



U.S. Department
of Transportation

Federal Motor Carrier
Safety Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

August 2, 2017

In Reply Refer To: MC-CR
FY 2018 Pre-Award NJDOT

Mr. Richard Hammer, Commissioner
New Jersey Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08618

Dear Mr. Hammer:

We are in receipt of the New Jersey Department of Transportation's (NJDOT) Federal Motor Carrier Safety Administration (FMCSA) Title VI Program Compliance Plan. We have reviewed your FMCSA Title VI Program Compliance Plan and find that the Plan contains all elements stipulated in the FMCSA Title VI Program Compliance Plan Checklist. Therefore, FMCSA approves the NJDOT's Title VI Program Compliance Plan for Federal Fiscal Year (FY) 2018. We do request that the NJDOT notify FMCSA's Office of Civil Rights should it be the object of a Title VI Program compliance review conducted by another Federal agency. In this eventuality, we will coordinate with the NJDOT to ensure that the Title VI Program Compliance Plan is updated with the additional information.

On an annual basis, FMCSA's Office of Civil Rights will conduct compliance reviews of a representative sampling of FMCSA Grant Recipients. FMCSA has approximately 125 Recipients annually. If and/or when the NJDOT is chosen as one of the FMCSA Grant Recipients' Title VI Program that will be reviewed in a given year, the Office of Civil Rights will use the approved Title VI Program Compliance Plan as the basis for conducting the desk audit and will request additional documentation as deemed appropriate during the review.

In addition, a small number of Recipients who are selected for a Title VI Program compliance review will also be selected for an on-site visit which will include personnel interviews. We appreciate your future assistance in the event the NJDOT is chosen for a compliance review in a given year.

If at any time your Agency has Title VI Program-related questions, please do not hesitate to contact Mr. Lester Finkle, National Title VI Program Manager at (202) 366-4474 or lester.finkle@dot.gov.

Sincerely,



for Kennie J. May, Sr.
Director
Office of Civil Rights

Cc: Anthony Davis, Manager Title VI and ADA, NJDOT
Christopher Rotondo, Division Administrator, New Jersey Division Office
Joseph Costello, State Programs Specialist, New Jersey Division Office



New Jersey Department of Transportation

P.O. Box 600

Trenton, New Jersey 08625-0600

Title VI Nondiscrimination Plan Addendum

For

Federal Motor Carrier Safety Administration (FMCSA)

Compliance Checklist



State of New Jersey

DEPARTMENT OF TRANSPORTATION
P.O. Box 600
TRENTON, NJ 08625-0600



CHRIS CHRISTIE
Governor
KIM GUADAGNO
Lt. Governor

RICHARD T. HAMMER
Acting Commissioner

Title VI Nondiscrimination Policy Statement Federal Motor Carrier Safety Administration (FMCSA)

It is the policy of the New Jersey Department of Transportation to abide by Title VI of the Civil Rights Act of 1964, Executive Order 12898 for Environmental Justice, Executive Order 13166 for Limited English Proficiency, 23 U.S.C. Section 324, 49 CFR Part 21 and CFR 49 Part 303, related statutes or Executive Orders, FMCSA Title VI Program Assurances including Appendix A-E and N.J.A.C. 10:5-31 et seq. which provide in part, that:

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

Delegation of sufficient responsibility and authority has been granted to the Title VI Program Coordinator and Bureau/Division/Office Managers to effectively implement the Agency's Title VI Program. Any person who believes that, because of his or her race, color, national origin, age, nationality, gender, disability, income level or ability to read, write or speak English, he or she has been excluded from participation in any program or activity being administered by the New Jersey Department of Transportation, or who believes that he or she has been denied any benefits provided by such program or activity, or believes he or she has been unfairly treated in connection with such program or activity, should contact the following office within 180 days from the date of occurrence of any violation of this policy:

New Jersey Department of Transportation
Division of Civil Rights and Affirmative Action
Title VI Unit
1035 Parkway Avenue
Trenton, New Jersey 08618

Contact: Anthony Davis, Manager of Title VI and ADA
Telephone: (609) 530-3009

Richard Hammer
COMMISSIONER

8/2/17

DATED

The United States Department of Transportation

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The (*New Jersey Department of Transportation*) (herein referred to as the “Recipient”), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Motor Carrier Safety Administration (FMCSA)**, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 Stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 49 C.F.R. part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 49 C.F.R. part 303 (FMCSA’s Title VI/Nondiscrimination Regulation);
- 28 C.F.R. part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI,

to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FMCSA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice: http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm

Additionally, Executive Order 13166 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the “*application of Title VI’s prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.*” When receiving Federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT’s “*Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons,*” dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

General Assurances

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

“No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from DOT, including the FMCSA.”

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally-assisted.

Specific Assurances

More specifically, and without limiting the above general Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **FMCSA Program**:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in 49 C.F.R. §§ 21.23 (b) and 21.23 (e) will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with the FMCSA Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*“The **(New Jersey Department of Transportation)**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any*

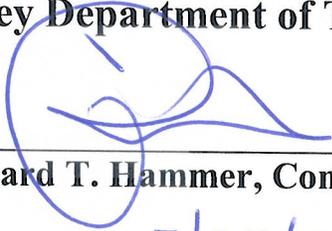
contract entered into pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner's race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award.”;

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, **New Jersey Department of Transportation** also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **FMCSA** access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the **FMCSA**. You must keep records, reports, and submit the material for review upon request to **FMCSA**, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

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

New Jersey Department of Transportation

by  _____
Richard T. Hammer, Commissioner

DATED: 7/27/17

FMCSA Programs - Grant Information

This grant applies for \$7,383,478.60 in Motor Carrier Safety Assistance Program (MCSAP) 2017 (as posted on Notice of Funding Availability). The MCSAP is a formula grant program that provides financial assistance to States, including the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the U.S. Virgin Islands to reduce the number and severity of crashes and hazardous material incidents involving Commercial Motor Vehicles (CMVs). The MCSAP is a Federal grant program that provides financial assistance to States to reduce the number and severity of accidents and hazardous materials incidents involving CMVs. The goal of the MCSAP is to reduce CMV-involved accidents, fatalities, and injuries through consistent, uniform, and effective CMV safety programs. Investing grant monies in appropriate safety programs will increase the likelihood that safety defects, driver deficiencies, and unsafe motor carrier practices will be detected and corrected before they become contributing factors to accidents. The MCSAP also sets forth the conditions for participation by States and local jurisdictions and promotes the adoption and uniform enforcement of safety rules, regulations, and standards compatible with the Federal Motor Carrier Safety Regulations (FMCSRs) and Federal Hazardous Material Regulations (HMRs) for both interstate and intrastate motor carriers and drivers.

Title VI Nondiscrimination Program Oversight

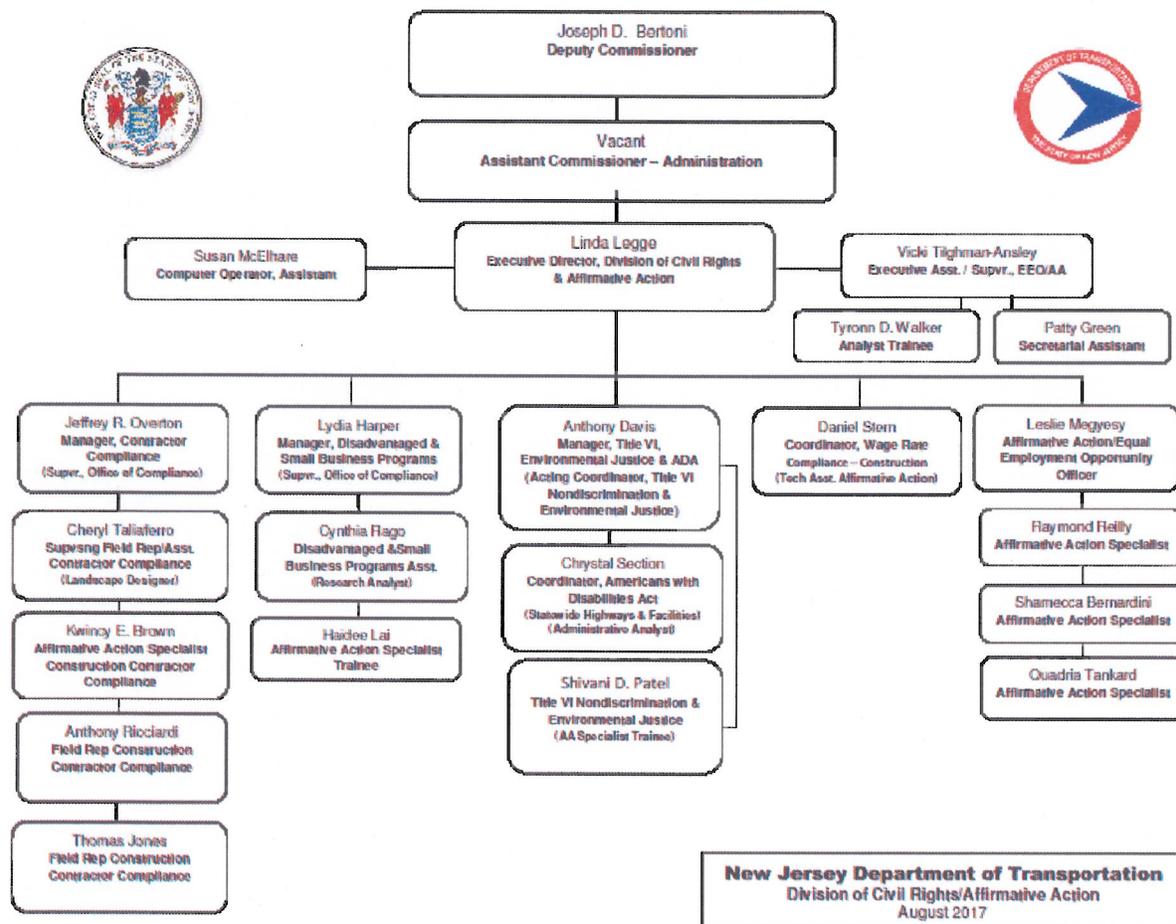
The Commissioner of the New Jersey Department of Transportation is responsible for implementing the NJDOT Title VI/Nondiscrimination and Environmental Justice Program (hereinafter referred to as Title VI and EJ). The Commissioner has designated the Division of Civil Rights and Affirmative Action (hereinafter referred to as DCR/AA as the coordinating division for Title VI and EJ within the Department.

The Director of the DCR/AA is responsible for the overall administration, implementation, and monitoring of the Department's various Civil Rights programs and activities.

The DCR/AA reports directly to the Assistant Commissioner of Administration, however, the Director of DCR/AA is a member of the Commissioner Senior Leadership Team which meets with the Commissioner on a bi-weekly basis and informs the Commissioner's Office of any problems or accomplishments in the Department's Title VI Nondiscrimination Program as well as the concerns and accomplishments of the Department's overall Civil Rights Program.

The Manager of Title VI and ADA Program and the Title VI Coordinator of the Title VI Nondiscrimination Unit, which is within DCR/AA, is ultimately responsible for initiating and monitoring Title VI Nondiscrimination activities and preparing all required reports. There are other units within DCR/AA including Contract Compliance and Disadvantaged Business Enterprise (DBE) and Internal EEO to assist with these tasks. The above units are staffed by 10 specialists who are trained in contract compliance, discrimination complaint investigation and

DBE certification. The supervisory staff in these units report directly to the Director of the DCR/AA as shown in the organization chart below.



Notice to Beneficiaries/Participants

The New Jersey Department of Transportation (NJDOT) has prepared a comprehensive Title VI Nondiscrimination Plan for the Federal Highway Administration which highlight our commitment to both the intent and spirit of the of the law to ensure that beneficiaries are aware of our Title VI Program. Our Policy is posted on our website for public information and is posted in public areas at our headquarters, as well as at our 2 regional facilities. This information can also be found on page 10 of our Title VI Nondiscrimination Plan (T6NP), for Federal Fiscal Year Ending September 30, 2016 (FFY-16), which has be disseminated to the public. Additionally, NJDOT's Commissioner has signed an additional Title VI Policy and Assurances to specifically address funding received form FMCSA. A Title VI notice to all our sub-recipients' notifying them of their Title VI responsibilities and require them to post said notice in the public areas of their facilities. Moreover, NJDOT has also developed a Civil Rights Brochure that informs the public of all our programs regarding civil rights; the brochure is given out at all our public meetings, public

information sessions, pre-construction meetings and at all public hearings. This brochures can also be found in appendix 11 of the T6NP for FFY-16. NJDOT is in the process of developing similar brochures to address FMCSA Title VI Program, which will be distributed during any presentation and public meetings with regards to MCSAP funding and will be placed at all of our sub-recipients headquarters, regional and branch offices. There are only two sub-recipients of MCSAP funding through NJDOT which are New Jersey State Policy (NJSP) and New Jersey Motor Vehicle Commission (MVC).

<http://www.nj.gov/transportation/business/civilrights/pdf/titleviplan.pdf>

Sub-Recipients Organizational Structure

MVC operates as quasi-government agency and reports to an eight member Board of Directors four public members appoint by the Governor and four members of the Governor’s Cabinet by virtue of their title (see figure 1) interacts with public on a daily bases and has 56 agencies throughout the State of New Jersey with locations in all 21 counties which are as follows:

MVC Board of Directors – Figure 1

Name	Gender	Ethnicity	Title	Voting Y/N
Raymond P. Martinez	Male	Hispanic	MVC Chief Administrator & Chairman	NO
Stephen S. Scaturro	Male	White	Public Member & Vice Chairman	Yes
Walter S. Orcutt	Male	White	Public Member	Yes
Scott L. Kisch	Male	White	Public Member	Yes
Laurette K. Asante	Female	Black	Public Member	Yes
Ford M. Scudder	Male	White	Acting State Treasurer	Yes
Christopher S. Porrino	Male	White	Acting Attorney General	Yes
Richard T. Hammer	Male	White	Acting Commissioner NJDOT	Yes

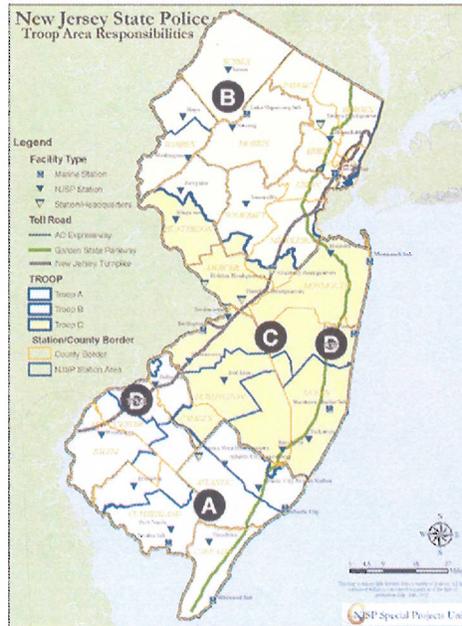
Figure 2



Atlantic County	2	Mercer County	2
Bergen County	4	Middlesex County	2
Burlington County	5	Monmouth County	4
Camden County	5	Morris County	1
Cape May County	2	Ocean County	6
Cumberland County	2	Passaic County	2
Essex County	2	Salem County	2
Gloucester County	3	Somerset County	1
Hudson County	4	Sussex County	2
Hunterdon County	1	Union County	4
		Warren County	2

NJSP also interacts with the public on a daily basis and has Headquarters which consist of Superintendent's Office, Administration Branch, Investigations Branch, Homeland Branch and 5 Operation Regions Branches (Troop A, B, C and D) Region A has 1 Regional Headquarters, 1 Marine Station and 4 NJSP Stations; Troop B has 1 Regional Headquarters, 1 Marine Station and 7 NJSP Stations; Troop C has 2 Regional Headquarters, 4 Marine Stations and 6 NJSP Stations; Troop D has two regions the Parkway Region and Turnpike Region which patrols New Jersey's (NJ) three toll roads NJ Garden State Parkway, NJ Turnpike Authority and Atlantic City Expressway (see figure 3).

Figure 3



Sub-Recipient Compliance

NJDOT's has completed a comprehensive review of our two sub-recipients and have required them to develop and submit a Title VI Policy Statement and Assurances to us for compliance purposes. NJDOT Title VI Unit conducts compliance reviews of sub-recipients to ensure that persons are not excluded from participation in any program or activity being administered by NJDOT or denied any benefit provided by such program or activity. Also, to ensure that no person has been discriminated against based on race, color or national origin, sex, age LEP and low-income or disability. This information can be found on page 138 of our T6NP, FFY-16 will follow the same procedure for sub-recipients of FMCSA funding.

<http://www.nj.gov/transportation/business/civilrights/pdf/titleviplan.pdf>

Training

In our effort to improve the Department's overall compliance posture, Title VI Nondiscrimination training sessions are held periodically throughout the year for our internal units, as well as our sub-recipients which is highlighted on page 139 of the T6NP (Training Section) and appendixes 5, 7 and 8. The purpose of training is to increase staff and sub-recipients knowledge, skills and performance in the implementation, monitoring and enforcement of the department's Title VI Nondiscrimination Program. NJDOT has met with both of our sub-recipient of FMCSA funding and provide them with in-depth training regarding their Title VI requirements and responsibilities.

<http://www.nj.gov/transportation/business/civilrights/pdf/titleviplan.pdf>

Access to Records

NJDOT is committed to transparency as it relates to its Title VI Nondiscrimination Program and if FMCSA request information or documentation regarding NJDOT's Title VI Nondiscrimination Program, this information will provide to FMCSA within 72 hours.

Complaint Disposition Process

NJDOT has outlined its complaint process in its T6NP for FFY-16, which can be found on page 73 of the T6NP (see attachment #4). NJDOT will follow the same complaint process for FMCSA Title VI complaints and when concluded, will provide FMCSA with a copy of the complaint along with NJDOT's report of investigation.

Community Participation Process

NJDOT does not provide/conduct motorist licensure/motor vehicle registration-related services/activities, therefore, this section is not applicable.

Status of Corrective Actions

NJDOT has not had a Title VI compliance review from FMCSA that identified any corrective action on the part of our agency. However, NJDOT recognizes that compliance is an iterative process and will continue to improve upon its efforts to implement a more viable FMCSA Title VI Program and as indicated in last years' FMCSA Title VI Addendum Plan we have completed the following action items during this fiscal year.

- Conducted a Title VI compliance review of both of our FMCSA sub-recipient
- Both of our FMCSA sub-recipients have submitted to NJDOT a Title VI Policy Statement and Title VI Assurances (see attachments #1 and #2)
- We are still in the process of developing specific FMCSA Title VI brochures to distribute to the public and all sub-recipient's headquarters/satellite offices.
- NJDOT provided specific training regarding FMCSA Title VI program to NJDOT employees and both of our sub-recipients employees.
- Adopted Required Public Notice Poster (see attachment #3)

NJDOT remains committed to ensuring that FMCSA Title VI Nondiscrimination Program is fully implemented in all of our programs and activities.

Attachment #1



New Jersey Motor Vehicle Commission

P.O. Box 160
Trenton, New Jersey 08666-0160

STATE OF NEW JERSEY

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Raymond P. Martinez
Chairman and Chief Administrator

Title VI Nondiscrimination Policy Statement

It is the policy of the New Jersey Motor Vehicle Commission (the "MVC") to abide by Title VI of the Civil Rights Act of 1964 and related non-discrimination authorities, and N.J.A.C. 10:5-31 et seq., which provide in part, that:

No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or ability to read, write or speak English, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from [US]DOT, including the FMCSA.

The New Jersey Motor Vehicle Commission is committed to ensuring compliance with 49 CFR Part 21 and 49 CFR Part 303. Further, the MVC abides by the Standard Title VI/Nondiscrimination Assurances. In order to implement this program, the MVC will train and delegate responsibility to designated supervisory staff who will report to the Title VI Program Coordinator, Betty Ng.

Any person who would like more information about MVC's Title VI Program, please contact the telephone number or write to the address below. Any person who believes that, because of his or her age, color, national origin, race, sex/gender, disability, low-income level or limited English proficiency (LEP), he or she has been excluded from participation in any program or activity being administered by the New Jersey Motor Vehicle Commission, or who believes that he or she has been denied any benefits provided by such program or activity, or believes he or she has been unfairly treated in connection with such program or activity, should contact the following office within 180 days from the date of occurrence of any violation of this policy:

New Jersey Motor Vehicle Commission
Title VI Unit
225 E. State Street
P O Box 684
Trenton, New Jersey 08666-0684
(609) 777-3831

Raymond P. Martinez
Chairman and Chief Administrator

Dated 3/30/16

On the Road to Excellence
Visit us at www.njmvc.gov
New Jersey is an Equal Opportunity Employer

The United States Department of Transportation

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

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- 49 C.F.R. Part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
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to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FMCSA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice:

http://www.fhwa.dot.gov/environment/environmental_justice/facts/index.cfm

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“No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from DOT, including the FMCSA.”

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally-assisted.

Specific Assurances

More specifically, and without limiting the above general Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **FMCSA Program**:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal Highway Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The New Jersey Motor Vehicle Commission, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner’s race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award.”;

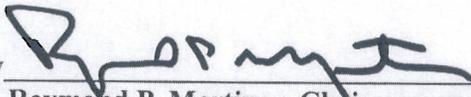
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

March 1, 2016

By signing this ASSURANCE, the New Jersey Motor Vehicle Commission also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FMCSA access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FMCSA. You must keep records, reports, and submit the material for review upon request to FMCSA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

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

New Jersey Motor Vehicle Commission

by 
Raymond P. Martinez, Chairman and Chief Administrator

DATED 3/29/16

Attachment #2



State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
PO BOX 080
TRENTON, NJ 08625-0080

CHRIS CHRISTIE
Governor

CHRISTOPHER S. PORRINO
Attorney General

KIM GUADAGNO
Lt. Governor

JENNIFER E. FRADEL
Administrator

**Title VI Nondiscrimination Policy Statement
Federal Motor Carrier Safety Administration (FMCSA)**

It is the policy of the New Jersey Department of Law and Public Safety to abide by Title VI of the Civil Rights Act of 1964, Executive Order 12898 for Environmental Justice, Executive Order 13166 for Limited English Proficiency, 23 U.S.C. Section 324, 49 CFR Part 21 and 49 CFR Part 303, related statutes or Executive Orders, FMCSA Title VI Assurances including Appendix A-E and N.J.S.A. 10:5-31 et seq., which provide in part, that:

“No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from DOT, including the FMCSA.”

Any person who believes that, because of his or her race, creed, color, national origin, age, ancestry, nationality, gender, disability, religion, affectional or sexual orientation, gender identity or expression, income level or ability to read, write or speak English, he or she has been excluded from participation in any federal DOT funded program or activity being administered by the New Jersey Department of Law and Public Safety, or who believes that he or she has been denied any benefits provided by such program or activity, or believes he or she has been unfairly treated in connection with such program or activity, should contact the following office:

New Jersey Department of Law and Public Safety
Office of the Attorney General
Legal Affairs and Employee Relations Section
R.J. Hughes Justice Complex
25 Market Street, PO Box 081
Trenton, NJ 08625

Contact: Director of Legal Affairs and Employee Relations
Telephone: (609) 984-6998

Christopher Porrino
ATTORNEY GENERAL

7/31/17
DATED



The United States Department of Transportation

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The (*State of New Jersey, Department of Law and Public Safety*) (herein referred to as the “Recipient”), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the United States Department of Transportation (DOT), through the **Federal Motor Carrier Safety Administration (FMCSA)**, is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 Stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Title IX of the Education Amendments of 1972, as amended, (20 U.S.C. § 1681 *et seq.*), (prohibits discrimination on the basis of sex in education programs or activities);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability);
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 *et seq.*), (prohibits discrimination on the basis of disability);
- 49 C.F.R. part 21 (entitled *Nondiscrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 49 C.F.R. part 27 (entitled *Nondiscrimination On The Basis Of Disability In Programs Or Activities Receiving Federal Financial Assistance*);
- 49 C.F.R. part 28 (entitled *Enforcement Of Nondiscrimination On The Basis Of Handicap In Programs Or Activities Conducted By The Department Of Transportation*);
- 49 C.F.R. part 37 (entitled *Transportation Services For Individuals With Disabilities (ADA)*);
- 49 C.F.R. part 303 (FMCSA’s Title VI/Nondiscrimination Regulation);
- 28 C.F.R. part 35 (entitled *Discrimination On The Basis Of Disability In State And Local Government Services*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

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

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI,

to ensure nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FMCSA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice: http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm

Additionally, Executive Order 13166 (2001) on Limited English Proficiency, according to the U.S. Department of Justice in its Policy Guidance Document dated August 16, 2000 (65 Fed. Reg. at 50123), clarifies the responsibilities associated with the “*application of Title VI’s prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.*” When receiving Federal funds Recipients are expected to conduct a Four-Factor Analysis to prevent discrimination based on National Origin. (See also U.S. DOT’s “*Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons,*” dated December 14, 2005, (70 Fed. Reg. at 74087 to 74100); the Guidance is a useful resource when performing a Four-Factor Analysis).

General Assurances

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

“No person in the United States shall, on the grounds of race, color, national origin, sex, age, disability, low-income, or LEP be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from DOT, including the FMCSA.”

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally-assisted.

Specific Assurances

More specifically, and without limiting the above general Assurances, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted **FMCSA Program**:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in 49 C.F.R. §§ 21.23 (b) and 21.23 (e) will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with the FMCSA Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*“The **(Title of Recipient)**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant*

to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner's race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award.”;

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

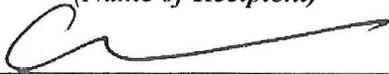
By signing this ASSURANCE, [Name of the recipient] also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the **FMCSA** access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the **FMCSA**. You must keep records, reports, and submit the material for review upon request to **FMCSA**, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

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

State of New Jersey, Department of Law and Public Safety

(Name of Recipient)

by


(Signature of Authorized Official)

DATED

7/31/17

Attachment #3

Public Notice of Title VI Program Rights

The New Jersey Department of Transportation gives public notice of its' policy to uphold and assure full compliance with the non-discrimination requirements of Title VI of the Civil Rights Act of 1964 and related Nondiscrimination authorities. Title VI and related Nondiscrimination authorities stipulate that no person in the United States of America shall on the grounds of race, color, national origin, sex, age, disability, income level or Limited English Proficiency be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

Any person who desires more information regarding New Jersey Department of Transportation's Division of Civil Rights Title VI Program, can contact its Title VI Coordinator – Anthony M. Davis at the address noted below.

Any person who believes they have, individually or as a member of any specific class of persons, been subjected to discrimination on the basis of race, color, national origin, sex, age, disability, income level or Limited English Proficiency has the right to file a formal complaint. Any such complaint must be in writing and submitted within 180 days following the date of the alleged occurrence to:

Division of Civil Rights, Title VI Program Coordinator
Anthony M. Davis, Manager of Title VI and ADA Unit
New Jersey Department of Transportation
1035 Parkway Avenue/P.O. Box # 600
Trenton, NJ 08618
609-530-3009
Anthony.Davis@dot.nj.gov

Attachment #4

Complaint Procedures & Complaint Violations

A written complaint may be filed by any person or class of persons who believed that they have been subjected to discrimination or retaliation based upon race, color, sex, age, national origin, low income or disability. An individual's representative may file the complaint on behalf of the individual.

- A complaint must be filed no later than 180 days after the date of the alleged act of discrimination; the date when the individual(s) became aware of the alleged discrimination; or where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.
- Complaints shall be in writing and signed by the individual or the representative and include the complainant's name, address and telephone number. These procedures do not preclude any agency from attempting to resolve issues and complaints that are non-written, i.e., sexual harassment. Complaints must detail the facts and circumstances of the alleged discrimination.
- The Department will investigate complaints filed directly with the Department against contractors and sub-recipients. Complaints shall be investigated utilizing procedures approved by FHWA in accordance with 23 CFR 200.9(b) (3).
- Complaints filed directly with the Department against the Department shall be forwarded to FHWA for investigation.
- The Director of DCR/AA shall acknowledge in writing the receipt of every complaint filed with the Department within ten (10) business days of receiving it.
- If additional information is required, the complainant will be provided ten (10) business days to respond. If the complaint is rejected, the complainant will be informed of the appropriate appeal authority and given a timeline in which to appeal.
- It is in the best interest of all parties involved that the concerns raised be resolved informally at the lowest level possible. With the complainant's consent, attempts may be made to resolve the matter informally. However if the complainant is dissatisfied with the Department's decision, he or she may bring the matter to the attention of the FHWA, USDOT and the USDOJ.
- If the complaint has merit, the Title VI Coordinator will supervise the conduct of a thorough investigation and submit a Report of Findings to the Director of the Department's Division of Civil Rights and Affirmative Action for determination.
- Within 60 days of the receipt of the complaint, the Complainant should be notified of the Department's findings, the proposed disposition of the matter, the avenues available for appeal and the timeline to appeal if there is dissatisfaction with the Department's decision. The proposed remedy should require action necessary to correct and prevent similar occurrences.
- The Department will issue letters of findings for all investigations processed by the Department or develop informal settlements for all complaints processed by the

Department. In accordance with regulations at 23 CFR 200, a copy of the complaint, together with a copy of the State's report of the investigation, shall be forwarded to the FHWA Division Office within 60 days of the date the complaint was received by the Department. An extension of an additional 60 days may be granted by the FHWA for justifiable reasons.

- It is the responsibility of the Department to periodically inform the FHWA Division Office of the status of all complaints.

Title VI Nondiscrimination Complaint Procedures

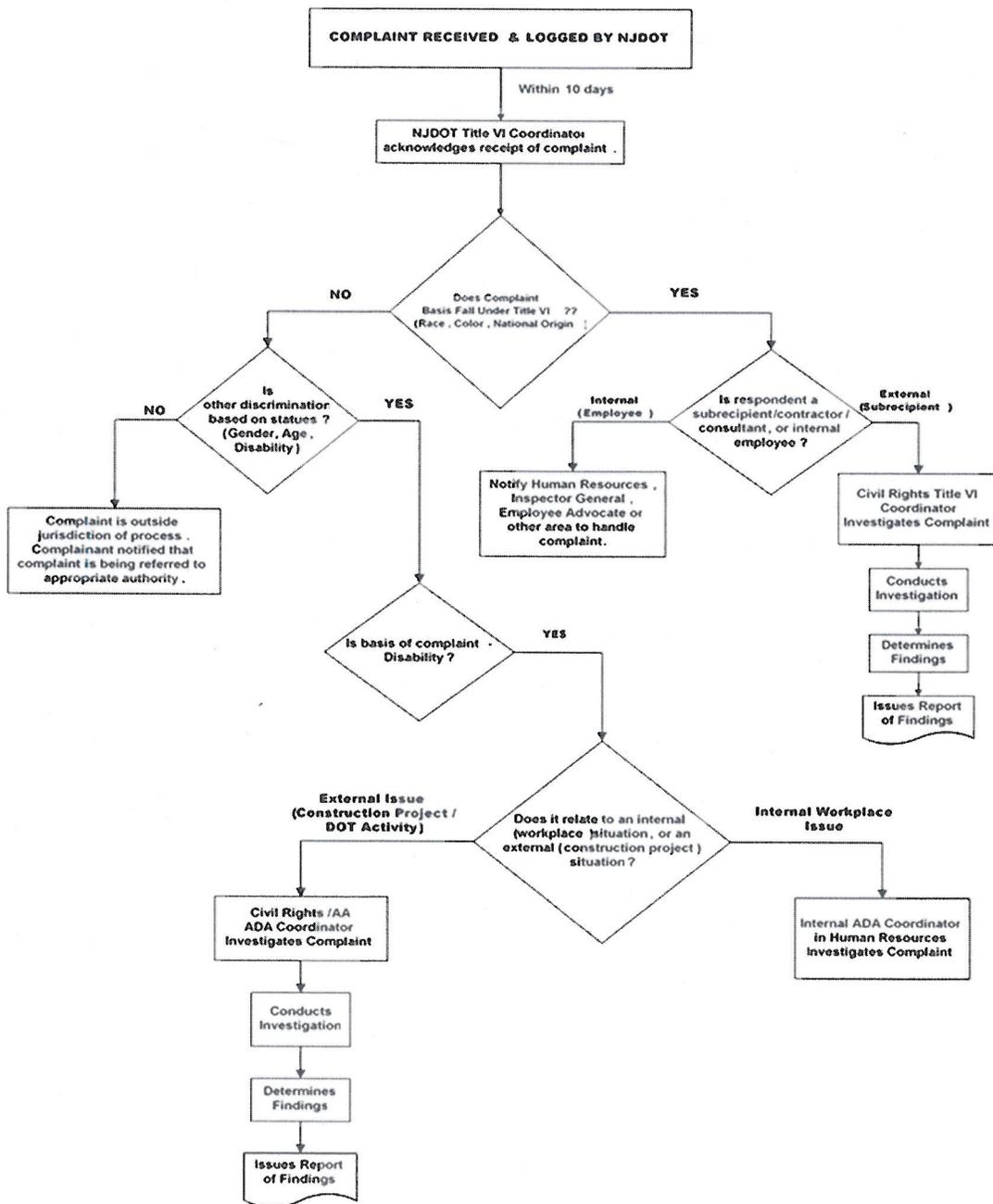


Figure 13 – Complaint Process Diagram