

Florida Department of Transportation Title VI/Nondiscrimination Program



Implementation Plan— *Federal Fiscal Year (FFY) 2025*

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 bases 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.

This 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 State Title VI Coordinator, Stefan Kulakowski, Stefan.Kulakowski@dot.state.fl.us or 850-414-4742 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 Coordinator¹.

¹ *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.²

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 Jared W. Perdue, P.E. on 9/12/2024. The signed assurance and required Title VI contract clauses may be viewed online at [US DOT 1050.2A Standard Title VI/Nondiscrimination Assurances](#) and is included below as Insert A.

Insert A

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| <p style="text-align: center;"><u>The United States Department of Transportation (USDOT)</u></p> <p style="text-align: center;"><u>Standard Title VI/Non-Discrimination Assurances</u></p> <p style="text-align: center;"><u>DOT Order No. 1050.2A</u></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><u>Statutory/Regulatory Authorities</u></p> <ul style="list-style-type: none">Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d <i>et seq.</i>, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);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>);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); <p>The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.</p> <p><u>General Assurances</u></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><u>Specific Assurances</u></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">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. | <ol style="list-style-type: none">The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Highway Programs 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>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.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.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.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.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">for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; andfor 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.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">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; orthe period during which the Recipient retains ownership or possession of the property.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 |
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² 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 09/12/2024 | 5:50 PM EDT

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.
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.
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.

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.*).

The Department provides FHWA and FTA funding to local public agencies, including counties, municipalities, and Metropolitan Planning Organizations (MPOs). Doing so makes these entities *subrecipients* of USDOT. Even as the Department executes assurances to the federal agency providing the federal funds, so it expects similar assurances from those receiving funds from the Department.

FDOT collects a signed Title VI/Nondiscrimination Assurance from all public agencies that apply for and use USDOT funds for project delivery. The so-called Local Agency Program (LAP) has a comprehensive certification process that requires triennial submission of the signed assurance, among other things. Failure to submit executed assurances disqualifies the local agency for LAP certification or recertification.

MPOs are also subrecipients of USDOT funds. They are likewise required to execute and submit a signed nondiscrimination assurance to FDOT, though these are collected every four (4) years by the FDOT Office of Policy Planning consistent with 23 CFR 450.336. The Department's Subrecipient Assurance may be viewed at [FDOT Subrecipient Assurance](#) and is included below as Insert B.

TITLE VI NONDISCRIMINATION ASSURANCE

Pursuant to Section 9 of US DOT Order 1050.2A, the "Subrecipient" 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 Subrecipient 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 Subrecipient'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 Subrecipient'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 assurance 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 Subrecipient 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 Subrecipient.

Dated _____
by _____, Chief Executive Officer

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:

- (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.

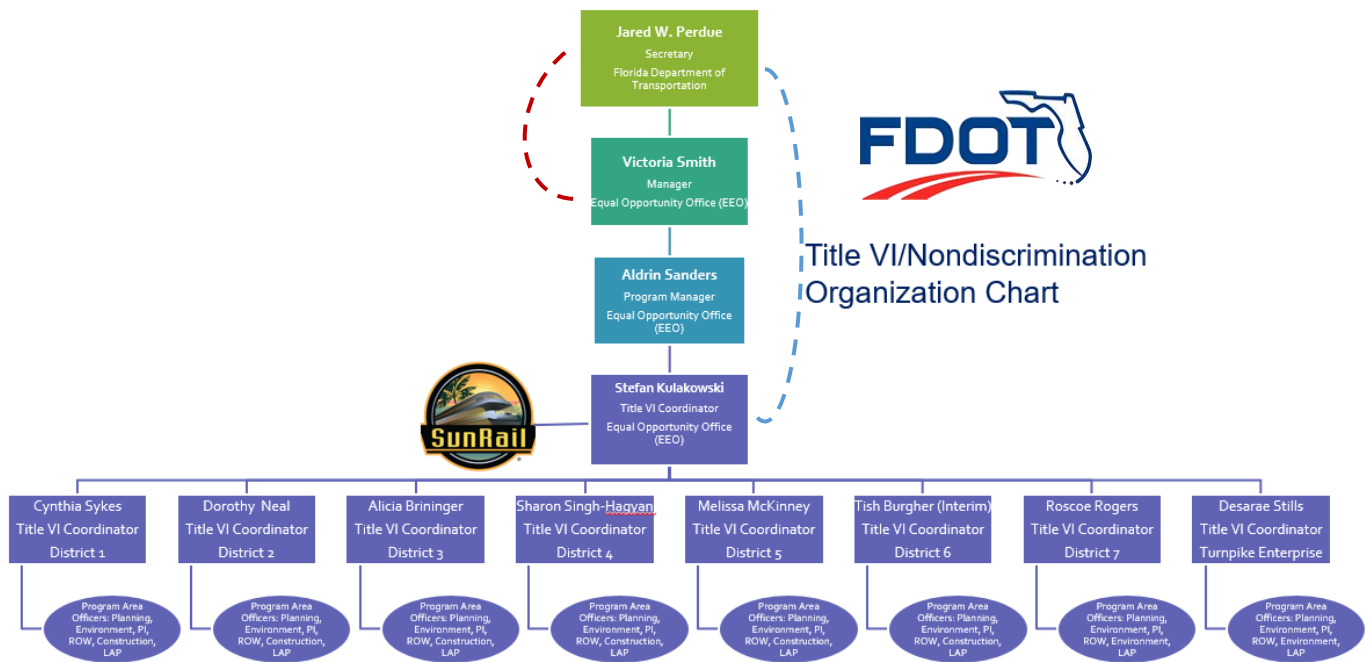
(7.) Compliance with Nondiscrimination Statutes and Authorities: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252); (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21; The Uniform Relocation Assistance and Real Property Acquisition 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 13186, 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.).

Organization and Structure

The Department expects that its staff, subrecipients, consultants, and contractors will abide by all 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 |
|---|--|
| Secretary of Transportation | 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 FDOT Title VI Assurances . |
| Title VI/Nondiscrimination Manager | 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 Title VI Organization Chart below 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. |
| State Title VI/Nondiscrimination Coordinator | 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. |

| | |
|--|--|
| District Title VI/Nondiscrimination Coordinators | <p>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.</p> |
| Title VI/Nondiscrimination Program Area Officers (PAOs) | <p>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.</p> |
| Executive Leadership and Management | <p>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.</p> |



III. 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 its 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 EOO and Title VI Coordinators 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 provide for identification and elimination of discrimination, as well as for data analysis that may reveal trends of Title VI discrimination. Beginning in FY 2024, to strategically select the program areas and specific review issues or topics, FDOT began using a Risk Based Review Tool completed by each FDOT district. The tool uses a basic risk rubric to score the core elements of each program area, identifying those of higher risk and allowing practitioners (Coordinators, Program Officers, etc.) to more effectively budget review time and resources. The tool also improves the quality of nondiscrimination reviews by providing a deeper understanding of the program areas and their role in USDOT assisted programs. The Title VI risk assessment tool is included in this document as **Attachment 1**.

In addition to the annual risk assessment, District Title VI Coordinators complete and submit to the Statewide Title VI Coordinator a Quarterly Title VI Report. The report identifies any changes to the annual risk assessment along with suggested methods of mitigating or addressing noted issues. The Quarterly Title VI Report is included in the Plan as **Attachment 2**.

Finally, in addition to in-depth Quality Assurance Reviews focusing on high-risk program areas, the FDOT Statewide Title VI Coordinator conducts On Site Review Meetings with each of the District Title VI Coordinators annually to review their responsibilities and Title VI processes. The Coordinator documents information collected during the onsite by completing and supplementing a Title VI In-Peron Checklist. This document is included in the Plan as **Attachment 3**.

This section describes the Department policies and procedures in place to monitor each federal program area for Title VI compliance:

1. PLANNING AND ENVIRONMENT

a. PLANNING

Overview of Department Planning Operations

Planning oversees a wide range of efforts and programs that lay the groundwork for transportation programming and project development. FDOT's Central Office planning team consists of three offices: The Systems Forecasting and Trends Office (SFTO), Systems Implementation Office (SIO), and the Office of Policy Planning (OPP). The SFTO office analyzes performance measures, trends and conditions, data forecasting, and support for traffic demand modeling. The SIO is responsible for the Strategic Intermodal System (SIS), develops policies, procedures, tools, and training and technical assistance for planning level traffic studies, and manages the Shared-Use Non-motorized (SUN) Trail Program. The OPP oversees a wide range of planning, policy and research activities to advance Florida's statewide transportation system. The OPP develops and maintains the statewide long range transportation plan, the Florida Transportation Plan (FTP) Fla. Stat. § 339.175. Acting as representative for the Department, OPP provides oversight to Florida's twenty-seven (27) MPOs to ensure planning consistency and compliance with Federal Law (23 CFR 450.316) and State Statute (Fla. Stat. § 339.175 and 339.176). Though the size, structure, and funding of MPOs vary, all are charged with developing the long-range transportation plan and the transportation improvement plan (TIP) that become part of the Department's five-year work program.

Activities to Ensure No Bias in Planning

- The Department utilizes a Public Involvement and Community Engagement Program that is designed to provide early, continuous and extensive outreach to all communities.

- The Department requires all MPOs to annually provide a nondiscrimination assurance and a certification of nondiscrimination. The Department, through the annual FDOT/MPO joint certification process, reviews these assurance and certification statements. The Department monitors compliance among smaller MPOs via risk-based scoring and a Quality Assurance Review (QAR) process.
- Though similar, federal public involvement requirements for MPOs are not identical to those for State Departments of Transportation. Therefore, the Department publishes a *MPO Program Management Handbook* that provides the public involvement and community engagement requirements. In addition, Chapter 10 of the *Handbook* addresses Title VI and other responsibilities for MPOs. The *Handbook* is reviewed annually by the Department's 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. Chapters 4 and 5 of the *MPO Program Management Handbook* provide detailed description of the ETDM screening process in planning.

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 assumes responsibility as the Lead Agency for developing road and bridge projects in compliance with the National Environmental Policy Act of 1970 (NEPA) per a Memorandum of Understanding executed by FHWA and FDOT. 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 (and with the subsequent renewal in May 2022), responsibility for approving projects under NEPA has been assigned to the Department. Despite NEPA Assignment, 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 information, public engagement responses, 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*). 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, alternatives may be 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 dynamic, 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 Part 1, Chapter 11 of the PD&E Manual.

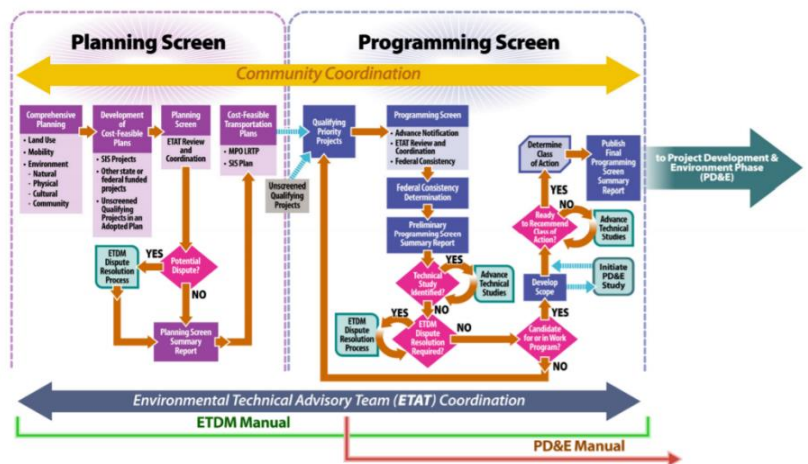
Activities to Ensure Nondiscrimination in Environment

- 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 potential 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 Program Area Officer (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 required to be screened through the Efficient Transportation Decision Making (ETDM) system to identify and categorize the various impacts and enhancements.

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.

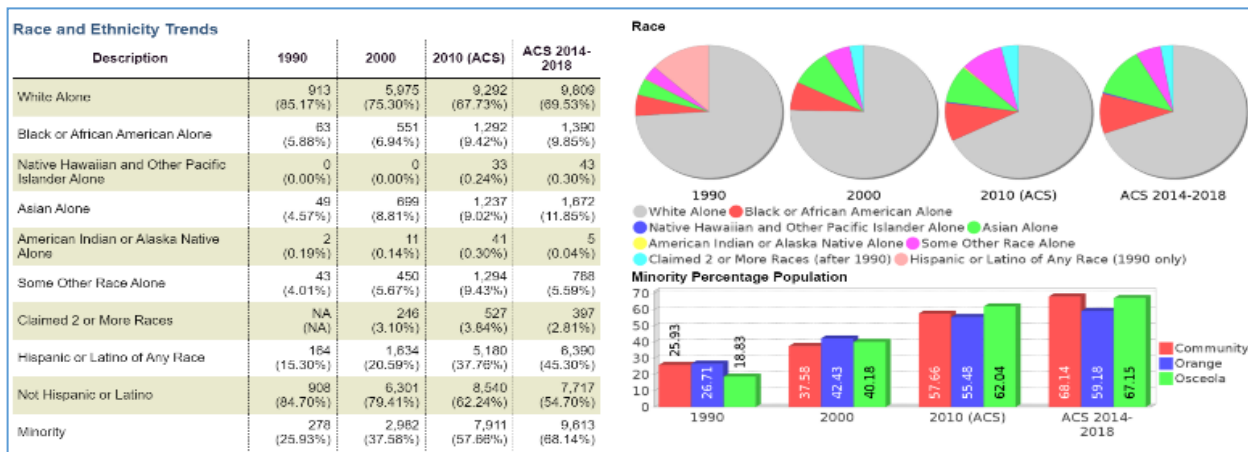
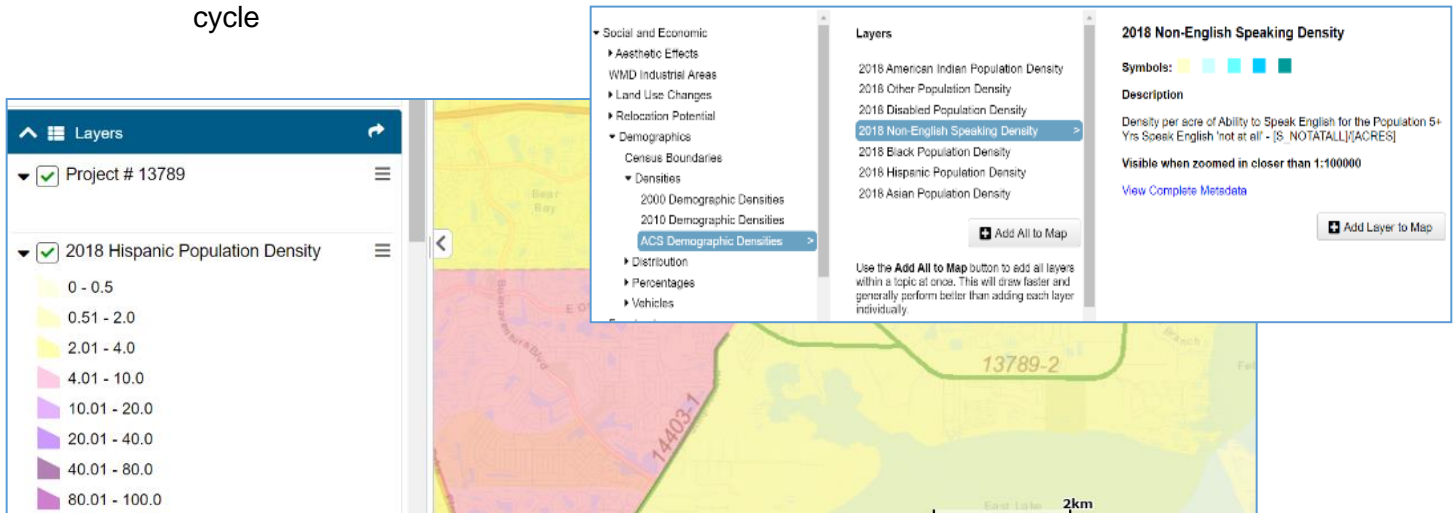


ETDM is supported by the Environmental Screening tool (EST), a web-based interactive database and geospatial mapping application that includes over 550 environmental resource GIS data layers, has automated and standardized GIS-based environmental screening analysis application, and numerous tools for 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 | 3 | N/A | 4 | N/A | 4 | N/A | 4 | 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.flas-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.

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 risk assessment and identification.

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 |

2. 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 regional Communications Office with a Public Information Officer (PIO) 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, the Department believes it is an essential program for Title VI and nondiscrimination monitoring.

The District Communications Offices 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, PIO alone remains directly accessible by 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 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 PIO |
| 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 | |

3. 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.

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.

Upon identification of risk in a core element of ROW, the Title VI Coordinator conducts a program area review of ROW via the QAR process. 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 services in ROW to be provided by an external or third-party 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 | State 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) | |

4. [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 State Title VI Coordinator reviews the risk tool 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 State Title VI Coordinator verifies that the Department used targeted outreach via minority media, faith-based organizations, and meetings conducted within the community. The State Title VI 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 State Title VI 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 State Title VI 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 State Title VI 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 State Title VI 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 State Title VI 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 | State 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 | |

5. Local Agency Program (LAP)

Overview of the Local Agency Program (LAP)

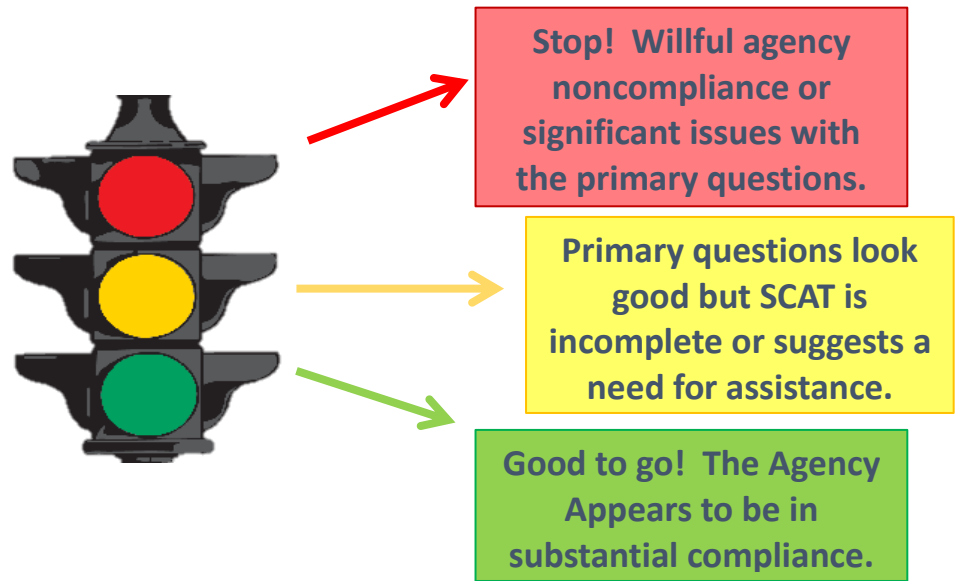
The Department operates a LAP whereby state and local governments may design and construct projects using FHWA and/or State funds. The program requires the local agency to be certified through a comprehensive process demonstrating the agency’s ability to deliver a compliant project. One of the many requirements 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 subrecipient 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 Subrecipient 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 Twenty (20) to forty (40) per year with results housed in GAP. However, the Title VI Coordinator may also conduct onsite reviews of LAP agencies as part of annual QARs of the Districts, should risk assessment and identification warrant. 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 |
| Subrecipient 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 | State 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 ³ and to ensure project equity/nondiscrimination | |

6. Transportation Data & Analytics (TDA), Supporting Equity through Data:

Through data analytics, FDOT is furthering equity in a wide variety of projects. First, the Transportation Data & Analytics (TDA) Office provides data support to FDOT's Equal Opportunity Office during Title VI program area reviews, establishing a completely neutral, data-focused, third-party participant that increases the integrity of the review team and the credibility of its work product(s). In 2023, TDAO assembled and layered pedestrian crash data with community demographics to help determine whether vulnerable communities were receiving timely, appropriate projects to mitigate safety concerns. In 2024, TDAO mapped census tracts for three decades to demonstrate the importance of regularly updated Right of Way planning throughout project development. Second, TDAO has led Florida's transportation industry via



³ 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 subrecipient language plans per se, it does verify use of the correct data.

projects that promote multimodality, such as nonmotorized traffic monitoring to determine access to transit and efficiency of bike/ped movement. Finally, TDAO maintains a YouTube channel to showcase its various data related products, including traffic movement before and after major storm events, the classification of roadway systems in urban environments, and analysis of freight and commodities based on consumption, export, import, and employment. TDAO will continue to be a vital tool in Title VI Review Analysis as it not only helps with baseline data but with impact analysis as well. For more information visit the FDOT Analytics site at <https://www.fdot.gov/statistics/datalytics.shtm>.

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 Safety, 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.

IV. 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.

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 State Title VI Coordinator reviews these documents, as assigned, editing them for compliance with Title VI and consistency with approved Department policies. For example, the local programs office updated its LAP manual in preparation for deployment of a new grants management program, GAP. The chapter on civil rights and Title VI was reviewed and edited by Equal Opportunity Office for compliance before it was sent to OGC for approval.



V. 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 Subrecipient 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"> • FDOT must sample race, color, national origin, sex, age, disability, income, and LEP data in each federal program area to assure nondiscrimination • FDOT must integrate ADA/504 with its Title VI program and eliminate program fragmentation • FDOT must follow-up with LPAs after training to assess any unmet needs and overall comprehension • FDOT Title VI staff must have distinct duties subject to performance review and accountability • FDOT must review EA and EIS documents for EJ and Title VI Compliance | <p><i>Within one month, FDOT submitted a corrective action plan and, within one year, adjusted its program to:</i></p> <ul style="list-style-type: none"> • <i>Include community characteristics data in each program area Quality Assurance Review (QAR)</i> • <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> • <i>Develop a LAP evaluation document to provide feedback and 'burning questions' after each Title VI training</i> • <i>Developed and included job descriptions and time percentages for program area officers and District Title VI coordinators</i> • <i>Began including at least one environmental document as part of any program area review of environment</i> |
| January 2021 | FHWA Headquarters Office of Civil Rights (HCR) | <p>FDOT Implementation Plan needs updating to rely less heavily on weblinks and more description of policies and procedures. Among areas to be addressed were:</p> <ul style="list-style-type: none"> • Identification of Title VI staff roles • Remove reference to nondiscrimination authorities not included in Title VI • Fully explain the FDOT Subrecipient Assurance • Fully explain ETDM, its purpose and use • Update LEP plan with most recent available ACS data tables | <i>FDOT immediately developed an internal IP tracking sheet to describe each updated element and the date of accomplishment. Within three (3) months, FDOT had an entirely revamped IP not only addressing HCR's findings but improving the document for overall readability.</i> |

More common external findings are identified via FHWA's stewardship and oversight of the Department's Title VI Program. The FHWA Florida 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 reports

generally 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

Previously the Department's Quality Management Dashboard (QMD) system was a QAR information repository used statewide to track departmental compliance with federal and state authorities and document correction of identified deficiencies. This system became obsolete and problematic and is no longer a functional process. While a new system is being developed all QAR information will be documented appropriately, tracking program area review items and related performance measures. When a measure of effectiveness is not found to be fully compliant for that program area, a corrective action item will be communicated along with a due date for completion. Reports are then prepared and electronically communicated to the District Secretary. 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 must make the required corrective actions or program adjustments to reflect completion.

3. Subrecipient Findings

Florida has twenty-seven (27) MPOs and approximately 77 Local Agencies (LA) receiving FHWA funds as subrecipients. 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 subrecipient, 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. Subrecipients must also demonstrate a community characteristics inventory showing race and ethnicity demographics for the jurisdictional area. The Department conducts more in-depth reviews of subrecipients as part of QARs or in partnership with FHWA oversight activities. Regardless, subrecipient deficiencies are addressed in one of two ways; either the subrecipient 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 5 - Local Agency Programs above.

VI. 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, subrecipients, 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. This CBT Training has been updated with new scenarios and review questions in 2023.

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.

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 subrecipients. 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

VII. 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)."*⁴

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 seeks to capture all interpretation services provided through risk assessments and Title VI reviews, 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.⁵

⁴ The Department translated this statement into Spanish and Haitian Creole for use in areas with high numbers of LEP in those languages.

⁵ 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.

2. Written Translation

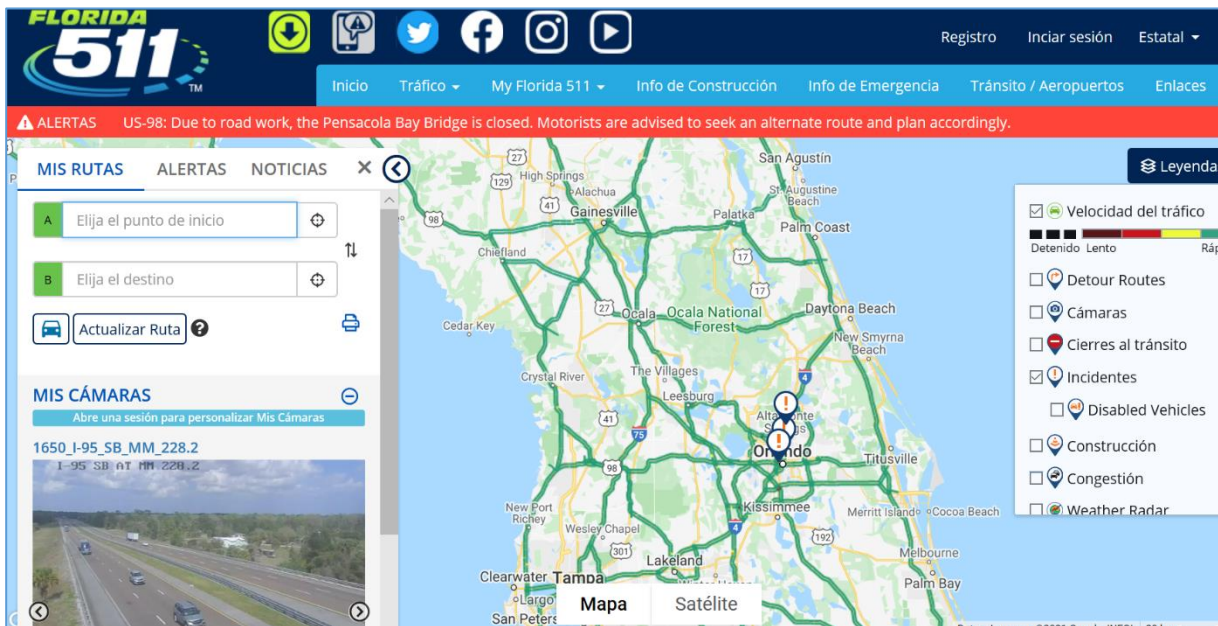
As interpretation refers to providing language services orally, translation means to provide written documents in a language other than English. Unlike interpretation, the Department does not provide its documents in other languages upon request. Rather it analyzes demographic data, the frequency of 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 20 through 2019 show very little change in the

| Florida (Excerpt from ACS S1601 2021 5 year Estimates) | | |
|---|------------|-----------|
| Population Description | Total | LEP |
| Population 5 years and over | 20,220,968 | 2,388,642 |
| Speak only English | 14,190,713 | (X) |
| Speak a language other than English | 6,030,255 | 2,388,642 |
| Spanish | 4,469,836 | 1,860,400 |
| Other Indo-European languages | 1,085,681 | 350,769 |
| Asian and Pacific Island languages | 327,633 | 140,294 |
| Other languages | 147,105 | 37,179 |

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.⁶

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 Department's website; Right of Way publications; the Alert Today Alive Tomorrow safety campaign; or Florida 511:

⁶ 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.



The decision to translate project-specific documents is made on a case-by-case basis, based on the language(s) represented in the project area. The Department routinely provides vital information by developing project fact sheets in English, Spanish, and Creole (as needed) for major Design/Construction projects. The Department also provides translation of project documents for common occurrences such as lane closures, new sidewalk and pedestrian ramp additions, and new lighting, traffic signals, and pavement markings. The Department 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 subrecipient local agencies 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

The infographic is titled 'ENGAGING PEOPLE WITH LIMITED ENGLISH PROFICIENCY (LEP) in transportation decision making'. It features two pie charts: 'Less Than 12th Grade, No Diploma age 25 or over' at 12.0% and 'Speaks English "Less Than Very Well" age 5 or over' at 11.9%. Below the charts is a section 'IDENTIFYING LEP POPULATIONS' with instructions to start with data from the U.S. Census Bureau and identify block groups. It includes a table of ACS Data Tables and Data Viewers & Tools. A section 'CORRELATING QUANTITATIVE AND QUALITATIVE DATA' provides tips on verifying ACS data with local planners and community leaders. A list of characteristics includes low-income households, 2nd and 3rd-shift workers, transportation dependent, single-head-of-household families, governmental district, sensitivity to meeting location, and lack access to subscription-based news media. The footer identifies the 'Office of Policy Planning | June 2020'.

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 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 in early March 2021. A revised and updated LEP Guidance and Language Assistance Plan was completed in September 2022.

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 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.⁷ 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 subrecipients may be sent to *any* of the following agencies⁸. 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**

⁷ 49 C.F.R. § 21.11(b).

⁸ The Department lacks the authority to investigate and issue findings under Title VI for complaints filed against the Department or its subrecipients. 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.

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:

|  Title VI Goals and Accomplishments Report Supplemental Narrative (GARSN) | | | |
|--|-----------------------------|--|----------|
| 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 & EEO 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 SuppRail Review, a non-LPA federal-aid recipient | 09/15/2020 | | |
| Title VI webpage update was planned with a few <u>improvements</u> , 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.

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| 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 | https://www.justice.gov/crt/fcs/TitleVI-Overview |
| 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 | http://www.fdot.gov/environment/pubinvolvement.shtm |
| 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 | FDOT MPO Program Management Handbook |
| 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 | https://etdmpub.fla-etat.org/est/ |
| 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 | https://www.fdot.gov/environment/pubs/pdeman/pdeman1.shtm |
| 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 | https://www.fdot.gov/rightofway/ProceduresManual.shtm |
| 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. | https://www.fdot.gov/equalopportunity/contractcompliancemanual.shtm |
| 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. | https://www.fdot.gov/programmanagement/LAP/default.shtm |
| FDOT Title VI Procedure 275-010-010-g | 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 September 2022. | https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/equalopportunity/titlevi/title-vi-program-staffing-complaint-processing-procedure.pdf?sfvrsn=403f56b3_2 |

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| <p>Limited English Proficiency (LEP) Guidance</p> | <p>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.</p> | <p>fdot-limited-english-proficiency-(lep)-guidanceef571f325db8449c85313b35aa6141d1.docx (live.com)</p> |
| <p>Language Assistance Plan</p> | <p>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.</p> | <p>https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/equalopportunity/titlevi/language-assistance-plan-9-29-22.pdf?sfvrsn=81f6a3f4_2</p> |