



# **OKLAHOMA** **Transportation**

## **Title VI Implementation Plan**

**Federal Fiscal Year 2025**

**Federal Highway Administration  
(FHWA)**

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U.S. Department  
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**Federal Highway  
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**Oklahoma Division**

October 30, 2024

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In Reply Refer To:  
HDA-OK

Tim J. Gatz  
Executive Director  
Oklahoma Department of Transportation  
200 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73105

Dear Mr. Gatz:

The Federal Highway Administration (FHWA) Oklahoma Division has reviewed the Oklahoma Department of Transportation (ODOT) Title VI Implementation Plan for FY 2025. Our review considered the regulatory requirements, overall program objectives and goals, as well as the analyses of previous year's efforts and accomplishments.

After reviewing this information, we have determined the FY 2025 ODOT Title VI Implementation Plan is consistent with the requirements outlined in 23 CFR part 200. In accordance with the requirements in 23 CFR 200.9(b)(11), we hereby approve its immediate implementation.

The next ODOT Title VI Implementation Plan submission is due to FHWA on October 1, 2025, unless otherwise coordinated. If you have any questions, please contact Patricia Dinoa, Civil Rights Specialist at (405) 254-3313, or by email at [patricia.dinoa@dot.gov](mailto:patricia.dinoa@dot.gov).

Sincerely,

Souzan Bahavar, P.E.  
Division Administrator

Cc: Dawn Sullivan, ODOT Deputy Director  
Jennifer Hankins, ODOT CC Division Manager  
Katrina Fire, ODOT Title VI and Title VII Coordinator  
Patricia Dinoa, FHWA Civil Rights Specialist  
Carl Selby, FHWA Program Support & Technical Services Team Leader  
File

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## I. INTRODUCTION

The Oklahoma Department of Transportation (ODOT) is responsible for the construction and maintenance of the state's transportation infrastructure. ODOT's mission is to "provide a safe, economical and effective transportation network for the people, commerce and communities of Oklahoma." Established in 1911 as the Oklahoma Department of Highways and renamed the Oklahoma Department of Transportation in 1976, ODOT has 2,314 departmental employees.

As a recipient of federal financial assistance from the Federal Highway Administration (FHWA), ODOT is required to comply with Title VI of the Civil Rights Act of 1964, which provides:

**"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 VI served as the model for subsequent nondiscrimination laws based on receipt of federal funding, including Title IX of the Education Amendments of 1972 (sex) and Section 504 of the Rehabilitation Act of 1973 (disability). However, each of these laws is accompanied by its own regulations and requirements and is not interchangeable with Title VI.

The U.S. Department of Justice (DOJ), as the federal government's coordinating agency for Title VI, implemented its Title VI program in 28 C.F.R. Part 42 and issued guidance in two main documents: The Title VI Legal Manual <https://www.justice.gov/crt/fcs/T6manual> and the Complaint Investigation Procedures Handbook.

Title VI authorizes and directs federal agencies to enact "rules, regulations, or orders of general applicability" to achieve the statute's objectives. The U.S. Department of Transportation (USDOT) implemented its Title VI program in 49 C.F.R. Part 21. FHWA's regulations can be found in 23 C.F.R. Part 200.

Title VI is further defined by Executive Orders 12898 (Environmental Justice or EJ), and Executive Order 13166 (Limited English Proficiency or LEP):

- (1) Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.
- (2) Executive Order 13166 - Improving Access to Services for Persons with Limited English Proficiency.

## II. DISCRIMINATION UNDER TITLE VI

There are two types of discrimination prohibited under Title VI and its related statutes: (1) disparate treatment (i.e., intentional discrimination) and (2) disparate impact/effects. An intent claim alleges that similarly situated persons are treated differently because of their race, color, or national origin.

The second type of discrimination is disparate impact or disparate effects. This type of discrimination occurs when a facially neutral policy, procedure, or practice results in different or inferior services or benefits to members of a protected group. In disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

ODOT's efforts to prevent such discrimination must address, but not be limited to, a program's impacts, access, benefits, participation, services, contracting and training opportunities, investigation of complaints, allocation of funds, and prioritization of projects. It applies to all departments within ODOT, especially those with a direct effect on the public such as planning, project design, environmental review, right-of-way, construction, traffic operations, and communications.

### Specific Forms of Discrimination Prohibited

- (1) The denial of services, financial aid, or other benefits provided under a program.
- (2) Distinctions in the quality, quantity, or manner in which a benefit is provided.
- (3) Segregation or separation of persons in any part of the program.
- (4) Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others.
- (5) Differing standards or requirements for participation.
- (6) Methods of administration that directly or indirectly, or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination.
- (7) Discrimination in any activities or services related to a highway, infrastructure, or facility built or repaired in whole or in part with federal funds.

In addition, ODOT, as a state agency administering a continuing program that receives federal financial assistance, must establish a Title VI compliance program for all sub-recipients who obtain federal assistance through it (28 CFR 42.410).

## III. KEY DEFINITIONS

**Beneficiary:** Any person or group of persons (other than States) entitled to receive benefits, directly or indirectly, from any federally assisted program, (e.g., relocatees, impacted citizens, communities, etc.)

**Disparate Impact:** Discrimination that occurs when a facially neutral policy, procedure, or practice results in different or unequal treatment, and such policy or practice lacks a

substantial legitimate justification. Under USDOT regulations, recipients may 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 the objectives of the program with respect to individuals of a particular race, color, or national origin (49 CFR 21.5(b)(2)).

**Disparate Treatment:** Intentional discrimination, or disparate treatment, happens when a recipient acts, at least in part, because of the actual or perceived race, color, or national origin of the alleged victims of discriminatory treatment. (Refer to *Doe ex rel. Doe v. Lower Merion Sch. Dist.*, 665 F.3d 524, 548 (3d Cir. 2011)). Discriminatory intent need not be the only motive, but a violation occurs when the evidence shows that the entity adopted a policy at issue “because of,’ not merely ‘in spite of,’ its adverse effects upon an identifiable group.” (Refer to *Pers. Adm’r of Mass. V. Feeney*, 442 U.S. 256, 279 (1979)). While one must show that the recipient was motivated by an intent to discriminate, the recipient’s decision-makers do not have to have acted in “bad faith, ill will or any evil motive...” (Refer to *Elston*, 997 F.2d at 1406 (quoting *Williams v. City of Dothan*, 745 F.2d 1406, 1414 (11th Cir. 1984)))

**Federal Financial Assistance and Federal-Aid** (49 C.F.R. § 21.23(c)) includes:

- (1) Grants and loans of federal funds;
- (2) The grant or donation of federal property and interests in property;
- (3) The details of federal personnel;
- (4) The sale and lease of, and the permission to use (on other than a casual or transient basis), federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and
- (5) Any federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

**Local Public Agency (LPA)** (23 C.F.R. § 635.102): any city, county, township, municipality, or other political subdivision that may be empowered to cooperate with ODOT in highway matters.

**Metropolitan Planning Organization (MPO):** The policy board of an organization created and designated to carry out the metropolitan transportation planning process for each urbanized area with a population of more than 50,000 individuals (e.g., the Association of Central Oklahoma Governments (ACOG)):

- (1) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city (based on population) as determined by the Bureau of the Census); or

(2) in accordance with procedures established by applicable state or local law.

**Minority:** ODOT uses the race and ethnicity categories established by the Office of Management and Budget in its October 30, 1997, Federal Register Notice: *Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity*. The race and ethnicity categories below are included in the definition of "Minority" provided by the Council on Environmental Quality *Environmental Justice Guidance Under the National Environmental Policy Act*, the U.S. Department of Transportation (USDOT) Order 5610.2(a), and FHWA Order 6640.23A.

*American Indian or Alaska Native.* A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

*Asian.* A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

*Black or African American.* A person having origins in any of the black racial groups of Africa. Terms such as "Haitian" or "Negro" can be used in addition to "Black or African American."

*Hispanic or Latino.* A person of Cuban, Mexican, Puerto Rican, Cuban, South or Central American, or other Spanish culture or origin, regardless of race. The term "Spanish origin" can be used in addition to "Hispanic or Latino."

*Native Hawaiian or Other Pacific Islander.* A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**Programs or Programs and Activities** (49 C.F.R. § 21.23(e)): all of the operations of any of the following entities, any part of which is extended federal financial assistance:

- (1) (i) A department, agency, special purpose district, or other instrumentality of a state or of a local government; or  
(ii) The entity of such state or local government that distributes such assistance and each such department or agency (and each other state or local government entity) to which the assistance is extended, in the case of assistance to a state or local government;
- (2) (i) A college, university, or other postsecondary institution, or a public system of higher education; or  
(ii) A local educational agency (as defined in 20 U.S.C. 7801), system of vocational education, or other school system;
- (3) (i) An entire corporation, partnership, or other private organization, or an entire sole proprietorship—  
(A) If assistance is extended to such corporation, partnership, private organization, or sole proprietorship as a whole; or

- (B) Which is principally engaged in the business of providing education, health care, housing, social services, or parks and recreation; or
- (ii) The entire plant or other comparable, geographically separate facility to which federal financial assistance is extended, in the case of any other corporation, partnership, private organization, or sole proprietorship; or
- (4) Any other entity which is established by two or more of the entities described above.

**Recipient** (49 C.F.R. § 21.23(f)): any state, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom federal financial assistance is extended, directly or through another recipient, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary.

**Statewide Transportation Improvement Program (STIP):** A statewide prioritized listing/program of transportation projects covering a period of four years that is consistent with the long-range statewide transportation plan, metropolitan transportation plans, and TIPs, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53.

**Sub-recipient:** A recipient entity that receives federal funding from a primary recipient (e.g., ODOT) to carry out a federal program.

**Transportation Improvement Program (TIP):** A prioritized listing/program of transportation projects covering a period of four years that is developed and formally adopted by an MPO as part of the metropolitan transportation planning process, consistent with the metropolitan transportation plan, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. Chapter 53.



**IV. NONDISCRIMINATION STATEMENT OF POLICY**

The Oklahoma Department of Transportation (ODOT) and its Executive Director are committed to full compliance with Title VI of the Civil Rights Act of 1964 and all related regulations, laws, executive orders, and directives. The Executive Director, as the ultimate responsible person for Title VI compliance, and ODOT, ensures that no person or groups of persons 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 and all ODOT services, programs, or activities.

Any person who is not an employee of the State of Oklahoma, and who believes that they have been discriminated against because of ODOT's programs, policies, or activities, may file a written complaint with the Compliance Manager at the address and telephone number listed below:

**Oklahoma Department of Transportation  
Contract Compliance Division  
Compliance Manager  
200 NE 21<sup>st</sup> Street  
Oklahoma City, Oklahoma 73105-3204  
(405) 318-1428 Mobile  
(405) 522-2136 Fax**

ODOT's Title VI Program is managed by its Compliance Manager, who is a member of the Department's Contract Compliance Division and reports directly to the Executive Director on Title VI issues. The Compliance Manager will work closely with the Title VI Designees, Division Managers/Engineers, and District Engineers to perform the routine data collection/data analysis and process reviews required under Title VI.

ODOT's Executive Director is committed to providing the Compliance Manager with the resources, authority, and responsibility to effectively carry out their duties.



10/21/2024

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Tim J. Gatz, Executive Director

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Date

## V. ORGANIZATION AND STAFFING OF CONTRACT COMPLIANCE DIVISION

### Overview

The Contract Compliance Division (CCD) reports directly to the Deputy Director of ODOT and has been established in accordance with federal guidelines. The CCD administers and oversees the Department's Title VI, Americans with Disabilities Act (ADA), Disadvantaged Business Enterprise (DBE), and Contractor Compliance Programs. The Compliance Manager for ODOT has direct access to the Executive Director of ODOT for Title VI matters, as indicated in the attached organizational chart. **(See ATTACHMENT 1)**

### Organization

**Executive Director** – The Executive Director of ODOT is responsible for ensuring the implementation of the Department's Title VI Plan. The Executive Director, pursuant to 23 CFR §200.9(a)(3), is responsible for ODOT's implementation of and compliance with Title VI and provides leadership, guidance, direction, and support for ODOT's Title VI program.

**Deputy Director** – Assists the Executive Director in the implementation of a proactive and comprehensive Contract Compliance Program and provides leadership, support, and guidance to the CCD.

**Compliance Manager** – The Compliance Manager answers directly to the CCD Assistant Division Manager and to the Executive Director on Title VI issues. The Compliance Manager has the responsibility for the strategic direction of ODOT's Title VI Program including program and activity delivery and oversight, evaluation of Title VI program activities and reports, community and interagency coordination, technical guidance and assistance, training, policy development and revision, and coordination of all agency-wide Title VI program implementation and information.

The Compliance Manager's primary functions include the following:

- (1) Oversee, guide, and direct ODOT's Title VI program;
- (2) Participate in the development of ODOT's policy and strategic plans to ensure initiatives and goals are consistent with ODOT's Title VI Program;
- (3) Serve as a liaison between ODOT and federal and state officials regarding civil rights issues;
- (4) Work closely with community leaders and other stakeholders to ensure their concerns are heard regarding Title VI issues;
- (5) Monitor, review, and evaluate the effectiveness of ODOT's programs, policies, and activities for Title VI compliance;
- (6) Develop Title VI information for dissemination to the general public and, in languages other than English;
- (7) Monitor the CCD Title VI activities and call resource or program deficiencies to the Executive Director's attention;

- (8) Provide guidance and instruction regarding compliance reviews and investigations and assist other divisions and field districts with Title VI compliance;
- (9) Develop procedures to identify and eliminate discrimination and impediments to nondiscriminatory practices where such impediments are found;
- (10) 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;
- (11) Develop and implement procedures for the collection of statistical data (i.e., with respect to race, color, and national origin, of participants in, and beneficiaries of, state highway programs);
- (12) Develop procedures for Title VI compliance reviews of program areas (communications, environmental, planning, project development, right-of-way, traffic operation, and control, construction, and research) to determine the program area's effectiveness;
- (13) Prepare or cause to be prepared, annual assurances for FHWA and Title VI activities and accomplishments report; and
- (14) Represent ODOT, at the direction of ODOT senior leadership, at the Oklahoma State Legislature and other official bodies providing expert advice and testimony regarding the highly complex and involved Title VI-related issues.

**Title VI Designees** – Each ODOT division (Central Office) and field district has a designee responsible for communicating and coordinating with the Compliance Manager on activities impacted by Title VI. These individuals are responsible for monitoring and implementing required policies and practices within his or her respective area(s) of responsibility, to ensure ODOT's programs, policies, procedures, and practices are applied fairly, equitably, and in a nondiscriminatory manner in accordance with Title VI and the related nondiscrimination laws detailed earlier in this plan. These individuals provide program activity information to the Compliance Manager upon request. The required accomplishment is monitored by the Compliance Manager. The Compliance Manager will schedule an annual meeting with each designee to make sure Title VI requirements and notices are in compliance. The Title VI designees will receive information via video or written materials to minimize travel for the field districts. The role/responsibility of being a Title VI designee will fall under the category of "all other duties as assigned".

**Division Managers/Engineers** - Division Managers/Engineers are responsible for familiarizing themselves with the requirements of Title VI and the related nondiscrimination laws detailed earlier in this plan, and for complying with ODOT's Title VI Program. They are responsible for assuring that issues or complaints regarding Title VI and related statutes are promptly reported to the Title VI Designee to report to the Compliance Manager. They are also responsible for assisting the Contract Compliance team members in their efforts to implement Title VI requirements related to their divisions, both internally and externally.

**District Engineers** – ODOT is comprised of eight field districts. Each district is served by one District Engineer. Each District Engineer will be responsible for appointing a Title VI

Designee for their field district. That Title VI Designee will provide guidance to their district on Title VI compliance issues, ensuring that Title VI complaints received in the Districts are referred to the Compliance Manager, and assist in ensuring that ODOT District programs, services, and activities are administered fairly in compliance with Title VI.

## **VI. PROGRAM AREA MONITORING AND INTERNAL REVIEW PROCESS**

### **A. Environmental Programs**

The Environmental Programs Division (EPD) is responsible for environmental considerations for ODOT projects and activities. EPD plays a critical role in assessing those impacts to the public and stakeholders, and will ensure that every effort will be made to prevent discrimination through the impact of its programs, policies, and activities. EPD is responsible for analyzing the environmental effects and resulting impacts, mitigating measures of planned projects, and ensuring they are executed in accordance with the National Environmental Policy Act (NEPA) and Environmental Justice (EJ). The Title VI impacts other than EJ and Limited English Proficiency (LEP) must be consulted with the Compliance Manager to ensure compliance. This process requires consideration of the social, economic, and environmental effects of a proposed project, meeting the identified transportation needs and goals of a community, and ensuring the protection and enhancement of the environment. The EPD Division Manager will appoint a Title VI Designee to coordinate with the Compliance Manager. The division's Title VI responsibilities include, but are not limited to, the following tasks:

- (1) Ensure that the scoping process sufficiently considers potential impacts on EJ and LEP populations.
- (2) Ensure that potential impacts on EJ and LEP populations are considered when selecting the type of environmental review for each project.
- (3) Ensure that a reasonable study area is selected regarding community impacts.
- (4) Ensure that adequate mitigation is implemented when potentially disproportionate and adverse effects to EJ populations are identified.
- (5) Promptly refer Title VI complaints to the Compliance Manager and assist with the investigation of these complaints.
- (6) Respond timely to Compliance Manager data requests.
- (7) Communicate with the Compliance Manager regarding environmental assessments (EA), environmental impact statements (EIS), and categorical exclusions (CE), for the Compliance Manager to review for potential Title VI impacts prior to finalization.

### **Title VI Considerations for Internal Review:**

The following items in the EPD will be periodically reviewed by the Compliance Manager as part of ODOT's internal Title VI review process:

- (1) Data concerning consultant contracts entered into for EPD activities, including the award amounts and demographic data on firm ownership.
- (2) The number and types of environmental reviews.
- (3) The methods for identifying EJ and LEP populations for Title VI purposes.
- (4) Data and information regarding the potential impacts on minority populations with regard to:
  - a. Air quality
  - b. Noise
  - c. Community cohesion
  - d. Access and travel patterns
  - e. Relocations
  - f. Community services
  - g. Mitigation measures
- (5) Title VI complaints received regarding the environmental review process.

## **B. Government and Community Affairs**

Government and Community Affairs (GCA) is charged with managing ODOT's relationship with the public and key stakeholders, both internal and external, using visual, social media communications resources as well as providing key liaisons with other state and federal agencies and tribal governments. The Community Engagement staff will be working with public meeting and hearing arrangements and strategies to engage the public. The GCA plays a critical role in how ODOT communicates with the media and how we reach out to the public and stakeholders. The PIO will ensure that every effort will be made to prevent discrimination through the impact of ODOT's programs, policies, and activities on minority populations and that reasonable steps will be taken to provide meaningful access to ODOT's public participation process for persons with Limited English Proficiency (LEP). The division will appoint a Title VI Designee to coordinate with the Compliance Manager. GCA's Title VI responsibilities include, but are not limited to, the following tasks:

- (1) Promptly refer Title VI complaints to the Compliance Manager and assist with the investigation of these complaints.
- (2) Respond timely to Compliance Manager data requests.
- (3) Develop data-driven public involvement strategies to consider Environmental Justice (EJ) and LEP persons in transportation decision-making.
- (4) Evaluate ODOT's public involvement process and develop strategies to assess the effectiveness of outreach to EJ and LEP persons, including analyzing and eliminating potential barriers to participation.
- (5) Develop and implement methods to ensure nondiscrimination in the inclusion of formal and informal public comments from stakeholders and individuals in the transportation decision-making process in consideration of EJ and LEP.

## **Title VI Considerations for Internal Review:**

The following items in the GCA will be periodically reviewed by the Compliance Manager as part of ODOT's internal Title VI review process:

- (1) The Public Involvement strategies, programmatic and project-based, used by the GCA, including strategies for engaging EJ and LEP populations in transportation decision-making and for reducing participation barriers. This includes written procedures as well as implementation.
- (2) Data and information regarding specific public meetings, including:
  - a. The number and locations of public hearings/informational meetings held;
  - b. Any handouts distributed at the meetings;
  - c. The approximate number of persons attending the meetings;
  - d. The demographics of the attendees; and
  - e. The demographic profiles of the project areas involved.
- (3) Information on coordination with the Community Engagement staff to ensure that formal and informal public comments are incorporated into the transportation decision-making process. A description of the methods used to ensure that issues/concerns raised by minority and Limited English Proficiency (LEP) populations were appropriately considered in the transportation decision-making process. This includes formal and informal records of public comments and integration into environmental documents.
- (4) The Community Engagement staff will report the numbers and types of assistance provided to other Divisions and Districts to support their outreach efforts.
- (5) Information regarding any formal or informal comments from EJ and/or LEP individuals through public meetings/hearings, how they were recorded and received, and how they were communicated to other Divisions or Districts.
- (6) Data and information regarding services requested and/or provided to LEP persons, programmatically as well as per meeting.
- (7) Title VI complaints received regarding the public involvement process.

### **C. Planning Branch**

The Planning Branch is now a unit within the Multimodal & Planning Division (MPD). The Planning Branch Manager has the primary responsibility for ensuring that multi-modal planning and the results of that planning are executed in accordance with Title VI. This process requires consideration of the social, economic, and environmental effects of a proposed plan or program on identified groups to avoid biased or discriminatory programs. The Branch also monitors the transportation planning activities of the various metropolitan planning organizations (MPOs) and regional transportation planning organizations (RTPOs) to ensure compliance with Title VI. The accomplishment of these requirements is monitored by the supervisor of the responsible individuals through ODOT's employee performance management program. The MPD will appoint a Title VI Designee to coordinate with the Compliance Manager. The Planning Branch's Title VI responsibilities include, but are not limited to, the following tasks:

- (1) Implementing methods to collect and analyze demographic information regarding transportation benefits for both the Long-Range Transportation Plan (LRTP) and Statewide Transportation Improvement Program Plan (STIP).
- (2) Cooperating with the Compliance Manager regarding nondiscrimination in the public involvement process, including analyzing and removing potential barriers to participation.
- (3) Ensure the MPOs and RTPOs develop data-driven public involvement strategies to consider Environmental Justice (EJ) and Limited English Proficient (LEP) persons in transportation decision-making.
- (4) Collaborate with the Contract Compliance Division to ensure that subrecipients are in compliance with Title VI during the recertification review process.
- (5) Ensuring that MPOs solicit and consider the views of minority populations in the Transportation Improvement Plan (TIP) process.
- (6) Promptly refer Title VI complaints to the Compliance Manager and assist with the investigation of these complaints.
- (7) Respond timely to Compliance Manager data requests.

#### **Title VI Considerations for Internal Review:**

The following items regarding the Planning Branch will be periodically reviewed by the Compliance Manager as part of ODOT's internal Title VI review process:

- (1) The process or strategies used to ensure Title VI issues are addressed in the planning process. This includes written procedures as well as implementation of those procedures.
- (2) Information on coordination with the Compliance Manager to address the needs of individuals with Limited English Proficiency (LEP).
- (3) Information on coordination with the Compliance Manager to ensure that formal and informal public comments are incorporated into the transportation decision-making process.
- (4) Data and information regarding MPO certification reviews, including:
  - a. Minority population concentrations and issues identified;
  - b. Standards, measures, and benchmarks are reasonable to demonstrate significant disparity of impacts in accessibility to and delivery of transportation facilities/services;
  - c. Groups provided with various opportunities to meaningfully engage in the regional transportation planning process;
  - d. Strategies to address the needs of individuals with Limited English Proficiency (LEP); and
  - e. Strategies to ensure that formal and informal public comments are incorporated into the transportation decision-making process.

- (5) Information regarding project prioritization procedures for MPOs as well as rural projects.
- (6) Title VI complaints received regarding transportation planning or the public involvement process.

#### **D. Roadway Design Division and Bridge Division**

The Division Engineers for the Roadway Design Division and the Bridge Division have the responsibility for assuring that all aspects of the design phase and the resulting final design are executed in accordance with Title VI. The Roadway Design Division and the Bridge Division will appoint a Title VI Designee to coordinate with the Compliance Manager. Each Division's Title VI responsibilities include, but are not limited to, the following tasks:

- (1) Promptly refer Title VI complaints to the Compliance Manager and assist with the investigation of these complaints.
- (2) Respond timely to Compliance Manager data requests.

#### **Title VI Considerations for Internal Review:**

The following items regarding the Roadway Design Division and Bridge Division will be periodically reviewed by the Compliance Manager as part of ODOT's internal Title VI review process:

- (1) Data and information regarding mitigation commitments made during the environmental process and progress toward completion of the commitments;
- (2) Description of internal procedures that illustrate where and how Title VI compliance is integrated.
- (3) Title VI complaints received by the divisions.

#### **E. Right-of-Way & Utilities Division**

The Right-of-Way & Utilities Division (ROW) Chief has the responsibility for assuring that all right-of-way functions and the results of those activities are executed in accordance with Title VI. These activities include property appraisals, negotiations with property owners, acquisition of properties, and relocation of people and businesses. The Chief of ROW will be responsible for implementing any changes that may be necessary to ensure Title VI compliance. The ROW will appoint a Title VI Designee to coordinate with the Compliance Manager. The Division's Title VI responsibilities include, but are not limited to, the following tasks:

- (1) Ensure nondiscrimination with regard to procurement for appraisers and other right-of-way related agreements.
- (2) Ensure equitable treatment of businesses and persons displaced by highway projects, regardless of race, color, or national origin. This includes appraisals,



offers of just compensation, relocation counseling, relocation assistance packages, and other ROW activities.

- (3) Ensure that necessary steps are taken to overcome language barriers during the right-of-way process regarding Limited English Proficiency (LEP) persons.
- (4) Ensure that Title VI compliance is integrated into ROW internal procedures and are reviewed and updated as necessary to maintain compliance during the right-of-way process.
- (5) Promptly refer Title VI complaints to the Compliance Manager and assist with the investigation of these complaints.
- (6) Respond timely to Compliance Manager data requests.

### **Title VI Considerations for Internal Review:**

The following items regarding the ROW Division will be periodically reviewed by the Compliance Manager as part of ODOT's internal Title VI review process:

- (1) Data and information regarding mitigation commitments made during the environmental process and progress toward completion of the commitments;
- (2) Data and information related to the demographics of relocatees and other beneficiaries of ODOT's Right-of-Way Division. This includes persons and businesses that receive relocation counseling and who attend informational meetings.
- (3) Data and information related to the appraisal process, including just compensation offers and supporting documentation.
- (4) Demographic data on the ownership of consultant firms used in the right of way/relocation process. This includes bidders, awardees, and contracts.
- (5) Efforts made to provide information in appropriate languages and/or number of times interpreters used.
- (6) Title VI complaints received regarding the right-of-way process, i.e., appraisals, negotiations, relocation assistance, and payments.

### **F. Office Engineer Division**

The Division Engineer for the Office Engineer Division has the primary responsibility for assuring that highway contracting procedures are executed in accordance with Title VI. The Office Engineer Division will appoint a Title VI Designee to coordinate with the Compliance Manager. The Office Engineer Division's Title VI responsibilities include, but are not limited to, the following tasks:

- (1) Monitor federal-aid construction contracts and subcontracts to ensure that they contain all required Title VI provisions and attachments;
- (2) Ensure nondiscrimination with regard to prequalification procedures;
- (3) Identify potential concerns/barriers for prequalification within the bounds of state, federal, and local laws, and regulations;

- (4) Ensure that Title VI compliance is integrated into the Office Engineer Division's internal procedures and is reviewed and updated as necessary to maintain compliance;
- (5) Promptly refer Title VI complaints to the Compliance Manager and assist with the investigation of these complaints.
- (6) Respond timely to Compliance Manager data requests.

#### **Title VI Considerations for Internal Review:**

The following items regarding the Office Engineer Division will be periodically reviewed by the Compliance Manager as part of ODOT's internal Title VI review process:

- (1) The number of construction contracts awarded and the award amounts;
- (2) Description of internal procedures that illustrate where and how Title VI compliance is integrated; and
- (3) Title VI complaints received regarding the contracting process.

#### **G. Project Management Division – Contract Administration**

The Division Manager for the Project Management Division has the primary responsibility for assuring that consultant-contracting procedures are executed in accordance with Title VI. The Project Management Division will appoint a Title VI Designee to coordinate with the Compliance Manager. The Division's Title VI responsibilities include, but are not limited to, the following tasks:

- (1) Ensure that Title VI compliance is integrated into the Project Management Division's internal procedures and is reviewed and updated as necessary to maintain compliance;
- (2) Promptly refer Title VI complaints to the Compliance Manager and assist with the investigation of these complaints.
- (3) Respond timely to Compliance Manager data requests.

#### **Title VI Considerations for Internal Review:**

The following items regarding the Project Management Division will be periodically reviewed by the Compliance Manager as part of ODOT's internal Title VI review process:

- (1) The number of professional services contracts awarded and the award amounts;
- (2) A demographic breakdown of the business owners for all professional services contracts and on-demand lists;
- (3) Access to all contract documents to ensure inclusion of Title VI assurances, with all applicable appendices; and
- (4) Title VI complaints received regarding the contracting process.

## **H. Construction Division**

The Division Engineer for the Construction Division has the primary responsibility for assuring that highway construction practices adhere to Title VI requirements. The Construction Division will appoint a Title VI Designee to coordinate with the Compliance Manager. The Construction Division's Title VI responsibilities include, but are not limited to, the following tasks:

- (1) Ensure that policies and procedures for monitoring construction activities, reviewing and approving change orders, and inspections are applied in a nondiscriminatory manner;
- (2) Ensure that Title VI compliance is integrated into the Construction Division's internal procedures and is reviewed and updated as necessary to maintain Title VI compliance, including the assurance that Appendices A and E of the standard FHWA Assurances for Title VI and Other Nondiscrimination Statutes and Regulations document are included in all prime contracts and that prime contractors are ensuring the appendices are included in all sub-contracts regardless of tier;
- (3) Administer and enforce the terms of construction contracts in a nondiscriminatory manner; and
- (4) Promptly refer Title VI complaints to the Compliance Manager and assist with the investigation of these complaints.
- (5) Respond timely to Compliance Manager data requests.

### **Title VI Considerations for Internal Review:**

The following items regarding the Construction Division will be periodically reviewed by the Compliance Manager as part of ODOT's internal Title VI review process:

- (1) Description of internal procedures that illustrate where and how Title VI compliance is integrated within such procedures; and
- (2) Title VI complaints received regarding the construction process.

## **VII. INTERNAL MONITORING PROGRAM**

### **Review Plan Development**

ODOT maintains a robust, risk-based approach to internal compliance. The Compliance Manager will reach out each year to the Title VI Designees to solicit information regarding potential reviews for the upcoming year. The Compliance Manager will determine what areas to review during the course of the year.

When determining program areas for review, the Compliance Manager will prioritize reviews based on a number of criteria including, but not limited to:

- (1) The magnitude of the activity/program's impacts on the public;
- (2) The size and complexity of the activity/program;
- (3) The available resources necessary to conduct the review;
- (4) The length of time necessary to conduct the review; and
- (5) Any information available regarding current compliance regarding the activity/program.

### **Other Internal Monitoring Efforts**

The Compliance Manager will meet with each Title VI designee annually to discuss the operation of their programs and potential Title VI impacts in their program areas. Together, the Compliance Manager and Title VI designee will determine how those potential impacts should be handled in a proactive manner.

### **Review Methodology**

Whenever possible, the Compliance Manager will ensure its reviews are as comprehensive and efficient as possible. To that end, the Compliance Manager's reviews will be conducted according to ODOT's Policy Directive B-306-6 titled "Discrimination/Federal Funding" referencing specifically 23 CFR 200.9(b)(5).

Title VI Compliance Review (23 CFR 200.9(b)(5)) will be conducted on major program areas and sub-recipients to determine the effectiveness of program area activities at all levels and to ensure non-discrimination. All areas are subject to review. Areas under review will be given two weeks' notice along with a copy of the compliance review questions before the on-site visit. A Determination of Findings (DOF) report will be issued after the on-site, and a copy will be provided to the Department Director, Title VI Designee, FHWA, and the Contract Compliance Division Manager. Areas will be given one week to respond to the DOF. Programs found out of compliance are required to develop a Corrective Action Plan to correct any deficiencies in the DOF within a period of ninety (90) days as stated in 23 CFR 200.11. Senior staff members will receive a summary of each compliance review and the outcome.

## **VIII. EXTERNAL REVIEW PROGRAM**

### **Metropolitan Planning Organizations**

The Metropolitan Planning Organizations (MPOs) are responsible for the transportation planning process within their urbanized areas. Each MPO must develop a four (4)-year Transportation Improvement Program (TIP) and develop and implement an annual Unified Planning Work Program (UPWP). The Planning Branch assists the MPOs in the transportation planning activities that require Title VI compliance and advises them on Title VI compliance issues.

The following are the MPOs for the State of Oklahoma:

- (1) **Association of Central Oklahoma Governments (ACOG)** – representing Oklahoma City and the surrounding cities and townships
- (2) **Indian Nations Council of Governments (INCOG)** – representing Tulsa and the surrounding cities and townships
- (3) **Frontier Metropolitan Planning Organization (Frontier MPO)** – representing Ft. Smith, Arkansas, and the surrounding cities and townships in Oklahoma across the border from Ft. Smith.
- (4) **Lawton Metropolitan Planning Organization (LMPO)** – representing the Lawton urbanized area.
- (5) **Chisholm Trail MPO (CTMPO)** – represents the City of Enid.

### **Compliance Monitoring – MPO**

- (1) ODOT uses the Statewide Long-range Transportation Plan, Transportation System Projects, Statewide Transportation Improvement Program, Regional Transportation Plans (RTP), and Transportation Improvement Plans (TIP) developed by the four Metropolitan Planning Organizations to monitor the strategies and goals of the transportation planning process and ensure Title VI compliance.
- (2) ODOT monitors the MPO's 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.
- (3) ODOT 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 of different socio-economic groups.
- (4) ODOT 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.
- (5) ODOT monitors MPO compliance with E.O. 13166, Limited English Proficiency (LEP), to improve access and understanding of transportation planning processes for those in the population confronted with language barriers.
- (6) ODOT's and the MPO's plans contain goals, strategies, and performance measures to assist in identifying accomplishments and addressing problem areas.
- (7) ODOT and the MPOs develop travel demand models for the large and small urban areas of the State to analyze travel patterns by demographics.
- (8) Statewide county and Tribal workshops and tours are conducted and allow these groups to participate in the decision-making process.

### **Periodic Reviews:**

A quadrennial review of the MPOs will be conducted in coordination with the quadrennial Transportation Management Area (TMA) certification process. Reviews of the TMAs Title

VI process are reviewed and commented on by FHWA. Compliance Manager responsibilities include:

- (1) Strategies used to ensure that all components of the transportation planning process comply with Title VI;
- (2) Demographic profile of each MPO's metropolitan planning area that includes identification of minority populations;
- (3) Process used by each MPO to identify the needs of populations and the demographic information used to assess the distribution of benefits across those populations;
- (4) Process used by each MPO to identify the needs of minority populations and the demographic information used to assess the distribution of benefits across those populations;
- (5) The process used by each 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;
- (6) Whether a public involvement strategy for engaging minority populations in transportation decision-making is in place for each MPO and the steps being taken to eliminate participation barriers;
- (7) Examination of the public involvement process, whether it is evaluated and whether there have been efforts to improve performance, especially relative to minority populations;
- (8) 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;
- (9) What procedure each MPO has established for using issues/concerns raised by minority populations in the decision-making process;
- (10) The demographics of attendees at public meetings/hearings as well as information regarding all aspects of public involvement including advertising and Limited English Proficiency (LEP) access;
- (11) Data and information regarding Title VI training for internal staff and LPAs;
- (12) Review of each MPO's internal Title VI complaint procedure/policy;
- (13) Procedures regarding the coordination of complaints filed with the MPO or the member LPAs;
- (14) Whether the annual report submitted by each MPO included any significant accomplishments during the review period and any significant actions planned for the coming year.

## **IX. DATA COLLECTION AND ANALYSIS**

### **General**

ODOT is required by federal regulations to collect statistical data on the race, color, and national origin of participants in, and beneficiaries of, its programs, services, and activities. The Contract Compliance Division (CCD) Compliance Manager works with ODOT's Title VI Designees or appropriate personnel in each program area to collect and

analyze data. The data collected is reported to FHWA annually in the Annual Accomplishment Report & Work Plan. The following is a brief description of the data collected, and analyzed for patterns of discrimination by ODOT, by program area:

**Right-of-Way & Utilities Division:** A consultant or staff member of the Right-of-Way & Utilities Division (ROW) is responsible for meeting with the property owner or tenant during acquisition and relocation. A form is provided in which the agent provides the project information and location, and the property owner or tenant is requested to voluntarily provide the following information for federal reporting requirements: owner or tenant, male or female, name, date, religion, national origin, and race. This form includes the nondiscrimination disclaimer. This form can be found in the separate document titled "Forms and Brochures" which is provided to FHWA annually.

**Office Engineer Division:** The Office Engineer Division (OED) is responsible for conducting Pre-Bid Meetings and Constructability Reviews. These meetings are open to the public and sign-in sheets are collected that request participants to voluntarily provide their gender and race. This information is compiled and reported to FHWA annually. The OED has made the Pre-Bid Meetings available remotely via the internet. This was requested by contractors for whom coming to the Oklahoma City office is not practical. In addition, the OED collects demographic data from those individuals who participate in the meetings remotely.

**Government and Community Affairs:** Government and Community Affairs (GCA) is responsible for collecting sign-in sheets for attendees of the Commission Meetings. The sign-in sheets request participants voluntarily provide their gender and race. That information is compiled and reported to FHWA annually.

**Contract Compliance Division:** The Contract Compliance Division (CCD) conducts various meetings and outreach for Disadvantaged Business Enterprise (DBE) firms. The CCD conducts DBE project outreach meetings when there are large, high-profile projects being undertaken by ODOT. These meetings provide critical information to DBE firms in an effort to facilitate their participation. The CCD hosts community outreach events to make the public aware of the DBE program and possible benefits to those businesses that meet the eligibility criteria.

**Environmental Programs Division:** The Environmental Programs Division (EPD) collects and analyzes U.S. Census and other data as part of the Environmental Justice analysis, regarding populations to be impacted by ODOT projects. The goal is to identify potential disparate impact to low-income or minority populations and determine the best way to minimize and mitigate that impact. Language data is collected for the affected area to determine what, if any, language assistance is needed to ensure that Limited English Proficient (LEP) individuals have access to project information and input.

During public meetings the EPD provides sign-in sheets which request participants to voluntarily provide their race and gender. This information is collected and provided to the Compliance Manager of the CCD to analyze and report to FHWA annually.

**Language Assistance:** ODOT's Title VI Designees and front desk personnel for all central office divisions, field district headquarters, and residencies have been provided an LEP guidebook to assist in situations where translation is needed to assist the public on the phone or in person. Those personnel have been provided forms to report any LEP encounters to the Compliance Manager of the CCD for analysis regarding LEP procedures and any adjustments that need to be made to the Language Assistance Plan (LAP). Since the training in March and April of 2019, no forms have been submitted. Any forms submitted will be reported to FHWA annually.

## **Data Collection**

The Compliance Manager of the CCD is responsible for working with each program area to determine that the appropriate data is being collected consistently and submitted to the Compliance Manager for analysis. The Compliance Manager will stay informed about ODOT's activities to determine if there are areas that data is not currently being collected but needs to be. The Compliance Manager will work with those programs areas to facilitate the implementation of data collection and submission on a consistent basis.

## **Analysis**

The data collected is analyzed by the Compliance Manager of the CCD to determine if there are any patterns of discrimination, and to recommend corrective action as appropriate. Patterns of discrimination may be the result of a process that on its face is not discriminatory, but results in disparate impact, or it may be a procedure that is implemented in a discriminatory manner. It's important to analyze the distribution and allocation of funds and investments with regard to low-income, minority, and LEP populations.

## **X. COMPLAINT DISPOSITION PROCEDURES**

The following procedures cover 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, to be subjected to prohibited discrimination prohibited may by themselves or by a representative file with a written complaint.<sup>1</sup> 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. ODOT will ensure that all complaints are sent to the appropriate authority for disposition.

Complaints alleging violations of Title VI by ODOT should be filed in writing directly with the following FHWA agencies:

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<sup>1</sup> 49 C.F.R. § 21.11(b).



Federal Highway Administration – Oklahoma Division  
5801 N Broadway Ext. – Ste. 300  
Oklahoma City, OK 73118

Or

Federal Highway Administration  
Office of Civil Rights,  
HCR-20, Room E81-320  
1200 New Jersey Avenue, SE  
Washington, DC 20590

**NOTE:** Additional information regarding the Title VI complaint process and complaint forms will be made available to the public via ODOT's website at: <https://oklahoma.gov/odot/business-center/odot-forms.html>

Complaint and investigation files are confidential and will be maintained by ODOT's Compliance Manager. The contents of such files will only be disclosed to appropriate ODOT personnel and federal authorities in accordance with federal and state laws. ODOT will retain files in accordance with records retention schedules and all federal guidelines.

Complaints must be filed within 180 days of the alleged act of discrimination. The complaints must be filed using ODOT's Title VI complaint form which can be obtained from the website shown above or by contacting ODOT's Contract Compliance Division, Compliance Manager. Once the complaint is received, the Compliance Manager will determine the appropriate action and notify the complainant and FHWA of the action to be taken. ODOT is required to forward all Title VI complaints to FHWA for its determination and potential investigation. FHWA will make a determination regarding the complaint, then either issue the determination or process/investigate the complaint. If the complainant is not satisfied, they can appeal to FHWA in Washington, DC. A complaint may also be filed with the Secretary of the United States Department of Transportation before, during, or after the complaint has been filed with ODOT.

#### **XI. PROCESS TO IDENTIFY/ELIMINATE DISCRIMINATION**

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

- (1) Outreach activities – internal and external input and feedback
- (2) Compliance reviews
- (3) Referrals from Title VI Designees

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

- (1) With complaints, the investigative process will be used to determine whether there has indeed been discriminatory action.
  - a. If no discrimination is found under Title VI, the complainant will be provided an explanation of that finding.
  - b. If it is found that discrimination may have occurred, the Compliance Manager will analyze whether it was intentional or unintentional.
  - c. Evaluate options for redress of discriminatory practices.
  - d. Work with the division/district/program to develop and implement an effective Corrective Action Plan.
- (2) Training is a key tool used to address discriminatory trends or patterns.
  - a. Training will be provided to the division/district/program to engage them in the recognition of discriminatory behavior to ensure that the trend or pattern does not continue.
  - b. Title VI training will be provided to as many different audiences as possible, internal and external, to reduce the occurrence or likelihood of discrimination. The 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. This training reduces the occurrence of discrimination.
  - c. Examples will be provided, stripped of any identifying information, of behavior or practices observed that are believed to be potentially discriminatory within the division/district/program. This has been effective in letting the division/district/program become cognizant of those potentially discriminatory trends and patterns and be advised not to engage in them.
- (3) Continuously monitor ODOT's programs and projects to identify any instances of discrimination, at the earliest point.

## **XII. DISSEMINATION OF TITLE VI INFORMATION**

ODOT's Title VI information is disseminated to the public in a number of ways via posters and information on ODOT's website. Many publications, as well as pages on ODOT's website, include a disclaimer with contact information for the public to inquire about ADA or Title VI issues. The disclaimer states:

The Oklahoma Department of Transportation (ODOT) ensures that no person or groups of persons shall, on the grounds of race, color, sex, religion, national origin, age, disability, or genetic information, be excluded from participation in, be retaliated against, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by ODOT, its recipients, sub-recipients, and contractors. To request an accommodation, please contact the ADA Manager at 405-521-4140 or the Oklahoma Relay Service at 1-800-722-0353. If you have any ADA or Title VI questions email [ODOT-ada-titlevi@odot.org](mailto:ODOT-ada-titlevi@odot.org).

ODOT's Public Involvement Plan, which outlines all the ways that ODOT will contact communities impacted by proposed projects, can be found on the website here: <https://oklahoma.gov/odot/programs-and-projects0/public-meetings-and-hearings0.html>.

Public participation data is collected using sign-in sheets at all public meetings and analyzed to ensure that participation includes those populations critical to Environmental Justice and LEP.

During the Right-of-Way relocation and acquisition process, data is collected from impacted property owners and tenants. That data is collected and analyzed to determine if any projects have a pattern of discrimination that needs to be corrected.

### **XIII. REVIEW OF ODOT DIRECTIVES**

The Compliance Manager will review all ODOT directives for possible Title VI implications. It is critical that directives do not create any disparate impact on protected populations.

### **XIV. COMPLIANCE AND ENFORCEMENT PROCEDURES**

#### **Remedial Action**

The goal for Title VI and regulatory enforcement is to achieve voluntary compliance. If deficiencies are found during a Title VI review, the compliance review report will include a draft Corrective Action Plan (CAP) with projected due dates. A final CAP is issued following a compliance conference meeting or phone call with the program area or sub-recipient. During the meeting, the program area or sub-recipient will be able to propose remedial actions to correct the deficiencies. The CAP for ODOT's program areas is called the Title VI Work Plan.

Program areas and sub-recipients are expected to correct all deficiencies detailed in their CAP and provide periodic updates to the Compliance Manager assigned to the review. The Compliance Manager will provide technical assistance, as needed, and work with the program area's Title VI Designee or sub-recipient's Compliance Manager to ensure implementation of the CAP. When the Compliance Manager has determined that a sub-recipient's deficiencies are sufficiently corrected, the sub-recipient will be notified that the review process is complete and no further progress reporting is needed. The sub-recipient will receive an official Closeout Letter signed by ODOT's Compliance Manager.

#### **Affecting Compliance**

ODOT Programs: When an ODOT program area refuses to cooperate or comply with Title VI, the Compliance Manager will elevate the matter to the Contract Compliance Division Manager and the Division Manager/Engineer or District Engineer for the applicable program area. If the program area continues to refuse to cooperate or comply, the matter will be elevated to ODOT Senior Staff. Once all internal measures have been exhausted, if the program area continues to refuse to cooperate or comply, the matter will be elevated to the FHWA Office of Civil Rights (OCR) Director and USDOT Secretary of Transportation, after which, the matter may be referred to the FHWA Civil Rights Program Manager or responsible USDOT Operating Administration (OA).

Sub-recipients: When a sub-recipient fails to take appropriate corrective action in response to the findings of deficiencies in the compliance report:

- (1) The Sub-recipient moves from a “deficiency status” to non-compliance;
- (2) ODOT will submit two copies of the case file to FHWA with a recommendation that the sub-recipient be found in noncompliance; and/or,
- (3) ODOT may, with the concurrence of FHWA (or other USDOT OA), initiate proceedings to impose sanctions for noncompliance.

## **Sanctions**

In the event a sub-recipient or contractor (“recipient”) fails or refuses to comply with Title VI, the first step taken by ODOT’s program area with oversight of the recipient will attempt to resolve the issue using the program area’s normal administrative solutions. However, ODOT may take any or all the following steps, with the concurrence of USDOT (i.e., FHWA), if the recipient is uncooperative or nonresponsive during attempts by ODOT to voluntarily resolve the compliance issue:

- (1) Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient;
- (2) Refrain from extending any further assistance to the recipient under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the recipient;
- (3) Cancel, terminate, or suspend the contract or agreement in whole or in part; and/or
- (4) Refer the case to the appropriate federal agency for appropriate administrative or legal proceedings or other means authorized by law.

## **XV. LIMITED ENGLISH PROFICIENCY**

As part of its compliance with Title VI, ODOT must ensure that Limited English Proficient (LEP) individuals have meaningful access to ODOT programs and activities. As such, ODOT has developed procedures—in accordance with USDOT guidance—to effect compliance regarding LEP. (Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons, 70 Fed. Reg. 74087 (Dec. 14, 2005), <https://www.gpo.gov/fdsys/pkg/FR-2005-12-14/html/05-23972.htm>). More information can be found regarding LEP at this ODOT web address <https://oklahoma.gov/odot/business-center/contract-compliance/title-vi/limited-english-proficiency.html> and reports are here <https://oklahoma.gov/odot/business-center/contract-compliance/publications--posters-and-brochures.html> and forms are available to the Title VI designees internally.

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 ODOT to people's lives; and
- (4) The resources available to ODOT and costs.

Each project is subject to environmental review during the planning stages. The Environmental Programs Division (EPD) collects language data from the United States Census to determine any language assistance needs.

The Compliance Manager periodically conducts an analysis statewide, by county, and grouped by ODOT field districts of the population that speaks English "less than very well" and determining by district which languages meet the threshold to require translation of critical documents.

## **XVI. ACCOMPLISHMENT REPORT**

By October 1st of each year, ODOT's Contract Compliance Division (CCD) will provide the FHWA Oklahoma Division Office with a report of Title VI accomplishments for the past year and goals for the next year. (23 C.F.R. §200.9(b)(10)). This report will include:

### Accomplishments

- (1) Title VI Reviews: A summary of Title VI reviews conducted, the results, and any actions taken as a result.
- (2) Title VI Complaints: A summary of all complaints received by ODOT, and the outcomes for those complaints.
- (3) Title VI involvement with other divisions or districts of ODOT and involvement with ODOT's procedures interacting with sub-recipients and the public.
- (4) Training: A list of all Title VI training given by ODOT's CCD, the topics covered, and the number of attendees.
- (5) Critical changes in ODOT's CCD staff.
- (6) A summary of all issues raised by ODOT's Title VI Designees.

### Goals

- (1) To ensure individual programs and sub-recipients are compliant with Title VI, the Compliance Manager will conduct at least one (2) Title VI Compliance Review during each calendar year, including one internally and one externally. The reviews should focus on program areas both internally at ODOT and externally at ODOT's sub-recipients. The program areas should be chosen based on potential Title VI

issues and time since the last review. The reviews are important to understand processes, systems, and operations to reveal issues that need to be resolved.

- (2) To maintain the integrity of the Title VI complaint process and make sure ODOT stakeholders have an appropriate avenue for grievances, the Compliance Manager will receive and handle all Title VI complaints and determine the authority/jurisdiction. Investigate all complaints within ODOT's jurisdiction. All complaints will be handled in compliance with the required time frames. The proper handling of complaints is critical to the integrity of the agency's interaction with stakeholders.
- (3) To provide specific Title VI expertise during the environmental process, the Compliance Manager will be in the loop on all environmental assessments (EAs), and environmental impact statements (EISs) to ensure Environmental Justice concerns are documented and addressed, before the EA or EIS is finalized, to ensure compliance with Title VI requirements. The Compliance Manager must lend expertise to make sure that any Title VI issues are recognized and resolved.
- (4) To maintain awareness of interactions with the public, the Compliance Manager will attend at least two (2) public meetings and two (2) planning meetings to discuss public involvement on ODOT projects, for purposes of monitoring those projects that include Environmental Justice (EJ) or Limited English Proficient (LEP) individuals. Monitoring activities is critical to make sure that processes are followed, and to be available for consultation of Title VI, EJ, and/or LEP factors or questions that arise.
- (5) To keep up with changing population demographics, the Compliance Manager will review and update ODOT's Limited English Proficiency (LEP) Plan as needed. This will ensure published data and guidance is accurate and current.
- (6) To make sure that appropriate personnel have access to the most accurate and current data, the Compliance Manager will review and update the LEP Guide as needed. This will keep appropriate personnel informed to better facilitate LEP encounters.
- (7) Title VI Designees must be kept informed regarding existing rules, as well as any changes that occur for proper handling of any Title VI issues that arise. The Compliance Manager will provide training and/or information to Title VI Designees at least once per quarter, and as needed if there are updates or changes. Providing regular information is critical to keep Title VI Designees continuously aware and informed, for the best handling of issues that may arise.

## **XVII. PROCESS TO RESOLVE DEFICIENCIES IDENTIFIED BY FHWA**

Despite best efforts, ODOT will sometimes fall short of the expectations established by Title VI and the implementing regulations. In those cases, ODOT will work with FHWA to clearly identify the causes of the deficiency and establish a timeframe for correcting the deficiency.

## **XVIII. LIST OF ATTACHMENTS**

- **ATTACHMENT 1:** Title VI Complaint Form
- **ATTACHMENT 2:** Public Participation Plan
- **ATTACHMENT 3:** Organizational Chart
- **ATTACHMENT 4:** Standard USDOT Title VI Assurances

## ATTACHMENT 1: Title VI Complaint Form

<https://oklahoma.gov/odot/business-center/odot-forms.html>

## ATTACHMENT 2: Public Participation Plan

Prepared by ODOT Environmental Programs Division – Public Information Officer

The Public Meeting Coordinator created the current Public Involvement Plan (PIP), posted here <https://oklahoma.gov/odot/about-us/public-meetings.html>.

The PIP was reviewed thoroughly by the CCD Compliance Manager and management, and feedback was provided to the PIO. The Compliance Manager reviewed the final draft to check for feedback inclusion for compliance with Title VI, EJ, and LEP.

In a continuing effort to better engage the public, ODOT is currently working with a consultant to review all facets of public involvement across all programs.

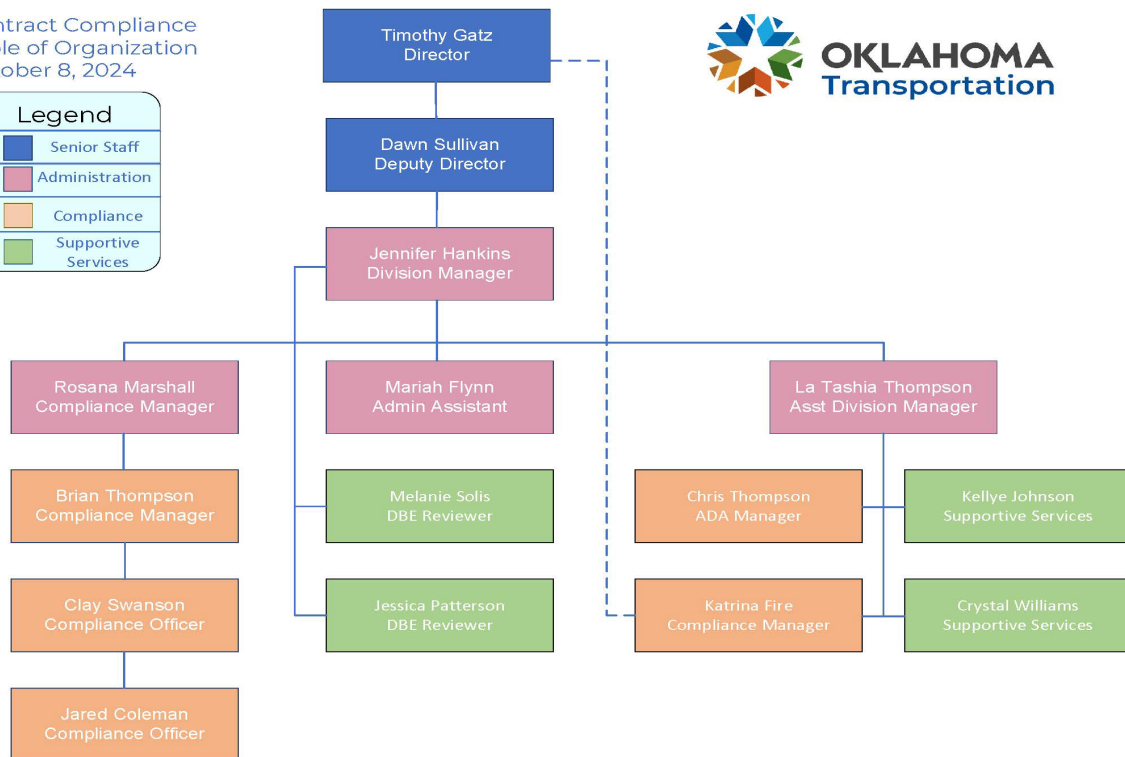
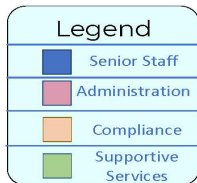
## ATTACHMENT 3: Organizational Chart

ODOT

<https://oklahoma.gov/odot/about-us/organization-chart.html>

### Contract Compliance Division

Contract Compliance  
Table of Organization  
October 8, 2024





## **ATTACHMENT 4: Standard USDOT Title VI Assurances**

### **The United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances**

#### **DOT Order No. 1050.2A**

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

#### **Statutory/Regulatory Authorities**

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

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

#### **General Assurances**

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

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

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these 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 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:

"ODOT, 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, ODOT 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 FHWA and USDOT 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 FHWA and USDOT. You must keep records, reports, and submit the material for review upon request to [**ODOT, FHWA, USDOT**], 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.

ODOT 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 Oklahoma], 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.

Oklahoma Department of Transportation  
(Name of Recipient)

By   
\_\_\_\_\_  
Timothy J. Gatz, Executive Director

Dated 10/21/2024

## 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, FHWA, 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 FHWA 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 FHWA, 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 FHWA 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 FHWA 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 ODOT 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 FHWA 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 ODOT all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

#### **(HABENDUM CLAUSE)**

**TO HAVE AND TO HOLD** said lands and interests therein unto ODOT 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 ODOT, its successors and assigns.

ODOT, 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 ODOT 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 ODOT 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, ODOT 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, ODOT 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 ODOT 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 ODOT 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, ODOT 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, ODOT will there upon revert to and vest in and become the absolute property of ODOT 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).