
**FHWA
Title VI
Implementation
Plan**

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Organization & Staffing

The Office of Contract Compliance (OCC) has the primary responsibility for implementing CTDOT's Title VI Program. The OCC Manager periodically briefs the Commissioner's Office regarding Title VI issues in the role of the CTDOT Title VI Coordinator. As the CTDOT Title VI Coordinator, the OCC Manager initiates and monitors day-to-day Title VI activities, processes Title VI complaints, and prepares requisite reports. The CTDOT Commissioner has delegated the responsibility for Title VI implementation to each Bureau Manager through the issuance of a Policy Statement and Assurance.

To assist the CTDOT Title VI Coordinator, each Bureau Manager has appointed a Bureau Program Area Designee. This individual is responsible for performing periodic Title VI reviews within the Bureau and coordinates with the CTDOT Title VI Coordinator regarding Title VI Review observations/recommendations, data collection, and data reporting. The Bureau Program Area Designee will have a responsible position within the Bureau's program area and will have the support of the Bureau Manager when performing Title VI reviews and performing data collection, analysis and reporting. The Bureau Program Area Designee will meet periodically with the CTDOT Title VI Coordinator; and will submit to the Title VI Coordinator periodic Title VI reports.

The CTDOT Title VI Coordinator will meet periodically with the Bureau Managers. The Bureau Managers will coordinate with the CTDOT Title VI Coordinator in the dissemination of information specific to their oversight responsibilities. The six CTDOT Bureaus are as follows:

- Highway Operations;
- Engineering and Construction
- Finance & Administration;
- Public Transportation; and
- Policy & Planning.

The federal-aid special emphasis Program areas are as follows:

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

Responsibilities/Authority For Title VI Activities

The CTDOT Title VI Coordinator has a direct reporting relationship with the Commissioner's Office concerning Title VI issues. The OCC currently has (two) Equal Employment Opportunity Specialist 1 positions; (one) Equal Employment Opportunity Specialist 2 position; (one) Fiscal Administrative Officer; (one) Equal Employment Opportunity Leadership position; and (one) Secretary 2 position.

The CTDOT Title VI Coordinator shall be responsible for the following:

- Develop and coordinate the implementation of the CTDOT's overall Title VI Program. These activities include the coordination and monitoring of CTDOT's Bureaus to ensure continuous and timely completion of Title VI activities;
- Be thoroughly familiar with, and knowledgeable of the federal statutory and regulatory requirements, and the CTDOT's overall Title VI Program. Additionally, the CTDOT Title VI Coordinator will be involved in oversight and monitoring activities in the various phases of federal-aid project development, so as to assist the Bureau Managers in addressing Title VI issues and to develop an awareness of Title VI concerns;
- Establish procedures to insure the prompt processing, disposition and investigation of all Title VI complaints in accordance with the Title VI Complaint Process (see Chapter III);
- Establish procedures and coordinate with the Bureau Program Area Designees to review CTDOT policies and procedures to determine the adequacy of the Title VI provisions contained therein, and when necessary, coordinate with the appropriate CTDOT management to revise such policies and procedures to adequately address Title VI concerns;
- Conduct coordinate and develop cooperatively with the FHWA training programs, regarding Title VI and related statutes for Bureau Program Area Designees and Bureau Managers;
- Prepare and submit by October 1st of each Federal Fiscal Year (FFY) an Annual Title VI Plan Update which will include the accomplishments for the previous FFY, the goals for the next FFY, and an update as to the reviews performed and a schedule of reviews for the next FFY;
- Participate in all transportation decision making;
- Take part in identifying mitigation measures for minorities and low income persons; and when possible determine the effectiveness of such measures;
- Participate in obtaining public involvement, especially in minority and low income areas;
- Attend statewide/regional planning and project meetings/hearings involving Title VI issues or where Title VI impacts have been identified;

- Accompany the Program Area Designee on selected right-of-way activities to compare treatment received by minorities and non-minorities;
- Review all contracting procedures to ensure nondiscrimination;
- Review prequalification/bonding requirements and contractor selection procedures to determine uniformity in their application to minority and non-minority contractors;
- Assist Program Area Designees and sub-recipients in communicating contract opportunities to minority/women-owned contractors and subcontractors;
- Participate in the development of Title VI information for dissemination to the general public and where appropriate, provide information in languages other than English (see Chapter VII);
- Establish procedures and coordinate the resolution of Title VI deficiencies with the Bureau Program Area Designees which may result from Title VI Program reviews, federal agency citations, or through other methods. Resolutions of Title VI deficiencies will be completed and submitted to the appropriate parties within a period not to exceed ninety (90) days;
- Conduct reviews of special emphasis federal-aid Program areas as required (i.e., advertising procedures, legal notices, consultant selection, etc.); and
- Conduct or coordinate reviews of local public agencies, universities, etc., that receive US Department of Transportation funding as to their Title VI compliance.

Bureau Managers

The manager of each Bureau is responsible for the implementation of the Title VI Program area(s) within his/her Bureau. The Bureau Manager will designate a Bureau Program Area Designee to act as the Bureau's Title VI Liaison; the Bureau Program Area Designee will coordinate with the CTDOT Title VI Coordinator. The Designee will be responsible for the administration of the respective Bureau's Title VI Program area(s). The Bureau Manager will advise the CTDOT Title VI Coordinator of any interim changes in the Bureau Program Area Designee(s) immediately following the occurrence.

Bureau Program Area Designees

The Bureau Program Area Designees have the following responsibilities:

- Develop the Bureau's Title VI Program or provide periodic reports to the CTDOT Title VI Coordinator for inclusion in the Annual Title VI Implementation Plan and Accomplishment report. The final Bureau Title VI report for the FFY will be provided to the CTDOT Title VI Coordinator by September 1st of each FFY. These reports will be reviewed by the Bureau Manager prior to providing the reports to the CTDOT Title VI Coordinator. The Bureau Manager will meet with the CTDOT Title VI Coordinator to discuss any Title VI issues;

- Conduct a review of selected elements within the federal-aid Program area(s) and will submit an annual report via the Bureau Manager to the CTDOT Title VI Coordinator describing the reviews performed, observations and recommendations, and will provide a list of reviews to be performed in the next FFY;
- Continually monitor the Bureau's Title VI implementation progress and track accomplishments towards the identification and elimination of discrimination and recommend corrective actions as necessary; and
- Address the CTDOT Title VI Coordinator's and/or federal agency's comments regarding Bureau Program Area Title VI deficiencies. All deficiencies will be clearly defined and corrective actions will be stated in writing. All corrective actions implemented or at least initiated within ninety (90) days.

Both a Bureau Organization Chart and an Office of Contract Compliance Chart are included in the Attachments.

Program Area Review Procedures

Statewide Transportation Planning and Public Involvement Procedures

The Bureau of Policy and Planning (the Bureau) within the Connecticut Department of Transportation (the Department) is responsible for the development and update of the Statewide Long-Range Planning Process, as well as coordinating with the Regional Planning Organizations (RPOs) to prepare the Transportation Improvement Programs (TIPs) and the Statewide Transportation Improvement Program (STIP).

The Bureau is also responsible to assure compliance with the National Environmental Policy Act of 1969 (NEPA) which includes, but is not limited to the preparation of NEPA documents that study the potential impacts to the natural and human environment, as the result of federally funded transportation improvement projects. Collectively, this is known as potential social, economic, and environmental impacts, otherwise known as SEE.

Transportation Planning Process

Under the 23 CFR 450 & 49 CFR 613 is a USDOT regulation: "Planning Assistance and Standards" (October 28, 1993, unless otherwise noted).

USDOT oversee the transportation planning process. Federal regulations indicate that a key element for addressing Title VI during the Planning Process is an effective Public Involvement Procedures (PIP). The PIP must be proactive and provide complete information, timely public notice, full public access to key decision-making points, and an opportunity for early and continuing involvement. The PIP will also include a process for identifying and addressing the needs of the populations that are traditionally ignored or underserved by the existing transportation systems. Each Regional Planning Organization (RPO) as well as the Department is required to have updated and approved Public Participation Plans.

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

Statewide Transportation Planning Process:

Under this sub-element, the Department is required to prepare the following documents:

- Statewide Transportation Plan (Long-Range Plan): Considers a

range of transportation options designed to meet the transportation needs (for both passenger and freight) of the State including all modes and their connections. Long-range plans frame the State's long-range transportation goals and objectives for the State and/or region. Projects should be identified and programmed in the STIP and implemented. The projects implemented from the STIP should reflect the goals and objectives identified in the long-range plan; and

- Public Involvement Process (PIP): Must be proactive and provide complete information, timely public notice, full public access to key decision-making points, and an opportunity for early and continuing involvement.
- Statewide Transportation Improvement Program (STIP): This document contains the sum of the total urban RPOs' Transportation Improvement Programs (TIPs) and the Department's programmed projects for the STIP duration. The STIP contains line-item projects, funding committed to the projects, and the year of funding authorization during the life of the STIP.

Metropolitan (Regional) Planning Process: The following eight planning factors must be considered during this Process:

- Support the economic vitality of the United States, the States, non-metropolitan and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;
- Increase the safety of the transportation system for motorized and non-motorized users;
- Increase the security of the transportation system for motorized and non-motorized users;
- Increase the accessibility and mobility of people and for freight;
- Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;
- Enhance the integration and connectivity of the transportation system, across and between modes, for

people and freight;

- Promote efficient system management and operation; and,
- Emphasize the preservation of the existing transportation system.

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

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

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

studies, and other technical work available to all groups/persons?

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

Statewide Transportation Long-Range Plan Process

The Department updates the State of Connecticut's (LRP) every three to five years. The Department undertakes a public outreach effort to solicit public input when updating this plan. The process for soliciting public input consists of the following phases:

Solicitation of Public Input Prior to the Development of a Draft LRP

The Department announces a public comment period and holds listening sessions in various locations throughout the state to solicit public input on transportation issues and concerns in Connecticut. The public comment period is at least 45 days in length and listening sessions are held in the middle of this period. At each listening session, the Department's staff delivers a visual presentation that explains the purpose of the LRP, outlines the process and mandates for developing it, identifies key factors and issues that influence transportation-related decisions and investments in Connecticut, and identifies opportunities for providing public input into the updating of the plan. Following the presentation, the public may provide input and ask questions. Representatives from appropriate Department offices attend the listening sessions to hear the public's comments and questions with respect to modes or components of the transportation system for which their bureau or office is responsible and, if there is sufficient time, respond to people's questions. Copies of the following documents are made available for public perusal at the listening sessions: a copy of the current LRP, and other pertinent documents. Copies of various handouts are also provided; such material may include the following: brochures that provide information on the LRP, the process and schedule for updating it and opportunities to provide input; a list of the titles and web site addresses of documents referenced in the visual presentation; a list of major planned and ongoing studies and projects; copies of maps showing the locations of the studies and projects; and forms ("Input, Ideas, and Comments" sheet) that the public can

use to submit their written comments at the meeting or to mail in their comments at a later date during the comment period.

Input is sought from the staff of Connecticut's Regional Planning Organizations (RPOs) when determining the dates, times, and locations of the LRP listening sessions. The facilities at which the listening sessions are held must be accessible to people with disabilities. In areas of the state where public transportation is provided, the listening sessions are held at facilities and at times to enable people to use public transportation to attend the sessions. Up to one week in advance of the date of a listening session, people may request that the Department make special accommodations for them. Assistance for the deaf and hearing impaired is arranged upon request; requests for other special accommodations, including the provision of language assistance for individuals with limited English proficiency, are considered and granted, if reasonable and possible.

The dates, times and locations of the meetings are posted on the Department's web site calendar, which includes an option to request special accommodations at a public meeting. The event postings include a link to the Department's LRP web page, which includes more detailed information on the LRP and the process for updating it. The dates, times and locations of the listening sessions are published at least once, in display ads in newspapers with regional and state coverage, including two with distributions to minority populations in Connecticut and Massachusetts. The display ads also include information on the LRP, the Department's process for updating it, contact information for submitting comments, and a telephone number and e-mail address for requesting special accommodations at a listening session. This information is also included in press releases that are issued by the Department's Office of Communications to newspapers, radio stations and television stations, before, during and just before the end of the public comment period and in brochures that are mailed and/or e-mailed to various interested parties prior to the beginning of the public comment period. LRP staff and other Department staff also notify interested parties by making the LRP brochures available at various meetings and events they attend and making announcements about the LRP listening sessions and public comment period at such events. Regional planning organizations and other appropriate organizations in Connecticut are asked to assist in notifying people of the opportunities to provide input into the updating of the LRP by posting information on their web sites and in their newsletters and providing links to the Department's LRP web page.

The interested parties to which LRP informational brochures are sent include RPOs; federal transportation agencies, transit districts, representatives of federally recognized Indian tribes in Connecticut, transit operators, freight shippers, and other groups and individuals that are identified in federal laws, regulations and executive orders pertaining to statewide transportation planning; heads of appropriate State agencies, boards and commissions; first elected officials in all Connecticut municipalities; State legislators, members of Connecticut's Congressional Delegation, public and academic libraries in Connecticut, centers for seniors, people with disabilities, representatives of bicycle and pedestrian advocacy groups, environmental organizations, chairpersons of Neighborhood Revitalization Zones in Connecticut, individuals that have asked to be added to the Department's LRP mailing list and other appropriate individuals and groups that the LRP staff members become aware of to ensure that individuals of low income and minority community having meaningful access and are involved in the decision making process.

The Department will continue to explore and consider the use of additional means to solicit input from the identified special interest groups and the general public as new means of communication (such as Facebook, Twitter and electronic surveys) to solicit public input are developed, purchased and/or authorized for Department's use.

Solicitation of Public Input on the Draft LRP

The Draft LRP is posted on the Department's web site and interested parties are notified of the availability of the document and informed of the timeframe and ways in which they can provide input on the document. If possible, a streaming media presentation that provides an overview of the contents of the document and the process used to develop it is created and posted on the Department's web site. Hard copies of the draft document are made available for public review at the Department's headquarters in Newington, Connecticut and at the offices of each of the RPOs. Comments on the draft document are accepted during a public review and comment period of at least 45 days. During the comment period, at least two public information meetings are held in the middle of the comment period to provide the public with an overview of the contents of and the process used to develop the draft document and to provide an opportunity for interested parties to ask questions and provide input on the document. At the public information meetings a visual presentation is used to provide an overview of the contents of the draft document and the

process used to develop it. One meeting is scheduled during the day; another meeting is held in the evening. Representatives of appropriate Department offices attend both meetings and are available to answer questions. An interpreter for the deaf and hearing impaired is provided if such accommodation is requested in advance of the meeting date. Other special accommodations, including language assistance, may be requested, in advance of the meeting via telephone or e-mail or via a "request special accommodations link" that has been built into the public events calendar on the Department's web page. Written comments on the Draft LRP may be submitted at the public information meetings or via e-mail or mail during the public comment period.

Interested parties are contacted and updated on the LRP update process via electronic mail; announcements at monthly/quarterly meetings of various organizations; publication of announcements in the electronic newsletters of interest groups and organizations and associations involved in transportation and/or land use planning; and direct mailings, including an extensive mailing of informational brochures. The brochures provide information on the purpose of the LRP, the process for updating it, opportunities to review the draft document and comment on it, and the anticipated publication dates of the draft and final documents. The brochures are printed in a format suitable for posting on community boards, are distributed to municipalities, public and academic libraries, and various regional, State and federal personnel, as well as other interested parties including, but not limited to, federally recognized Indian tribes in Connecticut, airport managers, bicycle enthusiasts, and motor transport representatives, and are forwarded in a large print version to senior/disabled centers throughout the state.

Legal notices announcing the availability of the Draft LRP for public review and comment, opportunities to review and provide input on the draft document, and contact information for submitting comments are published in media publications with regional and state coverage, including two publications with distributions to minority populations in Connecticut and Massachusetts.

The Department issues press releases to newspaper, television, and radio organizations, including organizations serving minority and low-income populations before, during and just before the end of the public review and comment period on the Draft LRP. The press releases announce the availability of the Draft LRP for public review and comment; provide information on opportunities to learn about,

review and comment on the draft document; provide contact information for requesting special accommodations, including language assistance, at public information meetings; promote attendance; and provide reminders of the deadline for submitting comments on the Draft document.

After the final document is published, it is posted on the Department's web site, hard copies are sent to the Department's library and hard and/or electronic copies are sent to the State Library. . A press release that includes the Department's LRP web page address is issued to inform the general public of the availability of the final LRP. Organizations and individuals that are listed on the Department's LRP Distribution List are notified via e-mail or U.S. mail of the availability of the final document.

Posting of Information on LRP Web Page

Throughout the public outreach process for the LRP, the following items, which are pertinent to the development of the LRP, are posted on the Department's web site on a dedicated LRP web page: the current LRP, informational brochures, display ads, legal notices, press releases, material distributed during the listening sessions and public meetings on the Draft LRP, and contact information. The presentations provided at the listening sessions and the public information meetings on the Draft LRP are posted on the Department's web site in several formats, including a version with audio and a version with speaker's notes to accommodate persons with sight or hearing disabilities. Whenever possible, press releases are posted on the State of Connecticut's master web site and on the various individual web sites maintained by the RPOs in Connecticut. The final LRP is posted on the Department's web site.

Statewide Transportation Improvement Program Process

The Statewide Transportation Improvement Program (STIP), which is required by Title 23 USC, Section 134 (h) as amended by MAP-21, is a four-year financial document that lists all projects expected to be funded in that four-year period. This document must be updated at least every four years and be developed to make progress toward established performance targets and include a description of the anticipated achievements. The Department's public outreach process for the STIP is as follows:

A public involvement process is followed to ensure an opportunity for all to participate. The draft STIP is developed in cooperation with MPOs and the rural RPOs in the State and made available for public review. The draft STIP is placed on the Department's web page for review. A legal notice is placed in all of Connecticut's major daily newspapers. This notice states in detail that the STIP will be available for public review, public informational meetings will be held, and that the Department will receive comments. A press release is also prepared containing detailed information found in the legal notice, background information on the STIP, and examples of projects included in STIP. This press release is issued to all Connecticut newspapers, radio stations and television stations. A brochure detailing the availability of the STIP and announcing the Public Informational Meeting is sent to all individuals, interested parties and businesses that have expressed interest in the transportation planning process.

The interested parties to which STIP informational brochures are sent include RPOs; federal transportation agencies, representatives of federally recognized Indian tribes in Connecticut, freight shippers, and other groups and individuals that are identified in federal laws, regulations and executive orders pertaining to statewide transportation planning; heads of appropriate State agencies, boards and commissions; first elected officials in all Connecticut municipalities; State legislators, members of Connecticut's Congressional Delegation, public and academic libraries in Connecticut, centers for seniors, people with disabilities, representatives of bicycle and pedestrian advocacy groups, environmental organizations, chairpersons of Neighborhood Revitalization Zones in Connecticut, individuals that have asked to be added to the Department's STIP mailing list and other appropriate individuals and groups that the STIP staff members become aware of to ensure that individuals of low income and minority community having meaningful access and are involved in the decision making process. Mentioned in the legal notice is the Department's willingness and ability to accommodate any citizen with special needs such as language, hearing and speech impaired. The dates, times and locations of the meetings are posted on the Department's web site calendar, which also includes an option to request special accommodations at a public meeting.

Each MPO is asked to coordinate a public review of its Transportation Improvement Program (TIP) including the Department's STIP during that review. The Department's staff attends all MPO informational meetings on the TIP/STIP and is available to receive comments and answer questions. The MPOs

are also required to publish in their local newspapers, information about their meeting and the availability of the STIP at their respective regions for public review and comments. Two informational meetings on the STIP are held at the Department's headquarters ground floor. One meeting is scheduled during the day with the second meeting is scheduled at night to accommodate individuals with day jobs or different schedules. A visual presentation is given to explain the process for developing the STIP and to highlight major projects in the STIP. Time is allotted for questions and comments. Steps are taken to accommodate members of the public with English as their second language. A list of names of Department staff members who are proficient in different foreign languages and are willing to function as interpreters when necessary has been compiled

The draft STIP is made available for public review and comment for a period of at least 30 days. After the 30 day review and comment period, all public comments will be reviewed and given due consideration. After all the public comments are reviewed and considered, final version of the STIP is prepared and submitted to the USDOT for approval. Explicit consideration and response is given to public input, and all who submit written comments are notified of the availability of the final approved document. The approved STIP document is made available to the public via the following avenues; it is placed on the Department's web page, at the Department of Transportation headquarter and at all the MPOs office.

Public Involvement Procedures of MPOs

The Department recognizes the important role that MPOs play in transportation planning for Connecticut. The Department participates in the cooperative transportation planning process within the MPO's jurisdiction. An effective metropolitan planning process must incorporate input from both local and state jurisdictions as well as the public. When developing their Transportation Plan and TIP, the MPOs are more in sync with the socio-economic dynamics of their respective constituents therefore they have good resources for their public involvement process. Based on these facts, the Department relies on MPOs to seek public involvement in the development of their comprehensive regional long-range transportation plans (LRP) and TIPs. To assure compliance with the requirements of Title VI and Title 23 CFR 450.316, the Department has a procedure in place that reviews each MPO's public involvement process. .

Each MPO has developed procedures to provide opportunities for the public to provide input on its regional LRP (which must cover a period of at least 20 years), TIP, STIP and major transportation planning studies that are undertaken. The Department utilizes the MPO public involvement process as an important vehicle for soliciting public comments on Connecticut's STIP. The Department acknowledges the unique nature of each metropolitan area and has determined that the endorsed MPO public participation plans meet the planning public involvement requirements of 23 CFR 450.316 for transportation projects within the MPO area.

The MPO procedures include mechanisms for the public to express their views and to obtain information. The MPO procedures also provide a general approach for involving the public in transportation planning studies.

The MPO procedures detail how the transportation needs of persons and groups who are "traditionally underserved by existing transportation systems" are identified and addressed per Executive Order 12898 (12/11/94) on "Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations." For example, some MPOs may institute advisory committees to represent transportation-disadvantaged groups and communities such as the elderly, and people with disabilities, low income and minorities.

When substantial written and oral comments are received on an MPO's draft LRP or TIP as a result of the public involvement process or the interagency consultation process, or public input is sought on the Air Quality Conformity analysis as required by the conformity regulations, a summary, analysis, and a report on the disposition of the comments shall be made part of the draft LRP and TIP. The Department will assist the MPO in responding to comments and questions.

The Department and the MPOs will coordinate the development of MPOs' plans and the statewide LRP through the cooperative transportation planning process that the Department and the MPOs conduct. The Department's participation in the MPO planning process ensures that statewide issues are considered in the MPOs' planning process. The Department will review and consider the contents of the each MPO's LRP as part of the process of developing the statewide LRP.

Amendments to the TIPs and STIP Process Public involvement for amendments to the TIP will be facilitated by the MPO. All amendments

to the TIP need to be included on the MPOs agenda for endorsement by the MPO's Policy Board. This agenda is sent to all interested parties and made available to the public. Each MPO and Rural RPO board provides an opportunity for the public to deliver comments at its meeting. Department staff attends these meetings and are available for questions and comments. Any comments received on TIP and STIP amendments will be included with CTDOT's transmittal of the amendment to the USDOT when requesting approval. Once approved by the USDOT, the updated STIP is available to the public via the Department's web page and at the Department of Transportation headquarter

Examples of revisions that are not considered significant and, therefore, do not require that the Department provide an additional opportunity for the public to comment, include minor changes in project cost and moving projects among the first four years of the STIP/TIP.

THE PROJECT DEVELOPMENT (ENVIRONMENTAL) PROCESS

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

For all federal-aid FTA and FHWA projects, the Department is required to prepare the appropriate level of environmental documentation that includes mitigation measures and measures to minimize harm in order to satisfy NEPA. The Department/FHWA Stewardship Agreement can be found on the web at: www.ct.gov/environmentaldocuments

Environmental compliance requires consideration of all possible social, economic, and environmental effects of a proposed project and seeks to ensure that the decisions made are in the public's best interest. During this process, project alternatives data, information, and all related environmental effects are identified, collected, and analyzed. This is done during the development of the NEPA

document. The goal of this process is to develop a complete understanding of the existing and future environmental conditions and the possible effects of a proposed project to make the best project decision to meet the intended transportation need, the goals of an area or community, and for the protection and enhancement of the environment. Project alternatives may be modified to avoid or minimize impacts to sensitive resources identified during the environmental studies and based upon public input. It is FHWA and FTA's policy to seek opportunities to transcend traditional mitigation and to implement innovative enhancement measures to minimize the impact upon the affected community and the natural environs. Public outreach during the development of the NEPA document will assist FHWA/FTA and the Department in the determination of these innovative measures. These measures will be determined on a project by project basis.

Project Preliminary Environmental Review

During the preliminary stages of project development, each proposed transportation project undergoes an internal environmental review process to determine the appropriate level of environmental documentation required for the project. The type of NEPA documentation required is determined by the overall level of potential impact to the environment as a result of the proposed project. This preliminary review encompasses all aspects of potential environmental impacts including a review for potential impacts to Environmental Justice and Limited English Proficiency populations.

Environmental Justice

Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin. Executive Order 12898 states that to the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories.

The environmental review process utilizes Geographic Information Systems (GIS) and U.S. Census maps to determine if minority and/or low-income populations may be adversely affected by the project.

If it is determined that a low income or minority population area is within the project area, the Department undertakes the responsibility of employing the appropriate measures to assure requirements are met throughout the development of the project to accommodate this population. These measures are determined on a case by case basis and include the assurance that any public outreach conducted by the Department accommodates low income and minority populations.

Limited English Proficiency

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency", requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them. It is expected that agency plans will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency. The Executive Order also requires that the Federal agencies work to ensure that recipients of Federal financial assistance provide meaningful access to their LEP applicants and beneficiaries.

The Department's Bureau of Policy and Planning has developed a series of maps depicting population areas of LEP within the state of Connecticut. The environmental review process utilizes this mapping and GIS to identify LEP populations within the proposed project area.

If it is determined that an LEP population area is within the project area, the Department undertakes the responsibility of employing the appropriate measures to assure LEP requirements are met throughout the development of the project. These measures are determined on a case by case basis and include the assurance that any public outreach conducted by the Department accommodates LEP populations.

Levels of NEPA Documentation

NEPA defines three levels of documentation, the applicability of which is dependent upon the potential significance of the environmental impacts (direct or indirect) as a result of a proposed project. Documentation and processing options are referred to as "classes of actions" and include Environmental Impact Statement (EIS, Class I), Categorical Exclusion (CE, Class II), and Environmental Assessment (EA, Class III). For projects requiring an EIS or EA, the Department's Office of Environmental Planning will coordinate with the Department's Office of

Contract Compliance to ensure that Title VI requirements are satisfied. The Office of Contract Compliance will review the environmental documents to assure that a Title VI assessment has been performed and will provide feedback to the Office of Policy and Planning as determined necessary. A description of each class of documentation is as follows:

- EIS (Class I) -An EIS is required when it is determined through environmental studies, public involvement, and coordination with other Federal, State, and local agencies that the proposed project will have a significant impact on the environment. The EIS process is the most involved, detailed, demanding, and formal and is the least frequently utilized. It requires a detailed and thorough consideration of all reasonable alternatives, including the following: the no-build alternative; in-depth analysis of the SEE effects that are associated with the alternatives; involvement of the public and other Federal, State, and local agencies in the process and the decisions related to the selection of a preferred alternative. Significant public outreach efforts and participation is involved, including initial public and agency scoping meetings, as well as a public hearing on the Draft EIS. Public comment periods of 30 days follow both the scoping meeting and the public hearing, and the Draft EIS must be made available to the public for a minimum of 15 days prior to the public hearing. The Department publishes a legal notice that may also be in languages other than English (if it is determined that the project will affect LEP populations) in area newspapers to inform the public of the public hearing and where the document is available for inspection. The EIS process requires the preparation of a Notice Of Intent (NOI), a Coordination Plan, a Draft Environmental Impact Statement (DEIS), a Final Environmental Impact Statement (FEIS), and a Record of Decision (ROD);
- CE (Class II) - The CE is the most commonly utilized environmental processing option. The CE is not an environmental document, but is a determination that a project will have no significant individual or cumulative SEE impacts. The following are applicable: the project will not have significant impacts upon planned growth or land use for the affected area; the project does not require the relocation of significant numbers of persons; the project will not involve significant air, noise, or water quality impacts; the project will not have significant impacts on travel patterns; and the project does not otherwise either individually or cumulatively have any significant environmental impacts.

Therefore, there is no requirement for the preparation of an environmental document (EIS or EA), although environmental studies may be undertaken to support that the CE determination is proper. Additionally, informing the public of the anticipated project can be accomplished through the municipality and various media strategies, such as posting information on the Department's web site, and publishing notices of anticipated projects in local media. Information posted on the Department's web site and in local media shall include a description of the proposed project, an anticipated schedule for construction, and a Department contact for additional information. Notices may also be published in languages other than English, if it is determined that the project will affect LEP populations. A list of project types that have been determined to meet the CE criteria is provided in 23 CFR 771.117 (c) and (d); and

- EA (Class III) - The EA is prepared for proposed projects for which the significance of the impacts is unknown or not clearly established. Proposed projects that are not CEs and do not obviously require an EIS will require the preparation of an EA to determine the significance of the impacts and whether or not an EIS will need to be prepared. The amount of information and degree of analysis that is required for inclusion in an EA will depend upon the proposed project's size, type, location, and number of reasonable alternatives, potential for significant impacts, and other factors of the project. The EA will identify the location of the project, the population demographics, and other affected neighborhood and community characteristics, the estimated number of residences and businesses that will be affected, and other potential/probable impacts for each alternative being considered. The EA may only require that one or two alternatives be considered, including the no-build alternative. It is the practice of the Department to hold a public hearing for every project for which an EA is prepared. When a public hearing is held, the EA must be made available to the public at the hearing and for a minimum of 15 days in advance of the public hearing. The Department will publish a legal notice that may also be in languages other than English (if it is determined that the project will affect LEP populations) in area newspapers to inform the public of the public hearing and where the document is available for inspection. Comments must be submitted to the Department within 30 days of the availability of the EA. If the SEE impacts, along with the appropriate interagency coordination and public involvement, indicate that the action will not have any significant direct/indirect/cumulative

impacts, a Finding of No Significant Impact (FONSI) is prepared. The FONSI will finalize the EA process, document the decisions, and detail why the impacts are not considered significant. However, if it appears that there will be significant impacts, a NOI will be published in the Federal Register and a DEIS will be prepared.

The potential for avoiding and minimizing SEE impacts likely to result from the implementation of a given project alternative must be considered for any proposed alternative regardless of the ability to satisfy the purpose and need or meet the transportation goals of a given area. Approval of the FEIS and subsequent ROD or preparation of a FONSI by FHWA constitutes acceptance of the general project location and major design elements as described in the environmental documents. After completion of the project development process, FHWA/FTA may authorize the Department to proceed with the development of final engineering design plans and specifications, acquire rights-of-way, and advertise the project for receipt of construction bids.

When a CE or EA is prepared in cooperation with FHWA, the document will address environmental impacts of a range of alternatives during the site selection process. The CE or EA will go forward with one alternative based on that process. When a DEIS is prepared, a preferred alternative will be selected from the range of alternatives presented in the document. The decision and selection of a preferred alternative will be based upon how well the alternative will address the transportation problems and meet the document's stated purpose and need.

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

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

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

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

Public Outreach and Accommodating LEP Populations

Each project must incorporate public outreach; the level of outreach required is determined by the significance of the project and the level of documentation required. According to 23 CFR 771.111, public involvement/public hearing procedures must provide for:

1. Coordination of public involvement activities and public hearings with the entire NEPA process.
2. Early and continuing opportunities during project development for the public to be involved.
3. One or more public hearings or the opportunity for hearing(s) to be held by the Department at a convenient time and place for any Federal-aid project that may have a significant effect on the environment.
4. Reasonable notice to the public of either a public hearing or the opportunity for a public hearing, including accommodations for LEP persons.
5. Efforts and outreach to ensure the inclusion of EJ populations.
6. Explanation at the public hearing of the following information as appropriate:
 - a. The project's purpose, need, and consistency with the goals and objectives of any local urban planning,
 - b. The project's alternatives and major design features,
 - c. The social, economic, environmental, and other impacts to the project,
 - d. The relocation assistance program and right-of-way acquisition process; and

- e. The Department's procedures for receiving both oral and written comments from the public.

C) CONDUCTING PUBLIC INFORMATION MEETINGS AND HEARINGS

The Department's project manager will hold public information meetings and hearings at a place and time generally convenient for persons affected by or interested in the proposed undertaking and at a facility that is accessible to people with disabilities. The Department's project manager will also be responsible for assuring all public involvement requirements are satisfied.

If, during the entire project development stage, it is determined that the project impacts a LEP population, local media used by that particular LEP population will be utilized to advertise public hearings/informational meeting notices, advertisements, legal notices, and all pertinent information to that particular population. Affirmative outreach efforts will be made to engage EJ populations to encourage their participation in public meetings and hearings.

Representatives of the Department, when appropriate, will explain the following information:

- The project's purpose, need, and consistency with the goals and objectives of any local urban planning.
- The project's alternatives, and major design features.
- The social, economic, environmental, and other impacts of the project.
- The relocation assistance program and the right of way acquisition process.
- Department procedures for receiving both oral and written statements from the public.
- The Department will ensure that engineers, planners or other qualified personnel are present to explain the project and answer questions that may arise.

At the public information meeting or hearing it shall be announced that, at any time after the hearing, and before final approval is obtained, information developed, relating to the project will be available upon request during normal working hours for public inspection and copying. If the proposal requires the acquisition of property, the Department's right of way procedures, including the relocation assistance program

when applicable, will be explained. In the case of a hearing, the availability of the appropriate environmental document will be announced at the hearing.

The Department's project manager should be prepared to receive oral comments delivered in front of those in attendance, and should be prepared to transcribe or record these accurately. The Department's project manager should also be prepared to receive written comments, either hand-delivered at the meeting or hearing, by mail, or electronically, via the internet. When necessary and appropriate, the Department's project manager should make accommodation for those with LEP or physical disability.

The Department is also implementing a service on its website that would allow the public to request reasonable accommodations or language assistance for public hearings and meetings. These requests include, but are not limited to, multi-language translation, interpreting services, and ADA accommodations including assistance for the hearing and visually impaired.

The website will be designed to allow the public to "click" the events calendar where a series of drop down menus will allow the public to select and request the desired accommodation.

Equity Assessment

Project-Level Assessments. CT DOT already employs procedures at the 'project planning level' to determine the likely impacts of projects on low-income and minority populations. These project-level assessments are intended to ensure that we do not create a disproportionate burden or adverse impact on low-income and minority communities.

Program-Level: Community Outreach. At the broader program level, CT DOT employs special community outreach procedures to ensure that low-income and minority communities have the opportunity to participate in the development of the STIP and LRP. This input is valuable, and helps shape policies and plan recommendations. However, it does not provide a comprehensive or statewide assessment of the equity impacts of our key planning documents – the STIP and LRP.

Program-Level: Equity Assessments. CT DOT is now in the process of developing equity analysis tools to assess the broader and cumulative impacts of our statewide program of projects. These special equity

assessment tools will be developed for both the STIP and LRP. The goal is to ensure that our statewide transportation planning and programming process is not discriminatory toward minority and low income communities. The special equity assessment procedures will include the following:

- Equity Assessment Chapter. An equity assessment chapter or section will be added to both the STIP and LRP.
- Quantitative Assessments. A quantitative assessment methodology will be developed to analyze the distribution of projects and project funding. The methodology will be based on the general procedures identified below.
 - Identify target areas throughout the state using the 2010 census data. These target areas will identify neighborhoods where there are large concentrations of low-income or minority populations.
 - Locate these target areas on a statewide map.
 - Locate all projects on a statewide map.
 - Compare the distribution of projects and/or project funds to determine if there is an equitable distribution of projects and funds among low-income, minority, and general populations in the state.
 - The quantitative assessment will be done both for the highway program and the transit program.
- Qualitative Assessments. Qualitative assessments will also be done to address issues or assess policies and programs that cannot be adequately assessed with quantitative methods. These qualitative assessments might include special sessions with low-income or minority organizations to solicit their assessment of DOT proposals and also to identify transportation issues of special importance to these communities.

The goal of this assessment will be to ensure an equitable process is used that does not result in a distribution of burdens and benefits that is discriminatory.

Public Involvement

A) Public Involvement Procedures

The Department has established a proactive, public involvement process that is accessible to the public and identifies and addresses transportation-related issues early in the project development process. The department has an approved Public Involvement Procedures (PIP) document which includes all aspects of public involvement for the Department. This was developed in accordance with 23 CFR 450.210 and 23CFR 771.111(h)(1) and approved by USDOT in December 2009.

INTRODUCTION

Federal Statewide Planning and Metropolitan Planning Regulations (23 CFR Part 450 and 500 & 49 CFR Part 613, February 14, 2007) require that state transportation agencies and Metropolitan Planning Organizations (MPOs) develop public involvement procedures. Pursuant to these regulations, the Connecticut Department of Transportation (Department) has established a proactive, public involvement process that is accessible to the public and identifies and addresses transportation-related issues early in the project development process. This process provides complete information, timely public notice, full public access to key decisions, and supports early and continuing involvement of the public in developing planning documents and transportation improvement programs. This process also minimizes duplication of public involvement efforts and meets the needs of the public and resource and regulatory agencies to provide early and continuing input into the project development process.

The Department's Mission Statement, Vision and Values; Public Involvement Policy and the procedures that the Department follows to carry out this policy are set forth and described in this draft document titled, *The Connecticut Department of Transportation's Public Involvement Procedures*. The federal and state mandates that pertain to public involvement are identified and discussed in Chapter 1, the public involvement procedures that the Department uses when developing plans and undertaking various phases of projects and studies are discussed in the other chapters. The public involvement procedures that the Department follows when developing plans and conducting studies are discussed in Chapter 2, the public involvement procedures that the Department follows during the environmental phase of projects are discussed in Chapter 3, the

procedures to be followed during the survey, design and rights-of-way phases are discussed in Chapter 4, the procedures that are to be followed during the construction, operations and maintenance phases of transportation projects are discussed in Chapter 5, and the Department's procedures for conducting public meetings and public hearings are explained in Chapter 6.

The complete document on Connecticut's Public Involvement Procedures (PIP) is available online at this address: <http://www.ct.gov/dot/pip>.

B) Public Involvement Guidance Manual

The Department has also developed a Public Involvement Guidance Manual (PIGM), which includes suggested strategies to engage the public.

The Department undertakes a public outreach effort to solicit public input when updating plans. Below are excerpts from the PIGM that outline key elements within the document.

A strategic process for soliciting public input and engaging the public beyond the public meeting is to set up an advisory committee. Its members could be planners, government officials, civic and neighborhood groups, historic and environmental preservation groups, key community leaders, project neighbors, business leaders, people who represent low-income or special needs groups, including the elderly and persons with disabilities. An effective Advisory Committee may be made up of people interested in working on transportation issues, representatives of key stakeholder agencies, those knowledgeable about the community or tied into community networks, those affected by the plan or project, and/or those representing diverse elements within the community.

Other strategies to help promote outreach beyond the public meeting are Websites, News Letter, Flyer, public meetings (to include fact sheets, brochures, FAQs), and mailing lists.

Traditional methods of working with the public (e.g. evening meetings at public buildings, websites and newsletters) may not be effective for all groups. Many elderly people prefer meeting during the day because they do not feel safe leaving their homes after dark. Single parents may be faced with finding childcare in order to attend a public meeting. Low income population groups often juggle two or more jobs and work

evening shifts to make ends meet. The Department will utilize demographic information to determine if low income and minority populations are impacted by the project and make targeted efforts to engage them in the process.

To reach these populations consider the following outreach techniques and tips:

A list of specific strategies to conduct outreach for traditionally underserved populations:

- Go to where people are already meeting. Arrange to speak at senior citizen and community centers, school PTA meetings or community gatherings.
- When possible, hold public meetings on a public transit corridor so people who don't drive can have access.
- Consider having a community member assist at the sign-in table. They will be familiar with people and can help write the names and addresses of people with limited English language skills.
- Provide refreshments. It facilitates socializing.
- Ask schools' permission to have students bring home flyers to their parents.
- When requested, have sign language interpreters at meetings for the hearing impaired.
- Make sure all printed material can be understood. This may mean printing in large type for the elderly population, translating into a second language and, as always, using simple language (avoiding technical jargon).

The complete document on Connecticut's Public Involvement Guidance Manual, is available online at this address: http://www.ct.gov/dot/lib/dot/documents/dpolicy/pigm_final_11_16_09.pdf

RIGHTS-OF-WAY:

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

The Rights-of-Way phase may be initiated during the development phase of a federal-aid transportation project. The 5th Amendment to the United States Constitution states the following: "No person shall...be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." The first clause of this section refers to the power of eminent domain and the second clause requires that an offer of just compensation be made

to the owner of record and that bona fide (good faith) negotiations be conducted. These clauses are further expanded in the Uniform Act, 42 United States Code (USC) 4621, and 49 CFR Part 24.

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

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

The following are ROW-related activities:

- Title Searches – A governmental agency must make an offer of just compensation to the owner of record. The title search establishes the owner of record;
- Appraisals – The Uniform Act requires that an acquiring authority cannot make an offer of just compensation less than the fair market value estimate performed for the property and project impact. 49 CFR Part 24 recognizes the *Uniform Standards of Professional Appraisal Practice* (USPAP) as the accepted standards for property valuation reports. There are three accepted approaches to value: Sales Comparison (Market), Cost, and Income. If the appraisal assignment is for a partial acquisition, then the appraisal report should contain a *Before* analysis and an *After* analysis. Additionally, the Uniform Act requires the appraiser to offer an opportunity for the property owner of record to accompany the appraiser on the property site inspection;
- Appraisal Review – The Uniform Act requires that the appraisal product be reviewed by a different appraiser/employee. This additional step allows for a more global view to be taken of the appraisal product. The appraisal review report becomes the justification for the agency to register the appraised value as the agency's offer of just compensation. The offer of just compensation may be higher than the appraised value if there are situational elements that are not able to be accorded a value under USPAP;
- Acquisition – The acquiring authority must conduct *bona fide negotiations* with the property owner of record. Simply put, the acquiring authority must negotiate in good faith with the property owner. This includes providing all necessary documentation as well as responding to all concerns from the property owner. Prior to the *Initiations of Negotiations* (making the offer of *just compensation*), the acquiring authority is to provide an initial notice to the property owner informing the owner in writing that the public agency intends to acquire partially or entirely real property from the property owner. At the *Initiation of Negotiations*, the property owner is to be presented with the offer of *just compensation*. The offer will be in writing and will indicate the allocation of the offer; specifically, value of the land/improvements (if any) and damages to the remainder (if any), including easements. The written offer will be accompanied by a summary of or the entire appraisal report. The property owner must be provided with a reasonable time period to communicate concerns, obtain an appraisal, and make counteroffers. A reasonable time period, depending upon the individual circumstances should be approximately four weeks. If the property owner accepts the offer, the acquiring authority will prepare all closing documents and will compensate all eligible closing fees. If the property owner does not agree to the offer and the acquiring authority does not accept the owner's

counteroffer, the acquiring authority will initiate condemnation proceedings. Prior to taking possession of the property, the full amount of the offer of *just compensation* must be deposited in court;

- Relocation – If the acquiring authority requires a property in its entirety, the property owner may be eligible for certain relocation benefits. Relocation benefits differ from valuations associated with property rights and real property. There are specific criteria associated with relocation benefits and a property owner must be eligible to be reimbursed for certain costs. Relocation benefits are reimbursable. Persons whom are not lawfully present in the United States are not eligible for relocation benefits. Relocation benefits, with respect to property owners, have specific eligibility requirements associated with them. These benefits are based upon the values associated with the offer of *just compensation*. Relocates should be informed of their eligibility for relocation benefits at or soon after the *Initiation of Negotiations*. All communications regarding benefit eligibility must be in writing. There are different benefits that may be available to residential relocatees compared to business relocatees. For residential relocatees, there is a ninety-day period during which a person cannot be forced to relocate. Finally, if a relocatee's relocation benefits exceed the monetary amounts provided for by the United States Congress, the relocatee may receive relocation benefits that exceed the monetary caps. This is entitled *Last Resort Housing*. All relocatees are eligible for advisory services. Advisory Services include the measures and services necessary to determine the relocation needs and preferences of persons displaced, explanation of the relocation payments and other assistance for which such persons may be eligible, provision of current and continuous information regarding the availability/purchase prices/rental costs of comparable dwellings/suitable replacement properties for businesses/farms/non-profit organizations;
- Property Management – This function applies to the managing and administering of property acquired for highway purposes so that public interest is served. This property is often called airspace and is defined as that space located above, at, or below the highway's established guideline, lying within the approved right-of-way limits. This includes leasing of operating highway ROW for non-highway use and the sale of acquired property not deemed necessary for the project. Fair market rent should be charged for an airspace lease and fair market value should be charged for the sale of excess property. This income should be deposited in the State's transportation fund and should be used to fund future transportation projects;
- Other ROW-related Program Areas – Outdoor Advertising Program: Involves the control of outdoor advertising structures along controlled highways outside of the ROW. The Functional

Replacement Program provides a method for acquiring and compensating for publicly-owned property providing essential public services. Publicly-owned land and/or improvements may be functionally replaced with a facility of equivalent functional utility to that acquired for the project. Examples of eligible public properties include schools, police and fire stations, and local parks.

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

- General:
 1. Does ROW have a policy requiring records to be kept of parcels having minority and female owners/tenants, including residential and commercial properties?
 2. If so, which ROW division is responsible for maintaining these records? Please describe the procedures in place to gather the data and maintain the records.
 3. Who is the ROW Office Title VI liaison? What are the responsibilities of the Title VI liaison?
 4. After the data is collected, how is the data analyzed to ascertain acts of discrimination, if any? How is the record document prepared?
 5. Once the record documents are prepared, to whom does the responsible employee forward the record documents?
 6. How does ROW identify and communicate with persons of Limited-English-Proficiency?
- Titles:
 1. Does the Division of Titles contract out any portion of its title searching responsibility? If so, how does the Division of Titles perform the external assignment of work?
 2. If the Division of Titles contracts out work, are DBE firms offered an opportunity to perform a percentage of the assignments?
- Appraisals/Appraisal Review:
 1. Does the Division of Appraisals contract out appraisal assignments to fee appraisers?
 2. If so, does the Division of Appraisals maintain a list of acceptable fee appraisers?
 3. If so, how does the Division of Appraisals solicit interest for fee appraisers to be included on the list?
 4. Is this solicitation of interest provided to the Screening Committee with a DBE Contract Goal assigned for review and concurrence?
 5. How is a fee appraiser chosen to perform a given appraisal assignment?
 6. How is a fair market value estimate appraisal assignment performed? Is the value arrived at utilizing a non-

- discriminatory process (including adjustments to comparable sales)?
7. Is the review appraiser process non-discriminatory in its application?
- Acquisition:
 1. How does the Division of Acquisition/Relocation initiate negotiations with a property owner?
 2. What efforts are made to negotiate for required property before filing for condemnation?
 3. Are property owners afforded a minimum period of time to negotiate regardless of race, color, national origin, sex, age, and disability? (Please note the total amount of time will depend upon the situation).
 4. How does the Division of Acquisition/Relocation perform bona fide negotiations? Does the Division of Acquisition/Relocation perform bona fide negotiations with all property owners?
 5. Does the Division of Acquisition/Relocation offer at least the amount of the fair market value estimate as the offer of just compensation?
 6. How does the Division of Acquisition/Relocation process administrative settlement requests from property owners? Is this performed in a non-discriminatory manner?
 - Relocation:
 1. What relocation advisory assistance services does the Division of Acquisition/Relocation make available to relocatees? Are relocation advisory assistance services available to all relocatees?
 2. How does the Division of Acquisition/Relocation solicit information regarding whether an owner/tenant is lawfully present in the United States?
 3. For eligible relocatees, how does the Division of Acquisition/Relocation evaluate replacement housing to ascertain whether the housing is decent, safe, and sanitary? Is this process applied regardless of the person's race, color, national origin, sex, age, and disability? Are safe and sanitary inspection standards consistently applied?
 4. How does the Division of Acquisition/Relocation process relocation appeals, including Title VIII (fair housing) complaints?
 5. How does the Division of Acquisition/Relocation identify the eligibility of relocatees?
 6. How does the Division of Acquisition/Relocation establish the amount of relocation benefits available to relocatees for the following items: Replacement Housing Payment/Rental Assistance, Mortgage Differential Payment, and Moving Expenses?
 7. How does the Division of Acquisition/Relocation notify the relocatees of the benefits for which the relocatees are

- eligible? When are the relocatees notified of their eligibility for benefits?
8. How are relocatees notified of the date required to vacate the property? Are all relocatees provided at least 90 days from the initiation of negotiations date?
 9. How does the Division of Acquisition/Relocation determine when to utilize the Housing of Last Resort? Is this process applied uniformly?
- **Property Management:**
 1. How does the Division of Property Management provide maintenance and repair work on CTDOT-owned improved properties?
 2. If contractors are utilized, how does the Division of Property Management award specific work to individual contractors?
 3. How does the Division of Property Management ensure that DBE firms are provided an opportunity to perform the necessary work?
 4. Are CTDOT-owned improved properties maintained and repaired uniformly, regardless of the race, color, national origin, sex, age, and disability of the occupants?
 5. How does the Division of Property Management calculate the rent applied to each tenant? Is this process non-discriminatory?
 6. Concerning the collection of delinquent rentals, how does the Division of Property Management verify to ascertain whether a reassessment or relocation payment is pending prior to referring the case to a staff/fee attorney for collection?

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

Construction/Maintenance:

This program area will be separated into the following sections:

- FHWA Approval and Oversight;
- Project Development;
- Federal-aid Contract Provisions;
- Project Authorization and Advertisement;
- Bid Opening;
- Bonding, Licensing, and Prequalification;
- Bid Analysis and Contract Award;
- Notice of Award and Execution of the Contract
- Construction Project Administration and Project Monitoring;
and
- Title VI Federal-Aid Construction Contract Requirements

FHWA Approval and Oversight:

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

Project Development:

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

Federal-aid Contract Provisions:

CTDOT ensures that in all Federal Contracts, the following Title VI Assurances are in place for the contractor to agree to (and require them to be included in every contract between the prime contractor and subcontractors), as stipulated in 49 CFR 26.13b: "The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract."

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

Project Authorization And Advertisement:

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

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

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

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

Contracts are advertised on the State's Contracting Portal and Department's electronic bidding system (BidX) to reach a wide audience, attract greater attention, and enhance competition. Contractors wishing to bid on construction contracts with CTDOT must be pre-qualified and subscribe to BidX; however, for viewing advertised projects, one does not need a subscription to BidX. Normally, the minimum advertisement period is four weeks. However, there can be exceptions when circumstances warrant shorter or longer periods. This period may also be extended for more complex projects. The advertisement period can also be extended in order to give prospective contractors time to receive addendums, review project changes and additions, and to correct/change their bid submissions. Plans, specifications and all related material are available on the State's Contracting Portal.

Contractors submit bids using the BidX system. Bids are electronically opened at a public *bid opening* (often referred to as the “bid letting”). The bid opening, as indicated in advertisement, is the last moment that bids may be submitted. The rankings of the bidders are published within minutes on the BidX system. The bids are later reviewed for responsiveness and bidders are notified with any errors. For CTDOT and the general public, this forum establishes the range of bids received for the project and the apparent low bidder. If a bid is deemed non-responsive, then the reasons for rejecting the bid are recorded and the bidder is notified. Bid documents clearly identify those requirements which the bidder must comply with to make the bid responsive. Reasons for finding an apparent low bidder not responsible are listed on the Department's Bidding and Award manual, which is published on the Department's website and by reference made a part of each bid document.

Bonding, Licensing, & Prequalification:

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

Bid Analysis and Contract Award:

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

estimated prices. In addition to the comparison of prices, the following factors may be considered:

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

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

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

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

Notice of Award and Execution of the Contract:

Once CTDOT awards the contract, the contractor is advised by a "Notice of Award". A copy of this award is sent to the appropriate District Office; this allows the District Office to arrange appropriate staffing, supervision, and project control. The Notice of Award, the contract, and the contracting bonding forms are sent to the

contractor. The contractor transmits these documents to the surety company. These executed documents are to be returned, to CTDOT, by the date specified, including all evidence of appropriate insurance. If the contractor fails to execute the contract and file a performance bond within this allotted period of time, a cause for annulment of the award has been established. The proposal guaranty is forfeited to cover liquidated damages and the contract may be awarded to the next lowest responsible bidder or re-advertised as determined by CTDOT and concurred with by FHWA Division Office.

Immediately following the award of the contract, the CTDOT District Office schedules a pre-construction meeting. The pre-construction meeting shall accomplish the following:

- Allow for advance control planning;
- Allow for discussion of known and potential major problems prior to these problems occurring;
- Inform the contractor of the scope and status of the agreements;
- Analyze the agreements based upon the proposed operations;
- Outline the sequence of operations;
- Coordinate the efforts and schedules of the agencies/utilities; and
- Introduce the CTDOT personnel assigned to the project.

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

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

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

Current FHWA policy requires the prime contractor to perform at least 30 percent of the contract work with the prime contractor's employees. CTDOT requires prime contractors to perform at least 50 percent of the contract work with the prime contractor's workforce (under special circumstances the contract may dictate a different

percentage). CTDOT requires that each subcontractor working on the project be approved in writing by CTDOT. If the project is being administered by a Municipality the approval must be subcontractor approvals are performed by the Municipality.

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

Construction Project Administration and Project Monitoring:

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

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

Title VI Federal-aid Construction Contract Requirements:

Federal-aid construction contracts must include Title VI non-discrimination requirements. At a minimum, Form FHWA-1273 should be made a part of every federal-aid contract, subcontract, and purchase order and may not be incorporated by reference. CTDOT

may not modify the provisions of Form FHWA-1273; however, minor additions covering State requirements may be included in a separate supplemental specification, provided the additional requirements do not conflict with applicable State and federal laws/regulations and do not modify the intent of the required contract provisions. The Form FHWA-1273 provisions apply to all work performed on the federal-aid contract, including work performed by a subcontractor. The prime contractor is responsible for ensuring subcontractor/lower-tier contractor compliance with the Form FHWA-1273 provisions. Failure by a prime contractor to ensure compliance may be considered as justification for contract termination.

A copy of the Title VI Assurances is also included in all contracts, requiring the contractor to comply with nondiscrimination regulations; not discriminate on grounds of race, color, national origin, sex, age, or disability in selection and retention of subcontractors; notify all potential subcontractor of the obligation to uphold these regulations; provide all information and reports as required by these regulations; describing the possible sanctions for noncompliance with these provisions; and requiring the inclusion of these provisions in their own subcontracts.

Title VI-Related Questions:

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

- Are appropriate contract provisions incorporated in all federal-aid contracts?
- Does CTDOT's monitoring/inspection of work performed result in disparate treatment of protected individuals/groups?
- Have required mitigation measures been effectively implemented (i.e., safety through construction zones, noise and air impacts, employment and contracting goals, etc.)
- Do barriers exist in the following processes: pre-qualification, approval of subcontractors, bonding, and licensing?
- Does uniformity in application exist concerning approval of plan changes and supplemental agreements?

Does uniformity in application exist in the assessment of sanctions, liquidated damages, withholding payments, suspension/termination of contracts, and decertification?

RESEARCH:

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

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

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

- Does the process to solicit proposals/problem statements promote diversity?
- How does CTDOT ensure non-discrimination when selecting research projects? Please include a description regarding how projects are proposed for inclusion in the Research Program.
- What factors does CTDOT utilize when selecting universities, consultants, or other researchers? How does CTDOT ensure diversity in the selection of universities/consultants?
- Following project acceptance, how does the research agency select the principal investigator(s) and research staff? How are directions provided and/or action taken by CTDOT and the research agency to promote the use of women and minorities on the research staff?

If subcontractors are involved, describe the research agency's selection procedures. Also, describe how the prime contractor monitors Title VI compliance by the subcontractor.

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

SAFETY:

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

- How is public input solicited?
- What efforts are taken to include persons who are Limited English Proficient?
- Is data collected and analyzed to determine the program impacts on minority and low income populations?

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

TRAINING:

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

- Are there existing procedures that encourage participation by women and minorities in the educational/training courses/programs offered by and/or through CTDOT Office of Human Resources' Training Center? If so, how is the effectiveness of the training and participation by women and minorities tracked?
- What are the types of NHI sponsored or co-sponsored courses/programs offered to CTDOT employees?
- How many State participants?
- How many minorities and women?
- Identify the agency's staff personnel responsible for training by title, ethnicity and gender.
- Does CTDOT provide opportunities for women and minorities to work in the Office of Human Resources' Training Center?
- Does CTDOT provide opportunities to women and minority owned consultants when contracting out educational/training courses/programs? How is this done?
- Does CTDOT provide educational/training courses/programs oriented towards women and minority advancement within

- CTDOT federal-aid Programs? If so, how does CTDOT ensure effectiveness and participation?
- Does CTDOT provide educational/training courses/programs specifically targeted to Title VI implementation within each federal-aid Program area (i.e., Rights-of-Way, Environment, Planning, Construction, etc.)? If so, identify the courses/programs?
 - Has CTDOT received any civil rights complaints regarding the provision of education/ training courses/programs to employees? If so, what corrective actions (if any) have been implemented?

Special Emphasis Program Areas

A Special Emphasis Program Area is a program area in which CTDOT has identified a trend or pattern of discrimination during a review of the program area. By identifying this program area as a Special Emphasis Program Area, CTDOT is able to not only track the progress made, but to also report on the progress made in the Annual Report.

Contract Compliance performs this by examining the program reviews as described above when working with the various Bureaus within the department, and with the Sub-recipients, Contract Compliance conducts surveys, which will be described in greater detail in the section on Sub-recipients. Based on the results received, the Title VI Coordinator will perform four-factor analyses and examine the information provided to look for trends and patterns that indicate areas where the requirements of Title VI are not being met. Should concerns arise, Contract Compliance will report findings in the Annual Report, and work with the appropriate individuals with the Bureau, sub-recipient, etc. to arrive at an appropriate resolution.

Providing Assistance to Sub-recipients

In an effort to ensure that sub-recipients are complying with the requirements under Title VI, the Department of Transportation has developed a Title VI Compliance Assessment. This document is mailed to sub-recipients receiving federal funding. The Office of Contract Compliance (OCC) is responsible for mailing the assessment. The assessment is conducted every three years.

The Department utilizes the assessments as a tool to remind sub-recipient-grantees of their obligations and responsibilities under Title VI and to monitor the sub-recipients' Title VI program implementation. The Department reviews the assessments and the requested documents to determine if the sub-recipients have implemented the necessary processes and procedures to comply with Title VI, Environmental Justice (EJ) and Limited English Proficiency (LEP).

In addition to the assessment mailed to each sub-recipient, they also receive an "Information Packet" which includes a copy of the CTDOT Title VI Policy Statement; the Department's Discrimination Complaint Process and Procedure and all applicable forms; LEP Implementation Plan Guidance for Sub-recipients; a copy of the Department's Title VI Poster and Brochure; and Title VI information posted on Department's webpage. Sub-recipients have the option of developing their own Title VI, LEP/EJ processes or using the format provided by the Department to assist in the development of their program.

The responses are also used to determine the training and technical assistance needs of the sub-recipients. The OCC conducts Title VI training to all sub-recipients receiving federal funding and/or as training is needed. To provide additional technical assistance, the OCC developed a training booklet for sub-recipients entitled "Title VI Training – The Basics".

The booklet also includes copies of power point presentation discussed at the workshop, the Title VI Policy Statement, Title VI Brochure, Your Rights Under Title VI Poster, Title VI Discrimination Form, Title VI Assurances, Executive Order 13166 and 12898. There is also a complete listing of Title VI Definitions and the Title VI Assessment Survey included in the booklet.

A copy of the power point can be found at:
http://www.ct.gov/dot/lib/dot/documents/ddbe/title_vi_training_booklet.pdf

A full Title VI process review will be conducted on Municipal Planning Organization's (MPO's) every 5 years. In order to ensure the MPO's compliance with the Title VI Program, since their last review on March 31, 2012, the Department sent out a "MPO Title VI Compliance Update Form" on February 26, 2014 to be completed and submitted to CTDOT for follow-up review. The form included a table of questions pertaining to the Title VI (MPO) Requirements. The CTDOT will perform a follow-up review and MPOs will be required to document their progress towards addressing any deficiencies identified during the follow-up process review. The MPOs will be required to address any areas of non-compliance as part of their scheduled quarterly reports to the Department. The quarterly reports are an ongoing requirement and the MPO's will continue to provide them on a quarterly basis.

Data Collection

As the CTDOT is composed of the Bureaus of Engineering and Construction, Highway Operations, Finance and Administration; Policy and Planning, and Public Transportation, the CTDOT Bureau Program Area Designee is responsible for collecting all requisite Title VI-related data associated with his/her Program Area. Data Collection will occur periodically via written report and by the Bureau Program Area Designee performing annual Title VI Reviews. Providers of data may be outside of CTDOT; for example, the Bureau of Policy & Planning will collect data from federal-aid recipients administering Research Projects, including Regional Planning Organizations (RPOs) and educational institutions (i.e., State University System).

Data Analysis

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

Data Reporting

Each Bureau Program Area Designee is responsible for submitting periodic Title VI Reports through the Bureau Manager to the CTDOT Title VI Coordinator. The CTDOT Title VI Coordinator acts as the Agency clearinghouse for all Title VI Reports. Additionally, the Title VI Coordinator provides input regarding Title VI corrective actions and meets periodically with Bureau Managers and Bureau Program Area Designees to discuss Title VI issues. Bureau Program Area Designees are required to submit quarterly Title VI Reports to the Bureau Manager and will copy the CTDOT Title VI Coordinator. The Bureaus are responsible for providing the annual Title VI Updates to the applicable USDOT funding Agency with the coordination of the

CTDOT Title VI Coordinator. The FHWA funding Agency annual Title VI Update is required to be submitted by October 1 of each year.

Collect and Report Demographic Data Map Preparation Background

Methods Used

Various maps were prepared by the GIS Development Section of Bureau of Policy and Planning.

- **Demographic & Socio-Economic Data**

Various demographic and socio-economic data layers were developed by using either U.S. Census 2010 or American Community Survey (ACS) 2007-2011 data.

The data includes statewide Limited English Proficiency (LEP), Minority, and Poverty as follows:

The department also developed various maps by using either U.S. Census 2010 or American Community Survey (ACS) 2007-2011 data. The data includes statewide Limited English Proficiency (LEP), Minority, and Poverty. The Statewide Language Groups with LEP maps were compiled by putting Safe Harbor Provision into consideration. These maps depicted all LEP language groups with either $\geq 5\%$ of total population and/or more than 1000 people within the census tract. No individual languages met the 5% threshold, though LEP populations as a whole comprise 7% of the State's population with Spanish comprising over half of all LEP languages. Because of the overlay problems on hardcopies, Spanish and Polish LEP maps were created separately. Other small LEP language groups only met the over 5% criterion. They were compiled into one map. Three language LEP maps were prepared.

Requirements of the States

The department compiled the Demographic Maps that show the impacts of the distribution of State and Federal funds in the aggregate for public transportation projects.

The following will provide the basis on how the information was derived:

Methodology

Charts

To compile this information we first developed geospatial service areas within our ESRI desktop GIS for each of the projects. Once the service areas were completed, we ran a spatial overlay of these against the 2010 Census Tract data in GIS to determine the Total and Total Minority Populations and Percent Minority for each of the service areas.

The charts may be viewed at the following:

Charts: <http://www.ct.gov/dot/cwp/view.asp?a=3529&q=542258>

Training Procedures

The CTDOT Title VI Coordinator and Bureau Title VI liaisons will be responsible for providing and/or coordinating Title VI Training. The Title VI Coordinator receives training by participating in webinars and attending conferences and workshops held by the federal transportation agencies. .

The Title VI Coordinator shall have the responsibility of developing a Title VI training program and providing training to CTDOT personnel in order to implement the agency's Title VI Program.

The implementation of the Title VI Program by CTDOT shall include the responsibility to ensure that all CTDOT employees interacting with the public have a minimum understanding of Title VI and the protections afforded under Title VI.

Title VI Complaint Investigation Process and Procedures

What is an Investigation:

An investigation is an official inquiry for the purpose of determining whether there has been a violation of the laws or statutes and includes a determination of appropriate relief where a violation has been found. An investigation requires an objective gathering and analysis of the evidence, which will ensure that the final decision is as accurate as possible.

Role of the Investigator:

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

Responsibilities of the Investigator:

The Investigator MUST:

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

Theories of Discrimination:

A Theory of Discrimination refers to the Type of Discrimination:

- INTENTIONAL DISCRIMINATION/DISPARATE TREATMENT – The decision maker was aware of the complainant's race, color, national origin, sex, age, or disability and acted at least in part because of that information. The action was taken because of

- the complainant's race, color, national origin, sex, age, or disability;
- DISPARATE/ADVERSE IMPACT – Discrimination which occurs when a neutral policy or procedure has a disproportionate impact on a protected class. The practice, even though applied equally to all, has the effect of excluding or otherwise adversely affecting a particular group; and
 - RETALIATION – Discrimination against persons because of the filing of a complaint, participation in an investigation, or opposing a practice made unlawful pursuant to the laws.

Elements of Proof:

How does the investigator prove discrimination?

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

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

- During the investigation – One of the first items that must be determined by the Investigator from the Respondent, are the reasons for the Respondent's actions against the Complainant. In other words, establish the Respondent's legitimate non-discriminatory reasons for the actions taken against the Complainant. The Investigator must also obtain evidence to determine whether the Respondent's reasons are true based upon the evidence or whether the reasons are an excuse (pretext) to discriminate against the Complainant.
- Obtaining the evidence -- During the investigation, the Investigator should obtain the following types of evidence:
 4. Respondent's policies and procedures;
 5. Evidence establishing actions taken against the Complainant;
 6. Evidence establishing how others, not in the Complainant's group, were treated in similar situations;
 7. Evidence establishing the normal policies and procedures and how the Respondent followed or did not follow the normal

policies and procedures when making the decision or taking action involving the Complainant;

1. Evidence establishing whether the Respondent followed the normal policies and procedures for similarly situated persons; and
2. A position statement from the Respondent outlining the reasons for the action taken against the Complainant.

Examples of Elements of Proof:

Intentional Discrimination –

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

Disparate/Adverse Impact –

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

Retaliation –

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

*Causal Connection: To establish a causal connection, establish the following

- Did the treatment of the Complainant change after the protected activity;

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

Tracking and Investigating Title VI Complaints

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

Any person alleging to be aggrieved by a discriminatory practice may in person or through a legal representative, obtain a Title VI Complaint Reporting Form, and file the completed form with the Title VI Coordinator or Bureau Head within 180 days following the date of the alleged discriminatory action or the date when the person(s) became aware of the alleged discriminatory action. The Title VI Coordinator or Bureau Head may complete the Complaint Reporting Form and attach the Complainant's letter.

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

The Title VI designee or the individual receiving the written complaint will review the complaint to ensure that the required information is provided, the complaint is timely, and is within the appropriate jurisdiction. The complaint will be accepted unless it is withdrawn, is not filed within the allowed time period, or the Complainant fails to provide required information after a written request for omitted/additional information.

Issues that do not involve discrimination or are not based upon a protected basis pursuant to Title VI will not be processed as a Title VI complaint. Individuals will not be discouraged from filing a written complaint.

Internal Complaint Procedures

Written complaints filed with the Department will be analyzed and investigated by the Title VI Coordinator. The Department will notify a Respondent named in a complaint by mail and the Respondent will be contacted for an interview. The complaint investigation will be completed within forty (40) days of the date of receipt of the complaint. The Title VI Coordinator will prepare an investigative report (IR) after conducting the investigation and forward a copy of the complaint and the IR to the FHWA Headquarters Civil Rights , within sixty (60) days of the date of receipt of the complaint.

A complaint log will be maintained for all complaints filed with and investigated by the Department. The Investigator will advise the Complainant of his/her rights under Title VI, and related statutes.

Investigation Process

- The Investigation Process includes the following:
- Investigative Plan
- Request for Information
- Conducting Interviews
- On-Site Visit
- Obtaining Evidence
- Analyzing Data
- Writing the Investigative Report

Investigative Plan

The Investigative Plan is an internal document for use by the Investigator and their supervisor that will define the issues of the complaint. The following elements are contained in an Investigative Plan:

- Complainant(s) Name and Address/Attorney For Complainant with Name and Address
- Respondent(s) Name and Address/Attorney For Respondent with Name and Address
- Applicable Law
- Basis
- Issue(s)
- Background
- Name of Person(s) to be Interviewed, including Questions for the Complainant, Respondent and Witness(es)
- Evidence to be Obtained During the Investigation

Request for Information

The Request for Information is sent to the appropriate official(s) at the respondent's facility. Contact is made with the Respondent to advise him/her of the complaint and to determine the appropriate official(s) to

interview. The cover letter to transmit the Request for Information should explain the process and provide information regarding any meetings that have been scheduled. Modify the cover letter to satisfy the circumstances. Provide the Request for Information to the Respondent prior to conducting the on-site visit. This will facilitate the availability of evidence during the on-site visit.

Conducting Interviews

Interviews are conducted of witnesses who can provide information that will either support or refute complaints. A list of major questions should be prepared that address the issues involved in the complaint. During the interview, the following steps are recommended:

- Introduce yourself and outline the interviewing process
- Place the person being interviewed at ease;
- Listen effectively;
- Differentiate factual information from opinions;

Ask questions best worded to provide factual responses;

- Take clear and precise notes; and
- Obtain a signed statement from the person being interviewed.

COMPLAINANT – The purpose of interviews is to gain a better understanding of the situation outlined in the complaint of discrimination. The Investigator contacts the Complainant to ensure that he/she understands the Complainant's allegation(s). It is recommended that the Investigator interview the Complainant prior to preparing the Investigative Plan. If this is not possible, changes are made as appropriate to the Investigative Plan based upon any new information provided by the Complainant.

RESPONDENT – Respondents are interviewed to provide an opportunity to respond to the allegations raised by the Complainant as well as to provide the Investigator the opportunity to understand the Respondent's operation or policies that Complainant cites in the complaint. You will need to discuss the Request for Information with the Respondent and be able to explain the need for requesting any document on the list. The Respondent is informed of their right to submit a formal position statement addressing the Complainant's allegations. The Investigator may also question the Respondent regarding possible settlement opportunities.

WITNESSES – The Complainant or Respondent may request that additional persons be interviewed. Determine what relevant information, if any, a witness has to provide prior to conducting an interview. Only interview persons who have information relevant to the allegations raised in the complaint of discrimination.

On-Site Visit - An On-Site visit will be conducted when:

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

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

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

The Types of Evidence includes the following:

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

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

- Review what happened to the Complainant
- Compare the Complainant's treatment with the appropriate policies and procedures;

- Compare the Complainant's treatment with others in the same situation;
- Review the Respondent's reason(s) for the treatment afforded the Complainant; and
- Compare the Respondent's treatment of the Complainant with the treatment afforded others.

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

- Complainant(s) Name and Address
- Respondent(s) Name and Address
- Applicable Law
- Basis
- Issues
- Findings for each issue with a corresponding conclusion for each issue
- Recommended Decision
- Recommendations (If Applicable)

Title VI Discrimination Complaint Form

The Connecticut Department of Transportation operates programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes that have discriminated against, may file a complaint. Complaints filed with the Connecticut Department of Transportation may be addressed to: Debra Goss, Title VI Coordinator 2800 Berlin Turnpike, Newington, CT 06111. For more information on CTDOT's civil rights programs and the procedures to file a complaint, please contact 860-594-2177 or visit our website at www.ct.gov/dot and click on (Title VI and External Civil Rights Programs).

Title VI Investigations, Complaints, and Lawsuits

In compliance with 49CFR Section 21.9(b) the Connecticut Department of Transportation maintains record of Title VI Investigations, complaints and lawsuits naming the Department and/or a sub-recipient/grantee. This list includes the date of the investigation, lawsuit or complaint; a summary of the allegation(s); the status of the investigation, lawsuit or complaint; and the actions taken by the Department or sub-recipient/grantee.

Title VI Complaint Log

The Title VI Complaint Log utilized to track Title VI Complaints is attached.

Lawsuits

The Connecticut Department of Transportation is not aware of any Title VI related lawsuits filed during this period.

Dissemination of Title VI Information

The Department operates its programs and activities without regard to race, color and national origin. The Department provides notification to beneficiaries of their rights under Title VI and the procedures to follow when filing a Title VI complaint. The Department disseminates this information on the Department's website, and through postings in public waiting areas, and other areas that are easily accessible to the public. This information is also made available at public meetings and hearings. The Title VI Policy, Brochure, and Complaint Form documents have been translated into Spanish and posted on the website.

To access the Title VI information on the Department's website, click on the link [Title VI and External Civil Rights Programs](#). The Department's Title VI webpage includes the following documents:

Connecticut Department of Transportation Title VI Policy Statement – This policy states that the Department prohibits discrimination on the basis of race, color or national origin in its programs, benefits and activities. Information identifying who has been delegated the responsibility for the implementing and monitoring the Department's Title VI program is also provided in the Policy Statement. This document is signed by the Commissioner. This document is posted on the Department's website; distributed at public meetings and hearings. This document is also posted on CTDOT bulletin boards. The Department will periodically check to insure that postings are current and still intact.

Notifying Beneficiaries of Protection Under Title VI – This document states the Department's commitment and responsibility to prohibit discrimination on the basis of race, color and national origin in its programs, activities, services and benefits under Title VI. The document also provides information on how to request additional about the Department's obligations under Title VI and how to file a discrimination complaint. This document is posted on the CTDOT website.

Title VI Brochure – The Brochure provides an overview of Title VI and the Department's responsibilities under Title VI. The brochure also spells out the protections under Title VI and describes how to file a discrimination complaint. The document is posted on the CTDOT website and is distributed at meetings, hearings, and outreach events.

The Title VI Discrimination Complaint Form – A complaint form has been developed to assist beneficiaries when filing Title VI complaints. This document is online.

Your Rights Under Title VI of the Civil Rights Act of 1964 – This posting states the Department's commitment to prohibit discrimination on the basis of race, color and national origin in its programs, activities, services, and benefits. The posting also includes information on where find more information about Title VI and where to file discrimination complaints. This posting is posted in areas easily accessible and visible to the public, and public waiting areas. The department will periodically check sites to insure that the posters are current and intact.

Notice to the Public

In order to ensure that the public is aware of CTDOT's commitment to Title VI Compliance, CTDOT maintains copies of the Public Notices in the following areas:

- CTDOT Bulletin Boards
- Public Meetings/Hearings
- CTDOT Website

Your Rights Under Title VI

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d).

Who may file a Title VI complaint?

A complaint may be filed by any individual or group that believes that they have been subjected to discrimination or retaliation based on their race color or national origin. The complaint may be filed by the affected party or a representative and must be reduced to writing.

How can I file a discrimination complaint?

The Connecticut Department of Transportation is responsible for reviews of complaints of discrimination based on race, color or national origin. If you would like more information about CTDOT's responsibilities under Title VI, or if you believe that the Department or one of its sub-recipients has discriminated against you or others protected by Title VI, you may file a complaint with us. Complaints filed with CTDOT should be directed to:

Debra Goss, Title VI Coordinator, CT Department of Transportation

2800 Berlin Turnpike, Newington, CT 06131-7546,
Tel: (860)594-2169

(You may also request information on how to file a complaint directly to the appropriate federal transportation agency)

Goals and Principles for Inclusive Public Participation

The CTDOT *Public Involvement Guidance Manual* was developed to provide guidance and specific tips to CTDOT project managers and other Department staff as well as regional and municipal planning officials as they interact with the public on Department Projects.

This manual also outlines proactive strategies, procedures, and desired outcomes.

Additionally, the CTDOT developed the Public Involvement Plan (PIP) to ensure meaningful opportunities to the public, including low income, minority and Limited English Proficient (LEP) populations, and that no one is precluded from participating in the planning and development process.

The purpose of CTDOT's public participation plan and its key principles include the following:

Goals of the Public Participation Plan

Quality Input and Inclusive Participation - Comments received by CTDOT are useful, relevant and constructive and any/all potentially affected community members have an appropriate opportunity to participate in the decisions that contribute to better plans, projects, strategies and decisions on proposed activities that may affect their environment or health.

Early, Continuous, and Meaningful Commitment - The CTDOT's commitment to Public Participation ensures Early, Continuous (throughout the planning process) and Meaningful participation by establishing trustworthy relationships with communities to build community capacity and to provide public input.

Diversity - Members of the public as well as participants that represent socioeconomic, ethnic and cultural perspectives, including individuals from low income neighborhoods, ethnic communities and residents with limited English proficiency are offered opportunities to be involved in the identification of social, economic and environmental impacts of proposed transportation decisions at CTDOT.

Limited English Proficient (LEP) refers to persons for whom English is not their primary language and who have a limited ability to read, write, speak or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all.

Accessibility-Every reasonable effort is made to ensure that opportunities to participate are physically, geographically, temporally, linguistically, and culturally accessible

Relevance- Issues are framed in such a way that the significance and potential effect is understood by participants.

Participant Satisfaction- People who take the time to participate feel it is worth the effort to join the discussion and provide feedback.

Clarity in Potential for Influence -The process clearly identifies and communicates where and how participants can have influence and direct impacts on decision-making.

Partnerships- CTDOT develops and maintains partnerships with communities through methods described in its public participation plan.

Key Principles of the Public Participation Plan

Flexibility- The engagement process should accommodate participation in a variety of ways and be adjusted as needed.

Inclusiveness- Proactively reach out and engage low income, minority and LEP populations from the CTDOT service areas so these groups will have an opportunity to participate.

Respect- All feedback from the public will be given careful and respectful consideration

Proactive and Timely- Participation methods will allow for early involvement and on an ongoing basis.

Clear, Focused and Understandable – Participation methods will have a clear purpose and use for the input, and will be described in a language that is easy to understand.

Trustworthy and Transparent – Information provided will be accurate, trustworthy and complete.

Responsive – CTDOT will respond and incorporate appropriate public comments into transportation decisions.

Accessibility – Meetings will be held in locations which are fully accessible and welcoming to all area residents, including, but not limited to, transit-users, low-income and minority members of

the public and in locations relevant to the topics being presented and discussed.

Outreach and Ongoing Public Participation Methods

The CTDOT will conduct proactive outreach to expand the reach, inclusivity, and effectiveness of ongoing public participation outreach methods, which include but are not limited to:

- CTDOT Website (www.ct.gov/dot)
- CTDOT communications via Twitter [@CTDOT Statewide](https://twitter.com/CTDOT_Statewide)
- Regular communications with media
- Print-Newspapers and other periodicals
- Press briefings and news releases
- Contacts with Community Based Organizations
- Workgroups
- Educational tours and briefings
- Lunch and Learn events
- Language interpreters available for public meetings
- Written language assistance services available
- TransformCT
- CTDOT Calendar of Events
- Community Partnering Events

In an effort to expand the quality and quantity of outreach resources available CTDOT reviewed the LEP, minority and low income maps for the state of Connecticut to determine areas of concentration to identify the targeted areas of the state. We then compiled a listing of Community Based Organization (CBO) and Faith Based Organizations (FBOs) that we did not already have included those areas. The CBO/FBO listing is distributed throughout the agency to be utilized for public engagement meetings, hearings, information notices, and TransformCT efforts. It is also available on the CTDOT website to be utilized by the agency as well as the sub-recipients.

We have also developed a listing of contracted vendors for interpretation and translation services.

The CTDOT ensures that public hearings and public meetings are held at venues that are ADA accessible and near public transportation. Notices state that free language assistance is available.

Public Involvement Guidance Manual

For more information on Public Involvement please refer to the document on [Statewide Planning and Public Involvement Procedures](#), [Public Involvement Procedures](#) and the [Public Involvement Guidance Manual](#). -

http://www.ct.gov/dot/lib/dot/documents/dpolicy/pigm_final_11_16_09.pdf

The chapters of Public Involvement Guidance Manual are briefly described as follows:

1. Why is Public Involvement Important?
2. When is Public Involvement required?
3. Getting People Involved
4. Successful Public Meetings
5. Working with Groups
6. Working with the Media
7. Building Trust and Rapport: Creating a Win-Win Atmosphere
8. How Do I know It's Working?: Evaluating the Program

Statewide Planning Process – identifying the transportation needs of minority populations

Existing (codified) Activities:

The Connecticut Department of Transportation employs a number of mechanisms to engage the minority populations in the planning process to assess their needs. These mechanisms range in effectiveness. Some are codified in our planning procedures, and others are exhibited in our project specific public involvement activities. For example, the Department's existing Title VI Plan, Public Involvement Procedures, Long Range Transportation Plan, and Statewide Transportation Improvement Plan all contain either individual public involvement activities that adhere to our existing policies or, in some cases, go above and beyond the codified requirements to engage stakeholders identified in the plan's specific topic areas. The Department's primary procedures for public involvement are the Department's Public Involvement Procedures and the approved Title VI Plan. These documents are intended to provide the framework for an early, often, and continuous public involvement process.

Current Activities (TransformCT):

Through the initiative of developing a Strategic Long Range Transportation Plan, known as TransformCT, the Department has

enhanced its efforts for public engagement, including targeting geographic areas in the state that have large minority populations. TransformCT is intended to satisfy the US DOT requirements of MAP-21 to prepare a long-range transportation plan. Additionally, TransformCT will be an action-oriented strategic plan based on a collective vision for the transportation system for the next fifty (50) years. In order to develop this vision, the Department has employed a number of techniques in addition to those included in our existing public involvement plans to ensure participation by all users of the system.

The Department has taken steps to insure that affirmative efforts are made to engage minority communities and encourage them to provide input in the planning process. The Department has utilized existing contacts in other state agencies, legislative committees, including the African Affairs committee, and Latino and Puerto Rican Affairs Commission to reach out to minority populations and people with Limited English Proficiency (LEP). Additionally, the Department has conducted three large statewide events, all of which the material was published in English and Spanish. Spanish is the second most spoken language in the state of Connecticut. The Department also engaged Radio Cumbre, an all-Spanish speaking radio show to promote the statewide public meetings and the Department offered to engage community groups in their settings, or at their regular meetings to learn of the needs of the populations typically underrepresented in the transportation planning process.

In an effort to increase the numbers of minority persons engaged in the planning process the Department will be working towards developing additional resources and strategies to reach and engage minority populations.

Near-Term Activities

We have identified the following resources and strategies:

- Expand and update the database of community based organizations, faith-based organizations, neighborhood organizations, non-profit, and for-profit social service providers, minority advocacy groups, including the NAACP, AARP, and others that have established connections to minority populations throughout the state and encourage them to provide input,
- Create a statewide committee comprised of CTDOT, other state agencies, the groups identified above, and others to meet regularly and discuss issues, needs, upcoming events and/or

methods for engagement and creating awareness of planning initiatives.

- The Department has begun to collect willing participants who elect to identify themselves as a resource for outreach to their respective groups,
- Develop a process to quickly deploy language translation services related to planning, both verbal and written. Beginning in FY 2015, the Department will be allocating funding for these services so that we are prepared to quickly deploy language translation services into the planning process.

The Department's TransformCT effort will enable the Department to ensure an effective mechanism as part of our ongoing planning process. Additionally, these resources will all be available to every project manager in their individual project administration and will greatly aid in not only identifying minority populations, ie. mapping, but also provide organizations and contacts around the state that can be accessed for meaning discussions about the needs of the community, and how any project may impact them. The Department acknowledges that addressing these deficiencies will be ongoing and an iterative process of attempting new methods and adopting those that work most effectively.

Limited English Proficiency (LEP) Program

Meaningful Access for People with Limited English Proficiency (LEP)

Overview

On August 11, 2000, President Clinton issued Executive Order 13166, entitled “*Improving Access to Services for Persons with Limited English Proficiency*” (LEP).

On December 14, 2005, the United States Department of Transportation (DOT) published revised guidance for its recipients on the implementation of Executive Order 13166. The Census definition of a Limited English Proficient (LEP) person is “...a person who speaks another language other than English at home and does not speak English well or not at all.”

As a recipient of Federal Highway Administration (FHWA) funding, the Connecticut Department of Transportation (Department) takes reasonable steps to ensure compliance with Title VI of the Civil Rights Act of 1964, as amended. The Department adheres to acceptable compliance standards ensuring reasonable access to all federal-aid Programs and activities by LEP persons. CTDOT supports the goals of the DOT LEP Guidance and is committed to taking reasonable steps to provide meaningful access to LEP stakeholders who use our services, facilities, and programs, and who attend our meetings and events.

CTDOT is committed to complying with the requirements of Title VI, Executive Order 13166, and DOT LEP Implementing Guidance.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 200d et seq., and its implementing regulations provide that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives Federal financial assistance. The Supreme Court, in *Lau v. Nicols*, 414 U.S. 563 (1974), interpreted Title VI regulations promulgated by the former Department of Health, Education, and Welfare to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination.

Executive Order 13166, “*Improving Access to Services for Persons with Limited English Proficiency*” Reprinted at 65 FR 50121 (August 16, 2000),

directs each Federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services. Federal agencies were instructed to publish guidance for their respective recipients in order to assist them with their obligations to LEP persons under Title VI. The Executive Order states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

The U.S. Department of Transportation (DOT) published revised LEP guidance for its recipients on December 15, 2005, which states that Title VI and its implementing regulations require that DOT recipients take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

LEP Activities

Successful Activities to Continue:

Continuing development of partnerships with community organizations that serve LEP populations; translation of notices, and multi-lingual websites.

Program Areas

Language Assistance: Provide free language assistance for non-vital yet important outreach documents and in-person interpreter services for events where the public testimony is solicited.

Vital Documents: Determine which documents are vital for translation, and choose the format's to most effectively communicate the messages contained in those documents.

Training: Train front line and other staff to effectively engage and respond to LEP customers.

Definitions and Standards: Develop a method to ensure consistency in the application of competency standards for interpreters and translators.

Customer Information: Provide timely, relevant information about CTDOT programs and services to LEP communities in the LEP Languages.

Outreach: Conduct culturally-competent outreach to LEP communities to increase awareness and use of CTDOT services and programs.

Research and Administration: Develop a means to assess and monitor the effectiveness of CTDOT's LEP Plan internally and externally on two levels:

1. Ongoing review to immediately address any critical issues and make changes to the LEP Access Plan as needed.
2. Annual review to include any changes in demographics, types of services, or other LEP community needs.

LEP Access Planning Process

To prepare a viable LEP Access Plan, CTDOT convened a LEP Workgroup to conduct the assessment of the Department's interaction with LEP Populations. Staff members from throughout the agency were hand-picked for the workgroup. The group included staff from public transportation, planning, civil rights and administration.

This workgroup was tasked with the following:

1. Perform a needs assessment to identify high concentrations or high numbers of LEP individuals and determine if there were language barriers limiting the access of LEP persons to CTDOT services.
2. Developing a LEP plan and providing a framework for the provision of timely and reasonable language assistance to those with limited English proficiency who access CTDOT services and a method to evaluate and review the effectiveness of a LEP Plan.

The LEP Program is designed to be flexible and fact dependent. The four-factor analysis

Four Factor Analysis - involves four steps:

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

Factor 1: Number and Proportion of LEP Persons Eligible to be Served or Likely to be Encountered in the Service Area

DOT Guidance: *"There should be an assessment of the number or proportion of LEP individuals eligible to be served or encountered and the frequency of encounters pursuant to the first two factors in the four-factor analysis.*

Census/ACS Data - The primary tool used for this Title VI study was the data from 2010 U.S. Census Bureau. For this update, the Department also utilized the latest American Community Survey (ACS) data, which is also available on the U.S. Census Bureau website. The demographic analyses of the statewide areas identified Spanish, Portuguese, Polish, Chinese and Italian as the top five languages spoken by people meeting the LEP standard of “speaking English not well or not at all”.

[PLEASE REFER TO LINK PROVIDED -](#)

[HTTP://WWW.CT.GOV/DOT/CWP/VIEW.ASP?A=3529&Q=305564&DOTNAV=1](http://www.ct.gov/dot/cwp/view.asp?a=3529&q=305564&dotnav=1)

- *Connecticut Statewide LEP Map*
- *Connecticut Statewide LEP Chart*

Note: The CTDOT web page for [Title VI study](#) is located at:

In addition, the Department looked at the occurrence of LEP populations statewide meeting and going beyond the customary definition of LEP “Safe Harbor” thresholds (5% or 1,000 individuals, whichever is less) for the purpose of inventorying languages that are widely spoken even if we go beyond the customary definition of LEP. For this exercise the Department included in the counts anyone who spoke English “not at all” or “less than well” but also included the next grouping of people so that the new population included everyone who spoke English “less than very well.” This would overstate the number of speakers by including some number who probably could communicate effectively in English, but who might benefit from special assistance or resources. Using this more broad interpretation of the population, the following languages and the number of speakers the language were:

Spanish or Spanish/Creole:	130,864
Portuguese:	17,886
Polish:	15,612
Italian:	12,121
Chinese:	10,118
French:	7939
Russian:	5003

French Creole:	4908
Other Indo-European:	4826
Vietnamese:	3981
Korean:	3639
Other Asian:	3440
Other Indic Languages:	3198
Other Slavic:	2362
Greek:	2358
Gujarati:	2163
African Languages;	2128
Serbo-Croatian:	2105
Tagalog:	2033
Arabic:	1999
Urdu:	1766
German:	1712
Hindi:	1551
Laotian:	1412
Japanese:	1328
Cambodian:	1163

Using this listing of languages, the Department has an additional resource that can be used as any special actions or decisions are considered regarding the level of accommodation that could conceivably be required for non-English speakers.

In areas determined to have large numbers of LEP persons, either showing tract-wide proportions above the service area average, or meeting the Safe Harbor Thresholds, the Department may also conduct outreach to organizations that work with LEP populations. This will include local governmental agencies, religious organizations and community based organizations. This information will allow the Department to better understand the languages, trends and the services used by

LEP persons. The Department has compiled a resource directory of organizations that will be used for this outreach. The directory is available on the Department's [Community Based Organization Listing](#) or can be provided upon request. The Directory will be updated periodically to insure that it is current and inclusive.

Conclusions and Recommendations:

The Department will prioritize our efforts to provide language assistance to those groups identified with the most demand. Given the large size of the Spanish-speaking LEP population, this would be the group to focus on first – especially for more expensive activities such as distribution of written translations. However, less expensive actions, such as oral translations, might also focus on or about the top five languages. In addition, outreach may be different in different divisions based on the populations in their areas?

Factor 2: Frequency of Contact by LEP Persons with Services

DOT Guidance: *“Recipients should assess, as accurately as possible, the frequency with which they have or should have contact with LEP individuals from different language groups seeking assistance, as the more frequent the contact, the more likely enhanced language services will be needed. The steps that are reasonable for a recipient that serves an LEP person on a one-time basis will be very different than those expected from a recipient that serves LEP persons daily.*

Conduct CBO Surveys

The CTDOT reviews its Geographic Information System (GIS) Mapping which depicts the LEP Populations within the service areas identified and refers to the CBO listing to select the organizations that best represent the impacted areas. The CBO listing includes, but is not limited to, CBO's, Businesses, Education, and Recreational Centers. The CTDOT selected CBO's in Stamford, Hartford and Bridgeport, as they showed a large concentration of LEP individuals in the area.

Website Data Translations – Google Translate on websites is just one tool that can be used to measure the level of interaction by LEP individuals. Google Translate offers machine translations so it is generally not desired to rely upon Google Translate for routine or frequent translation.

Mapping Tools - The new mapping as shown in Section XII will also provide CTDOT with a stronger tool for identifying language “Hot Spot” locations in the service area that have the highest concentrations of LEP persons. Use of that mapping will help generally, but especially with specific projects or service changes to target language assistance services to the particular languages in that area.

Enhanced Data Collection Tools - In addition, the Department intends to enhance its outreach to community organizations and other groups in the three-year action plan that will follow in the Language Assistance Plan (LAP) below. These steps will assist with assessing the current gaps in dissemination of information to current users due to language barriers and try and identify new potential customers who may not now be accessing the system, especially those not accessing the system due to language barriers.

Factor 3: Nature and Importance

DOT Guidance: *“The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. The obligations to communicate rights to an LEP person who needs public transportation differ, for example, from those to provide recreational programming. A recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual...”*

In addition, in certain situations the delivery of clear instructions regardless of language is required. For example, emergency evacuation instructions in stations and vehicles should be either non-written/non-verbal or provided in languages that meet the thresholds of LEP. Similarly, it is important to provide information to the public on security awareness or emergency preparedness. If this information is not accessible to people with limited English proficiency, or if language services in these areas are delayed, the consequences to these individuals could be serious.

Therefore, the Department has determined that most of its basic communications methods should be addressing LEP populations. Based upon the observed data and the threshold of usage of various non-English languages, this will include manual translations into Spanish for all information websites, service and fare change brochures, Title VI-related documents such as “Your Rights Under Title VI” and descriptions about how to file a Title VI complaint, and the availability at all times of Spanish-speaking telephone operators.

A full description of the services for Spanish speakers, as well as the process for requesting provision of native tongue services for other non-Spanish LEP persons will be described more fully in the Language Assistance Plan (LAP) below.

Further, and as will be described in the LAP, the Department will also be initiating a program of using pictograms or other non-language tools whenever possible to illustrate emergency procedures, travel directions, etc.

Factor 4: Available Resources and Costs of Providing Language Assistance Services

DOT Guidance: *“A recipient's level of resources and the costs imposed may have an impact on the nature of the steps it should take in providing meaningful access for LEP persons. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, “reasonable steps” may cease to be reasonable where the costs imposed substantially exceed the benefits. Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns.*

... “large entities and those entities serving a significant number or proportion of LEP persons should ensure that their resource limitations are well substantiated before using this factor as a reason to limit language assistance. Such recipients may find it useful to be able to articulate, through documentation or in some other reasonable manner; their process for determining what language services would be limited based on resources or costs.”

This last step of the Four Factor Analysis allows the Department to weigh the demand for language assistance against current and projected financial and personnel resources. This analysis helps determine if the language services currently provided are cost effective and helps to plan future investments, so that the most needed assistance is provided to the greatest number of LEP persons within the limits of the Department's resources.

The Department will continue to expend a reasonable portion of the budgetary dollars to meet compliance goals and fulfill the provisions of the language assistance plan. The Department recognizes that to continue to expand the program, new sources of internal and/or external funding might be needed depending upon the cost and scope of new strategies and actions.

Current Language Assistance Measures

Current Language Assistance Measures

DOT Guidance: *“An effective LEP plan would likely include information about the ways in which language assistance will be provided.*

The Department supports the goals of the DOT LEP Guidance to provide meaningful access to its services by LEP persons.

The information, presented above in earlier elements of the Four-Factor Analysis, and the predominance of Spanish-speaking LEP persons, helped tailor the specific type of language assistance CT DOT provided its LEP ridership during the reporting period. And future plans will be presented in the LAP.

The following section provides the status of the Department's initiatives established to address potential access barriers faced by LEP customers. The agency currently offers a number of language assistance services, including, those listed below.

Oral Translations

All Modes:

The Department has its own list of firms that provide transportation and interpretation services. (See LEP - [A Reference Guide to Translation and Interpretation Services](#)).

In addition, through the Department of Administrative Services (DAS) the state has contracts for translation and interpretation services that any state agency including the Department can access.

Telephone translations: Four companies selected, 69 languages, ranges from \$.78 to \$.93 per minute:

http://www.das.state.ct.us/contracts/010_0053.pdf

In-person translations: 13 companies selected, 6 languages, variable pricing – per hour or per word:

http://www.das.state.ct.us/contracts/010_0054.pdf

The Department responds may use available and authorized staff to translate upon immediate need.

Written Translations

All Modes

Written translations are available through some of the companies in the Department's Reference Guide to Translation and Interpretation Services or through the DAS contracts also specified immediately above. The Department will translate vital written materials into the languages identified as frequently encountered, or likely to be affected by specific actions. The decisions regarding which documents to be translated will be significantly impacted by feedback from the LEP community. Some of the items determined to be vital include the following:

- Emergency transportation information.
- Notices of public hearings regarding CTDOT's proposed transportation plans, projects, or changes, and reduction, denial, or termination of services or benefits.
- Notices advising LEP persons of free language assistance and language identification cards for staff,
- Consent forms.

The Department will also ensure that LEP persons have meaningful access to all CTDOT Programs and activities. Whenever the Department holds a public hearing/meeting (whether during Environmental Assessment, Design, or service planning/monitoring), the legal notice regarding the hearing/meeting will indicate that LEP persons requiring documents be printed in an alternate language can contact a Department representative to communicate this need in a reasonable amount of time prior to the event. Additionally, legal notices shall inform LEP persons that a translator will be made available if the Department is notified sufficiently in advance of the hearing/meeting. Any CTDOT employee who needs to engage translation services for a hearing or meeting may consult the Department's *Language Request List* to coordinate the services of another resource employee who may act as a translator, or contract out for translation services.

Environmental Justice (EJ)

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

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

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

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

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

Review of STA Directives

Office of Contract Compliance (OCC) will periodically review STA Directives from the various Bureaus to determine if there are Title VI Implications. Should Implications arise, OCC will hold meetings with the various parties, including Bureau Chief where appropriate; to discuss methods to mitigate the impact, and ensure Title VI responsibilities are being followed.

Compliance and Enforcement Procedures

An integral part of the Title VI Program is the process whereby data is collected from various Bureaus/Offices/Units and is analyzed to identify any patterns of discrimination. Annually, Title VI Liaisons collect and assimilate federal-aid program-related data and provide this data to the Title VI Coordinator.

Introduction: The purpose of this update is to monitor the Title VI, Limited English Proficiency (LEP) and Environmental Justice (EJ) programs and activities of the Metropolitan Planning Organizations (MPOs). The review will be a follow-up to the program review conducted by the Connecticut Department of Transportation in 2004.

MPOs serve as the primary forum where State Department of Transportations (DOT), local agencies, and the public develop local transportation plans and programs that address a metropolitan area's needs. Additionally, the Rural Planning Agencies play a similar role for the rural areas of the State. MPOs can assist local public officials understand the requirements and responsibilities under Title VI and assist them with understanding how Title VI, LEP and EJ compliance improve the planning and decision making process.

To certify compliance with Title VI and address Environmental Justice (EJ), MPOs need to:

- Enhance their analytical capabilities to ensure that the long-range transportation plan and the transportation improvement program (TIP) comply with the obligations under Title VI, LEP and EJ.
- Identify the residential, employment, and transportation patterns of low-income and minority populations so that their needs can be identified and addressed and the benefits and burdens of transportation investments can be fairly distributed.
- Evaluate and, where necessary, improve their public involvement processes to eliminate participation barriers and engage minority, low-income and LEP populations in the transportation decision-making process.

The Process

To update the Title VI Process Review Report produced in 2004, the Department sent out a memorandum to each Regional Planning Organizations (RPO) located in the State of Connecticut requesting the following:

1. An update on how the Region has addressed, is addressing or plans to address the 2004 identified areas of concern. These are identified Title VI, LEP and EJ areas of deficiencies that affected MPO committed to provide resources and staff time to.
2. Answers to the Regional Planning Organization Questionnaire sent to all RPOs. These questions were designed to provide the department with information on how the MPOs are currently meeting the federally mandates regarding Title VI, LEP and EJ.
3. The Region's public involvement process.
4. The Region's Limited English Proficiency Plan.
5. The Region's Title VI Complaint process (if available).

Title VI, Environmental Justice, & Limited English Proficiency: Relationship and Application

Title VI

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Areas of emphasis include the following:

- No person in the United States—The word “person” includes citizens as well as persons not lawfully present in the United States (illegal aliens). The phrase “in the United States” refers specifically to the fifty states of the Union. However, due to Title VI's relationship to the 5th and 14th Amendments to the Constitution (one amendment applies to the states and one applies to the states and the territories), Title VI is broadly interpreted to apply to the states and the territories.
- Program or Activity—The Civil Rights Restoration Act of 1987 amended Title VI and related statutes by adding an expansive definition of “program or

activity". Therefore, the term "program or activity" applies to (1) a department, agency, special purpose district, or other instrumentality of a State or of a local government; or (2) the entity of such State or local government that distributes such assistance and each such department or agency (and each other State or local government entity) to which the assistance is extended, in the case of assistance to a State or local government. A Regional Planning Organization receiving federal assistance satisfies this definition.

- Receiving federal financial assistance through the State—Federal financial assistance is the award or grant of money. In addition, Federal financial assistance may be in non-monetary form. Federal financial assistance may include the following: use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and other arrangements with the intention of providing assistance. Federal financial assistance **does not** include the following: contracts of guarantee or insurance, regulated programs, licenses, procurement contracts by the Federal government at market value, or programs that provide direct benefits.

Title VI applies directly to race, color, and national origin. There are three additional "cross-cutting" nondiscrimination statutes that prohibit discrimination on other grounds in federally assisted programs or activities. These include the following: Title IX (prohibits discrimination in education programs on the basis of sex), Section 504 (prohibits discrimination on the basis of disability), and the Age Discrimination Act (prohibits discrimination on the basis of age). Congress modeled these statutes after Title VI. Therefore, when Title VI/Nondiscrimination is referenced, sex, age and disability are generally linked with race, color and national origin.

Environmental Justice

Executive Order 12898 ("Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations") required each federal agency to develop a written strategy to identify and address disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income communities. This can be realized through the development and implementation of an integrated approach towards Environmental Justice (EJ) through the collection, analysis, and dissemination of understandable and useful information on the adverse environmental and health impacts on protected populations. Through the National Environmental Policy Act of 1969 (NEPA) process, the EJ analysis is included as an individual section of the environmental document and is thereby

disseminated to the public. For a Regional Planning Organization (RPO), the EJ analysis is included as another area of study under Title VI during the Planning process for transportation projects, plans and programs. Additionally, RPOs should analyze the impact of benefits provided by the RPO upon low-income and minority communities within the RPO's boundaries. This should include providing LEP populations and minority and low-income communities' access to public information and the opportunity for public participation in the planning process.

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

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

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

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

Limited English Proficiency

Executive Order 13166 ("Limited English Proficiency") affirmed the obligation to eliminate limited English proficiency (LEP) as an artificial barrier to full and meaningful participation in all federally assisted programs and activities. In

addition, the Executive Order expanded the obligation to address the language needs of LEP persons beyond federally assisted programs and activities to include federally conducted programs and activities. A recipient is required to evaluate how a LEP person's inability to understand oral and written information provided by and about a federally assisted program or activity might adversely impact his or her ability to fully participate in or benefit from that program or activity. The guiding principle of the LEP Guidance is a four-factor analysis of "reasonableness". The four-factors are as follows:

- Number or proportion of LEP persons in the eligible service population;
- The frequency with which LEP individuals come in contact with the program;
- The importance of the service provided by the program; and
- The resources available to the recipient.

Utilizing these four-factors, a RPO should determine what, if any, language mitigation measures are reasonably necessary to eliminate or minimize LEP as a barrier to participation in or receipt of the benefits of a federally assisted program or activity.

The USDOT published policy guidance on Title VI's prohibition against national origin discrimination as it affects LEP persons. A synopsis of the USDOT guidance can be found in Appendix B; this synopsis was provided to each MPO and Rural Region in the State.

Coordinated Relationship

Title VI, being a portion of a Congressional statute, is the area of emphasis. Within the Planning process, each RPO should have a Title VI area of analysis for all federally assisted transportation projects as well as programs and activities (e.g. Long Range Plan and Transportation Improvement Program). As a part of this Title VI analysis, a study should be performed to ensure that development and urban renewal benefiting a community, as a whole, should not be unjustifiably purchased through the disproportionate allocation of its adverse environmental and health burdens on the targeted communities (low-income and minority communities). This should include providing minority and low-income communities' access to public information on, and an opportunity for public participation in, matters relating to human health or the environment as it is affected by transportation projects and programs.

Four strategies that may be pursued to implement this analysis are as follows:

- Promote enforcement of all health and environmental statutes in areas with minority and low-income populations;

- Ensure greater public participation;
- Improve research and data collection relating to the health of and environment of minority and low-income populations; and
- Identify differential patterns of consumption of natural resources among minority and low-income populations.

As a portion of this analysis, a study of impacts relating to outreach to LEP persons should be performed. LEP populations (if any) should be identified and a “reasonableness” decision made as to the need to provide additional resources to promote participation in the public process.

Regarding a benefits analysis, if a RPO is offering public transportation, studies involving possible impacts to minority/low-income communities and LEP persons should be performed as part of the Title VI analysis.

Guidance to Achieve Compliance with Title VI, Environmental Justice, and Limited English Proficiency

Below is a list of basic guidance to assist the Regional Planning Organizations to achieve compliance with the many aspects of Title VI, EJ and LEP legislative requirements. This guidance as well as the legal requirements discussed above should be reviewed and where applicable implemented by the Regional Planning Organizations. The guidance is grouped into two categories: Planning Processes and Products, and Public Outreach.

Planning Processes and Products

- Integrate the EJ process into the Title VI Process.
- Emphasize Title VI in the Planning Process.
- Produce a Title VI Action Plan.
- Expand the identification process for LEP groups.
- Incorporate LEP procedures in the Public Participation Plan, including identification procedures.
- Examine the use of Block Groups as opposed to Census Tracts to identify the location of the targeted groups.
- Update the targeted group locations using the 2010 Census Data
- Publish Public Participation Plan electronically
- Identify and analyze the benefits and burdens of the planning process

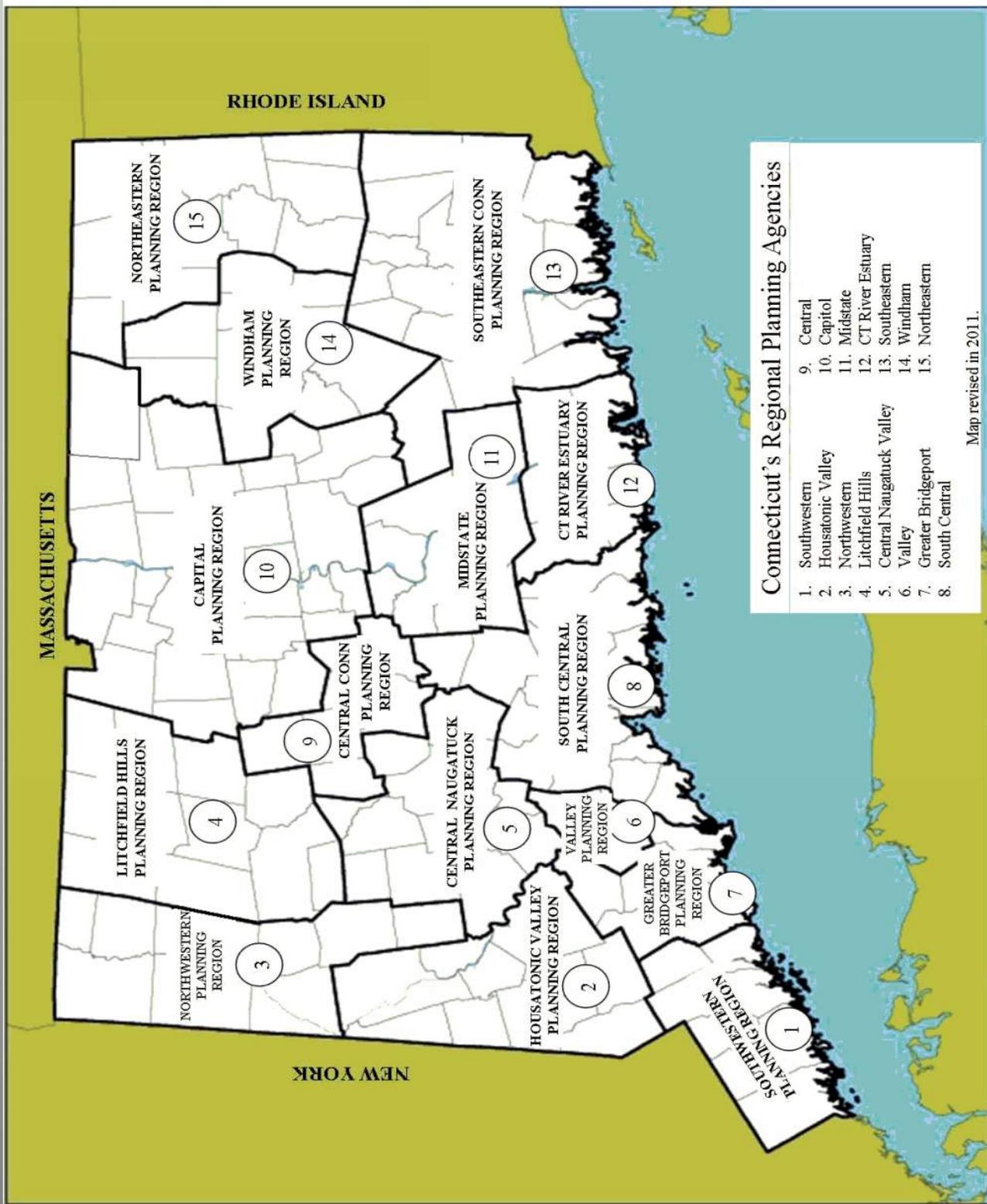
and products, as well as projects, and implement the recommended changes.

Public Outreach

- Identify Community Based Organizations, and expand public outreach to the targeted community groups during TIP adoption and LRP update
- Evaluate public outreach efforts, including a review of the effectiveness of the process to identify what is working and opportunities for improvement
- Indicate access to LEP documentation on RPO websites, agendas, and other means, including an indication of availability of documentation in the alternative language.
- Consider the translation of brochures, pamphlets, and documents where practical.
- Expand the mailing list to include alternative language newspapers.
- Participation of representatives from targeted communities on RPO boards.
- Ensure that public meetings are conducted at convenient and accessible locations at convenient times
- Establish a Title VI/EJ Advisory Committee.
- Examine and update website to include alternative language information.

Map of the Fifteen Regional Planning Organizations in Connecticut.

The map below depicts the boundaries for the fifteen Regional Planning Organizations in Connecticut.



A synopsis of actions taken for reviewing and updating the RPOs Title VI process.

All local governments and Metropolitan Planning Organizations (MPOs) that receive federal funds through CTDOT are required to develop a Title VI Process Plan for their transportation projects. The Department has developed fifteen (15) questions to determine how the Metropolitan Planning Organizations (MPOs) are currently meeting the federally mandated Title VI requirements, including how Title VI, LEP and EJ are incorporated into transportation projects and if other analytical tools are currently being used. This set of 15 CTDOT identified questions to RPOs are listed below.

Following these questions are segments on each Regional Planning Organization (RPO). Under each Region's section are:

- Brief history on their Title VI practices.
- Regional responses to their identified areas of concern included in the February 2004 Title VI Process Review Document.
- Regional responses to the 15 CTDOT identified questions and website addresses (if provided) where the region's completed document is posted.

Any additional attachments submitted from the RPOs in response to the questions have been reviewed by the Department. As these are large files, these attachments have not been attached to this document but are available upon request.

Fifteen (15) QUESTIONS TO ALL REGIONAL PLANNING ORGANIZATIONS

(Each RPO's answers the following questions are listed under the region's section below)

1. Have the MPO's updated their demographic profile of the metropolitan planning area that includes identification of the locations of socio-economic groups, including low-income and minority populations as addressed by the Executive Order on Environmental Justice and Title VI provisions? If so, how does the demographic profile identify the locations of the socio-economic groups? Please submit a sample.
2. Does the MPOs' Planning process seek to identify the needs of low-income and minority populations? If so, how does the Planning process identify these needs? In addition, does the Planning process seek to utilize demographic information to examine the distributions across these groups of the benefits and burdens of the transportation investments included in the TIP? Finally, what methods are used to identify imbalances?
3. Does the MPOs' public involvement process have an identified strategy for engaging minority and low-income populations in transportation decision-making? Secondly, what mechanisms exist to ensure that the public's issues and concerns are addressed? Also, what strategies, if any, have been implemented to reduce participation barriers for such populations? Finally, has their effectiveness been evaluated?
4. Has public involvement in the MPOs' Planning process been routinely evaluated as required by regulation? In addition, have efforts been undertaken to improve performance, especially with respect to low-income and minority populations? Also, have organizations representing low-income and minority populations been consulted as part of this evaluation? Finally, have their concerns been considered?
5. Does the MPOs' public outreach effort utilize media (such as print, television, radio, etc.) targeted to low-income or minority populations? If so, what media vehicle is utilized? Please provide listing of media vendors used and a sample.
6. How has the MPO included Title VI and Environmental Justice in the following:
 - a. The Long-range Transportation Plan?
 - b. The Transportation Improvement Program?
 - c. The Unified Planning Work Program?

d. The Public Involvement Plan?

7. Has the MPO reviewed its decision-making process or developed written policies or criteria that address consideration of all populations served by the RPO? Please provide policy.
8. How does the MPO provide access to public comments or other types of public input for decision-making?
9. Is the region following your Limited-English Proficiency plan?
10. Does the region have a Title VI Complaint process? If so, please provide a copy.
11. Has your Title VI Policy and Title VI Complaint process been added to your RPO website? If yes, please provide a link to that website.
12. Does the region coordinate with Native American Tribal Governments?
13. Are contracting opportunities for planning studies, corridor studies and other technical work available to all groups/persons? How are these contract opportunities advertised?
14. How does the region ensure that the required Title VI requirements are incorporated into subcontracts and agreements initiated by their RPO?

The MPO Review Analysis may be viewed at

[http://www.ct.gov/dot/lib/dot/documents/ddbe/mpo_review_analysis - t6plan2014.docx](http://www.ct.gov/dot/lib/dot/documents/ddbe/mpo_review_analysis_t6plan2014.docx)