

# Florida Department of Transportation Title VI/Nondiscrimination Program



## Implementation Plan— *Federal Fiscal Year (FFY) 2022*

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### I. Introduction

Florida Department of Transportation (Department) is a recipient of federal funds from the United States Department of Transportation (USDOT) modal agencies, including Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). All recipients of federal funding must comply with the requirements of Title VI of the Civil Rights Act of 1964 which prohibits discrimination on the basis of *race, color, and national origin*. This Implementation Plan (Plan) describes how the Department complies with Title VI in the delivery of its federally-assisted programs, services, and activities. The Plan includes summary information on the structure of the Department's Title VI/Nondiscrimination program as well as the policies, procedures, and practices that support nondiscrimination requirements. For those interested in detailed information on how the Department accomplishes Title VI compliance in its programs, visit the core documents table at Section XI.

The Plan is intended to be a living document, annually monitored and updated by the Department to meaningfully reflect the program as it changes and grows. Anyone wishing to provide input into the Department's Title VI/Nondiscrimination Program Implementation Plan is encouraged to contact the Title VI/Nondiscrimination Program Coordinator, Jacqueline Paramore at [Jacqueline.Paramore@dot.state.fl.us](mailto:Jacqueline.Paramore@dot.state.fl.us) or 850-414-4747 or by writing to the Department's Equal Opportunity Office (EOO) at 605 Suwannee Street, MS 65, Tallahassee, Florida 32399.

This Plan pertains only to Title VI. However, the Department also complies with the Florida Civil Rights Act of 1992, the Civil Rights Restoration Act of 1987, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), and the Age Discrimination Act of 1975, as well as Executive Orders 12898 (Environmental Justice) and 13166 (Limited English Proficiency). This means that the Department does not discriminate in any of its programs, services, or activities on the additional basis of *sex, age, disability, religion, income, or family status*. For additional information on these authorities and the Department's compliance procedures, visit the Equal Opportunity website at <http://www.fdot.gov/equalopportunity/> or its ADA page at <http://www.fdot.gov/roadway/ada/>.

The Department is committed to a broad distribution of its Title VI/Nondiscrimination program information. Anyone requiring the information in alternative formats to accommodate a disability or in a language other than English subject to the Department's Limited English Proficiency (LEP) Plan, should contact the Title VI/Nondiscrimination Coordinator<sup>1</sup>.

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<sup>1</sup> *Las personas que requieran acomodaciones especiales bajo la Ley para las Personas con Impedimentos (Americans with Disabilities Act), conocida por sus siglas en inglés ADA, o las personas que requieran servicios de traducción (de forma gratuita) deben comunicarse con el Oficial de Derechos Civiles.*

*Andikape American with Disabilities Act (ADA) rekonèt yo ki bezwen sipò espesyal oswa moun ki bezwen tradiksyon pap peye anyen, yap Selman bezwen kontakte ofis dwa sivik la.*

## II. Federal and State Nondiscrimination Assurances

The USDOT requires its recipients, including the Department, to execute Title VI Assurances. The document, entitled *Standard Title VI/Non-Discrimination Assurances DOT Order No.1050.2A* is signed by the Florida Department of Transportation Secretary within ninety (90) days of appointment by the Governor of the State of Florida. Thereafter, assuming no change in administration, the Secretary re-executes the document every three (3) years.<sup>2</sup>

Assurances are an important part of the Department's Title VI program. First, they are a visible commitment to equity and nondiscrimination from the top state transportation official. Second, they serve as a binding contract for which USDOT or the US Department of Justice (USDOJ) may seek remedy in the event of breach. The assurances also provide essential contract clauses that obligate those working on federally-assisted contracts to adhere to Title VI and other nondiscrimination requirements. The current assurance was executed by Secretary Kevin Thibault, P.E., in June 2019. Barring a change in executive leadership, he will do so again in June 2022. The full assurance may be viewed online at [US DOT 1050.2A Standard Title VI/Nondiscrimination Assurances](#) or below in Insert A.

The Department provides FHWA and FTA funding to local public agencies, including counties, municipalities, and Metropolitan Planning Organizations (MPOs). Doing so makes these entities *sub-recipients* of USDOT. Even as the Department executes assurances to the agency providing the federal funds, so it expects similar assurances from those receiving funds from the Department, executed at least triennially commensurate with program certification/recertification. The Department's Sub-recipient Assurance may be viewed at [FDOT Subrecipient Assurance](#) or below in Insert B.

### Insert A

<p style="text-align:center"><b><u>The United States Department of Transportation (USDOT)</u></b></p> <p style="text-align:center"><b><u>Standard Title VI/Non-Discrimination Assurances</u></b></p> <p style="text-align:center"><b><u>DOT Order No. 1050.2A</u></b></p> <p>The Florida Department of Transportation (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the Federal Highway Administration (FHWA), is subject to and will comply with the following:</p> <p><b><u>Statutory/Regulatory Authorities</u></b></p> <ul style="list-style-type: none"><li>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);</li><li>49 C.F.R. Part 21 (entitled <i>Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964</i>);</li><li>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);</li></ul> <p>The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.</p> <p><b><u>General Assurances</u></b></p> <p>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:</p> <p><i>"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.</i></p> <p>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.</p> <p><b><u>Specific Assurances</u></b></p> <p>More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Federal Highway Program:</p> <ol style="list-style-type: none"><li>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.</li></ol>	<ol style="list-style-type: none"><li>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 <b>Federal Highway Programs</b> and, in adapted form, in all proposals for negotiated agreements regardless of funding source:  <i>"The Florida Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."</i></li><li>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.</li><li>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.</li><li>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.</li><li>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.</li><li>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:<ol style="list-style-type: none"><li>for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and</li><li>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.</li></ol></li><li>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:<ol style="list-style-type: none"><li>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</li><li>the period during which the Recipient retains ownership or possession of the property.</li></ol></li><li>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</li></ol>
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<sup>2</sup> The Department selected triennial submission of 1050.2A because it aligns with the requirements of Federal Transit Administration.

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, Florida Department of Transportation also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA 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. You must keep records, reports, and submit the material for review upon request to FHWA, 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.

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

Florida Department of Transportation

(Name of Recipient)

by

  
(Signature of Authorized Official)

DATED 6.26.2019

## APPENDIX A

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

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

## APPENDIX B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

**NOW, THEREFORE**, the Department of Transportation as authorized by law and upon the condition that the Florida Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with laws of the state of Florida, the Regulations for the Administration of **Federal Highway Program**, and the policies and procedures prescribed by the **Federal Highway Administration** of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Florida Department of Transportation 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 Florida Department of Transportation and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Florida Department of Transportation, its successors and assigns.

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

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

## APPENDIX C

### CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

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

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

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

APPENDIX D

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

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

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

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

APPENDIX E

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

- 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.).

Insert B

APPENDICES A and E

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:

TITLE VI/ NONDISCRIMINATION ASSURANCE

Pursuant to Section 9 of US DOT Order 1050.2A, the assures the Florida Department of Transportation (FDOT) that no person shall on the basis of race, color, national origin, sex, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, the Florida Civil Rights Act of 1992, and other nondiscrimination authorities be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

The further assures FDOT that it will undertake the following with respect to its programs and activities:

1. Designate a Title VI Liaison that has a responsible position within the organization and access to the Recipient's Chief Executive Officer.
2. Issue a policy statement signed by the Chief Executive Officer, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the Recipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.
3. Insert the clauses of Appendices A and E of this agreement in every contract subject to the Acts and the Regulations.
4. Develop a complaint process and attempt to resolve complaints of discrimination against sub-recipients. Complaints against the Recipient shall immediately be forwarded to the FDOT District Title VI Coordinator.
5. Participate in training offered on Title VI and other nondiscrimination requirements.
6. If reviewed by FDOT or USDOT, take affirmative action to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) calendar days.
7. Have a process to collect racial and ethnic data on persons impacted by your agency's programs.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding. The person whose signature appears below is authorized to sign this assurance on behalf of the Recipient.

Dated \_\_\_\_\_ by \_\_\_\_\_, Chief Executive Officer

- (1.) Compliance with Regulations: The Contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, "USDOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Agreement.
- (2.) Nondiscrimination: The Contractor, with regard to the work performed during the contract, shall not discriminate on the basis of race, color, national origin, sex, age, disability, religion or family status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3.) Solicitations for Subcontractors, including Procurements of Materials and Equipment: In all solicitations made by the Contractor, either by competitive bidding or negotiation for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the basis of race, color, national origin, sex, age, disability, religion or family status.
- (4.) Information and Reports: The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information the Contractor shall so certify to the Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5.) Sanctions for Noncompliance: In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the Florida Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration may determine to be appropriate, including, but not limited to:
  - a. withholding of payments to the Contractor under the contract until the Contractor complies, and/or
  - b. cancellation, termination or suspension of the contract, in whole or in part.
- (6.) Incorporation of Provisions: The Contractor shall include the provisions of paragraphs (1) through (7) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the

Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. In the event a Contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the Contractor may request the Florida Department of Transportation to enter into such litigation to protect the interests of the Florida Department of Transportation, and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

- (7.) Compliance with Nondiscrimination Statutes and 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.).

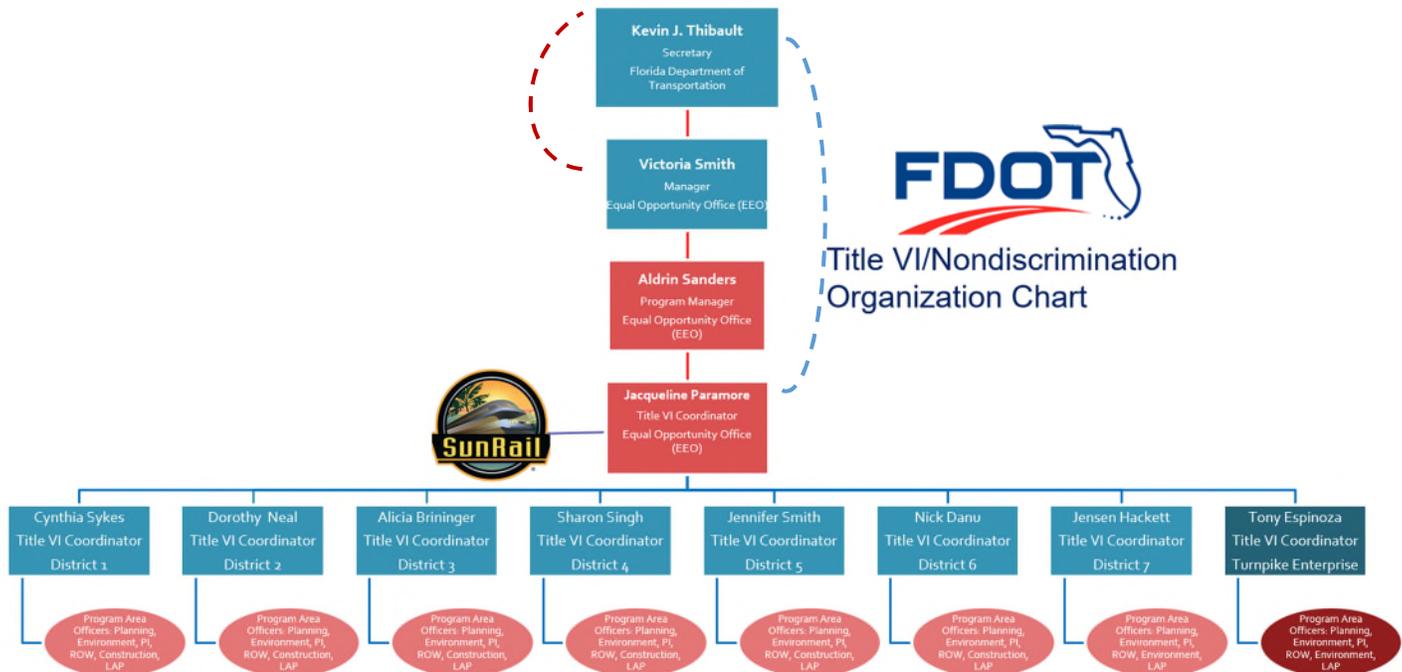
### III. Organization and Structure

The Department expects that its staff, sub-recipients, consultants, and contractors will abide by nondiscrimination requirements as an integral part of working for and with the Department. Moreover, the Department requires that discrimination in any form be reported to leadership or other appropriate officials. The following chart describes the Department’s organizational structure for the Title VI/Nondiscrimination Program.

Position	Title VI/Nondiscrimination Responsibility
<b>Secretary of Transportation</b>	The Department Secretary is ultimately responsible for assuring full compliance with the provisions of Title VI of the Civil Rights Act of 1964 and has directed that nondiscrimination is required in all Department programs and services. The Secretary provides leadership, guidance, direction, and support for the Department’s Title VI/Nondiscrimination Program. Pursuant to 23 CFR 200.9 (a) and 200.9 (b) (1), the Secretary has established and adequately staffed the Equal Opportunity Office (EOO) to fulfill the Title VI statutory and regulatory requirements and has executed <a href="#">US DOT 1050.2A Standard Title VI/Nondiscrimination Assurances</a> .
<b>Title VI/Nondiscrimination Manager</b>	The Title VI/Nondiscrimination Manager is also the manager of the EOO, located in the Burns Building of the Department’s Central Office at MS 65, 605 Suwannee Street, Tallahassee, FL 32399. As reflected in <a href="#">Equal Opportunity Organization Chart</a> , the manager has direct, independent access to the Secretary and oversees a staff of seventeen (17) employees, one of whom is a dedicated Title VI/Nondiscrimination Coordinator. The Title VI/Nondiscrimination Manager is responsible for implementation and updates to the Title VI/Nondiscrimination Program.
<b>State Title VI/Nondiscrimination Coordinator</b>	The State Title VI/Nondiscrimination Coordinator is located at the Department’s Central Office and reports directly to the Title VI/Nondiscrimination Manager. The State Coordinator has direct, independent access to the Manager, and may bypass the Manager to contact the Secretary should the need arise. The State Coordinator monitors the program, collecting data from each District; completing internal and federal reports; conducting training for internal and external partners, and conducting Quality Assurance Reviews (QARs) of all federal program areas to ensure nondiscrimination and sampling data to track program growth and progress.
<b>District Title VI/Nondiscrimination Coordinators</b>	Each of the Department’s seven (7) District Offices, the Turnpike Enterprise, and Sun Rail has a District Title VI/Nondiscrimination Coordinator assigned to screen/log complaints, conduct training, collect program area nondiscrimination data, and provide reports to Central Office. The District Coordinator has direct, independent access to the District Secretary for matters involving Title VI/Nondiscrimination, and to the Title VI/Nondiscrimination Manager in Central Office. The District Coordinators work with the State Title VI/Nondiscrimination Coordinator to schedule annual effectiveness reviews, called Quality Assurance Reviews (QARs), and to implement corrective action measures, if necessary. The District Coordinator functions as the ‘eyes and ears’ of the nondiscrimination program in the field, holds a responsible position within the Department and has adequate training and tools to implement the program.
<b>Title VI/Nondiscrimination Program Area Officers (PAOs)</b>	Each federal program area within each District, including the Turnpike Enterprise, has a Title VI/Nondiscrimination Program Area Officer (PAO) who regularly collects and reviews program data for nondiscrimination. These reviews are documented and provided to the District Coordinator, who then reports them to the Central Office Title VI/Nondiscrimination Coordinator. While the PAO attends regular nondiscrimination meetings and assists the District Coordinator with annual effectiveness reviews, the PAO is primarily responsible for collecting and reporting to the Statewide Coordinator program data for nondiscrimination analysis.
<b>Executive Leadership and Management</b>	The Department expects that all members of management will adhere to and advance the principles of nondiscrimination in all programs, services, and activities. In addition, they must allow Title VI/Nondiscrimination Coordinators and Officers within their ranks easy access to the District Secretary and/or Title VI/Nondiscrimination Manager in matters involving the Title VI/Nondiscrimination Program. They must also ensure that Coordinators and Officers have the time and resources they need to provide staff training, conduct assessments, and collect/report program data.



### Title VI/Nondiscrimination Organization Chart



## IV. Program Monitoring & Review

The Department’s mission is to provide a safe transportation system that ensures the mobility of people and goods, enhances economic prosperity, and preserves the quality of our environment and communities. The Department has a comprehensive transportation program essential to achieving the mission and is divided into discipline areas responsible for each aspect of planning, development, delivery, and maintenance of transportation facilities. While the various areas must be compatible, they are governed by procedures that are specific to the discipline and that, among other things, detail how the program area acts in compliance with Title VI and other nondiscrimination authorities. This is institutionalized into the federal program area and is documented in the individual core documents (Section XI), including demographic data on the Department’s service population.

The EEO and Title VI Coordinator support day-to-day nondiscrimination activities in each program area through training, complaint identification and processing, and by conducting Quality Assurance Reviews (QARs). The QARs measure the effectiveness of the Title VI program in each area and provides for identification and elimination of discrimination, as well as for data analysis that may reveal trends of Title VI discrimination. To strategically select the program areas and specific review issues or topics, the Title VI Coordinator collects a quarterly report from each program area. The report categories can change with the Department’s mission, policy or focus. They are not intended to be exclusive or inflexible. Rather, the quarterly reports provide a framework for identifying possible risks, unmet needs, and trends of discrimination or disparity. The District Title VI Coordinator collects report information from each program area and submits a single report for the District. Turnpike Enterprise and SunRail must also submit quarterly reports, which means that the Title VI Coordinator collects and reviews nine (9) reports each quarter. The reports feed QAR selection for the current and even the next fiscal year, as necessary (Insert C).

This section summarizes the various program areas, the procedures in place to ensure equity and nondiscrimination, and the role the Title VI Coordinator serves in ensuring and demonstrating compliance.

Insert C

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION <b>TITLE VI QUARTERLY REPORT</b>	391.305(1) EQUAL OPPORTUNITY OFFICE 1207 PWA 12.1.1																
<p>This report will be prepared by each District Title VI Coordinator, in coordination with each District Title VI Program Area Officer, and submitted quarterly, to the State Title VI Administrator. If needed, comments can be included in the best/innovative practices section at the bottom of page four of this report.</p> <p>District <input type="text"/> Reporting Period <input type="text"/></p> <p>District Title VI Coordinator <input type="text"/></p> <p><b>Coordinator</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:80%;">Title VI</th> <th style="width:20%;">Response</th> </tr> </thead> <tbody> <tr><td># of Title VI complaints filed with the District</td><td></td></tr> <tr><td># of informal (verbal) complaints</td><td></td></tr> <tr><td># of formal (written) complaints</td><td></td></tr> <tr><td># of completed investigations conducted by the District</td><td></td></tr> <tr><td># of completed investigations with findings</td><td></td></tr> <tr><td># of planned Title VI/Nondiscrimination workshops/training sessions</td><td></td></tr> <tr><td># of completed workshops/training sessions</td><td></td></tr> </tbody> </table> <p>1. Were any Title VI issues (positive or unfavorable) identified this quarter? Explain</p> <p>2. List the State Project Number(s) for the workshops/meetings/hearings you attended this quarter:</p> <p>3. Describe Title VI/Nondiscrimination Program Monitoring activities you have conducted this quarter:</p> <p>4. Provide any special outreach or affirmative action conducted this quarter (i.e. community presentations, volunteer activities, CCD, etc)</p>		Title VI	Response	# of Title VI complaints filed with the District		# of informal (verbal) complaints		# of formal (written) complaints		# of completed investigations conducted by the District		# of completed investigations with findings		# of planned Title VI/Nondiscrimination workshops/training sessions		# of completed workshops/training sessions	
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**Right of Way**

Did the District have ROW activities this quarter (appraisal, acquisition and/or relocation only)	YES	No
Breakdown of Appraisers (# by race/gender/ethnicity)	Male	Female
African American		
Hispanic/Latino		
American Indian/Alaskan Native		
Asian		
Native Hawaiian/Other Pacific Islander		
2 or More Ethnicities		

# of Relocation comment cards provided	
# of Relocation comment cards returned	
# of Relocation cards returned from primarily low income or minority area zip codes	
# of translation services provided	
# of interpreter services provided	

**Construction**

# of complaints received	
# of informal (verbal) complaints	
# of formal (written) complaints	
# of unresolved complaints sent to CO	
# of Contractors trained	
# of reviewed contracts lacking contract requirements (1273, 26.13(b), Appendix A & E)	

Below, identify which contracts were reviewed and what requirement(s) they lack:

Contract Identifier	1273	26.13(b)	Appendix A	Appendix E

Number of District initiated Civil Rights reviews of LAP project(s) for compliance (contract compliance, Contract Administration, ADA)	
--	--

**ADA/Section 504**

# of ADA non-compliant PROW facilities identified in the FDOT ADA Transition Plan within the district:	
# of ADA non-compliant PROW facilities corrected in the FDOT ADA Transition Plan within the district:	
# of LAP project plans reviewed for ADA compliance	
# of State design plans reviewed for ADA Compliance	
# of LAP project inspections conducted for ADA compliance	
# of complaints filed with the STA ADA Coordinator	
# of completed investigations	
# of open complaints (formal and informal)	

**Public Information**

# of complaints received	
# of informal (verbal) complaints	
# of formal (written) complaints	
# of unresolved complaints sent to District T6 Coordinator or Central Office Coordinator	
# # of public meetings noticed this quarter	
# of translation services provided	
# of interpreter services provided	
# of public meeting or information notices reviewed for compliant Title VI/Nondiscrimination statement	

In the area below, please describe your best practice(s), exceptional outcomes, innovative practices, or include any comments you would like to make.

**LAP**

# of Certifications	
# of Recertifications	
# of Certs/Recerts provided to SCAT Team for Review	
# of Title VI complaints, serious compliance issues, etc involving a local agency	
Name(s) of Local Agencies, if any, with Title VI complaints, serious compliance issues, etc	

## 1. Planning and Environment

### a. *PLANNING*

#### Overview of Department Planning Operations

Transportation planning is a function of the Office of Policy Planning (OPP), one of four areas under Transportation Development. OPP develops, documents, and monitors a statewide and metropolitan planning process; develops, publishes, and distributes the Florida Transportation Plan, including necessary support documents; develops transportation policy alternatives and recommendations; provides necessary coordination on transportation policy issues with other agencies and the public; and identifies, analyzes, and documents long-range trends and conditions, performs various economic and demographic analyses, and evaluates and reports on transportation system performance. Florida has twenty-seven (27) MPOs, for which it has oversight both as Department sub-recipients and to ensure planning consistency with 23 CFR 450.316 and state planning specifications. Though the size, structure, and funding of MPOs vary, all are local government entities charged with developing the long-range, and other transportation plans that eventually become the Department's five-year work program.

#### Activities to Ensure Nondiscrimination in Planning

- The Department utilizes a Public Involvement Program that is designed to provide early, continuous and extensive outreach to all communities, but particularly to ensure that project selection does not subject racial or ethnic minorities, to discrimination or adverse impacts.
- The Department requires all MPOs to annually provide a nondiscrimination assurance and a certification of nondiscrimination. The Department tests these certifications at least triennially or whenever cause arises through FDOT/MPO Joint Certification Reviews. The Department monitors nondiscrimination compliance among smaller MPOs via a Quality Assurance Review (QAR) process. One of the primary focal points of these reviews is to ensure nondiscrimination in the planning process.
- Though similar, federal public involvement requirements for MPOs are not identical to those for State Departments of Transportation. Therefore, the Department publishes an extensive MPO Program Management Handbook that provides the public involvement requirements in each planning program. In addition, Chapter 10 of the handbook addresses Title VI and other nondiscrimination responsibilities for MPOs. The Handbook is reviewed annually by the Equal Opportunity Office and updated as required.
- The Department and MPOs scrutinize planning projects, screening them through the Efficient Transportation Decision Making (ETDM) system to identify and categorize the various impacts and enhancements of planned projects. ETDM is a nationally recognized best practice, providing extensive review and comment by project stakeholders, as well as demographic and other data analysis. The Department encourages the public to participate in the development of transportation projects, one means of which is through an ETDM site specifically for the public.

### b. *ENVIRONMENT*

#### Overview of Department Environmental Responsibilities

It is the mission of the Office of Environmental Management (OEM) to protect and enhance a sustainable human and natural environment while developing safe, cost-effective, and efficient transportation systems. The OEM scrutinizes projects to ensure equity and nondiscrimination on the basis of Title VI protected classifications (23 CFR 200.9(b)(4)).

The Department is the lead agency for developing road and bridge projects in compliance with the National Environmental Policy Act of 1970 (NEPA). NEPA requires that federally-assisted projects be evaluated for likely impacts to the natural and human environment, and the impacts balanced to ensure a wide sharing of life's amenities. Since December 2016, responsibility for approving projects under

NEPA has been assigned to the Department, with federal modal partners retaining approval authority for only two projects. Despite NEPA delegation, however, Title VI implementation remains the purview of the Department while FHWA and FTA retain authority as the federal oversight agencies.

With the assistance of OEM, each District develops planned projects in accordance with the Department's Project Development & Environmental (PD&E) Manual, which includes analyzing demographic, public involvement, technical studies, and other data to measure and categorize the impacts of project alternatives, temporarily, individually and cumulatively. Race and ethnicity are among the classifications specifically examined when assessing the impacts on the human environment.

Essentially the PD&E process has two phases. First, projects are screened through the Department's Efficient Transportation Decision Making (ETDM) electronic platform to gather preliminary comments from resource agencies and assess the sensitivity, both natural and human, of the project area (*more information on ETDM in section c*). Screening that results in major impacts or reveals inconsistencies in long-term planning are removed from the system and not further advanced.

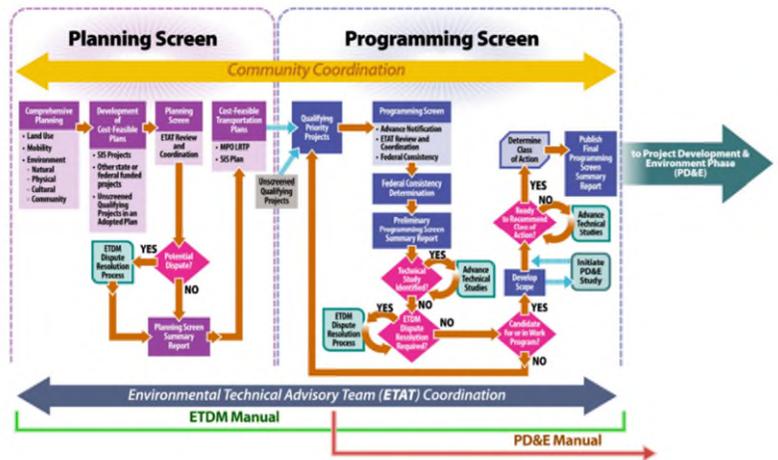
Projects that are likely to have more moderate or low impacts are advanced to PD&E for studies and development of alternatives. Title VI data from US Census products as well as data from Florida's own data repositories (Bureau of Labor Statistics, Department of Economic Opportunity) is examined to determine project impacts. During PD&E, corridor alternatives are eliminated if found to likely adversely impact communities based on race or ethnicity with regard to aesthetics, community cohesion, mobility, air/water quality, access to government and commercial services, health, and similar critical needs. Of course, impacts to communities that live and work in project areas must be balanced with the Department's needs to address aging infrastructure, improve safety and ensure efficient transportation systems. Consequently, Florida's public involvement program is extensive and ongoing, beginning in the earliest stages of planning and continuing through PD&E, design, and construction. Details on how the Department strives for Title IV compliance in public involvement and PD&E are found in Chapters 2 of the PI Handbook and Chapter 9 of the PD&E Manual.

#### Activities to Ensure Nondiscrimination in Environment

- As with all Department programs, public involvement is the cornerstone of Title VI and nondiscrimination compliance. The Department has a Public Involvement Program that is designed to provide early, continuous and extensive outreach to all communities, but particularly to ensure that project selection does not subject racial or ethnic minorities, low income, disabled and elderly populations to discrimination or disparate impacts.
- The Department uses a detailed and comprehensive Project Development & Environmental (PD&E) Manual which describes how the Department complies with environmental requirements in project development. The Manual includes extensive chapters on how to collect and evaluate demographic information to identify disparate impacts. It also provides suggestions for effective public involvement and mitigation of impacts. The Department's PD&E Manual requires avoidance, minimization, or mitigation of all adverse impacts and on all communities, including but not limited to those composed of racial or ethnic minorities.
- Each District has a Title VI/Nondiscrimination PAO who reviews NEPA documents and other project activities and reports quarterly to the District Title VI/Nondiscrimination Coordinator.
- The Department screens all projects for compliance with the PD&E Manual. Projects requiring an EIS or EA are also screened through the Efficient Transportation Decision Making (ETDM) system to identify and categorize the various impacts and enhancements.

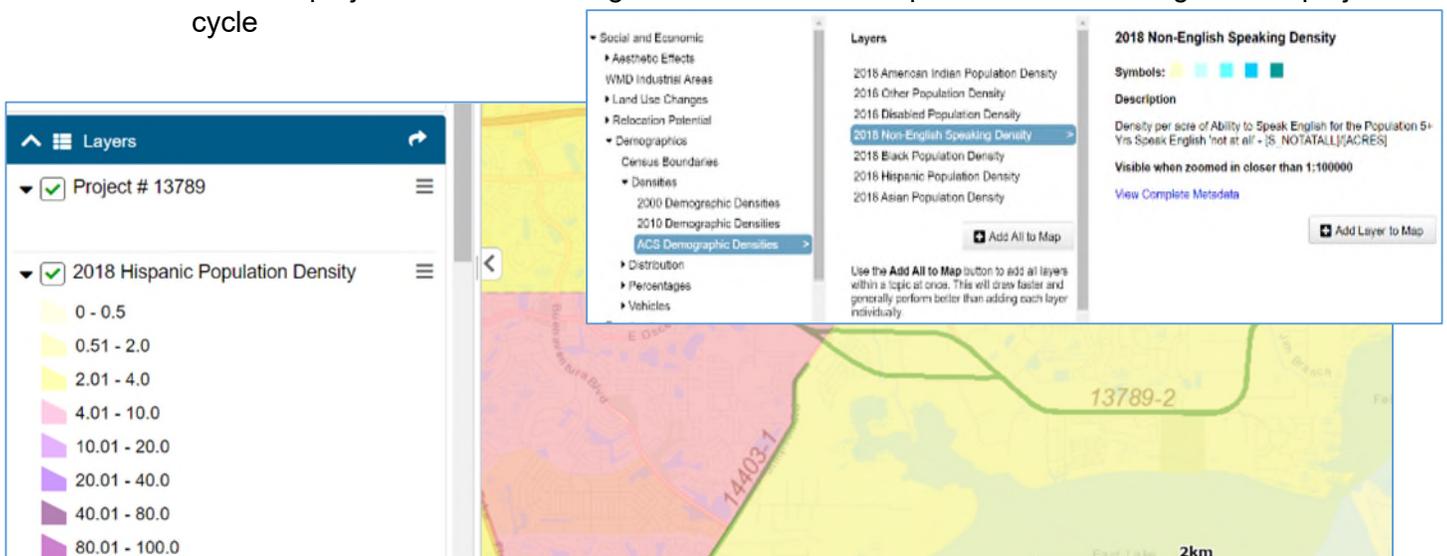
c. EFFICIENT TRANSPORTATION DECISION MAKING (ETDM)

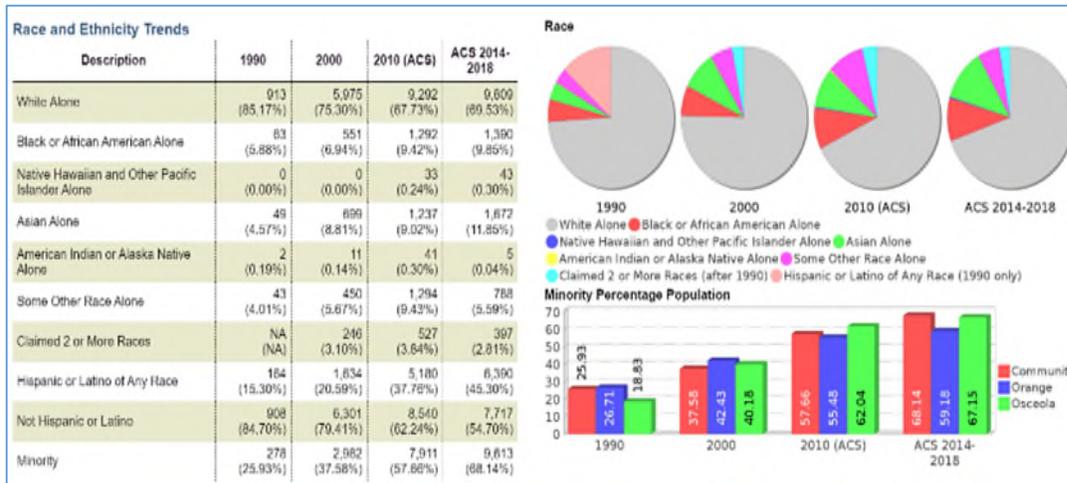
The Department believes that complying with Title VI and other nondiscrimination requirements is the responsibility of every office in every program and activity. As such, it develops tools that help institutionalize equity and nondiscrimination considerations. For planning and environment, one such tool is the Department's Efficient Transportation Decision Making (ETDM) process. Within ETDM, the Department engages the public and local, state, federal and tribal partners to screen projects ahead of the formal environmental document development process supporting the National Environmental Policy Act (NEPA) requirements. The intent is to coordinate early in planning and development and assess likely project impacts on the human and natural environment. ETDM is supported by the Environmental Screening tool (EST), a web-based interactive database and geospatial mapping application that includes over 550 environmental resource GIS data layers, has automated and standardized GIS-based environmental screening analysis application, and numerous tools for data entry, review, and reporting.



The EST gathers information about a project and provides analytical and visualization tools that help synthesize and communicate that information. It has an active user community of 1,200 practitioners representing staff from the Department, all of Florida's MPOs, 24 federal and state resource agencies, and two tribal governments. The EST also has a publicly accessible version allowing the public to learn more about projects and to submit comments or questions for consideration. To date, the Department has screened over 1,500 projects, 350 of which have been successfully delivered. The Department uses the EST to:

- Integrate data from multiple sources into an easy to use, standard format
- Analyze the effects of proposed projects on the human and natural environment
- Communicate information effectively among project stakeholders and to the public
- Efficiently store and report analyses
- Maintain project records including commitments and responses for use throughout the project life cycle





The ETDM process supports the Department’s Title VI program in both planning and project development by early inclusion and analysis of many socioeconomic data sources, including racial and ethnic data for areas surrounding or likely to be impacted by the project, as well as incorporating review and analysis from Department District and MPO Community Liaison Coordinators, and agencies such as the United States Environmental Protection Agency (USEPA) with the responsibility to review projects for potential sociocultural effects. One of the many data sets used to support this review includes Title VI data drawn from the 2000 Census, 2010 Census, and the 2018 American Community Survey, and maybe layered on interactive maps available to the resource agency stakeholders and the public. The Department will be working to incorporate the 2020 data, as it becomes available.

Coupled with input from user agencies and the public, the ETDM process assesses the potential effects of the project on the communities with respect to aesthetics, cohesion, safety, economic development & employment, mobility, relocation and affordability of and accessibility to transportation, medical/education providers, commercial facilities and those promoting health (parks, multi-use paths, integrated network of sidewalks, etc.). The assessment allows ETDM to assign levels of likely impacts so that the Department can:

- Identify and address Title VI and related civil rights issues
- Avoid, minimize and/or mitigate adverse community effects
- Determine an appropriate class of action for further study under NEPA
- Conceptualize design to promote livable communities
- Eliminate projects or project alternatives that invite impacts greater than project purpose & need.

N/A	N/A / No Involvement
0	None
1	Enhanced
2	Minimal
2	Minimal to None
3	Moderate
4	Substantial
5	Potential Dispute
5	Dispute Resolution

	Natural										Cultural			Community								
Alternative #1 From: West of Boggy Creek Road To: Southport Connector Published: 06/04/2012 (reviewed from 04/09/2012 to 05/24/2012)	2	2	2	3	3	N/A	2	4	3	4	4	4	4	4	N/A	3	1	3	1	4	4	3
Alternative #2 From: West of Boggy Creek Road To: Southport Connector Published: 06/04/2012 (reviewed from 04/09/2012 to 05/24/2012)	2	2	3	3	3	N/A	2	4	3	4	4	4	4	4	N/A	4	N/A	4	N/A	4	4	3
Alternative #3 From: West of Boggy Creek Road To: Southport Connector Published: 06/04/2012 (reviewed from 04/09/2012 to 05/24/2012)	2	2	3	3	3	N/A	2	4	3	4	4	4	4	3	N/A	4	N/A	4	N/A	4	4	3

The ETDM process is one tool in the Department’s planning and delivery of safe and equitable transportation projects. However, it is a critical resource in ensuring nondiscrimination prior to the commitment of vast sums of state and federal dollars in NEPA, design, and construction. The Department encourages the public to visit the ETDM public site and review the projects, submit questions/comments and explore the relationship between projects of interest and other corridors or future development. ETDM is accessed at <https://etdmpub.fl.a-etat.org/est/>. For more information on the role ETDM plays in Title VI compliance, see the ETDM Manual, PD&E Manual, and Planning Handbook, all listed in Section X, Core Documents.

d. *Title VI Coordinator Roles in Planning and Environment*

The Department uses its Title VI Quality Assurance Review (QAR) process to annually review activities in planning and environment to ensure nondiscrimination. Title VI/Nondiscrimination QARs are conducted by the Central Office Title VI/Nondiscrimination Coordinator, who reviews all seven (7) Districts, Turnpike Enterprise, and Sun Rail annually, some remotely via videoconference and others through an onsite visit. Planning and environment are always program areas subject to review, but the topic, nature, and scope of the reviews vary based on identified risk and the information gathered from the Title VI quarterly reports provided by the Districts.

The Title VI Coordinator begins each QAR with a request for information (RFI), followed by a desk audit to determine which program areas will be reviewed, the subject of the review, and whether it will be performed onsite or remotely. Next, the Title VI Coordinator conducts the review, interviewing relevant staff, analyzing collected documentation and data, and identifying noteworthy practices and possible deficiencies. Each QAR concludes with a close-out briefing with the District secretary or a designee, as well as a written report with findings and recommendations. Districts found deficient in Title VI compliance are placed on Corrective Action Plans and findings are logged and tracked using the Department Quality Management Dashboard. Finally, the Title VI Coordinator provides copies of the QAR, CAP, and resolution to FHWA Florida Division and maintains a summary for annual reporting to FHWA.

Title VI data/documents in Planning and Environment *at a glance*:

Title VI Documents/Data Reviewed	Review Elements
Public involvement materials including meeting notices, project flyers, websites, and other similar documents	Approved nondiscrimination language included; language and distribution is geared to reach the communities likely to be impacted
Location and number of projects in planning or environment	Determine the distribution of projects by area demographics and whether impacts are likely to racial or ethnic minorities
Annual MPO Certifications of Nondiscrimination	Planning agencies have current assurances on file with THE DEPARTMENT
Professional Services and Consultant contracts	Title VI clauses are included; sub-consultant selection is representative of the industry
Environmental documents/records	Class of action is reasonable given the presence of communities with Title VI protected classes; Community Impact Assessments appropriately identify Title VI demographics and likely adverse impacts, if any
Federal certification reviews or state compliance reviews of planning agencies	Identify previously identified Title VI findings or recommendations and follow-up action

### 3. Public Information

#### Overview of Communications Office Operations

The Communication Office's duty is to build and maintain a positive, customer-friendly relationship with the public by keeping it informed of Department and related activities through publications, response to inquiries and public meetings, hearings, and other events. Each District and Turnpike Enterprise has a Public Information Officer that reports to the District Secretary and maintains a close relationship with the District Chief Counsel as well as the Central Office Communication Office. As customer concerns and complaints are more likely to reach the Department through the Communications Office Office, the Department believes it is an essential program for Title VI and nondiscrimination monitoring.

The District Public Information Offices (PIO) serve Title VI implementation in two important areas. First, they ensure that important information (program, project, traffic, safety) reaches all of Florida's communities in the individual manner likely to be used. This means the PIOs maintains lists of minority-focused media, foreign language interpretation/translation providers, community leaders, faith-based organizations, and social service providers that can assist in distributing information to those that may not receive information via the web, mainstream media sources, or in the English language. PIOs are also a critical conduit for complaints since, of the various District program offices, it alone remains directly accessible to the public at all times.

PIOs are often tasked by the District program offices to select the locations and times of project meetings or other events to garner the best and most representative participation, especially important when trying to include racial or ethnic minorities whose input is critical but who may traditionally avoid contact with the Department.

The Title VI Coordinator includes Public Information Officers in quarterly reporting and QARs to verify that methods used to inform the public are consistent, include the approved nondiscrimination commitment and contact language, employ Spanish and other language services as necessary, and to identify any trends of potential exclusion of protected class communities.

#### Title VI in Public Information *at a glance*

Title VI Documents/Data Reviewed	Review Elements	Reviewer
List of media, social media, and other sources used to reach the public	Ensure tools used meet the needs identified by community demography/characteristics	District Communications PAO
Copies of public service announcements, project notices, meeting invites, etc.	Documents are targeted to the groups likely to be impacted and include, Department approved nondiscrimination language/contacts	District and State Title VI Coordinators
Services provided in languages other than English	Verify consistency with Department language policies and identify possible trends of exclusion among non-English speakers	Title VI Coordinator
Complaints received by District Communications Officers	Identify complaints or comments that could reasonably suggest discriminatory motive or impact	

#### 4. Right-of-Way

##### Overview of Department Right of Way (ROW) Operations

The Office of Right of Way is responsible for acquiring the real property necessary for the construction of transportation facilities. In carrying out this mission, it also provides relocation assistance to people and businesses displaced by projects and leases or sells any acquired property which may be surplus to the Department's needs. ROW activities are decentralized in the seven (7) Districts and Turnpike Enterprise, each of which oversees the facilities within their designated counties or area. ROW is also responsible for the outdoor advertising signs along state highways, but these activities are conducted by the Department's Central Office. The Department does permit prequalification of local public agencies for ROW in the LAP program, but only under District supervision. However currently, the Districts have not elected to prequalify any agencies in the Local Agency Program (LAP) for right of way activities. The ROW office is very sensitive to customer service and carefully monitors activities to ensure equitable treatment of all beneficiaries of the program.

In developing its ROW manual, the Department adopted in its entirety the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. 4601 et seq. (Uniform Act). The Department's manual, approved by FHWA, begins with a nondiscrimination statement in Section 1.1.4.1.

*All Right of Way processes described in the Manual shall comply with the following: The Florida Department of Transportation will not discriminate on the basis of race, color, national origin, sex, age, handicap/disability, or income status. No person may be treated unfavorably, excluded from participating nor denied the benefits of any Department program or activity because of their race, color, national origin, age, sex, handicap/disability, or income status. The Department will not retaliate against any person who complains of discrimination or who participates in an investigation of discrimination. Department grant recipients and contractors must comply with this policy.<sup>3</sup>*

Section 1.1.4.2 requires the District ROW Managers to ensure compliant administration of the Manual or the project Acquisition Management Plan (AMP), if applicable. The Manager is directed to do so by conducting periodic reviews of ROW activities to assess compliance with 23 CFR, including those implementing Title VI. This means that the District ROW Manager or designee reviews projects, appraisal reports, market data, negotiations, dispute resolution, relocation, and relocation assistance to verify compliance and identify any trends of disparity or discrimination. The District PAO for ROW provides a summary of these activities to the District Coordinator, who then files a quarterly report with the Title VI Coordinator.

The Title VI Coordinator conducts a program area review of ROW via the QAR process, though not every aspect of ROW or in every District every year. Examples of reviews conducted by the Title VI Coordinator include reviewing the race, ethnicity, and gender of contract appraisers to determine if they meet the demographic breakdown of the District served; comparing acquisition prices for project in ROW to assure comparability based on location and property, rather than by race or ethnicity of the owner; and examining customer service feedback surveys to see if there is a trend in responses among racial or ethnic minorities.

The Department provides services in languages other than English upon request and with adequate notice. However, in ROW, services in the primary language of those involved in the ROW process are required if they do not demonstrate sufficient competence in English. The Department requires language

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<sup>3</sup> The Department's EOO is in the process of reviewing Title VI information in multiple program area manuals, and where inconsistencies in protected class information is found, will facilitate updates to both Title VI Nondiscrimination Procedure 275-010-010-f and impacted program manuals. Procedural updates require legal review, and upon approval, will be distributed to the program areas for inclusion in their manuals, handbooks, etc. effective 03/30/2022.

services in ROW to be provided by an external interpreter and does not permit family members or friends to interpret for owners/renters subject to ROW activities.

**Title VI in ROW *at a glance***

Title VI Documents/Data Reviewed	Review Elements	Reviewer
Reviews conducted by District ROW staff to ensure compliance	Compliance with ROW Manual; Trends of possible disparity to be shared with Title VI Coordinator	District ROW PAO
Interpretation/translation services provided during the reporting period	Identify areas where impacts may be largely on ethnic minorities	District and State Title VI Coordinators
Appraisal and acquisition contracts	Legal documents include required Title VI nondiscrimination clauses	Title VI Coordinator
Sample project ROW plans or other documents	Identify possible trends of disparity in prices, services, or overall relocation impact	
Complaints received by the District ROW office as well as any customer service surveys received, if applicable	Comments that suggest discriminatory motive or impact; survey results of non-minorities differ from those submitted by racial/ethnic minorities	
List of contract appraisers used during each quarter	Contract appraisers are reflective of the communities being served (race and/or ethnicity)	

**5. Construction**

Overview of Title VI in Construction

The Department’s Office of Construction provides safe and efficient facilities for the traveling public through innovative standards and processes that foster accountability. As with other program areas, Construction has offices in all seven (7) Districts and Turnpike Enterprise. Construction administers the Department’s highway construction contracts, inspecting and accepting work; authorizing payments and change orders; and providing customer services to travelers and property owners throughout construction. Most compliance oversight in construction is the responsibility of the District Contract Compliance Manager and is either unrelated to or marginally connected with Title VI. Nevertheless, all construction contracts and sub-contracts include required federal contract provisions among which Title VI is specifically listed.

The Title VI Coordinator reviews quarterly reports submitted by each District to determine which program areas will receive QAR reviews during the year and in which Districts. Construction area QARs have four Title VI elements: Communication, Commitments, Complaints, and Contracting. The Title VI Coordinator first examines project communication to ensure that public notification used approved nondiscrimination language and contact information. This includes project websites, if any, informational pamphlets, media notices, and public meeting materials. If the project is located in/near racial or ethnic minority communities, the Coordinator verifies that the Department used targeted outreach via minority media, faith-based organizations, and meetings conducted within the community. The Coordinator also ensures that project information, particularly that related to temporary access and safety, is translated into the prevalent LEP language, if applicable.

The second construction-related Title VI review area is commitments. Project development and NEPA sometimes produce community commitments that travel with the project into construction. Though these are not always related to Title VI, the Coordinator checks each to make sure. For example, if the Department committed to avoiding construction work during Sunday services at an African American

church, the Coordinator verifies contractor compliance through project records or by speaking to the church principal(s).

The next Title VI review area in construction is complaints. Title VI and related complaints are more prevalent during planning and project development when outreach and education are at its height. However, the Coordinator must pay particular attention to any complaints lodged during construction as they are less likely to implicate race or ethnicity. Complaints concerning noise and vibration are common and the Coordinator cross-checks these with the US Census demographics for the project area to determine whether the impacts are born equitably or only by racial/ethnic minority communities. Complaints must also be examined to ensure that they are appropriately processed, as all Title VI complaints on FHWA-assisted projects must be forwarded to the FHWA Headquarters Office of Civil Rights (HCR).

The final Title VI review area in construction is contracting. While the Department is obligated to adhere to affirmative action programs such as Disadvantaged Business Enterprise (DBE), contractors may not select or reject subcontractors, suppliers, or other vendors on the basis of race, ethnicity, or gender. The Coordinator reviews the Certification of Sublet for each sampled construction project looking for potential Title VI disparity in the use of DBEs and other businesses.

**Title VI in Construction *at a glance*:**

Title VI Documents/Data Reviewed	Review Elements	Reviewer
Quarterly Title VI Reports listing construction projects and their locations during the reporting period	Sample selection of projects in identified racial/ethnic minority communities	District and State Title VI Coordinators
Project notification, informational pamphlets, websites, meeting notices/locations, media advertisements	Outreach targets or effectively include racial/ethnic minorities, as appropriate; approved nondiscrimination language present	Title VI Coordinator
Project Commitments excerpted from the construction contract and/or PD&E Record of Decision	Commitments likely to impact racial or ethnic minorities are identified and addressed during the project	
All complaints received by the contractor or Department related to construction	The complaint suggests discriminatory motive or impact; complaint originates in a protected class community	
List of project subcontractors and suppliers	Potential race/ethnic/gender disparity in contractor selection of subcontractors	

**6. Local Agency Program (LAP)**

**Overview of the Local Agency Program (LAP)**

The Department operates a LAP whereby state and local governments may design and construct projects using FHWA and/or State funds. The program requires the local agency to be certified through a comprehensive process demonstrating the agency's ability to deliver a compliant project. One of the many requirements for certification includes local agency submission of Title VI compliance information. The Department's

Grant Application Process (GAP) Tool serves as the repository for this certification and all project information, including personnel contact information, inspection reports, and reimbursement records.

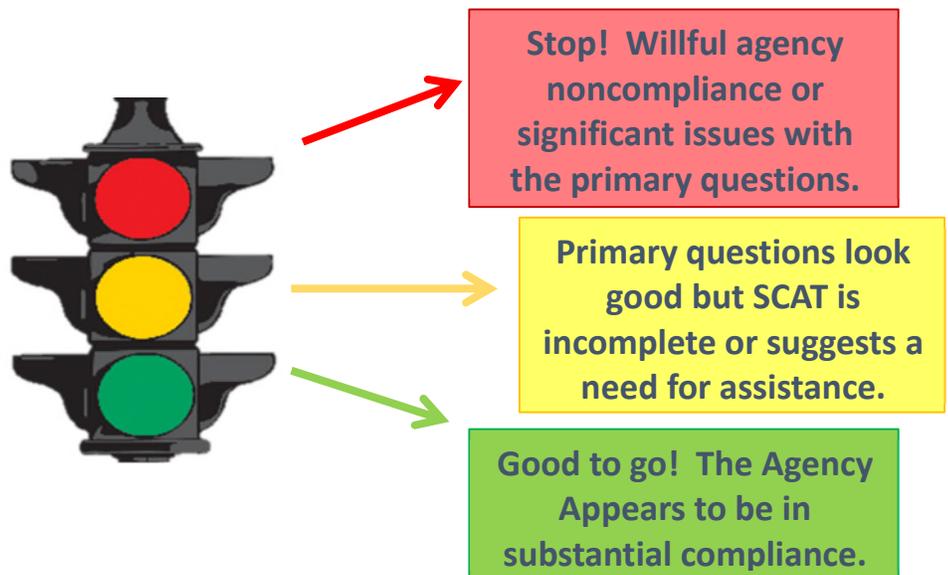


When a LAP subrecipient, defined as a Local Agency (LA) and the LA's contractors or consultants, wishes to avail itself of financial assistance as a sub-recipient of FHWA, it must apply for and undergo certification. Assuming the LA is eligible, it is certified via a triennial LAP agreement during which time it is qualified to

administer FHWA-assisted projects subject to the Department's approval and ultimate oversight. As a condition of certification and triennial recertification, LA's must complete a Sub-Recipient Compliance Assessment Tool (SCAT) and upload it to GAP. The tool requires the LA to identify by name and contact information its Title VI Coordinator, as well provide a copy of or link to the agency's Title VI policy and complaint filing procedure and the Department's required nondiscrimination assurance. These elements are reviewed by the District LAP Coordinators for completion before the application goes to the SCAT Team for desk review. If any of the components are absent or inaccurate, however, the application is coded 'Red' and returned to the LA as rejected. The LA may resubmit, but while coded red, it is not eligible to receive funds through the Department.

The SCAT Team reviews the tools submitted by the LAP Coordinators, verifying the link to the policy/procedure and that expansive local nondiscrimination policies do not attribute to Title VI protected classes beyond race, color, and national origin. The Team also checks each policy to confirm that nonemployment complaints related to race, color, and national

origin are forwarded to the Department so that they may be provided to FHWA. The remaining elements of the SCAT are not fatal to certification. Via the dropdown menu, agencies must identify the methods they use to advise the public of nondiscrimination policies; the sources of demographic data tapped to ensure equity and nondiscrimination in agency programs and services; and whether the agency has a four-factor based Limited English Proficiency Plan. If any or all components are missing or noncompliant, the LA is coded 'Yellow' and provided with a cure period that is monitored by the SCAT Team Leader. If all appear complete and accurate, the LA is coded 'Green'.



These certification/recertification desk reviews occur regularly and generally result in approximately fifty-five (55) to sixty-five (65) per year with results housed in GAP. However, the Title VI Coordinator may also conduct onsite reviews of LA's as part of annual QARs of the Districts. Site visit reviews are more comprehensive in that each SCAT component requires verification through interviews and documentation. Agencies are often included as site visits based upon request, but more usually are selected based on failure to remedy a yellow code within the time provided by the Team Leader. Site visits can range in number from three (3) to fourteen (14), depending on the QAR schedule and reports generated from GAP.

Title VI in LAP *at a glance*:

Title VI Documents/Data Reviewed	Review Elements	Reviewer
FDOT Nondiscrimination Assurance	Signed by Agency CEO and within the triennial agreement period	LAP Coordinator
Sub-recipient Compliance Assessment Tool	Compliance baseline	
Agency Title VI Policy and Complaint Filing Procedure	Verification of Title VI coverage and that complaints are provided to FDOT for forwarding to FHWA	SCAT Team
Title VI Responsible Charge	Identified by name, contact information	
Title VI Webpage	Verification of Title VI notification to the public	
Project Notices	Contain sufficient information for the public to access Title VI policy and procedure	Title VI Coordinator
FHWA-assisted Contracts/Agreements	Contain required clauses from Appendices A/E	
Demographics from US Census American Community Survey (ACS)	Verify agency use at minimum for LEP analysis <sup>4</sup> and to ensure project equity/nondiscrimination	

7. [Nondiscrimination in other program areas](#)

The Department has other program areas that are either not represented in the Districts or otherwise have limited contact with the public or how the Department’s programs, services, or activities are delivered. Thus, offices like Research & Development, Procurement, and Emergency Management do not have specific Title VI/Nondiscrimination representation in the Districts. Where warranted, Research & Development, Procurement, and Emergency Management participate in annual Title VI Quality Assurance Reviews. If there is no significant Title VI activity associated with these programs, they are reviewed triennially ensuring that staff is receiving nondiscrimination training and understand their responsibilities under Title VI and other nondiscrimination authorities.

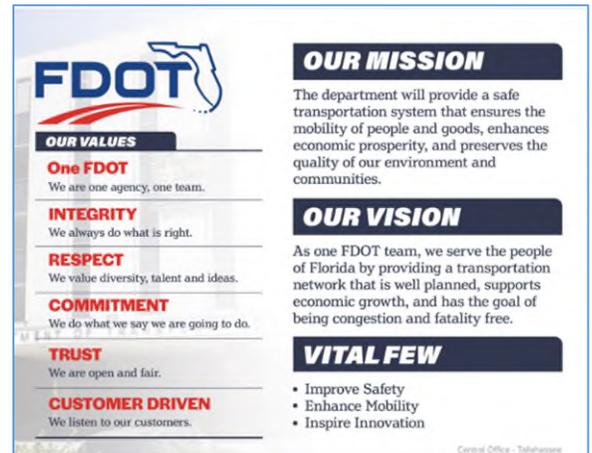
**V. Department Policies, Procedures, and Directives**

From time to time, Department leadership announces new initiatives or directives intended to govern staff and operations. These are almost always previewed at the monthly Department Executive Board Meeting and thoroughly discussed among leadership before dissemination to staff. The EOO Manager attends the meetings and is responsible for assessing the equity, inclusion, and nondiscrimination of the directive before it is forwarded to the Department’s Office of General Counsel (OGC) for approval.

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<sup>4</sup> Despite regular training by FDOT and FHWA, local agencies often report the percentage of foreign language households rather than those with limited English ability. While the Department does not approve sub-recipient language plans per se, it does verify use of the correct data.

More usually, updates to policies or procedures originate within a specific program area and require review by all Department offices. The Department Organizational Development Office (ODO) leads the effort and solicits comments or questions from other area offices, including EOO. The Title VI Coordinator reviews these documents, as assigned, editing them for compliance with Title VI and consistency with approved Department policies. For example, during FY2021, the Local Programs Office is updating its governing manual in preparation for the deployment of a new web-based platform. The Title VI and civil rights chapter must be edited by EOO before it can be submitted by ODO to OGC for approval.



## VI. Eliminating Identified Discrimination

The Department is committed to ensuring nondiscrimination in all programs, services, and activities. It primarily accomplishes this through proactive measures, implementing equity policies and procedures, conducting regular training of staff and stakeholders, and reviewing programs to demonstrate nondiscrimination. However, the Department recognizes that prevention may not always be foolproof and that it must be ready to take steps to eliminate discrimination if found. This includes addressing issues of noncompliance or inconsistency with federal or state nondiscrimination authorities. There are three primary methods for identifying and addressing discrimination.

### 1. External Findings

The Department resolves any deficiencies found by FHWA or FTA within ninety (90) days of receiving the Letter of Finding. Such findings are uncommon but are of the highest priority. For example, the Department has been subject to Title VI deficiency findings from FHWA three (3) times over the past twenty (20) years. The following chart details the issue, response, and resolution:

Finding Date	Reviewer	Finding	Departmental Response(s)
June 2005	FHWA Headquarters	FDOT lacks an oversight process for ensuring LPA program compliance with Title VI and ADA.	<i>Developed Local Agency Information Tool (LAPIT) and appointed a Sub-recipient Compliance Assessment Team to develop and implement desk and site reviews documenting LPA program compliance.</i>
March 2009	FHWA FL Division	FDOT failed to provide updated assurances in compliance with 23 CFR 200.9 and 23 CFR 21.	<i>Department Secretary signed an updated assurance days after the finding. Each successive secretary executes an assurance within 90 days of appointment.</i>
December 2012	FHWA Headquarters Office of Civil Rights (HCR)	<ul style="list-style-type: none"> <li>• FDOT must sample race, color, national origin, sex, age, disability, income, and LEP data in each federal program area to assure nondiscrimination</li> <li>• FDOT must integrate ADA/504 with its Title VI program and eliminate program fragmentation</li> <li>• FDOT must follow-up with LPAs after training to assess any unmet needs and overall comprehension</li> <li>• FDOT Title VI staff must have distinct duties subject</li> </ul>	<i>Within one month, FDOT submitted a corrective action plan and, within one year, adjusted its program to:</i> <ul style="list-style-type: none"> <li>• <i>Include community characteristics data in each program area Quality Assurance Review (QAR)</i></li> <li>• <i>Appoint the ADA Coordinator to the SCAT team, implement SCAT Team meetings on a recurring basis, and begin providing joint Title VI and ADA Nondiscrimination LAP training to FDOT subrecipients</i></li> <li>• <i>Develop a LAP evaluation document to provide feedback and 'burning questions' after each Title VI training</i></li> <li>• <i>Developed and included job descriptions and time percentages for program area officers and District Title VI coordinators</i></li> </ul>

		to performance review and accountability <ul style="list-style-type: none"> <li>• FDOT must review EA and EIS documents for EJ and Title VI Compliance</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Began including at least one environmental document as part of any program area review of environment</i></li> </ul>
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More common external findings are identified via FHWA’s stewardship and oversight of the Department’s Title VI Program. The Division Civil Rights Officer (CRO) annually reviews at least one (1) District for Title VI compliance, examining District programs and documents, but also EOO’s monitoring process. Each of these reviews culminates in a report and, though it has not identified deficiencies to date, the Division report may provide recommendations for strengthening the program. Though the Department is not required to adopt recommendations, it responds to each within thirty (30) days.

## 2. Internal Findings

The Department’s Quality Management Dashboard (QMD) system is a QAR information repository used statewide to track departmental compliance with federal and state authorities and document correction of identified deficiencies. For Title VI, the Equal Opportunity Office (EOO) inputs QARs of Department Districts, Turnpike Enterprise, and Sun Rail. The State Title VI Coordinator then enters program area review items and related performance measures, followed by the documents and information obtained during the QAR. The QMD automatically calculates the level of compliance associated with each measure, flagging those found to be less than fully compliant for the program area. When a measure of effectiveness is entered and not found to be fully compliant for that program area, a corrective action item along with a due date for completion is entered. Once QMD is populated with all Title VI QAR data, reports are electronically communicated to the District Secretary and to the District Title VI Coordinator, jointly responsible for acknowledging the District’s receipt of the QAR Report. District leadership, the District Title VI Coordinator, and when needed, the State Title VI Coordinator work collaboratively to resolve all Title VI concerns and corrective actions by the due date provided. The District makes the required corrective actions or program adjustments and updates QMD to reflect completion.

## 3. Sub-recipient Findings

Florida has twenty seven (27) MPOs and approximately 130 Local Agencies (LA) receiving FHWA funds as sub-recipients. Accordingly, a portion of the Department’s apportioned FHWA funding is provided to these entities for specific projects or programs. In order to qualify as a sub-recipient, the LA or MPO must demonstrate to the Department that it complies with Title VI requirements. Minimal expectations are an executed assurance, Title VI policy and complaint procedures document and identification of a Title VI point of contact. Sub-recipients must also demonstrate a community characteristics inventory showing race and ethnicity demographics for the jurisdictional area. The Department conducts more in-depth reviews of sub-recipients as part of QARs or in partnership with FHWA oversight activities. Regardless, sub-recipient deficiencies are addressed in one of two ways; either the sub-recipient is considered ineligible for federal funding (program finding), or project payments are withheld for deficiencies (project finding). The Department seeks voluntary compliance to the maximum extent possible, providing tools, training, and even one-on-one technical assistance, where requested or warranted. Details of the Department’s SCAT process are included in subsection 6 - Local Agency Programs above.

## VII. Title VI Training

The Department conducts both internal and external Title VI Nondiscrimination training utilizing electronic and in-person methods to educate and equip its staff, sub-recipients, contractors, and others of Title VI requirements. In 2019, the Department developed and launched its first Title VI Computer Based Training (CBT) to provide general Title VI Nondiscrimination information, an overview of its Title VI Nondiscrimination Program, and specific program area responsibilities for all appointed District Title VI Coordinators and Program Area Officers (PAO). With a highly decentralized statewide Title VI Nondiscrimination program, the CBT allows the Department to

ensure new District Title VI Coordinators and Program Area Officers receive training if appointed before or after annual Title VI training is scheduled to occur in their District.

District Title VI Coordinators are required to conduct Title VI training for all PAOs annually. When requested, the State Title VI Coordinator either assists with the development of the informal training or if the District Coordinator is newly appointed, will conduct the annual training during annual Title VI QARs. If significant Title VI program or process changes with statewide impacts occur, the State Title VI Coordinator conducts formal on-site training during annual Title VI QARs in all Districts. With the advent of COVID-19 Title VI training is performed virtually, via electronic platforms such as Microsoft Teams and Go To Webinar.

The Department has a robust external Title VI Nondiscrimination training program that serves its Local Agency Program (LAP) participants, MPO's, TPO's, Contractors, Universities, and other sub-recipients. Annual Title VI Nondiscrimination training dates are determined during meetings of the State Title VI Coordinator, State Local Agency Program Administrator, and the State ADA Coordinator. Trainings are held in Districts across the state on a rotating basis with an emphasis on ensuring at least one training occurs within each District every three years. The number of agencies requiring technical assistance within each District and specific requests for Title VI Nondiscrimination training from MPOs, LAs, and Universities also factor into Title VI Nondiscrimination training location determinations. Historically, the Department conducts two (2) or three (3) LAP-focused Title VI training each year, and an equal number of requested MPOs, TPOs, or other entity Title VI training conducted collaboratively with FHWA's Florida Division. Due to COVID-19 considerations, the Department is currently considering innovative ideas to continue meeting the external training demands of its Title VI sub-recipients.

## **VIII. Title VI and Foreign Language**

National origin is one of the three classifications for which everyone in the United States is protected. It includes those that may not speak and understand English well enough to access or participate in Department programs or services. In August 2002, the President signed Executive Order 13166, *Access to Services for Persons with Limited English Proficiency (LEP)* which instructed federal agencies to both develop LEP plans and to ensure funding recipients take reasonable steps to provide meaningful access for those who are LEP. The Department not only seeks to comply with the letter of the requirements but recognizes that effective communication is essential to developing and maintaining safe, efficient, and equitable transportation systems.

### **1. Oral Interpretation**

Florida is a large and diverse state with attractions that welcome millions of visitors from around the world. As such, the Department policy is to provide verbal interpretation for any language with reasonable notice. Reasonable notification is largely dependent upon the language. Spanish and Haitian Creole are the two largest groups for which services are often required. All Department Districts have one or more staff members that can immediately provide Spanish interpretation and three (3) of the Districts can also do so in Haitian Creole. For the remaining districts, providing Creole interpretation could take longer, but no more than a single day. Generally, Spanish interpretation at Department public meetings, hearings workshops, and other events does not require a public request, rather Department offices and their consultants assume that services may be required and staff the events accordingly.

Requests for interpretation services for other foreign languages may require more notification. The Department and its Districts have contracts with language assistance providers but, depending on language, may take up to but no more than ten (10) days to provide the service. The Department uses a standard statement on all documents meant for public view, *"Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons who require special accommodation under the Americans*

with Disabilities Act (ADA) or those requiring translation services (free of charge) are asked to contact the (person listed in the notice) at least (up to no longer than ten (10)) days before the (event).<sup>5</sup>

In regions of the state where roadways have high numbers of drivers from other counties, the Department Road Rangers carry I-Speak Cards in each truck so that they can quickly assist motorists that may be lost, broken down, or involved in an accident. The Department's Title VI Quarterly Report seeks to capture all interpretation services provided, including those provided to visitors to Florida. This assists the Department with assessing the adequacy of available language resources and helps to evaluate the frequency with which staff encounters those that are LEP.<sup>6</sup>

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TITLE VI QUARTERLY REPORT		375-010-11 EQUAL OPPORTUNITY OFFICE 12077 Page 2 of 4
<b>Limited English Proficiency (LEP)</b>	<b>Response</b>	
# of translation services provided by the District		
# of interpreter services provided by the District		
Cost of translation and interpreter services provided this quarter	\$	

## 2. Written Translation

As interpretation refers to providing language services orally, translation means to provide written documents in a language other than English. Unlike interpretation, the Department does not provide its documents in other languages upon request. Rather it analyzes demographic data, the frequency of its interaction with LEP, the nature of the service provided, and its available resources to determine when and what documents are translated. The US Census American Community Survey 5-year tables for 2015 through 2019 show very little change in the

Florida (excerpt from ACS S1601 2015-2019)		
Population Description	Total	LEP
<b>Population 5 years and over</b>	19,773,422	2,353,336
<b>Speak only English</b>	13,956,872	(X)
<b>Speak a language other than English</b>	5,816,550	2,353,336
<b>Spanish</b>	4,312,975	1,830,118
<b>Other Indo-European languages</b>	1,048,736	350,543
<b>Asian and Pacific Island languages</b>	319,147	138,179
<b>Other languages</b>	135,692	34,496

breakdown of language speakers in Florida. Just under 12% (2.4 million) of Floridians speak English 'less than very well', the closest approximation to LEP available to the Department. Of this approximately 2.4 million LEP, almost 78% are Spanish speakers, with 15% making up Indo-European languages, primarily Haitian French. Even combined, the various Asian languages only reach about 5%. With a few exceptions, this means that when the Department provides translation services, it does so almost exclusively in Spanish and Creole.<sup>7</sup>

The Department breaks down translation services into two primary areas: Programs and Projects. The first area is governed by the Department's Central Office located in Tallahassee, FL. Examples of program translation are those used consistently for the entire system, such as the addition of an e-translate feature to the

<sup>5</sup> The Department translated this statement into Spanish and Haitian Creole for use in areas with high numbers of LEP in those languages.

<sup>6</sup> The number of bilingual visitors, residents and Department staff make accurately capturing interpretation services almost impossible for Spanish and Haitian Creole. Indeed, in the two southernmost Districts, Department employees can and do conduct business in these languages as part of routine customer service.

<sup>7</sup> The Department has employed written translation services for right of way acquisition for those who speak/read Chinese, though the decision was made at the District level and due to concerns over the resident's age and ability to hear the interpretation provided.



incorporates Spanish and Haitian-Creole translation capacities to major project websites in Districts with higher proportions of Spanish and Haitian Creole speakers. More important than the individual translations from project to project are the Department manuals and tools that guide the practitioner toward making the decisions that will provide the greatest access. As mentioned earlier, ETDM is the first step to provide awareness of likely impacted areas, using census block and other data. The Department also publishes a Planning Handbook and Project Development & Environmental (PDE) Manual, both of which describe when and how to translate written information for those who are LEP.

Further, through internal and external training efforts, the Department provides to its staff and sub-recipient LA's and Metropolitan Planning Organizations (MPOs) assistance on how to reach vulnerable populations, including a description of the four-factor analysis and tips for providing services in an effective manner. The Department's workforce is an almost exact demographic reflection of the state it serves. Each District maintains a list of employees 1) who are fluent foreign-language speakers and 2) who are fluent with transportation industry terms and concepts in their additional language(s), and specifically identifies employees who can provide both written translations. All staff who assist the public have access to the list along with other tools needed to refer the LEP individual to a representative who can competently assist. Needs encountered beyond the scope of a Din-house language resources, are managed by language interpretation services which each District is required to secure on a pay-by-use arrangement or through an executed contract.

### 3. LEP Guidance and Language Assistance Plan

In 2020, the Department assessed its LEP Guidance Plan and decided a major update was warranted. First, though data trends did not show substantial changes in the proportion of LEP, it did suggest more LEP residents than in the past. Second, the Department underwent changes since the last plan update, including receiving legislative authority for NEPA assignment and launching 'Vision Zero', a sweeping campaign designed to reduce fatalities on Florida's roads.

In January 2021, the Department assembled a multidisciplinary team/working group with members representing its Equal Opportunity Office (EOO), Office of Policy Planning (OPP), and Office of Environmental Management (OEM) to update the LEP Guidance and integrate a resource-focused Language Assistance Plan. The inaugural meeting of the working group occurred early March 2021. The anticipated LEP Plan completion date is December 30, 2021.

The Department is committed to providing meaningful access and will translate any document when reasonable, effective, and within available resources. While it is currently updating guidance documents, the Department continues to annually review all of its federal program areas to ensure its civil rights programs, including LEP, are substantially compliant and meaningfully delivered. The EOO collects LEP data from each District including but not limited to: the number of interpretation and translation requests received, media sources utilized to communicate with LEP populations, copies of District employee Interpretation and Translation List to ensure current, and other LEP information captured on its District Title VI Quarterly Report Form or from interviews scheduled during annual QARs conducted in each District. The Department believes its LEP services meet or

**ENGAGING PEOPLE WITH LIMITED ENGLISH PROFICIENCY (LEP) in transportation decision making**

Adults having limited-English proficiency, which includes low-literacy, may find it difficult to read a project newsletter, fill out a comment form, or understand the information presented at a public meeting.

**IDENTIFYING LEP POPULATIONS**

Start with data from the U.S. Census Bureau [American Community Survey \(ACS\)](#). Identify the block groups in the study area, and refer to the ACS five-year data sets for the data tables listed below. Various data viewers allow selection and comparison of block group and reference community data.

ACS Data Tables	Data Viewers & Tools
<a href="#">S1602</a> Selected Social Characteristics	<a href="#">Data.census.gov</a> , The U.S. Census Bureau data dissemination tool
<a href="#">S1601</a> Language Spoken at Home	<a href="#">Census Explorer</a> , Reporting tool designed for journalists.
<a href="#">S1603</a> Characteristics of People by Language Spoken at Home	<a href="#">Census 2000 Ward to County Map</a> , Census tract details about populations at risk of undercounting
<a href="#">S0902</a> Allocation of Year of Entry	<a href="#">On the Map</a> , U.S. labor statistics
<a href="#">S1501</a> Educational Attainment	

**CORRELATING QUANTITATIVE AND QUALITATIVE DATA**

Keep in mind that the ACS data are estimates and undercounting of LEP populations is a persistent issue. Verify the ACS data with local planners and community leaders. Consider that LEP populations have been missed in the research literature with the following population characteristics. Age, community outreach will be of help in determining the presence, extent, and communication needs of LEP communities in the study area.

- Low-income households
- Governmental district
- 2nd and 3rd-shift workers
- Sensitivity to meeting location
- Transportation dependent
- Lack access to subscription-based news media
- Single-head-of-household families

**Reaching LEP Populations**

1. Explore local newspapers and websites to learn about community activities where information can be disseminated and collected.
2. Make it well known in the study area that FDOT provides free language assistance to LEP communities.
3. Ask governmental and nongovernmental entities in the area about their successful practices engaging LEP groups.
4. Partner with community-based organizations to design LEP outreach activities.
5. Conduct one-on-one interviews in the LEP community, especially with people who have been in the community for a long time.
6. Use plain language and clear graphics to convey project information.
7. Conduct presentations and provide bilingual notices at schools and churches.
8. Hire local residents to conduct interviews (Bimac also provides temporary jobs in the community).
9. Design and implement LEP training for Department staff and consultants.

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exceed LEP requirements by focusing on customer service and ensuring LEP is considered and evaluated early and comprehensively in program and project delivery.

## **IX. Discrimination Complaint Procedures**

The following procedures pertain to written complaints filed under Title VI of the Civil Rights Act of 1964. Any person who believes they, or any specific class of persons, to be subjected to discrimination on the basis of race, color, or national origin may file a written complaint.<sup>8</sup> Complaints must be filed not later than 180 days after the date of the alleged discrimination unless the time for filing is extended by the U.S. Department of Transportation or its modal agencies.

The Department's website provides information on filing written complaints, including forms in English, Spanish and Haitian Creole. Complaints alleging violations of Title VI by the Department or Department sub-recipients may be sent to *any* of the following agencies<sup>9</sup>. The receiving agency will ensure that the complaint is routed to the appropriate authority for assignment, processing, and disposition.

**Florida Department of Transportation  
Equal Opportunity Office  
605 Suwannee Street  
MS 65  
Tallahassee, FL 32399**

**Federal Highway Administration  
Florida Division  
3500 Financial Plaza  
Ste 400  
Tallahassee, FL 32312**

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

**Federal Coordination and Compliance Section  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530**

## **X. Annual Goals & Accomplishment Report**

Beginning in 2020, FHWA changed the procedures and format for submitting annual Title VI reports. To comply, the Department now submits the report of its Title VI activities via a web-based platform, FHWA Civil Rights Connect. The uploaded material is essentially objective without any guiding narrative. Thus, the Department maintains a supplemental narrative report that provides additional information and clarification on the year's efforts and plans for the upcoming year. While this report is not generally posted on the Department's website, it is a public record and is available upon request to the Title VI/Nondiscrimination Coordinator. The annual report is meant to be an accurate reflection of the program, including its performance, any identified challenges, and reasonable goals for the upcoming year. This means report content may vary from year to year. Nevertheless, the report will always contain:

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<sup>8</sup> 49 C.F.R. § 21.11(b).

<sup>9</sup> The Department lacks the authority to investigate and issue findings under Title VI for complaints filed against the Department or its sub-recipients. All written complaints alleging race, color or national origin discrimination received by the Department will be immediately forwarded to appropriate modal administration of the U.S. Department of Transportation for processing. Complaints of discrimination listing other protected bases will either be investigated by the Department or referred to partner agencies, as warranted.

 <b>Title VI Goals and Accomplishments Report Supplemental Narrative (GARSN)</b>			
PART I			
GARSN Task	Authority	Response	Date
Implementation Plan uploaded to Civil Rights Connect	23 CFR 200.9(b)(11)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (explain)	08/23/20
Title VI Accomplishments Data responses in CRC	23 CFR 200.9(b)(10)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (explain)	10/28/20
Outstanding deficiencies resolved (if any)	23 CFR 200.9(a)(3), (b)(15)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Other (explain)	N/A
USDOT 1050.2A Executed	23 CFR 200.9(a)(1)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Other (explain)	N/A
Same Title VI Coordinator & EOO Manager as prior year	23 CFR 200.9(b)(1), (b)(2)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (explain)	N/A
<i>Assurance signed by same secretary every three (3) years. Current Assurance executed in 2019.</i>			
PART II			
Title VI Accomplishments for Reporting Year 2020:			Date
Completed update for FDOT Title VI Procedure 275-010-010-F and submitted for approval			Ongoing
Meetings with PI to update the LEP Guidance for FDOT			06/01/2020
Completed SuppRAI Review, a non-LPA federal-aid recipient			09/15/2020
Title VI webpage update was planned with a few improvements, but tech issues prevented completion – moved 2021			09/30/2020
Travel ban due to COVID-19 prevented Safety Audit Team review – delayed pending notification from Local Programs			03/12/2020
<i>Approval of procedures document held pending HCR's IP review LEP update not completed this year due to COVID-19. Placed on Goals List for 2021.</i>			
PART III			
Title VI Goals for Upcoming Year 2021:			Date
Complete update of LEP Guidance			06/30/2021
Edit procedures document consistent with HCR recommendations, if any			05/01/2021
Finish the Title VI webpage updates once OIT issues approval			06/30/2021
Update Title VI training to be used for staff and sub-recipients in 2021			12/30/2020
HCR Title VI IP Review			05/01/2021
<i>LEP working group developed – to convene 03/2021; procedures document under review by legal. Webpage updates still under development. Working to ensure consultant access to the CBT training but delaying FDOT/FHWA joint presentation updates until after the national IP review.</i>			

1. Any changes to policy statements or procedures
2. Any changes to organizational structure or staffing
3. A summary of monitoring or reviews conducted and the outcomes or conclusions
4. A flow chart of Title VI/Nondiscrimination complaints, including the bases, investigation status, and disposition
5. A summary of accomplishments in each program area, as applicable
6. A list of all Civil Rights education and or training; the type of training; dates; and the number in attendance

## XI. Core Documents

The following table provides links to nondiscrimination laws, manuals, and other important information, including Department publications. Though the Plan is a standalone document, this table provides an additional, detailed reading on nondiscrimination and civil rights compliance. The Department revisits this table annually to add or remove information, as required, and to check that links are accurate and functioning.

Title VI of the Civil Rights Act of 1964	That law prohibits race, color, and national origin discrimination in all programs, services, and activities of Federal-aid recipients. This link includes a U.S. Department of Justice summary as well as PDF and HTML versions of the statute	<a href="https://www.justice.gov/crt/fcs/TitleVI-Overview">https://www.justice.gov/crt/fcs/TitleVI-Overview</a>
Public Involvement Program	The Department believes that early, sustained, and comprehensive public involvement is the cornerstone of nondiscrimination and effective transportation decision-making. This contains the various resources, publications, and reports that constitute the Department's 'tool kit' for public involvement	<a href="http://www.fdot.gov/environment/pub_involvement.shtm">http://www.fdot.gov/environment/pub_involvement.shtm</a>
MPO Program Management Handbook	The Department's guidance to MPO on a variety of planning issues, including public involvement and, at Chapter 9, nondiscrimination in MPO programs and activities	<a href="#">FDOT MPO Program Management Handbook</a>

ETDM	Efficient Transportation Decision Making is a Department tool used to screen the various effects of proposed projects on the natural and human environment. It includes both demographic and GIS data, and the means for stakeholders to evaluate and comment on projects	<a href="https://www.fla-etat.org/est/">https://www.fla-etat.org/est/</a>
Project Development & Environmental Manual (PD&E)	As with all Department manuals, the PD&E Manual has the force of law. The Department can levy sanctions for noncompliance with the manual. The Manual is broken down into two major publications with various chapters on specific topics. The chapters on Public Involvement and Sociocultural Effects evaluation describe how nondiscrimination is achieved in project development	<a href="https://www.fdot.gov/environment/pubs/pdeman/pdeman1.shtm">https://www.fdot.gov/environment/pubs/pdeman/pdeman1.shtm</a>
Right of Way Manual	This document describes in detail how the Department complies with the Relocation Assistance and Real Property Acquisition Policies Act of 1970, more commonly called the Uniform Act. Section 1 covers the Title VI requirements for Right of Way	<a href="https://www.fdot.gov/rightofway/ProceduresManual.shtm">https://www.fdot.gov/rightofway/ProceduresManual.shtm</a>
Contract Compliance Manual	For construction contractors, Title VI and adherence to other nondiscrimination authorities are governed by the Department's Contract Compliance Manual. This document is updated biennially and details both how the Department oversees nondiscrimination among contractors and the steps contractors must follow to remain in compliance.	<a href="https://www.fdot.gov/equalopportunity/contractcompliancemanual.shtm">https://www.fdot.gov/equalopportunity/contractcompliancemanual.shtm</a>
Local Agency Program (LAP) Title VI Resources	This page contains everything local agencies require to demonstrate compliance under Title VI and other nondiscrimination authorities. Among the resources is nondiscrimination, updated annually, that outlines both the Department's approach to oversight and what the local agencies may expect in the LAP program.	<a href="https://www.fdot.gov/programmanagement/LAP/default.shtm">https://www.fdot.gov/programmanagement/LAP/default.shtm</a>
FDOT Title VI Procedure 275-010-010-f	Unlike the Implementation Plan which is updated annually and required by FHWA and annually, the Title VI Procedures is an FDOT document that details the program processes. It is only updated based on significant changes in the program structure and/or operations. FDOT last updated the procedures in January 2014 to address review requirements. FDOT is currently updating the procedures after completing a review in 2020 and finding several outdated or inconsistent elements. FDOT expects the update to be completed in federal fiscal year 2022. <i>Major Update in progress – estimated completion 03/30/2021</i>	
Limited English Proficiency (LEP) Guidance	The Department's LEP Guidance includes the results of the four-factor analysis required by Executive Order 13166. It is annually reviewed but updated only as warranted and using the most current data from the American Community Survey from U.S. Census Bureau. <i>Major Update in progress – update will continue into 2022</i>	
Language Assistance Plan	The Language Assistance Plan uses the results of the LEP Guidance to describe in detail how, when and in what languages the Department provides LEP assistance. This document is also reviewed annually but updated only as needed. <i>Major Update in progress – estimated completion 12/30/2021</i>	