in right-of-way plans; utilities. Audience: inspectors, technicians, and others required to review right-of-way plans for a highway project

## Construction

[Plan Reading: Highway Plan Reading Basics](#) National Highway Institute (1h, Free). Topics covered: Bridge Plans, Traffic Control Plans, Right-of-Way Plans, County Plans, Grading Plans, Erosion and Sediment Control Plans, Culvert Plans.

## Safety

[Highway Safety Improvement Program \(HSIP\) Overview](#). National Highway Institute (4h, Free). An introduction of the HSIP purpose, planning, implementation, and evaluation. An overview of the cross-discipline collaboration process given that a primary challenge in bringing highway safety professionals, traffic and safety engineers, and transportation planners together is a lack of understanding of each area's responsibilities and a common language. Topics include: safety data collection and management methods, safety data sources, data quality measures, and methods for overcoming data challenges.

[Strategic Highway Safety Plan \(SHSP\) Development](#). National Highway Institute (4h, Free). An introduction to Strategic Highway Safety Plan (SHSP) development. Topics include: background, history, contents, development, and maintenance of the SHSP. Other HSIP-related training courses include: HSIP Overview, SHSP Implementation, HSIP Project Identification, and HSIP Project Evaluation. Audience: federal, state and local stakeholders but especially those new to the SHSP.

[Safety Data and Analysis Fundamentals Training for Senior Managers and Safety Advocates](#) (5h, Free), [Safety Data and Analysis Fundamentals Training for Project and Program Managers](#) (5h, Free), [Safety Data and Analysis Fundamentals Training for Data Analysts](#) (7h, Free). National Highway Institute. An introduction for transportation professionals to understand safety data and collection methods, identify application and limitations of these methods, interpret safety data, use data to support key decision-making efforts and forecast trends, and learn about the latest safety data analysis tools and methodologies to identify weaknesses in current practice and strengthen the use of safety data in transportation programs, projects, and communities. Topics include: data types, terms; and concepts; sources, storage, and collection methods; data analysis process; identify safety issues and select countermeasures to mitigate issues; data evaluation and enhancement; countermeasure evaluation; forecast of optimal times for project deployment; identify types, sources, strengths, and weaknesses of transportation safety data; case studies.

## Public Participation

[Basics of Public Involvement in Transportation Decision Making](#). National Highway Institute (4h, Free). An introduction on how to effectively engage the public in transportation decisions to build support for the project and ultimately save cost by reducing project delays and improving the project delivery process. Topics include: Federal public involvement regulatory requirements and directives in planning, programming, and project development; relationship between public involvement and transportation decision making tools, strategies, techniques to identify and meaningfully engage the public in in transportation decisions.

## Performance Management

[Introduction to Performance Measurement](#) (2h, Free). [Implementing Performance-Based Planning and Programming](#) (1h, Free). [Transportation Performance Management Awareness - Federal Aid Version](#) (1h, Free). [Performance-Based Management of Highways Bridges](#) (4h, Free). National Highway Institute. The passage of the

Moving Ahead for Progress in the 21st Century Act (MAP-21) and the Fixing America's Surface Transportation (FAST) Act ushered in a range of new provisions for the Federal-aid highway program related to transportation performance management in highway infrastructure. Transportation Performance Management is a strategic approach that uses system information to make investment and policy decisions to achieve national performance goals. Performance Management helps inform decisions on the use of available resources, strengthens our accountability, and allows us to better understand and communicate what works and what does not. Performance measures help us see if targets and goals are being reached and give us clear information to communicate with decision-makers and stakeholders. Performance measures also help ensure program alignment with investments and customer expectations. This series of trainings will provide an overview of the definition of performance management and concepts, key elements and new requirements of transportation performance management (TPM), the role of FHWA in developing performance measures and the criteria for developing effective performance measures, the critical role that the planning process plays in implementing a performance management program, discusses the importance of data in developing performance measures, requirements and the performance-based planning and programming (PBPP) framework, in addition to: tools available for collecting data; application of performance measurement information; noteworthy practices; the traditional approach to bridge management (addressing the deficiencies of the worst performing structures in the inventory first) vs. preservation approach (preserve structures before they slip into deficiency). The Performance-based Management of Bridges course uses video-based testimonies from transportation professionals to illustrate the ways in which their agencies have used performance-based management to estimate the cost-effectiveness of decisions and assess risk. The intended audience is State Departments of Transportation (DOTs), metropolitan planning organizations (MPOs), FHWA Division Offices and other stakeholders.

## 9. COMPLAINT PROCEDURE

---

23 CFR 200.9(a)(3); (b)(3); (b)(15)

The following procedure covers complaints filed under Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987. Any person who believes they - or any specific class of persons - were subjected to prohibited discrimination (based on race, color, national origin, and sex) may, by themselves or by a representative, file with a written complaint (49 C.F.R. § 21.11(b)). A complaint must be filed not later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the FHWA. RIDOT will ensure that all complaints are sent to the appropriate authority for disposition.

Complaints alleging violations of Title VI by the RIDOT or a subrecipient of RIDOT (e.g. city, county, college or university, contractor, consultant, sub-contractor, etc.) can be filed in writing directly with the following agencies:

Federal Highway Administration  
Rhode Island Division  
380 Westminster St  
Providence, RI 02903  
Phone: 401-528-4541  
Fax: 401-528-4542

Federal Highway Administration  
U.S. Department of Transportation  
Office of Civil Rights  
1200 New Jersey Avenue, SE  
8<sup>th</sup> Floor E81 - 105  
Washington, DC 20590  
E. [CivilRights.FHWA@dot.gov](mailto:CivilRights.FHWA@dot.gov)  
F. (202) 366-1599  
Questions: (202) 366-0693

Rhode Island Department of Transportation  
Office of Civil Rights  
Attn: Lilliam Abreu, Title VI Coordinator  
Two Capitol Hill  
Providence, RI 02903  
Phone: 401.563-4256  
Email: [DOT.TitleVI@dot.ri.gov](mailto:DOT.TitleVI@dot.ri.gov)

RIDOT's Title VI Complaint Form (See [Appendix C](#)) is available at:

[http://www.dot.ri.gov/documents/about/civilrights/Title\\_VI\\_Complaint\\_Form.pdf](http://www.dot.ri.gov/documents/about/civilrights/Title_VI_Complaint_Form.pdf). Title VI Complaint Forms are also available in [Spanish](#), [Portuguese](#), [French](#), [Chinese](#), and [Khmer](#). Copies of these documents may be requested by contacting RIDOT's Title VI Coordinator.

NOTE: Additional information regarding the Title VI complaint process will be made available to the public via RIDOT's website at: [http://www.dot.ri.gov/about/who/civil\\_rights.php](http://www.dot.ri.gov/about/who/civil_rights.php).

Complaint and investigation files are confidential and will be maintained by RIDOT's Office of Civil Rights. The contents of such files will only be disclosed to appropriate RIDOT personnel and federal authorities in accordance with Federal and State laws. RIDOT will retain files in accordance with records retention schedules and all Federal guidelines.

## RIDOT'S COMPLAINT PROCEDURE

RIDOT's Title VI Coordinator will, upon receipt of correspondence or communication concerning alleged discrimination, proceed according to the following process:

- The Title VI Coordinator will date-stamp and review the correspondence to confirm that it is a complaint within the meaning of RIDOT's Complaint Procedure named *Procedures for Processing and Disposition of Discrimination Complaints* ([Appendix C](#));
- The Title VI Coordinator will record the complaint into RIDOT's Title VI Complaint Log ([Appendix C](#)) and assess whether (a) additional information is required, (b) the complaint is timely filed, and (c) jurisdiction exists over the subject matter of the complaint;
- Per the *FHWA Title VI Complaints Q&A Guidance Document* dated April 11, 2017 (HCR-20), the Title VI Coordinator will forward any complaints filed against RIDOT to the FHWA Headquarters Office of Civil Rights (HCR) for processing and potential investigation;
- The Title VI Coordinator will mail a letter of acknowledgement to complainant informing whether the complaint filed against RIDOT's subrecipients, consultants, and contractors will be investigated by RIDOT;
- The Title VI Coordinator will handle all complaints in a confidential manner and will not disclose complainant's identity to a respondent unless (a) disclosure is necessary in order to conduct a preliminary investigation, and (b) complainant has submitted a Complainant Consent/Release Form authorizing said disclosure (See [Appendix C](#)).

## INVESTIGATION PLAN & SUMMARY

In accordance with the Complaint Procedure, the Complaint Investigation Plan contains a unique numeric identifier by year (e.g. T6-FYY2019-01) and provides the name of complainant, the respondent, date of the last incident, and date when the investigation report is due. The Investigation Plan provides for notes pertaining to

the allegations made, legal theory involved, questions to be answered as part of the investigation, and a list of the information on file as part of the complaint.

The Investigation Summary is a document prepared by the Title VI Coordinator based on information gathered according to the Investigation Plan. The Investigation Summary provides for an introduction, allegations, the applicable laws and regulations, bases, evaluation/investigation methodology, and analysis of each allegation and recommendations. Said summary must be transmitted to FHWA within 60 days of receipt of the complaint. The Preliminary Investigation Summary shall reflect the following format:

- Introduction
- Allegations
- Applicable laws/regulations
- Bases Evaluation/Investigation
- Methodology

## COMPLAINT AND ADJUDICATION REPORTING

The Title VI Coordinator will compile annually a list of all Title VI complaints filed, all complaints investigated, and the status of each investigation in the annual update of this Plan.

The Title VI Coordinator will analyze all complaints for patterns of discrimination and provide follow up and recommendation to appropriate officials, as needed.

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

## 10. DISSEMINATION OF TITLE VI INFORMATION

---

23 CFR 200.9(b)(12)

RIDOT fulfills its requirement of notifying the public of its programs, services, and activities as well as notifying them of their rights under Title VI by translating vital documents in other languages, updating its website with a translation tool, providing interpreters when conducting public meetings on certain transportation projects, developing a Title VI brochure, and engaging in outreach activities.

### VITAL DOCUMENTS

RIDOT provides translation of vital documents in other languages in accordance with the Safe Harbor Provision. Title VI/Nondiscrimination Program has identified its vital documents as:

- Title VI/Nondiscrimination Policy;
- Complaint Form;
- RIDOT Website;
- Meeting notices on certain projects;
- Title VI Brochure;
- Notices of Free Language Services;
- Letters or Notices that require a response;
- Information related to certain specific projects; and
- Those documents identified in Chapter IV of this Plan regarding Right-of-Way.

The Title VI/Nondiscrimination Policy and the Complaint Form have been translated into Chinese, Spanish, French, Khmer, and Portuguese and are available at: [http://www.dot.ri.gov/about/who/civil\\_rights.php](http://www.dot.ri.gov/about/who/civil_rights.php).

RIDOT will continually identify, translate, and publish documents deemed to be vital documents.

### LANGUAGE ASSISTANCE PLAN:

Language assistance is provided at no cost to the public and may be requested by contacting the RIDOT's Title VI Coordinator. Given that RIDOT's mission is mostly project specific, it will assess whether certain project-specific information (for instance, project-specific Right-of-Way documents) falls under the vital documents threshold for which translation is needed.

### WEBSITE UPDATE

RIDOT has updated its website to equip it with the Google Translate application for the translation of the website content in several languages. RIDOT will make provisions on its website advising the public to contact RIDOT's Customer Service Office for translation services if Google Translate does not provide a satisfactory translation.



## PUBLIC MEETINGS AND HEARINGS

Public meetings are held at times and locations convenient and accessible for low-income, minority, and LEP communities. It also advertises its meetings in other languages and provides interpreters when the project's impact area reaches communities with significant concentration of EJ populations.

RIDOT employs a variety of meeting formats and coordinates with educational institutions, community and other organizations to reach and engage low-income, minority and/or LEP populations in the transportation decision-making process.

RIDOT also conducts meetings at locations accessible to individuals with physical disabilities and provides CART services for the hearing impaired and individuals with vision impairments (See [Appendix D](#)).

Due to the COVID 19 pandemic, meetings have been held virtually. RIDOT experienced a large influx of participation via this model of meeting. RIDOT will continue to offer opportunities for participation via a virtual platform even after the pandemic, to accommodate a population that may find it easier to participate in this manner.

## NOTICE TO THE PUBLIC

RIDOT has developed a brochure that provides an overview of Title VI, explains its commitment to protecting the rights of all persons, and outlines the process for filing a Title VI complaint. The Brochure is available on RIDOT's website at: [http://www.dot.ri.gov/documents/about/civilrights/Title\\_VI\\_flier.pdf](http://www.dot.ri.gov/documents/about/civilrights/Title_VI_flier.pdf).

## 11. LIMITED ENGLISH PROFICIENCY (LEP)

---

23 CFR 200.9(b)(12); E.O. 13166

RIDOT, as a recipient of federal financial assistance, must comply with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency and 70 Fed. Reg. 74087 - Dec. 14, 2005, Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, which require that reasonable steps are taken to provide access to programs and services to persons with Limited English Proficiency (LEP).

As part of its compliance with Title VI, RIDOT must ensure that Limited English Proficient (LEP) individuals have meaningful access to RIDOT programs and activities. As such, RIDOT has developed procedures—in accordance with USDOT guidance—to effect compliance regarding LEP.

LEP individuals are those individuals for whom English is not their primary language and have a limited ability to speak, read, write, and understand English. Failure to provide meaningful access to such individuals may result in national origin discrimination, which is prohibited by Title VI. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service;
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 RIDOT to people's lives; and
4. The resources available to RIDOT and costs.

### RIDOT'S LEP ASSESSMENT

RIDOT acknowledges that the inability of an LEP individual to access information provided by RIDOT about its programs and facilities - including, but not limited to roads, bridges and sidewalks -- may adversely impact the ability of an LEP individual to obtain health care, education or access to employment.

RIDOT is committed to prevent these impacts and to ensure that LEP-served populations have meaningful access to RIDOT's programs, projects, and information on its programs, projects and services at no additional cost. To that end, RIDOT conducts an extensive [LEP Assessment](#) annually ([Appendix E](#)) and has established the policy that:

- Interpretation services will continue to be provided to LEP individuals through competent interpreters where oral language services are needed and reasonable; and
- Written translations will be provided for Title VI and project-specific vital documents. According to RIDOT's LEP Assessment, the State of Rhode Island has LEP language groups that constitute either 5% of Rhode Island's population or more than 1,000 individuals within a given language group (USDOT Safe Harbor Provisions) who speak Spanish, Portuguese, French/French Creole, Chinese, and Mon-Khmer/Cambodian.

Through the annual LEP Assessment, the Title VI coordinator distributes and updates a list of employees that are available for translation (written) and interpretation (spoken) services to better serve our clients.

## RIDOT'S VITAL DOCUMENTS

RIDOT has translated several vital documents in languages other than English.

- RIDOT's Nondiscrimination Policy and Complaint Procedure in Spanish, Portuguese, French, Chinese, and Khmer
- Title VI Complaint Form in Spanish, Portuguese, French, Chinese and Khmer
- FTA Title VI Notice in Spanish

## 12. ENVIRONMENTAL JUSTICE (EJ)

E.O. 12898

### ENVIRONMENTAL JUSTICE (EJ) ANALYSIS:

Environmental Justice promotes justice for people from an environmental perspective. The objective is to assess and address anticipated EJ concerns triggered by a specific project through the submission of an EJ Analysis concurrently to the NEPA process.

RIDOT's EJ Analysis procedure was adopted in a memorandum To All Project Engineers (TAPE) on December 8, 2015. A copy of the memorandum is below.



Department of Transportation  
Two Capitol Hill  
Providence, RI 02903

Office 401-222-2450  
Fax 401-222-3905

**To:** All Project Managers  
**From:** David W. Fish, P.E. *David W Fish*  
Acting Chief Engineer  
**Subject:** Title VI Analysis Requirements [Revised]  
**Date:** December 8, 2015

The Department has developed procedures for compliance with Title VI Environmental Justice. Effective immediately, Project Managers shall collect project area demographic data for minority and low income populations. At the time of submission of the NEPA document (Categorical Exclusion Documentation Form, Draft EIS or Draft EA) for approval, Project Managers shall compile and submit a Title VI report analyzing demographic data to the RIDOT Title VI Coordinator.

The report shall include a project description, environmental justice analysis, locus map and backup documentation. Demographic data is available at [www.census.gov](http://www.census.gov). A sample of the required documentation from the Sakonnet River Bridge EIS that FHWA approved is attached. Note that, the sample includes maps showing census block data for the project that was not included in the original EIS that FHWA approved, but should be included in future Environmental Justice analyses. This information is available at the following website: <http://www2.epa.gov/ejscreen>.

Please direct questions to Mr. Paul Sylvia, RIDOT Title VI Coordinator at x4513. Thank you for your cooperation in this matter.

Project Managers review and submit to the Title VI Coordinator an EJ Analysis assessing and addressing anticipated impacts of their specific projects. The procedure to compile an EJ Analysis is as follows:

- The Project Manager updates the community profile with information collected first-hand through observation during visits to the project site and uses the improved community/population profile to guide

decisions about the project's design, project development, environmental, right-of-way, and construction;

- The Project Manager develops a concise description of the project, providing any known right-of-way/easement actions, overhead and/or underground utilities impacts, stormwater treatment, safety concerns, expansion or reduction of modal choices and accessibility, and the general level of traffic disruption and street parking restrictions the proposed project would pose on the surrounding neighborhoods. Since projects vary in size and scope, the Project Manager may add any other pertinent potential Title VI impacts to the project description;
- The Project Manager indicates the type of NEPA class action either anticipated or received (Ca, EA, or EIS) and determines the level or type of public participation activity required under *RIDOT's Rules and Regulations Regarding Public Participation for Federal-Aid Highway Projects*. The Project Manager identifies potential locations for public meetings and outreach to the community, and the need for translation of documents and interpreting services during meetings;
- The Project Manager compiles an EJ Analysis, evaluating the effects of the project on EJ populations and recommending avoidance, mitigation, and enhancements measures;
- A Project Specific Title EJ Analysis is then submitted by the Project Manager to the Title VI Coordinator for further analysis of potential EJ impacts:
  - Where there are no potential impacts, the Title VI Coordinator recommends the project to proceed further into development;
  - Where direct impacts are likely to be borne by traditionally underserved EJ populations, the Title VI Coordinator stipulates in writing to the Project Manager the need for other project level alternatives and mitigation measures. If an acceptable alternative is identified, and/or measures to avoid, minimize or mitigate impacts to EJ populations are appropriate, the EJ Analysis containing proposed mitigation measures is reviewed by the Title VI Coordinator who then recommend the project to proceed further into design; and
  - In instances where disproportionate EJ impacts are unavoidable, despite any mitigation, the Title VI Coordinator and Project Manager will review whether the project justification is substantiated and the project will be placed on hold until impacts are mitigated.
- The EJ Analysis and disposition will be filed within the Title VI Unit, the NEPA Unit and with Project Manager's records for the specific project so that an audit trail is present across these RIDOT Program areas;
- The Title VI Coordinator will measure the effectiveness of these procedures by providing within its annual Title VI Goals and Accomplishments Report to FHWA data on:
  - The number of project-specific EJ reviews;
  - The percentage of projects with impacts to EJ populations;
  - The EJ populations affected,
  - The types of alternatives and/or measures utilized to avoid, minimize or mitigate impacts; and
  - Any trends indicating patterns of discrimination.

## 13. REVIEW OF RIDOT'S DIRECTIVES

---

23 CFR 200.9(b)(8)

RIDOT's Office of Civil Rights (OCR) will conduct periodic reviews of RIDOT's directives affecting program areas, subrecipients, and the public to determine whether these directives incorporate and comply Title VI requirements and assess whether adherence to these directives result in trends and patterns of discrimination.

The Title VI Coordinator (Coordinator) will follow a three-phase review methodology, comprised of a desk-assessment, field assessment, and findings and recommendations, to conduct internal reviews.

During the desk-assessment phase, the Coordinator gathers and reviews the directives to assess whether they integrate and comply Title VI requirements. During the field assessment, the Coordinator analyzes demographic and socio-economic data available and results from the implementation of the directives to assess whether adherence to the directives result in trends or patterns of discrimination and/or disparate impact. During the findings and recommendation phase, the Coordinator submits a written report documenting the findings. The Coordinator, when warranted, recommends revision of the directive to further integration with Title VI requirements, and/or assists with the development of a directive with non-discriminatory outcomes.

## 14. COMPLIANCE & ENFORCEMENT PROCEDURES

---

23 CFR 200.9(a)(3); (b)(14)&(15)

The Title VI Coordinator will make use of the data collection tools and monitoring procedures to examine for patterns of discrimination, identify any departmental programs potentially falling within the definition of Special Emphasis Areas,” and assess whether the identified departmental programs merit the designation of Special Emphasis Areas.”

The Title VI Coordinator will engage in periodic review and monitoring of the following data and program elements in order to early identify potential special emphasis areas:

- Project distribution of transportation investments under a particular program;
- Response time of maintenance services prompted by public request;
- Percentage of projects having direct impacts on traditionally underserved EJ populations, including projects with minor Right-of-Way (ROW) acquisitions;
- Number and type of Title VI related complaints and findings;
- Subrecipient Monitoring; and

Any significant and measurable modifications to programs or program activities that potentially impact the level of access, service or benefit afforded the public. Such modifications include, but are not limited to, tolling, E-Z Pass discounts, ferry services, resurfacing cycles or schedules, permitting, maintenance policies and schedules, etc.

### Process to Identify/Eliminate Discrimination

RIDOT reviews its programs for trends and patterns of discrimination from multiple sources:

- Outreach activities - internal and external input and feedback
- Compliance reviews
- Referrals from Title VI liaisons

Similarly, RIDOT address the discriminatory practices with a multi-faceted approach.

- With complaints, RIDOT uses the investigative process to determine whether there has indeed been discriminatory action.
  - If discrimination under Title VI is not found, the complainant is briefed on how RIDOT arrived at that finding;
  - If evidence exist that discrimination may have occurred, RIDOT analyzes whether it was intentional or unintentional;
  - RIDOT evaluate options for redress of discriminatory practices;
  - We work with contractor to develop and implement an effective Corrective Action Plan.
- Training is a key tool used to address discriminatory trends or patterns.

- RIDOT will provide training to the subrecipient or contractor engaged in the apparent discriminatory behavior to ensure that the trend or pattern does not continue;
- RIDOT provides Title VI training to as many different audiences as possible, internal and external, to reduce the occurrence or likelihood of discrimination. That training includes a component that details the history and reason for the law to help those antagonistic to the law and its purpose to find it more acceptable. We believe that reduces the occurrence of discrimination;
- RIDOT examples, stripped of any identifying information, of behavior or practices we have observed that we believe to be potentially discriminatory with the contractor community. This has been effective in letting them know that we are cognizant of those potentially discriminatory trends and patterns and they are advised not to engage in them.
- We are continuously monitoring our programs and projects to identify any instances of discrimination, at the earliest point.

### Process to Resolve Deficiencies Identified by FHWA

FHWA may find that RIDOT's implementation efforts are deficient despite its good faith efforts. RIDOT is committed to work closely with FHWA to identify the causes of the deficiency, establish a timeframe for correcting the deficiency, and promptly resolve such deficiencies.

Specifically, upon receipt of a notice of deficiency from FHWA, RIDOT's Title VI Coordinator will contact the FHWA Civil Rights Specialist and schedule a meeting to discuss the notice and any findings within 30 days. The Title VI Coordinator will cooperate with the Specialist to resolve identified deficiencies within 90 days of the receipt of the notice of deficiency. In the event more time is required, RIDOT will cooperate with the Specialist in preparation of a corrective action plan outlining specific timeframes for resolving the identified deficiencies.

### Process to Resolve Deficiencies of a Subrecipient

RIDOT has developed the following enforcement steps to address subrecipients with great deficiencies and/or unwilling to cooperate.



	Description	Monitoring	RIDOT Action
<b>Corrective Action</b>	Increase Title VI Awareness	Share links to online resources. Provide training (FHWA Resource Center). Review results of Title VI Training Assessment Tool.	Provide training addressing critical deficient areas.
	Facilitate Compliance with Title VI	Provide technical assistance.	Develop checklists and templates, and provide one-one-one training.
	Compliance Assessment	Review the results of the Title VI Sub-Recipient Compliance Assessment Tool.	Complete a Title VI Program Review Checklist for each sub-recipient. Request missing information. Generate a recommendation report. Identify deficiencies for immediate enforcement.
<b>Administrative Remedies</b>	Initial Administrative Remedies	Potential discrimination patterns, improper handling of complaints, no progress on Title VI Implementation Plan, missing assurances, deficient agreements, and no submission of assessment tool.	Discuss deficiencies with sub-recipient. Notification that reimbursements may be withheld or project may be placed on hold. Provide firm deadline.
	Advanced Administrative Remedies	Failure to handle complaints or remedy deficiencies. Missing information after repeated requests.	Meeting and firm plan with sub-recipient. Notify Director. Notification of withholding of reimbursement or notification of project being placed on hold. Provide firm deadline.
<b>Enforcement</b>	Sanctions	Detected discrimination patterns. Failure to Cooperate.	Referred to Legal Counsel. Notifications of project rescinded and/or request for return of funding.

## 15. GOALS & ACCOMPLISHMENTS REPORT

---

23 C.F.R. §200.9(b)(10)

RIDOT's Goals and Accomplishments Report for FHWA summarizes the Title VI accomplishments of the ending fiscal year, and goals for the upcoming fiscal year. The report summarizes information pertaining to internal reviews, external reviews, training and technical assistance, community outreach, and complaints.

### 2021 ACCOMPLISHMENTS

1. Internal Reviews: A summary of internal reviews conducted, the results, and any actions taken as a result;
2. External Reviews: A summary of the external (subrecipient) reviews conducted, the results, and any actions taken as a result;
3. Training & Technical Assistance: A list of all Title VI training given by the RIDOT, the topics covered, and the number of attendees;
4. Complaints: A summary of all complaints received by RIDOT, and the outcomes for those complaints;

### 2022 GOALS

1. Internal Reviews: A description of the reviews planned for the next year;
2. External Reviews: A description of the reviews planned for the next year;
3. Training & Technical Assistance: A description of any training sessions planned (both internal and external); and
4. Complaints: Any other Title VI related activities RIDOT intends to undertake for the year.

## APPENDIX A - NONDISCRIMINATION POLICY

---



## RIDOT POLICY

REFERENCE: Title VI/Nondiscrimination

It is the policy of the Rhode Island Department of Transportation (the Department) to comply fully with both Title VI of the Civil Rights Act of 1964 and the Department's Title VI/Nondiscrimination Program Assurances. To that end the Department certifies that no person in the United States shall, on the grounds of race, color, sex, national origin, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of the Department's programs or activities, whether or not such programs and activities are federally-assisted.

Specifically, the Department **will not**, on the basis of race, color, sex, national origin, age, or disability:

- deny any service, financial aid, or other benefit to a beneficiary of the Department's programs;
- provide any service, financial aid, or benefit that is different—in quality, quantity, or manner—from that provided to other beneficiaries under Departmental programs;
- subject a person to segregation or separate treatment in any matter related to receipt of any service, financial aid, or other benefit under its programs;
- treat a person differently from others in determining whether the person is eligible for a service, financial aid, or other benefit under a departmental program;
- restrict a person in the enjoyment of any advantage or privilege enjoyed by others receiving services, financial aid, or other benefits of its programs;
- deny a person the opportunity to participate in advisory or planning councils that are an integral part of its programs;
- discriminate in any activities related to highway, facility, or infrastructure built or repaired with federal funds;
- discriminate in any employment resulting in a program which has a primary purpose of providing employment; or
- discriminate in the selection and retention of contractors and consultants.

Furthermore, the Department will not administer its programs in a manner that, directly or by contract, defeats or substantially impairs its goal of effective nondiscrimination. Rather, the Department will identify and address the effects of its programs, policies and activities on minority and low-income populations, as well as provide meaningful access to benefits, information, and services to beneficiaries who are of limited English-speaking ability.

Any person with questions or seeking additional information about the Department's non-discrimination obligations should contact Lilliam Abreu, Title VI Coordinator, at 2 Capitol Hill, Providence, Rhode Island 02903; (401) 222-3260, Ext. 4256, or [Lilliam.abreu@dot.ri.gov](mailto:Lilliam.abreu@dot.ri.gov). Similarly, any person who believes that the Department or any of its sub-recipients or contractors have violated Title VI of the Civil Rights Act of 1964 or this Nondiscrimination Policy should contact the Department's Title VI Coordinator to file a written complaint.

  
Peter Alviti, Jr., P.E.  
Director, Rhode Island Department of Transportation

Date

3/05/2021

## APPENDIX B - ASSURANCES

---



**Rhode Island Department of Transportation  
Standard Title VI/Non-Discrimination Assurances  
DOT Order No. 1050.2A**

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

**Statutory/Regulatory Authorities**

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

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

**General Assurances**

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

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

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

### **Specific Assurances**

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

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Program activities and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

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

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

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

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

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

Rhode Island Department of Transportation (Recipient)

  
By: Peter Alviti, Jr. P.E.

Director, Rhode Island Department of Transportation

9-28-2021  
Date



## APPENDIX A

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

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

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

**APPENDIX B  
CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY**

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

**NOW, THEREFORE**, the U.S. Department of Transportation as authorized by law and upon the condition that the Rhode Island Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with 23 U.S. Code § 107, the Regulations for the Administration of Federal Aid Highway Program, and the policies and procedures prescribed by the Federal Highway Administration of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Rhode Island Department of Transportation all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Appendix A attached hereto and made a part hereof.

**(HABENDUM CLAUSE)**

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

The Rhode Island Department of Transportation, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the Rhode Island Department of Transportation will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].\*

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

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Rhode Island Department of Transportation pursuant to the provisions of Assurance 7(a):

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

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

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

The following clauses will be included in deeds, licenses, permits, or similar instruments/ agreements entered into by Rhode Island Department of Transportation pursuant to the provisions of Assurance 7(b):

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

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

## APPENDIX E

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

**Pertinent Non-Discrimination Authorities:**

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part [21](#);
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part [27](#);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

## APPENDIX C - COMPLAINT PROCEDURE

---



## Rhode Island Department of Transportation Procedures for the Processing and Disposition of Discrimination Complaints

### **Purpose and Applicability**

The purpose of this document is to establish a procedure for the processing and disposition of discrimination complaints filed directly with the Rhode Island Department of Transportation (RIDOT) under Title VI of the Civil Rights Act of 1964 (Title VI) and related nondiscrimination authorities, including the Americans with Disabilities Act (ADA).

The procedures describe an administrative process aimed at identifying and eliminating discrimination in federally-funded programs and activities. The procedures do not provide an avenue for relief for complainants seeking individual remedies, including punitive damages or compensatory remuneration, nor prohibit complainants from filing complaints with other state or federal agencies, nor deny complainants the right to seek private counsel to address acts of alleged discrimination.

The procedures described in this document apply to RIDOT, its sub-recipients, contractors, and subcontractors in their administration of federally-funded programs and activities.

### **Definitions**

**Complainant** – a person who files a complaint with the Rhode Island Department of Transportation.

**Complaint** – written or electronic statement concerning an allegation of discrimination that contains a request for the receiving office to take action. Where a complaint is filed by a person with a disability, the term complaint encompasses alternative formats to accommodate the disabled complainant.

**Discrimination** – that act or inaction, whether intentional or unintentional, through which a person in the United States, solely because of race, color, national origin, gender, age or disability, has been otherwise subjected to unequal treatment or disparate impact under any program or activity receiving Federal assistance.

**Operating Administrations** – agencies of the U.S. Department of Transportation, including the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA) and the Federal Rail Administration (FRA), that fund transportation programs or activities.

**Respondent** – the person, agency, institution, or organization alleged to have engaged in discrimination.



1. Complaints against RIDOT

Where RIDOT receives a complaint alleging that RIDOT has discriminated against a complainant in its programs or activities on the basis of race, color, national origin, gender, age or disability, RIDOT shall forward the complaint to the Office of Civil Rights at the appropriate Operating Administration.

2. Complaints against RIDOT sub-recipients or contractors

Where RIDOT receives a complaint alleging that a RIDOT sub-recipient or contractor has discriminated against a complainant in its programs or activities on the basis of race, color, national origin, gender, age or disability, RIDOT shall review, log and forward the complaint to the appropriate Operating Administration within 60 days of receipt.

- a. For discrimination complaints regarding the Federal-aid highway program, RIDOT shall review and log the complaint, conduct a preliminary investigation of the allegations, and forward the complaint and preliminary investigation summary to the Rhode Island Division Office of FHWA for resolution and issuance of the final agency decision.
- b. For discrimination complaints regarding FTA sponsored grant programs, RIDOT shall review, log and forward the complaint to the FTA Office of Civil Rights for resolution and issuance of the final agency decision. RIDOT may also conduct a preliminary investigation of the allegations.
- c. For discrimination complaints regarding FRA sponsored grant programs, RIDOT shall review, log and forward the complaint to the FRA Office of Civil Rights for resolution and issuance of the final agency decision. RIDOT may also conduct a preliminary investigation of the allegations.
- d. Where RIDOT receives a complaint alleging that a sub-recipient or contractor has engaged in employment discrimination against a complainant, RIDOT will refer such complaints to the U.S. Equal Employment Opportunity Commission or Rhode Island Commission for Human Rights.
- e. Where RIDOT's Title VI Coordinator receives a complaint alleging that a RIDOT contractor has violated one or more nondiscrimination provisions of Form FHWA-1273, RIDOT's Title VI Coordinator will refer such complaints to RIDOT's Contractor Compliance Office for investigation and resolution pursuant to RIDOT's Contractor Compliance Manual.

B. Receipt, Review and Handling of Complaint

Upon receipt of correspondence concerning alleged discrimination, RIDOT's Title VI Coordinator will proceed according to the following process:

1. The Title VI Coordinator will date stamp and review the correspondence to confirm that it is a complaint within the meaning of these procedures.<sup>3</sup>

---

<sup>3</sup> The following are not complaints within the meaning of these procedures: anonymous complaints, requests for advice or information, courtesy copies of letters or complaints filed with other agencies, and oral assertions. However, RIDOT will receive complaints in alternative formats from persons with disabilities.

## **Filing of Complaints**

### **A. Persons eligible to file**

Any person who believes that RIDOT, a RIDOT sub-recipient or a RIDOT contractor has engaged in discrimination, against that person or a specific class of persons, may submit a written complaint to:

Rhode Island Department of Transportation  
2 Capitol Hill, Room 109  
Providence, RI 02903  
ATTN: Title VI Coordinator and/or ADA Coordinator  
Fax: (401) 222-6168

### **B. Time Limits for Filing**

Pursuant to 49 C.F.R. § 21.11(b), any person who believes that RIDOT, a RIDOT sub-recipient or a RIDOT contractor has engaged in discrimination must file a complaint within 180 days after the last date of the alleged discrimination. Complainants who file a complaint beyond 180 days of the last date of the alleged discrimination must request a waiver from the Office of Civil Rights at the Operating Administration.

### **C. Form of Complaints**

A complainant may complete and submit a signed Title VI/Nondiscrimination Complaint Form provided by the Rhode Island Department of Transportation.<sup>1</sup> Alternatively, a complainant may submit correspondence<sup>2</sup> that:

1. explains the alleged discrimination or violation;
2. provides contact information for the complainant (if the complaint is filed electronically, RIDOT should request the sender's full name, telephone number and mailing address, if not provided);
3. identifies the person or group injured by the alleged discrimination, as well as the person, agency, organization, or institution alleged to have discriminated;
4. states the basis for the alleged discrimination (e.g., race, sex, age, disability, etc.); and
5. provides sufficient information to understand the facts that led the complainant to believe that discrimination has occurred, as well as the date of the alleged discrimination.

Any complainant requiring technical assistance with filing a complaint may contact RIDOT's Title VI/ADA Coordinator at (401) 222-3260.

## **Processing Complaints**

The Operating Administrations each have an Office of Civil Rights that is responsible for all phases of the Title VI complaint process, including accepting, rejecting and investigating complaints; making and issuing compliance findings; and obtaining voluntary compliance.

### **A. Responsibility of RIDOT**

RIDOT will process discrimination complaints filed directly with RIDOT according to the procedure described below.

---

<sup>1</sup> A copy of RIDOT's Title VI Complaint Form is included as Attachment 1.

<sup>2</sup> RIDOT will receive complaints in alternative formats from persons with disabilities.

1. Complaints against RIDOT

Where RIDOT receives a complaint alleging that RIDOT has discriminated against a complainant in its programs or activities on the basis of race, color, national origin, gender, age or disability, RIDOT shall forward the complaint to the Office of Civil Rights at the appropriate Operating Administration.

2. Complaints against RIDOT sub-recipients or contractors

Where RIDOT receives a complaint alleging that a RIDOT sub-recipient or contractor has discriminated against a complainant in its programs or activities on the basis of race, color, national origin, gender, age or disability, RIDOT shall review, log and forward the complaint to the appropriate Operating Administration within 60 days of receipt.

a. For discrimination complaints regarding the Federal-aid highway program, RIDOT shall review and log the complaint, conduct a preliminary investigation of the allegations, and forward the complaint and preliminary investigation summary to the Rhode Island Division Office of FHWA for resolution and issuance of the final agency decision.

b. For discrimination complaints regarding FTA sponsored grant programs, RIDOT shall review, log and forward the complaint to the FTA Office of Civil Rights for resolution and issuance of the final agency decision. RIDOT may also conduct a preliminary investigation of the allegations.

c. For discrimination complaints regarding FRA sponsored grant programs, RIDOT shall review, log and forward the complaint to the FRA Office of Civil Rights for resolution and issuance of the final agency decision. RIDOT may also conduct a preliminary investigation of the allegations.

d. Where RIDOT receives a complaint alleging that a sub-recipient or contractor has engaged in employment discrimination against a complainant, RIDOT will refer such complaints to the U.S. Equal Employment Opportunity Commission or Rhode Island Commission for Human Rights.

e. Where RIDOT's Title VI Coordinator receives a complaint alleging that a RIDOT contractor has violated one or more nondiscrimination provisions of Form FHWA-1273, RIDOT's Title VI Coordinator will refer such complaints to RIDOT's Contractor Compliance Office for investigation and resolution pursuant to RIDOT's Contractor Compliance Manual.

B. Receipt, Review and Handling of Complaint

Upon receipt of correspondence concerning alleged discrimination, RIDOT's Title VI Coordinator will proceed according to the following process:

1. The Title VI Coordinator will date stamp and review the correspondence to confirm that it is a complaint within the meaning of these procedures.<sup>3</sup>

---

<sup>3</sup> The following are not complaints within the meaning of these procedures: anonymous complaints, requests for advice or information, courtesy copies of letters or complaints filed with other agencies, and oral assertions. However, RIDOT will receive complaints in alternative formats from persons with disabilities.

2. The Title VI Coordinator will record the complaint in RIDOT's Title VI Log<sup>4</sup> and assess whether (a) additional information is required, (b) the complaint is timely filed, and (c) jurisdiction exists over the subject matter of the complaint.
3. The Title VI Coordinator will handle all complaints in a confidential manner and will not disclose complainant's identity to a respondent unless (a) disclosure is necessary in order to conduct a preliminary investigation, and (b) complainant has submitted a Complainant Consent/Release Form<sup>5</sup> authorizing disclosure.

C. Acknowledge Receipt of Complaint

After reviewing and recording the complaint, RIDOT's Title VI Coordinator will acknowledge receipt of complainant's correspondence and notify complainant of the right to file the complaint directly with the Office of Civil Rights at the Operating Administration.

1. Requests for additional information  
Where RIDOT requires additional information to identify more precisely the nature of the discrimination complaint or the nexus to RIDOT's federally-funded programs and activities, RIDOT will request that the complainant provide such information within 15 days of the date of RIDOT correspondence acknowledging receipt of the complaint.
2. Complainant Consent/Release Form  
RIDOT will provide a Complainant Consent/Release Form and request that complainant complete and return the form within 15 days of the date of RIDOT correspondence acknowledging receipt of the complaint.
3. Right to request a waiver of timeliness requirement  
Where a complainant files a complaint beyond 180 days of the last date of the alleged discrimination, RIDOT will notify the complainant of the right to request a waiver from the Office of Civil Rights at the Operating Administration.
4. Referral to appropriate agency
  - a. Where a complaint alleges that RIDOT has discriminated against a complainant in RIDOT's programs or activities on the basis of race, color, national origin, gender, age or disability, RIDOT shall forward the complaint to the Office of Civil Rights at the appropriate Operating Administration and notify complainant of such referral.
  - b. Where the allegations in a complaint do not involve discrimination relating to RIDOT's federally-funded programs or activities, RIDOT will refer the complaint to the appropriate agency and notify complainant of such referral.
  - c. Where RIDOT receives a complaint alleging that a sub-recipient or contractor has engaged in employment discrimination against a complainant, RIDOT will refer the complaint to the U.S. Equal Employment Opportunity Commission or Rhode Island Commission for Human Rights.

---

<sup>4</sup> A sample copy of RIDOT's Title VI Log is included as Attachment 2.

<sup>5</sup> A copy of the Complainant Consent/Release Form is included as Attachment 1.

**D. Assess Jurisdiction and Identify Issues**

Upon receipt of a complaint, Complainant Consent/Release Form and, if necessary, any additional information needed to identify more precisely the nature of the alleged discrimination or the nexus to RIDOT's federally-funded programs and activities, RIDOT will assess whether it has jurisdiction over the subject matter of the complaint. RIDOT will also identify the specific practice, procedure, policy, or service involved in the alleged discrimination.

**1. Referral to appropriate agency**

Where a complaint alleges matters that are outside of RIDOT's jurisdiction, RIDOT will make a good-faith effort to refer the complaint to the appropriate agency and notify complainant accordingly.

**E. Recommend Dismissal**

RIDOT will contact the Office of Civil Rights for the Operating Administration and recommend dismissal in the following circumstances:

1. The complainant withdraws the complaint;
2. The complainant fails to respond to repeated requests for information needed to process the complaint, or otherwise fails to cooperate in the investigation;
3. The complaint is so weak, insubstantial, or lacking in detail that it is without merit, or so replete with incoherent or unreadable statements that RIDOT cannot consider the complaint, on the whole, to be grounded in fact; or
4. RIDOT cannot locate the complainant after making reasonable attempts to contact him or her.

**Preliminary Investigations**

The Operating Administrations have sole authority for accepting Title VI complaints. Nevertheless, RIDOT may conduct a preliminary investigation of discrimination complaints filed directly with RIDOT as described below.

**A. Preliminary Investigation Plan**

After assessing jurisdiction and identifying the specific practice, procedure, policy, or service involved in the alleged discrimination complaint, RIDOT's Title VI Coordinator may assign the preliminary investigation to an investigator, who will prepare a Preliminary Investigation Plan. The Preliminary Investigation Plan highlights the issues raised in the complaint and serves as a guide for completing the preliminary investigation. The Preliminary Investigation Plan includes the following elements:

1. Complainant name and contact information.
2. Respondent name and contact information.
3. Date filed.
4. Date of last discrimination.
5. Complaint allegations.
6. Potential violations (applicable laws).
7. Basis/bases.

8. Background/Information on file.
9. Information needed.
10. Sources of information needed.

**B. Notifications and Requests for Information**

RIDOT will notify the complainant and respondent that RIDOT is investigating matters raised in the complaint. The notification letter will state the following:

1. The basis/bases for the complaint.
2. Allegations over which RIDOT has jurisdiction.
3. RIDOT's jurisdiction over the respondent.
4. An admonition that respondent shall not intimidate, threaten, coerce, retaliate, or discriminate against anyone involved in the investigation of the complaint, including the complainant, witnesses and sources of information regarding matters alleged or related to the complaint.
5. A request that the respondent submit a position statement to RIDOT responding to the allegations within 15 days of the date of RIDOT's notification letter.
6. A request for additional information relevant to matters raised in the complaint, if appropriate, to be submitted to RIDOT within 15 days of the date of RIDOT's notification letter.

**C. Interviews, Data Collection and On-site Visits**

After preparing a Preliminary Investigation Plan, RIDOT will gather information needed to complete the preliminary investigation by conducting interviews and on-site visits, if necessary, and collecting relevant data, if available.

**D. Preliminary Investigation Summary**

No later than 60 days after receiving a complaint, RIDOT will transmit the complaint and preliminary investigation summary to the Rhode Island Division Office of FHWA. The Preliminary Investigation Summary will discuss the issues raised in the complaint, describe the information obtained during the preliminary investigation, and explain how RIDOT obtained and evaluated that information. The Preliminary Investigation Summary will also analyze each allegation and provide RIDOT's recommendations.

The Preliminary Investigation Summary shall follow the following format:

1. Introduction
2. Allegations
3. Applicable laws/regulations
4. Bases
5. Evaluation/Investigation: Methodology
6. Analysis of each allegation
7. Recommendations

## **Nondiscrimination Authorities**

### Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d – 2000d-4

42 U.S.C. § 2000d states: “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.”

### Title VIII of the Civil Rights Act of 1968, 42 U.S.C. §§ 3601 – 3619 (Fair Housing Act)

42 U.S.C. § 3601 declares that “[i]t is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.”

### Federal-Aid Highway Act of 1973, 23 U.S.C. §§ 140, 324

23 U.S.C. § 324 provides:

No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title. This provision will be enforced through agency provisions and rules similar to those already established . . . under title VI of the Civil Rights Act of 1964.

### Section 504 of the Rehabilitation Act of 1973

29 U.S.C. § 794 provides: “No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his 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.”

### The Age Discrimination Act of 1975, 29 U.S.C. §§ 6101 – 6107

42 U.S.C. § 6102 states, in relevant part, that “no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.”

### The Civil Rights Restoration Act of 1987, 100 Pub. L. No. 100-259, 102 Stat. 28 (1988)

Enacted in response to *Grove City College v. Bell*, 465 U.S. 555 (1984), the Civil Rights Restoration Act restores the broad scope of coverage of various nondiscrimination statutes and clarifies that statutory prohibitions against discrimination extend to all programs and activities of an entity receiving Federal financial assistance, regardless of whether those programs and activities are federally-funded.

### Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131 – 12134

42 U.S.C. § 12132 provides, in relevant part, that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”

Exec. Order No. 12,898, 59 Fed. Reg. 7629 (1994), *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.*

Exec. Order No. 13,166, 65 Fed. Reg. 50,121 (2000), *Improving Access to Services for Persons with Limited English Proficiency.*

23 C.F.R. Part 200: Title VI Program and Related Statutes—Implementation and Review Procedures.

49 C.F.R. Part 21: Nondiscrimination in Federally-assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964.

External Civil Rights Programs Division, U.S. Dep’t of Transp., Order No. 100.18, External Civil Rights Complaint Processing Manual (2007).

Federal Transit Administration, U.S. Dep’t of Transp., Circular No. 4702.1A, Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients (2007).

R.I. Governor’s Commission on Disabilities Rules and Regulations

Chapter D Grievance Procedures Regarding Complaints Alleging Discrimination by a State Agency on the Basis of Disability

Federal Highway Administration, U.S. Dep’t of Transp., External Complaint Processing Procedures (20xx).



## APPENDIX D - ADA & LEP PUBLIC MEETING CHECKLIST

---



Department of Transportation  
Two Capitol Hill  
Providence, RI 02903


Office 401-222-2450  
Fax 401-222-3905

---

## MEMO:

**To:** Lisbeth Pettengill, Director, Office of Communications

**From:**  Dina Quezada, Title VI Coordinator, Office of Civil Rights  
Barry Simpson, ADA Coordinator, Office of Civil Rights

**Approved by:**  Kelly M. Caesar, Esq., Administrator, Office of Civil Rights

**Subject:** Technical Assistance - ADA & LEP Standard Statement for Notices of Public Meetings, and, ADA & LEP Public Meeting Checklist.

**Date:** June 28, 2018

### Purpose and Legal Requirements:

The Office of Civil Rights submits this technical assistance memorandum to support the Office of Communications in the fulfillment of its role of managing "RIDOT's public information program, including media relations, social media, customer service, ad campaigns, video production, events, and speech writing" (RIDOT 2018 Communication Policy, 4/26/18).

To ensure compliance with regulatory requirements under the Americans with Disabilities Act (ADA) of 1990, Title VI of the Civil Rights Act of 1964, and other federal civil rights laws and policies prohibiting discrimination, all notifications and planning for public meetings or any other advertisement inviting the public to utilize/participate in activities, services, and projects sponsored by RIDOT shall contain the *ADA & Limited English Proficiency (LEP) Standard Statement*, which:

- 1) Affirms the physical accessibility of the meeting facility -- to accommodate those with mobility impairments;
  - 2) Offers reasonable accommodations -- to accommodate those with hearing or visual impairments;
  - 3) Offers language accommodations -- to accommodate those with Limited English Proficiency (LEP);
  - 4) Provides e-mail and telephone contact information -- to accommodate those with visual impairments and users of relay services; and
  - 5) Appears in English and Spanish -- to comply with *RIDOT's 2013 LEP Assessment and Plan* (attached).
-

## Proposed ADA & LEP statement

### Statement in English:

This event is accessible to persons with disabilities and individuals who do not speak English. To request a sign language interpreter, assistive devices, and/or language interpreter, please contact name/title of contact person, email of contact person and phone number of contact person at least 10 business days prior to the event. These services are provided free of charge upon request.

### Statement in Spanish: [adjust as necessary based upon "English" statement]

Este evento es accesible para personas discapacitadas y que no hablan inglés. Para solicitar un intérprete de lenguaje de señas y servicios auditivos, o un intérprete de idiomas, por favor contactar name/title of contact person, email of contact person o phone number of contact person con por lo menos 10 días de anticipación. Estos servicios son proveídos gratuitamente, por solicitud, y disponibilidad.

### Font and Size Considerations:

To make printed public notices more legible for individuals with visual impairment, please consider using font size 16 or larger, and font type Roman, Sans Serif, or Arial, as recommended by the American Foundation for the Blind. For more information, see <http://www.afb.org/info/reading-and-writing/making-print-more-readable/35>.

To ensure that the above-listed elements and other requirements are not overlooked, the following checklist is offered. The Office of Communication's public participation/engagement activities should address, at minimum, the following items:

#### Scheduling the Public Meeting:

- Is the venue ADA accessible (parking, bathrooms, ramps, elevators, integrated seating for wheelchairs, etc.)?
- Is the venue accessible via public transportation (when feasible) and is there an accessible path of travel provided from the public transportation stop to the meeting location and meeting room?
- If the main entrance to the building is not accessible, is there directional signage towards the accessible entrance?
- Is the accessible entrance unlocked and able to be used independently?
- Has the meeting been scheduled during times and at locations that are easily accessible to low-income and minority communities (if applicable)?
- Have community-based stakeholders/community leaders servicing ADA and LEP populations been identified within the project area?

#### Drafting and Distributing the Public Notice

- Has the ADA & LEP Standard Statement been added to the public notice?
- Has the public notice been translated into languages other than English (per demographic data or individual request) relevant to the communities within the project area of potential impact?
- Has the public notice been published with sufficient processing time for language and accessibility accommodation requests?
- Has the public notice in English and translated version (when applicable or requested prior to event) been distributed among minority media (see email attached), community-based organizations and community leaders servicing ADA and LEP populations?

- Have welcome signs been displayed in languages other than English (when applicable or requested prior to event)?

#### **Ensuring Appropriate Accommodations**

- Have the attendees who requested accommodations been contacted to confirm that they still plan to attend? Best to contact 48hrs prior to the meeting to allow for cancelation of service without incurring cost. If unsure, do not cancel the service.
- Have language arrangements (if requested) been made?  
To procure interpreters for languages other than English, follow procedure set by RI Master Price Agreement (MPA), MPA Number 54, Solicitation number CR-34, interpreting and translation services (see attached). Please consider Certified Minority Business Enterprise in your solicitation.
- Have disability accommodation arrangements (if requested) been made? \*  
To procure American Sign Language (ASL) interpreting services or CART services for individuals with a hearing impairment, submit the *RI Commission on the Deaf and Hard of Hearing's* request form at least 10 business days prior to the event to procure these services.
- Have assistive listening devices been reserved for the public meeting? \*  
One possible source for headsets for language interpretation: Providence Public Schools, Office of Family and Community Engagement (FACE), Attn: Janet Pichardo, Director, 797 Westminster St., Providence, RI 02903. Email: janet.pichardo@ppsd.org; Phone: 401-456-0686.
- Has someone been trained to operate and test the assistive devices? Has someone been designated to distribute the devices? For large meetings, consider asking for a driver's license or other form of picture ID as collateral, to avoid the loss of equipment.
- Has seating been made available for deaf or hard of hearing attendees near the front of the meeting room to view the speaker, the interpreter and closed captions?
- Has a well-lit area in the front of the room been designated for sign language interpreters?
- Have the videos to be shown during the presentation been captioned?
- Do the directions on the sign-in sheets appear in English, Spanish, or any other requested language?

#### **Day of Event:**

- Announce at the opening of the meeting, if applicable, that language services are available.
- Announce at the opening of the meeting, if applicable, that sign language interpreters are present during the meeting.
- Announce at the opening of the meeting the locations of emergency exits, of accessible restrooms and areas of refuge.
- Document all efforts to provide services for the project file and for future update of *RIDOT's 2013 LEP Assessment and Plan*.

\* In the event of a last-minute request for service(s) or a cancelation by a service provider, RIDOT should make a good faith effort to arrange/make other arrangements for the requested service(s). If efforts to obtain the requested service(s) in time for the scheduled event fail, an alternate meeting/presentation or other means to participate should be offered to the requestee(s).

## APPENDIX E - LEP ASSESSMENT

---

# How LEP persons interact with RIDOT

205

Responses

05:35

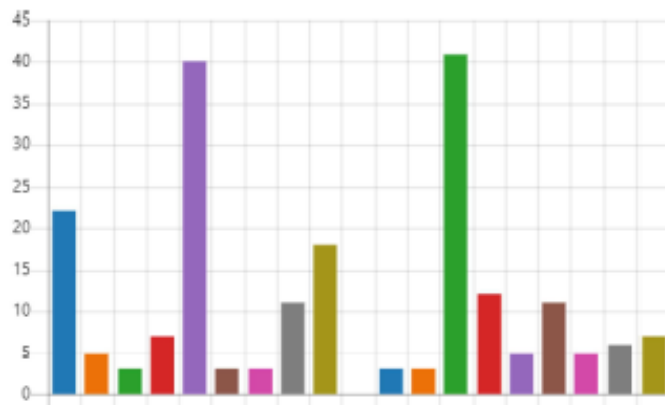
Average time to complete

Closed

Status

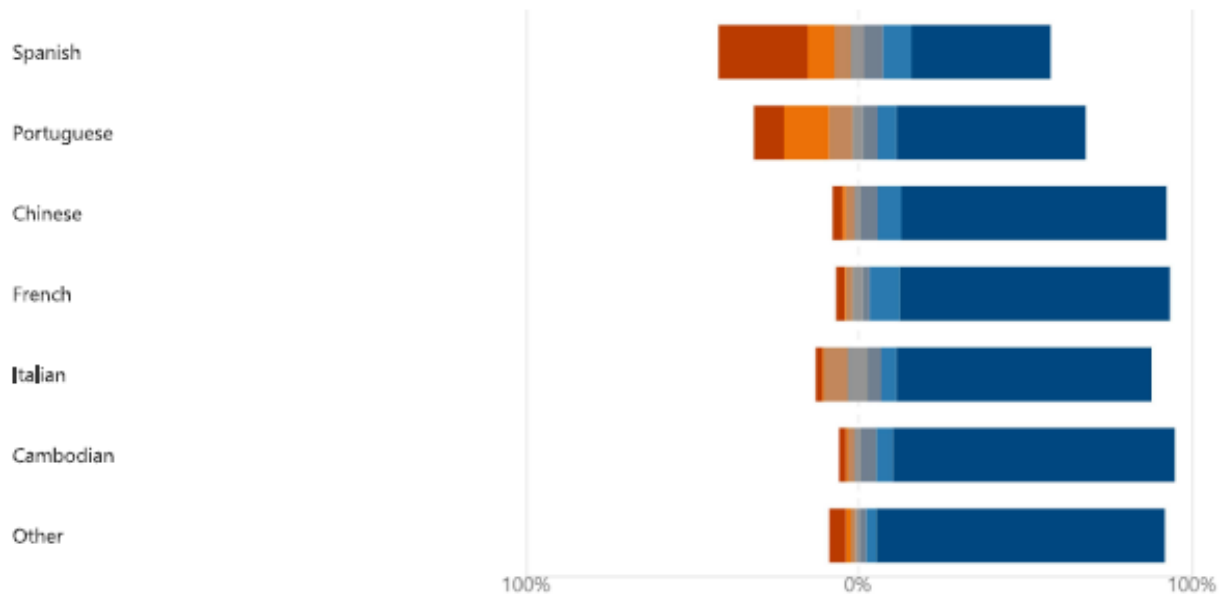
## 1. In Which RIDOT division do you work?

Bridge Engineering	22
Civil Rights	5
Communications and custome...	3
Contract Administration	7
Construction & Maintenance	40
DoIT	3
Finals and Compliance	3
Financial Management	11
Highway and bridge Maintena...	18
Human Resources/Payroll	0
Legal services	3
Office of the Director	3
Project Management	41
Planning	12
Real Estate	5
Safety	11
StormWater Management	5
Transit	6
Other	7



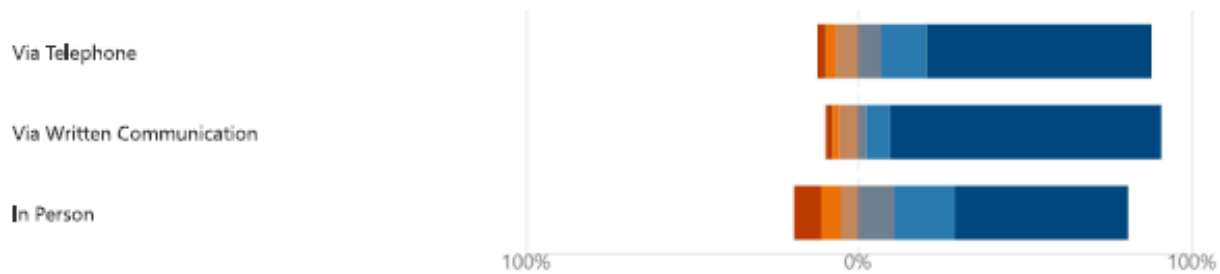
2. In order of frequency, which language groups do you encounter most when communicating with the LEP population in your current role? (1=most frequent, 7=least frequent)

1 2 3 4 5 6 7



3. How often do you communicate with LEP persons at work (please choose 1 option per communication type)

Daily Weekly At least once per Month At least once per season At least once per year Never



4. Do you speak and or/write in another language

Yes 30  
No 175



5. Can RIDOT's Customer service contact you for assistance with clients?

● Yes	15
● No	15



6.

● Can verbally Interpret	1
● Can translate	0
● Both	14



7. Please share your contact information, and the language you can interpret or translate fluently

15  
Responses

Latest Responses

8. Thank you for filling out this survey. Your responses will help the department get a better sense of what population you are most in touch with. Feel free to add your comments below.

29  
Responses

Latest Responses