

Title VI Agency Policy Examination and Best Practices Review

FINAL REPORT
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Submitted by

Christopher Titze
Whitney Faron
Cambridge Systematics, Inc.
New York, New York 10016



NJDOT Research Project Manager
Paul Thomas

In cooperation with

New Jersey
Department of Transportation
Bureau of Research

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16. Abstract In order to meet MAP-21 guideline and remain in compliance with FHWA's Title VI requirements, the New Jersey Department of Transportation (DOT) Title VI Unit was instructed to re-examine their existing Title VI policies and regulations. Through this process they were charged with identifying the strengths and weaknesses of the Department's existing Title VI practices, in addition to the strengths and weakness of Title VI practices when coordinating with sub-recipients. Since each Federal recipient is charged with developing their own plans, policies, and requirements that assist in achieving Title VI compliance; no specific or consistent guidance or best practices are available as a resource.			
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EXECUTIVE SUMMARY

Cambridge Systematics, Inc. (the “research team”) undertook research to assist the New Jersey Department of Transportation’s (NJDOT) Division of Civil Rights and Affirmative Action remain in compliance with the Federal Highway Administration’s (FHWA) Title VI requirements. The research approach consisted of the following steps:

- Examining existing Title VI regulations and best practices for achieving compliance based upon the body of transportation planning literature, policies, and procedures of other states and federal agencies;
- Reviewing NJDOT’s current Title VI practices;
- Gathering information on how other State Department of Transportations and sub-recipients are achieving Title VI compliance; and
- Summarizing recommendations for Title VI compliance.

The best practices review collected information from state and federal studies, reports, and websites that described Title VI compliance policies and procedures. A thorough analysis was then performed on NJDOT’s existing Title VI policies and procedures, identifying strengths and weaknesses in the Department’s Title VI documentation. An interview program, with other State Department of Transportation staff and sub-recipients, was designed and implemented to enhance the literature review and existing policies evaluation. Peer agencies and sub-recipients interviews were conducted with:

- Massachusetts Department of Transportation (MassDOT)
- Connecticut Department of Transportation (ConnDOT)
- Tennessee Department of Transportation (TDOT)
- Georgia Department of Transportation (GDOT)
- Pennsylvania Department of Transportation (PennDOT)
- Monmouth County (Local Aid District 3)
- Gloucester County (Local Aid District 4)
- Passaic County (Local Aid District 1)

Information gathered in the literature review, existing policy evaluation, and interview program were summarized into findings and recommendations for future Title VI compliance.

BACKGROUND

In order to meet MAP-21 guidelines and remain in compliance with FHWA's Title VI requirements, the NJDOT Division of Civil Rights and Affirmative Action was instructed to re-examine their existing Title VI policies and procedures. Through this process they were charged with identifying the strengths and weaknesses of the Department's existing Title VI practices, in addition to the strengths and weakness of Title VI practices when coordinating with sub-recipients. Since each Federal recipient is charged with developing their own plans, policies, and requirements that assist in achieving Title VI compliance; no specific or consistent guidance or best practices are available as resources.

OBJECTIVES

This objective of the research was to ensure NJDOT and sub-recipients remain in compliance with federal Title VI regulations. The research involved reviewing existing Title VI literature produced by other states and federal agencies, evaluating NJDOT's existing Title VI literature, and documenting best practices of peer agencies and sub-recipients.

INTRODUCTION

The goal of the NJDOT Division of Civil Rights and Affirmative Action is to ensure all of NJDOT's programs, activities, and services protect "any person who is discriminated against based on race, color, or national origin" as defined by Title VI regulations. Minorities include those of Black, Hispanic, Asian American, and American Indian or Alaskan Native. Undocumented aliens are also covered. Cambridge Systematics, Inc. (CS) partnered with NJDOT to conduct a literature review, existing practices review, and interview program to identify best practices for Title VI compliance. The research team identified key findings and recommendations from these tasks. By utilizing the research team's findings and recommendations, the NJDOT Division of Civil Rights can better achieve its nondiscrimination goal.

SUMMARY OF THE LITERATURE REVIEW

The study team conducted a literature review that describes best practices for Departments of Transportation (DOTs) regarding Title VI compliance. In addition to reviewing documents and materials that provided guidance on Title VI compliance, a peer review of other State DOTs or transportation agencies' Title VI documentation and resource materials was performed. The following summarizes the key resource materials and documents examined for each peer reviewed agency:

Key Resource Materials

Title 23 CFR Part 200.9 (b) of the Federal-Aid Highway Program, Federal Highway Administration

This federal guidance states that the Civil Rights Act of 1964 protects individuals and groups from discrimination on the basis of their race, color, or national origin in programs and activities receiving Federal financial assistance. As Federal Highway Administration's (FHWA) primary recipient, State Departments of Transportation are required to prevent discrimination and ensure nondiscrimination in all of their programs and activities (through their Title VI Plans/Programs). The State Departments of Transportation must also ensure Title VI compliance for the programs and activities of their sub-recipients and contractors.

Title VI Nondiscrimination in the Federal-Aid Highway Program Handbook, Federal Highway Administration

This Handbook provides guidance on the implementation, compliance, and enforcement efforts required of state transportation agencies to meet their Title VI obligations as primary federal recipients. The Handbook explains that a well-developed Title VI program should include an implementation plan that:

- Describes the nature of the program and the responsibilities of the operating division, office or unit that administers the Federally assisted program
- Indicates the number of programs administered annually, an estimated total of the amount of Federal financial assistance distributed annually, and the approximate number of grants, and recipients and sub-recipients involved
- Includes proactive programs to prevent discrimination
- Includes enforcement procedures that correspond with the objectives of their Federally assisted programs and activities

The compliance and enforcement component of the Handbook details guidance for determining and obtaining sub-recipient compliance, and compliance and enforcement elements that state transportation agencies should follow with sub-recipients. These elements include:

- Pre-award reviews
- Post-award reviews
- Complaint investigations
- Identification of deficiencies, remedies, and sanctions
- Outreach and education

- Technical assistance

Title VI Nondiscrimination in the Federal-Aid Highway Program Desk Reference, Federal Highway Administration

The document details the Title VI related roles and responsibilities of state transportation agencies as federal recipients. This Desk Reference identifies potential issues along with mitigation measures to achieve Title VI compliance. Notable issues and mitigation measures include:

- For the issue “Whether data collection/analysis is adequate,” analysis of the following should be included as a mitigation measures:
 - Description of community boundaries
 - Racial/ethnic makeup
 - Income levels, tax base
 - Community services, schools, hospitals, shopping, public safety
- For the issue “Whether contracting opportunities for planning studies, corridor studies, or other work have been provided to minorities and women” analysis of the following should be included as a mitigation measures:
 - Outreach efforts to minority and women-owned businesses and minority institutions of higher education
- For the issue “Whether Social, Economic, and Environmental (SEE) effects and impacts have been identified and described” analysis of the following should be included as a mitigation measures:
 - Systematic interdisciplinary approach
 - Public involvement techniques such as minority citizen advisory committees

State DOT Best Practices for Title VI Compliance, National Cooperative Freight Research Program Report 340, TRB, 2009

This document provides an overview of Federal Transit Administration Title VI requirements for state departments of transportation. The document contains information on best practices for Title VI compliance by state DOTs with respect to preparing and submitting a Title VI Program, collecting and analyzing demographic data, staff training, monitoring sub-recipients, notifying beneficiaries of protection under Title VI, and receiving, tracking, investigating, and responding to complaints. The document details best practices for notifying beneficiaries of protection under Title VI, including:

- In Washington, D.C., the District Department of Transportation's Civil Rights department disseminates a brochure at public meetings.
- In Montana, the state requires transit agencies to put pamphlets on the buses that not only inform riders of their rights, but allow riders to fill out a complaint form right on the bus if they feel they have been discriminated against. The goal is to make sure vehicle operators aren't able to scare discourage system users from filing a report if they feel their rights have been violated.

The state of Tennessee is referenced in the document as a leader in receiving, tracking, investigating, and responding to complaints. Once a person has filed a complaint in Tennessee, the procedure is:

- A form letter is sent out notifying the person the complaint has been received
- A follow-up letter asks the complainant to follow-up with an assigned investigator so they can discuss the complaint further, usually by phone
- An assigned investigator uses a standard worksheet to document the complaint in detail – the worksheet that lists the date, the type of complaint (such as race or national origin), when the last compliance review was conducted, and when the next review is scheduled
- Another letter notifies the complainant that the complaint program will be investigated and that they will be notified of the results.
- The next letter either lets the complainant know that there were violations in the Title VI Program and that efforts are underway to correct them, or that the investigation did not uncover any violations in Title VI and the file will be closed.

Peer Agencies Reviewed

As part of this analysis, Cambridge Systematics, Inc. conducted a review of the Title VI policies and procedures of other transportation agencies (including DOTs, MPOs, and transit agencies). Agencies reviewed were:

- Massachusetts Department of Transportation (MassDOT)
- Georgia Department of Transportation (GDOT)
- Tennessee Department of Transportation (TDOT)
- Connecticut Department of Transportation (ConnDOT)
- Pennsylvania Department of Transportation (PennDOT)
- New York State Department of Transportation (NYSDOT)

- New Jersey Transit (NJ TRANSIT)
- North Jersey Transportation Planning Authority (NJTPA)
- Port Authority of New York & New Jersey (PANY&NJ)

These agencies were selected because they represent a comprehensive look at Title VI compliance while touching upon specific elements that are similar to or would enhance NJDOT's Title VI Plan. MassDOT, GDOT, TDOT, ConnDOT, and PennDOT posted a comprehensive amount of Title VI related documentation on their agency websites, including current versions of their Title VI Plans. NYSDOT, NJ TRANSIT, NJTPA, and PANY&NJ did not post their Title VI Plans on their websites. However, NYSDOT, NJ TRANSIT, NJTPA, and PANY&NJ did post information on their complaint procedures and commitments to Title VI on their websites. A summary of these findings is detailed in Appendix A, which describes the structure and notable elements of each agency's Title VI Plan/Program. It also includes supplemental Title VI related materials that are not included in the agency's Title VI Plan (e.g., brochures, training booklets, presentations, posters, complaint flow charts, sub-recipient assessments, and local agency questionnaires).

Cambridge Systematics, Inc also conducted a review of how other DOT's address Title VI compliance with sub-recipients. CS reviewed the Title VI sub-recipient policies and procedures for the Connecticut Department of Transportation (ConnDOT), Tennessee Department of Transportation (TDOT), Massachusetts Department of Transportation (MassDOT), and Georgia Department of Transportation (GDOT) in great detail and found that each DOT approaches sub-recipient compliance in a different way and that there is no one-size fits all approach. For example, ConnDOT details their entire sub-recipient compliance process in their Title VI Plan while TDOT publishes a separate document for localities to reference to achieve Title VI compliance on federal and state funded transportation projects. MassDOT's Secretary of Transportation issued a Title VI Compliance notice to sub-recipients while GDOT distributes various questionnaires to sub-recipients. A summary of the various approaches to sub-recipient compliance is detailed below.

Connecticut Department of Transportation (ConnDOT)

The sub-recipient compliance process is clearly defined in the ConnDOT Title VI Program. To ensure sub-recipients are complying with the requirements under Title VI, ConnDOT developed a Title VI Compliance Assessment survey (see Appendix B), which is conducted with municipalities every two years. ConnDOT 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. In addition to the survey, sub-recipients also receive an "Information Packet" which includes a copy of the ConnDOT Title VI Policy Statement, the Department's Discrimination Complaint Process and Procedures and all applicable forms, Limited English Proficiency (LEP) Implementation Plan Guidance for Sub-recipients, a copy of ConnDOT's Title VI Poster and Brochure, and Title VI information

posted ConnDOT's webpage. Sub-recipients have the option of developing their own Title VI, LEP/EJ processes, or using a format provided by ConnDOT to assist in the development of their program. ConnDOT survey responses are used to determine the training and technical assistance needs of the sub-recipients.

As of 2014, ConnDOT will be conducting full Title VI process reviews on Municipal Planning Organizations (MPOs) every five years by distributing a "Title VI Compliance Update Form" to MPOs. MPOs will be required to document their progress towards addressing any deficiencies on a quarterly basis.

Tennessee Department of Transportation (TDOT)

TDOT's Annual Title VI Implementation Plan includes general language about its mission of reviewing and monitoring TDOT's sub-recipients for Title VI compliance. However, the "Local Government Guidelines for Management of Federal and State Funded Transportation Projects" published by TDOT's Local Program Development Office in February of 2011, is the true guidance for sub-recipients. The guidelines ensure the local agencies who are managing a FHWA or TDOT funded project comply with various regulations, rules, policies and established standards, including Title VI standards. TDOT also published a Sub-recipient Data Collection Toolkit (see Appendix C) and Local Training Program Presentation (see Appendix D) to assist with Sub-recipient compliance.

Massachusetts Department of Transportation (MassDOT)

Sub-recipient obligations are defined in MassDOT's Title VI/Nondiscrimination Program. Additionally, MassDOT publishes and distributes the brochure "Guide for MassDOT Sub-recipients: Implementing the FHWA Title VI Program" which answers questions like "Who is a sub-recipient?" and "What Are Your Responsibilities as a sub-recipient?" (see Appendix E). Additionally, on March 24, 2011, the Secretary of Transportation released a Notice to Sub-recipients on their Title VI/Nondiscrimination obligations. (see Appendix F.)

Georgia Department of Transportation (GDOT)

GDOT's Title VI Program Plan only addresses sub-recipients in a short description under the Title VI Coordinator's responsibilities. These responsibilities include retrieving a current list of sub-recipients (from various state databases) and using a spreadsheet to track sub-recipient reviews. Information captured on the spreadsheet includes: LPA/Institution Name & Project Number, type of project & Federal dollar amount, self-survey, assurances, and Title VI Non/Nondiscrimination Agreement dates, training date, and number of Title VI complaints. GDOT's Title VI Program Plan includes an MPO and Local Government Questionnaire in the Appendices section of the Plan (see Appendix G).

SUMMARY OF WORK PERFORMED

At the direction of NJDOT's Division of Civil Rights and Affirmative Action, the research team investigated best practices and policies to achieve Title VI compliance. Specific work efforts included:

- Literature Review and Research Process – Examined existing Title VI regulations and best practices for achieving compliance based upon the body of transportation planning literature, policies, and procedures of other states and federal agencies;
- Existing Policies and Procedures Review – Collect and evaluated NJDOT's existing Title VI polices and procedures; and
- Interview Program – Developed and conducted interviews with other DOT's and sub-recipients to augment and corroborate information gathered from the literature review.
- Report on the findings from the literature review, existing policies and procedures review, and DOT and sub-recipient interviews; and provide recommendations to NJDOT to improve future Title VI documentation

Literature Review

To determine policies and procedures appropriate for inclusion in NJDOT's Title VI Plan, it was necessary for CS to review Title VI best practices and assess polices and procedures being implemented by peer agencies (including DOTs, MPOs, and transit agencies). By analyzing national best practices and peer approaches to Title VI, CS was able to identify notable elements from peer agency Title VI Plans and supplemental materials that would enhance NJDOT's existing Title VI Plan. CS was also able to identify necessary structural elements for inclusion in NJDOT's Title VI Plan.

Notable elements in the Title VI Plans of the agencies investigated included:

- MassDOT, TDOT, and PennDOT's Title VI Plans program area analyses
- MassDOT and TDOT's compliance monitoring
- ConnDOT's guidance on Minority Representation on Planning and Advisory Boards
- ConnDOT's transit-related guidance
- GDOT's explanation of goals and accomplishments
- GDOT's and TDOT's extensive list of Title VI definitions

Notable elements in the supplemental materials of the agencies investigated included :

- MassDOT's sub-recipient brochure and Complaint Flow Chart
- GDOT's Local Agency Questionnaire
- TDOT's Local Training Program Presentation
- ConnDOT's Sub-recipient Compliance Assessment

NJDOT's Existing Title VI Policies and Procedures

After performing the Literature Review, it was necessary for CS to evaluate NJDOT's existing Title VI polices and procedures. The evaluation, which was illustrated through fact sheets, included identifying strengths and weaknesses of the existing documentation, as well as making recommendations to update the existing documentation. CS worked with NJDOT personnel to gather and review the following Title VI documentation:

- Nondiscrimination Policy
- Executive Summary
- Title VI and Environmental Justice Policies and Assurances
- Title VI and EJ Program Oversight and Title VI and EJ Liaison Taskforce
- Title VI and Environmental Justice Monitoring For Programmatic Areas
- Complaint Procedures and Form
- Public Involvement Action Plan
- New Jersey Discrimination, Harassment, Hostile Environment Policy
- Accomplishment Report
- MPO 2012 Title VI Assessment
- Sample On-Site Review Observation and Questionnaire Form
- Brochure
- Limited English Proficiency (LEP) Guidelines Data and Charts
- Disadvantaged Business Enterprise (DBE) Program, Policy, and Procedures
- Construction Contract Compliance Procedures
- Title VI Nondiscrimination Training PowerPoint

- National Summer Transportation Institute
- Socioeconomic Guidance Manual

CS created individual fact sheets for each document provided by NJDOT. CS also created fact sheets for documents that would enhance NJDOT's Title VI policies and procedures (that are not currently contained in NJDOT's Title VI documentation). The fact sheets (located in Appendix H) include the following information:

- **Document Location:** This was either the body of NJDOT's Title VI/Nondiscrimination and Environmental Justice Annual Update Report and or the Appendix of the Report
- **Date:** Date of the Report and/or Appendix as well as the date on the document, policy, or handbook contained in the Report or Appendix(when available)
- **Purpose:** The message NJDOT was trying to relay with this document
- **Strengths:** Positive attributes of the document; for example, if it met FHWA requirements, was thorough etc.
- **Weaknesses:** Areas the document was lacking; for example, typos, did not include important information required by FHWA, needs to be translated into other languages, is in the incorrect location of the Title VI documentation etc.
- **Peer Examples/Literary Guidance:** Lists other DOT Title VI Plans that thoroughly address that specific topic or published best practices literature that address that specific topic
- **Recommendations:** Actions NJDOT can take to address weaknesses in the document; for example, moving the section to a new "Proposed Location", removing or adding language etc.
- **Urgency/Priority:** How important it is for NJDOT to make the change as soon as possible, ranked as Low, Medium, or High
- **Level of Effort:** Amount of work required to made the recommended changes, ranked as Low, Medium, or High

Fact Sheet Findings

Strengths identified in in fact sheets include:

- Meets many of the FHWA Title VI requirements for state transportation agencies (inclusion of assurances, compliant procedures, utilization of Title VI Liaisons, contractor notification requirements)

- Exceeds FHWA requirement that state transportation agencies must have an effective public involvement process for addressing Title VI at the planning phase
- In-depth descriptions of coordinator responsibilities and EJ Liaison Taskforce, Public Involvement Action Plan, goals and accomplishments, DBE eligibility guidelines, and contract compliance procedures
- MPO Title VI Assessment includes thorough questions regarding staffing, planning activities, public involvement, procurement of contracts, and environmental impacts
- Sample On-Site Review Observation and Questionnaire Form provides detailed information on training, community awareness of Title VI rights, contracting, LEP populations, assurances, public involvement, complaint procedures, and recordkeeping

Weaknesses identified in in fact sheets include:

- Bulk of Title VI policies and procedures are located in the Appendix – rather than the body of the Title VI Plan itself
- Nondiscrimination policy does not does not list contact information for the Civil Rights Office
- Policy is not available in other languages- just English
- Organization Charts date back to February 2012 and need to be updated
- No information specifically related to schedule of periodic reviews by program area
- Lack of accountability by program area (no annual checklist, report of accomplishments etc.)
- Program Area deficiencies and monitoring (internal vs. external) is not clear
- Lacks detailed information on filing a complaint and the complaint process
- Accomplishments Report does not address training, guidance, sub recipient interactions, and data collection
- Sub-recipient documentation does not address complaint procedures or training
- Brochure is not available in other languages besides English and is not visually appealing to readers
- LEP plan is dated (goes back as far as 2000)

- No evidence of consistent statistical data collection and analysis related to race, national origin, color, sex, age, disability, and low-income in the Limited English Proficiency Guidelines Data and Charts
- No mention of DBE contract monitoring and enforcement post award – for NJDOT as an agency or sub recipients
- Policy does not address sub recipient DBE programs or goals (as sub recipients are required to submit these to NJDOT)
- Does not include a technical contact for sub recipients should they need assistance with setting up their DBE program or goals
- Training presentation is too general

Recommendations identified in in fact sheets include:

- Reorganize text in Appendices to other locations in the body of the report
- Translate policy to other languages besides English
- Update Organization Charts
- Identify key individuals across the programmatic areas who are critical to effective Title VI design and implementation and bring them together as a group (e.g. Working Group) to educate them on Title VI and other nondiscrimination requirements – then include them in writing/updated their programmatic area's requirements
- Create an annual Title VI/Nondiscrimination Goals and Accomplishments Report by programmatic area which will feed into NJDOT's Annual Title VI Accomplishments Report to FHWA
- Create a Title VI/Nondiscrimination Compliance Checklist by programmatic area
- Include more detailed information on filing and processing complaints
- Accomplishments Report should include information on training, guidance, sub recipient interactions, and data collection
- Update graphics and layout of general Title VI Brochure
- Translate Brochure into other languages
- Produce a brochure for sub recipients which answers questions like “Who is a sub recipient?” and “What Are Your Responsibilities as a sub recipient?”
- Insert updated LEP Plan if it exists (one dated after 2000)

- Work with program areas and MPOs to collect and analyze data related to race, national origin, color, sex, age, disability, and low-income on a regular basis
- Add additional language on DBE monitoring and enforcement
- Add contact information for individuals at NJDOT that can assist sub recipients with their programs or setting goals
- Create training modules to provide Title VI guidance and technical assistance to program areas and sub-recipients in multiple formats (PowerPoint presentations, handouts, brochures, webinars)

The information provided in the fact sheets will assist NJDOT in updating its Title VI documentation. In addition to the specific recommendations detailed above, CS created a Glossary of Terms/Definition fact sheet as CS recommends NJDOT add this section to its existing Title VI documentation. CS also recommends that NJDOT remove the National Summer Transportation Institute and New Jersey Discrimination, Harassment, and Hostile Environment Policy sections of NJDOT's existing Title VI documentation as these documents are not required and do not enhance NJDOT's Title VI documentation.

Interview Program

To support the information gathered in the Literature Review and Existing Title VI Policies and Procedures Analysis, CS conducted interviews with other DOTs as well as NJDOT sub-recipients to determine how these organizations address Title VI compliance. CS worked with NJDOT staff to develop an interview guide, which was emailed to all interviewees prior to interviews. The interviews addressed the following topics: organization and staff responsibilities, procedures for ensuring compliance, program for conducting Title VI Reviews, compliance monitoring, and Title VI needs/requested services. A summary of the interview program, and findings are detailed below.

Interview Program

The interview guide included the following overview and interview questions:

Overview

In order to meet MAP-21 guidelines and remain in compliance with FHWA's Title VI requirements, the New Jersey Department of Transportation (DOT) Title VI Bureau is re-examining their existing Title VI policies and regulations. NJDOT has engaged Cambridge Systematics to identify the strengths and weaknesses of the Department's existing Title VI practices, in addition to the strengths and weakness of Title VI practices when coordinating with sub-recipients. Additionally, NJDOT has engaged Cambridge Systematics to conduct the interviews with other DOTs and sub-recipients to help the Bureau determine how to better achieve Title VI compliance, based on best practices of

those interviewed. The following interview questions are intended to guide the discussion.

Organization and Staff Responsibilities

1. Please describe your office's structure and responsibilities as they relate to Title VI compliance.
2. Please describe the nondiscrimination responsibilities within program areas.
3. Please describe who your sub-recipients are and their responsibilities.

Procedures for Ensuring Compliance

1. Please describe your public participation plan/public outreach as it relates to Title VI.
2. How do you address providing meaningful access to LEP persons?
3. What Title VI training is available to staff and sub-recipients (formal and informal)?
4. Please explain your Title VI complaint process.
5. How do you integrate Title VI into your DBE opportunities?
6. Describe the methods used to notify certified DBE firms of procurement opportunities with your organization?
 - a. Are DBE goals being included and met for consultant contracts? If not, what provisions have been taken to meet them?
7. What methods do you use to make contractors/consultants/vendors aware of your commitment to Title VI compliance?
 - a. What Title VI assurances and provisions are included on consultant contracts?

Program for Conducting Title VI Reviews

1. Please describe your Title VI data collection and analysis program.
 - a. What methods do you use to collect and analyze data?
 - b. What data do you collect?
 - c. When do you collect the data?

2. How do you process reviews, functions, roles, and responsibilities for program areas?

Compliance Monitoring

1. How do you monitor Title VI compliance internally (as it relates to the various departments and program areas)?

2. How do you monitor Title VI compliance for sub-recipients?

With the assistance of NJDOT, the research team selected the following key transportation agencies and sub-recipients for interview:

- Massachusetts Department of Transportation (MassDOT)
- Connecticut Department of Transportation (ConnDOT)
- Tennessee Department of Transportation (TDOT)
- Georgia Department of Transportation (GDOT)
- Pennsylvania Department of Transportation (PennDOT)
- Monmouth County (Local Aid District 3)
- Gloucester County (Local Aid District 4)
- Passaic County (Local Aid District 1)

Interviewees were initially contacted via email for introduction and then telephoned to schedule interviews. The interview guide was included in the introductory email to provide an opportunity for review. Between August 27, 2014 and September 22, 2014, the research team and NJDOT, via telephone, interviewed a total of 19 individuals- Eleven transportation agency staff members and eight county staff members. Each interview lasted about one hour and included at least 1 research member and 1 NJDOT Civil Rights Department staff member. The complete list of interviewees is:

Table 1 – Interviewee List

Agency/Sub-Recipient	Interviewee(s)	Interview Date and Time
Massachusetts Department of Transportation (MassDOT)	<ul style="list-style-type: none"> • Gregory Sobczynski, Title VI Specialist • John Lozada, Manager of Federal Programs • Barrando Butler, Mgr. Of Investigations Office of Diversity & Civil Rights at MBTA • Miguel Fernandez, MassDOT Director of Contract Compliance 	August 27, 2014 10:00 AM
Connecticut Department of Transportation (ConnDOT)	<ul style="list-style-type: none"> • Debra Goss, Title VI Coordinator • Irma Reyes, Equal Employment Opportunity Specialist I 	August 29, 2014 2:30 PM
Tennessee Department of Transportation (TDOT)	<ul style="list-style-type: none"> • Cynthia Howard, Title VI Program Director 	September 2, 2014 3:00 PM
Georgia Department of Transportation (GDOT)	<ul style="list-style-type: none"> • Adoraueu Jouett, Director Equal Opportunity; Title VI/Environmental Justice Coordinator • Henry Johnson, Assistant EEO Administrator 	September 3, 2014 10:00 AM
Pennsylvania Department of Transportation (PennDOT)	<ul style="list-style-type: none"> • Dustin Hobaugh, Chief of the DBE/Title VI Division • Matthew G Kelly, Title VI/Nondiscrimination Specialist 	September 3, 2014 11:30 AM
Monmouth County (NJDOT Local Aid District 3)	<ul style="list-style-type: none"> • Inkyung Englehart, Project Coordinator • Raymond W. Bragg, Principal Engineer II 	September 8, 2014 9:30 AM
Gloucester County (NJDOT Local Aid District 4)	<ul style="list-style-type: none"> • Vincent M. Voltaggio, County Engineer • David Lubelski, Assistant County Engineer • Maria C. Zuccarino, Assistant County Engineer 	September 9, 2014 11:00 AM
Passaic County (NJDOT Local Aid District 1)	<ul style="list-style-type: none"> • Steven Edmond, County Engineer • Timothy Mettlen, Assistant County Engineer • Aura Mayer, Principal Engineer 	September 22, 2014 10:00 AM

Interview Findings

Connecticut Department of Transportation (ConnDOT)

Interviews with ConnDOT revealed the agency's commitment to maintaining relationships with stakeholders, ensuring Title VI is a significant part of the Public Participation Plan, using data to inform training, and making Title VI data readily available to stakeholders. ConnDOT makes it a priority to maintain open dialog with MPOs and localities by conducting regular conference calls to discuss Title VI progress and issues. ConnDOT ensures Title VI is woven into public participation policies and procedures by working closely with community and faith based organizations. Sub-recipient, program area, and MPO questionnaires serve as a basis for ConnDOT's Title VI training program. ConnDOT's Title VI data is available online to MPOs and sub-recipients.

Massachusetts Department of Transportation (MassDOT)

Interviews with MassDOT revealed the agency's commitment to maintaining relationships with a wide variety of stakeholders, ensuring the state's LEP message is consistent, and utilizing a multi-pronged approach to collect data. For example, MassDOT maintains partnerships with FHWA, MPOs (MPO Liaisons), planning and design staff, resident engineers on project sites, and the State's Secretary of Transportation. To ensure a unified message, LEP boilerplate text is standardized across MassDOT and with sub-recipients. Title VI data collection activities include collecting data from a wide variety of sources – such as the ROW demographics survey, Staff LEP Encounters Survey, Online Language Survey, and Regional Transportation District Grant Program.

Pennsylvania Department of Transportation (PennDOT)

Interviews with PennDOT revealed the agency's commitment to formalized procedures for processing complaints, proactive sub-recipient monitoring, and ensuring DBE compliance with Title VI goals. For example, the PennDOT recently updated their Title VI complaint procedures process, which now includes complaint flow charts and checklists of specific steps to follow. PennDOT partners with MPOs to conduct regular on-site Title VI evaluations with sub-recipients. PennDOT ensures DBE goals are met by partnering with district labor to enforce such goals.

Tennessee Department of Transportation (TDOT)

Interviews with TDOT revealed the agency's commitment to obtaining Title VI buy-in from all levels of government, as well as a training approach that ensures accountability. For example, TDOT Title VI staff coordinates with both a Title VI Committee – which they call the Civil Rights "ground troops" as well as a Title VI Advisory Group- made up of Directors and Department Heads. TDOT conducts training sessions with traditional stakeholders (internal staff, district offices) as well as non-traditional stakeholders such

as airport staff, police, educators from school districts. TDOT requires sub-recipients score above 90 percent on TDOT's online Title VI training module.

Georgia Department of Transportation (GDOT)

Interviews with GDOT revealed the agency's commitment to training DBEs in Title VI requirements as well as addressing existing DBE Title VI compliance issues. For example, GDOT conducts new-DBE Title VI orientation training sessions for newly certified DBEs. GDOT also conducts general training sessions with existing DBEs to discuss Title VI issues.

NJDOT Local Aid Sub-recipients

All Local Aid sub-recipients interviewed revealed that they are unclear of their roles and responsibilities regarding Title VI compliance.. All Local Aid sub-recipients interviewed were unsure of the exact locations or content of Title VI notices posted in their respective areas. All Local Aid sub-recipients requested clarification on who oversees Title VI compliance at NJDOT (Local Aid or Civil Rights), and indicated a need for additional Title VI training materials. Local Aid sub-recipients vary in their approach to DBE/Contract Compliance. Monmouth and Gloucester Counties (Local Aid Districts 3 and 4) maintain a reactionary approach to DBE/Contract Compliance as Passaic County (Local Aid District 1) maintains a more pro-active approach to DBE/Contract Compliance.

Detailed interview notes were compiled and summarized in two electronic databases, one database for interviewed DOTs and the other for interviewed sub-recipients. The DOT interview database (included in Appendix I) includes details about organization and staff responsibilities, procedures for ensuring compliance, program for conducting Title VI Reviews, and compliance monitoring organized by agency. The sub-recipient interview database (included in Appendix J) includes information about existing Title VI policies and procedures as well as Title VI needs/requested services.

Supplemental materials provided by interviewed DOTs is included in the following Appendices:

Appendix K: Massachusetts Department of Transportation (MassDOT)

Appendix L: Connecticut Department of Transportation (ConnDOT)

Appendix M: Pennsylvania Department of Transportation (PennDOT)

Appendix N: Tennessee Department of Transportation (TDOT)

MassDOT provided the following supplemental materials (included in Appendix I):

- Completed NJDOT interview guide
- Old Colony Planning Council Title VI Work Plan

- Sub-recipient Brochure
- Civil Rights Benchmarking/Peer Exchange
- Title VI Training
- Construction Program Area Responsibilities
- Design Program Area Responsibilities
- Environmental Program Area Responsibilities
- Transportation Planning Program Area Responsibilities
- Research Program Area Responsibilities
- Right of Way Program Area Responsibilities
- Safety Program Area Responsibilities

ConnDOT provided the following supplemental materials (included in Appendix J):

- Organization Chart

PennDOT provided the following supplemental materials (included in Appendix K):

- Engineering Districts Title VI Bi-Annual Report
- Program Areas Title VI Bi-Annual Report
- Sub-Recipient Title VI Compliance Assessment Tool
- Title VI Compliance Flow Chart
- Languages Services Tool
- Samples and Examples of Areas of Compliance with Title VI Plan, Limited English Proficiency, and Environmental Justice
- Checklist of Title VI Requirements (for On-Site Reviews)

TDOT provided the following supplemental materials (included in Appendix L):

- Completed NJDOT interview guide

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

After completing a literature review, an existing NJDOT Title VI documentation evaluation, and an interview program, the research team concluded that in order to develop a comprehensive Title VI Plan, NJDOT's Title VI Plan should include the following elements:

- Introduction/Overview: General Title VI Guidelines and Requirements, Nondiscrimination Statement, Goals and Accomplishments, and Title VI Assurances
- Organization and Staff Responsibilities: Overall DOT organization's structure, the Office of Diversity and Civil Rights structure and responsibilities, the nondiscrimination responsibilities within program areas, and sub-recipient nondiscrimination responsibilities
- Procedures for Ensuring Compliance: Public participation plan and public outreach strategies, provision of Meaningful Access to LEP Persons, training programs for staff and sub-recipients, Title VI Complaint Procedures, Disadvantaged Business Enterprise opportunities, inclusion of Title VI provisions in Contracts, and Environmental Justice Procedures
- Program for Conducting Title VI Reviews: Data collection and analysis, process reviews, functions, roles, and responsibilities for program areas
- Compliance Monitoring: Internal compliance monitoring (organization responsibilities and program area monitoring), sub-recipient compliance monitoring, plan for bringing discriminatory practices into compliance
- Glossary of Terms/Definitions

The research team aggregated the following findings with regard to DOT compliance with Title VI:

- To achieve Title VI compliance, DOTs are forming partnerships with a variety of stakeholders, including MPOs and RPOs, consultants, planning and design staff, municipalities/localities, upper level leadership, and engineers at job sites.
- All DOTs provide Title VI training, though training methods and audiences vary. Training methods of those interviewed included online training modules with quizzes, consultant training, program area training, regional training, and upper-level leadership training.
- Most DOTs are ensuring that their Public Participation Plans accurately reflect their agency's Title VI policies and procedures.

- There is no singular process or method for achieving Title VI compliance in contracts or with DBEs. More progressive DOTs have detailed workflows for contractors and track DBE goals on a monthly basis as other DOTs examine DBE goals only at project closeout.
- Methods for collecting Title VI data vary widely; at a minimum, all DOTs collect demographic data and work with their MPOs. More progressive DOTs have created electronic databases that can be shared with their stakeholders.
- Program area staff at DOTs are familiar with their Title VI obligations.
- DOTs are continually monitoring program area staff and sub-recipients, often through questionnaires and surveys, though the frequency of monitoring varies by DOT.

The research team aggregated the following findings with regard to sub-recipient compliance with Title VI:

- Sub-Recipients are in constant contact with Local Aid about their projects.
- Sub-Recipients are posting Title VI notices at job sites, but Title VI notices are not consistently posted in municipal buildings (for example: poster locations and languages on posters vary).
- Sub-Recipients are unsure of their Title VI roles and responsibilities (including which responsibilities fall on county-level engineers and which fall on county-level human resources staff).
- Policies and procedures for addressing DBEs/Contract Compliance vary widely by sub-recipient (some sub-recipients are reactionary as others have proactive policies and procedures) .
- Sub-Recipients are unsure which NJDOT department oversees Title VI compliance (Local Aid or Civil Rights).
- Sub-Recipients would like additional Title VI training for their staff and contractors/DBEs.

Recommendations

The research team has the following recommendations for NJDOT¹:

- The structure and content of NJDOT's Title VI plan should be reassessed. A suggested structure is detailed in Table 2.

¹ Recommendations are based off analysis of NJDOT's Title VI/Nondiscrimination and Environmental Justice Annual Plan for FY2013.

Table 2 – Recommended NJDOT Title VI Report Structure

Sections to include in Title VI document	Elements to include in each section	Existing NJDOT documents to include in section
<u>Introduction/Overview</u>	<ul style="list-style-type: none"> • General Title VI Guidelines and Requirements • Nondiscrimination Statement • Goals and Accomplishments • Title VI Assurances 	<ul style="list-style-type: none"> • Executive Summary • Nondiscrimination Policy • Accomplishment Report • Title VI Policies and Assurances • EJ Policies and Assurances
<u>Organization and Staff Responsibilities</u>	<ul style="list-style-type: none"> • Overall DOT organization’s structure • Office of Diversity and Civil Rights structure and responsibilities • Nondiscrimination responsibilities within program areas • Sub-recipient nondiscrimination responsibilities 	<ul style="list-style-type: none"> • NJDOT’s existing Title VI and Environmental Justice Program Oversight • Title VI and EJ Liason Task Force
<u>Procedures for Ensuring Compliance</u>	<ul style="list-style-type: none"> • Public participation/outreach plan • Provision of Meaningful Access to LEP Persons • Training programs for staff and sub-recipients • Title VI Complaint Procedures • Disadvantaged Business Enterprise (DBE) opportunities • Inclusion of Title VI provisions in Contracts • EJ Procedures 	<ul style="list-style-type: none"> • NJDOT’s existing Title VI Nondiscrimination Training Power Point • DBE Program, Policy, and Procedures • Limited English Proficiency Guidelines, Data, Charts and Brochure • Public Involvement Plan • Complaint Procedures and Form
<u>Program for Conducting Title VI Reviews</u>	<ul style="list-style-type: none"> • Data collection and analysis • Process reviews • Functions, roles, and responsibilities for program areas 	<ul style="list-style-type: none"> • NJDOT’s existing Title VI and Environmental Justice Monitoring for Programmatic Areas
<u>Compliance Monitoring</u>	<ul style="list-style-type: none"> • Internal compliance monitoring (organization responsibilities and program area monitoring) • Sub-recipient compliance monitoring • Plan for bringing discriminatory practices into compliance 	<ul style="list-style-type: none"> • NJDOT’s existing Construction Contract Compliance Procedures • Sample On-Site Review Observation and Questionnaire Form • Existing MPO 2012 Title VI Assessment
<u>Glossary of Terms/Definitions</u>		

- NJDOT should update the content of its existing Title VI Plan with recommendations identified in NJDOT’s Title VI Practices Review. The fact

sheets in NJDOT's Title VI Practices Review can be used to guide the update of the existing Title VI.

- NJDOT should strengthen internal partnerships, particularly with programmatic areas and upper-level management. NJDOT should strengthen external partnerships with MPO's, sub-recipients, municipalities/localities, engineers at job sites, other Departments of Transportation, and the Federal Highway Administration.
- NJDOT should formulate training programs and modules aimed at a variety of audiences. Internal audiences to target include program area staff and upper-level management. External audiences to target include sub-recipients (county engineers, consultants/contractors, and DBEs). Training can focus on new Title VI regulations, Title VI's application in daily work activities, and instruct personnel on the policies and procedures for appropriately managing Title VI requests and inquiries.
- To achieve Title VI compliance in contracts or with DBEs, NJDOT should create and maintain detailed workflows for contractors and track DBE goals on a monthly basis.
- NJDOT should update its existing Title VI data collection methods and sources, which may include formulating an electronic database, such as a Geographic Information Systems (GIS) based database, which can be populated by data obtained by MPOs and municipalities. Data could be developed to analyze the state's current spending on Environmental Justice communities (including a cost/benefit analysis). NJDOT should also consider sharing data with sub-recipients and stakeholders.
- NJDOT should continually monitor program area staff and sub-recipients through questionnaires and/or surveys to ensure staff and sub-recipients are in compliance with the most current Title VI requirements.
- NJDOT should notify sub-recipients of their Title VI roles and responsibilities as well as NJDOT's responsibilities as it relates to Title VI compliance for sub-recipients. NJDOT should also provide sub-recipients with guidance on policies and procedures for addressing DBEs/Contract Compliance.
- NJDOT should evaluate the existing staff size and responsibilities of those responsible for Title VI Compliance (by examining the staff size and responsibilities of peer agencies interviewed).