

The State of Montana
DEPARTMENT OF TRANSPORTATION

TITLE VI PLAN

Federal Transit Administration

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TITLE VI POLICY STATEMENT

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall on the grounds of race, color, or national origin be discriminated against under any program or activity receiving Federal financial assistance. The Federal Aid Highway Act of 1973 (23 U.S.C. 324) added "sex" as a protected status in all Federal Highway Administration (FHWA) activities. The Airport and Airway Improvement Act of 1982 (49 U.S.C. § 47123) added "sex" and "creed" as protected status in all Federal Aviation Administration (FAA) activities. The Title VI Program also refers, where appropriate, to other Federal civil rights statutes. The State of Montana forbids discrimination in many areas through its Constitution, codes and rules.

Title VI was amended by the Civil Rights Restoration Act of 1987 (P.L. 100-259), effective March 22, 1988, which added section 606, expanding the definition of the terms "programs or activities" to include all of the operations of an educational institution, governmental entity, or private employer that receives federal funds if any one operation receives federal funds.

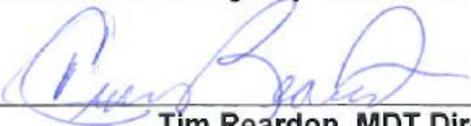
The Montana Department of Transportation (MDT) is a State governmental entity. It is the policy of MDT to ensure compliance with Title VI of the Civil Rights Act of 1964 and all related statutes or regulations in all programs and activities.

MDT assures that no person shall, as provided by Federal and State civil rights laws, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. MDT further ensures every effort will be made to ensure non-discrimination in all programs and activities, whether those programs and activities are federally funded or not.

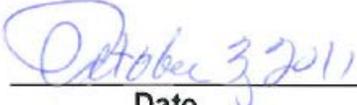
MDT recognizes the need for continuous Title VI training for its personnel. When MDT distributes federal-aid funds to another governmental entity, MDT will include Title VI language in all written agreements and will monitor for compliance.

Title VI activities are delegated by the Civil Rights Bureau (CRB). Title VI responsibilities are delegated to the appropriate District / Division program managers. The CRB charges them with the responsibility to develop and implement procedures and guides to adequately monitor their programs. In turn, the CRB conducts periodic compliance reviews to assure implementation is adequate.

The MDT Director has delegated the authority to administer and monitor the Title VI Program as promulgated under Title VI of the Civil Rights Act of 1964 and any subsequent legislation to the CRB Chief. The Title VI Coordinator will provide technical assistance on an agency-wide basis.



Tim Reardon, MDT Director



Date

MONTANA DOT LIMITED ENGLISH PROFICIENCY PLAN

(Civil Rights Bureau - Revised May 15, 2012)

Executive Summary

Executive Order 13166 implements Title VI of the Civil Rights Act of 1964 by requiring meaningful access to all federally financially assisted programs and activities by persons with limited English proficiency (LEP).

Limited English proficiency is defined as “individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.” LEP individuals are entitled by EO 13166 to language assistance with respect to a particular type of service, benefit or encounter. FHWA has mandated that “...recipients must take reasonable steps to ensure that such persons have meaningful access to the programs, services, and information those recipients provide, free of charge....”

LEP is included as review criteria in all Title VI compliance reviews. CRB will continue to monitor LEP requirements both internally and in federal aid reviews of local governments and contractors.

It is intended that this Limited English Proficiency Plan (LEP) be a living document, to change as circumstances require. This plan should properly be included in the MDT Title VI plan, as other states have already done.

State (Montana) or local "English-only" laws do not relieve an entity that receives federal funding from its responsibilities under federal anti-discrimination laws.

General Analysis

Under the DOJ guidance, MDT is obligated to determine the extent of its obligation to provide LEP services: This determination requires a flexible and fact-dependent analysis on a case-by-case basis of four factors:

1. The number or proportion of LEP persons serviced or encountered in the eligible service population.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity or service provided by the program.
4. The resources available to the recipient and cost.

These factors should be applied to the various kinds of contact that MDT has with the public to assess language needs and decide what reasonable steps should be taken to ensure meaningful access for LEP persons. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.

The model DOJ LEP guidance includes a section regarding “safe harbors” for written translations of vital material. A “safe harbor” means that if a recipient provides written translations under these circumstances, such action will be considered strong evidence of

compliance with the recipient's written-translation obligations.

- A. The recipient provides written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally, or
- B. If there are fewer than 50 persons in a language group that reaches the five percent trigger in (A), the recipient does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials free of cost.

The model DOJ LEP guidance further points out that these "safe harbor" provisions apply to the translation of written documents only and have been rejected by some federal agencies. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

FTA Regional points out that "although reasonable accommodation is very critical in meeting ADA requirements, there is a difference between an interpreter and a translator as far as LEP is required. The latter is needed to assist LEP persons to have a meaningful access to the programs, services and information provided to the public. An interpreter (signer) service is more appropriate and relevant to persons with hearing impairments."

MDT recognizes the regional FTA concerns. The Interpreter Conduct Rules call for unbiased, complete, accurate, "professional" conduct in interpretation. MDT has acknowledged the model LEP guidance need for "competent oral interpreters" and does not limit its interpreter list to only signers.

Once the necessity of a LEP plan is established, it is then necessary to implement an effective plan of language assistance. This consists of:

1. Identifying specific LEP individuals who need language assistance (see steps 1 through 3 of analysis).
2. Ways in which language assistance measures will be provided (see step 4 of analysis).
3. Train staff about procedures and how to work effectively with them.
4. Notify LEP persons that services are available and offered free of charge.
5. Monitor and update LEP plan.

The Limited English Proficiency Analysis based on the 2010 Census was completed in April 2012.

Specific Analysis

1. The number or proportion of LEP persons serviced or encountered in the eligible service population.

States operating statewide programs should assess statewide language groups to identify potentially significant LEP populations, and ensure that local offices conduct similar surveys of their local service populations. In MDT's case, this requires statewide analysis and then individual district analysis.

- What prior experiences with LEP have MDT staff encountered and what is the breadth and scope of language services that have been needed?
 - A recurring situation arises with Canadian truck drivers who do not speak English and pass through Montana. MCS officers have repeatedly expressed their frustration with trying to communicate with these individuals, and then later finding a Title VI complaint has been filed against them. This issue is discussed further below.
 - In 2012, requests for translation assistance have sporadically arisen from various units in MDT including Administration and Maintenance. This indicates that the need for interpreters may be increasing as larger groups of non-English speaking people visit and work in Montana.
 - Title VI field reviews indicate no LEP issues have arisen in the field, despite substantial non-English speaking populations in areas of the state who speak little or no English. Although the percentage of persons who speak a non-English language at home in Montana is estimated in 2011 at about 2.5% (or 25,000 persons), the actual percentages of people who don't speak English at all by county vary widely. This often depends upon whether an Indian reservation is within the boundaries of the county, since Indians constitute Montana's largest minority at about 6.67%.
- What LEP populations may have been underserved because of language barriers?
 - Title VI reviews of MDT units thus far have not indicated any LEP service issues. Right of Way particularly deals with older Native Americans who have limited or no English. This issue is routinely resolved by getting a tribal family member to interpret; the proposed "Expectations of Conduct for Interpreters" is intended to provide guidelines to avoid conflicts of interest in such situations. Other interpreters without a conflict of interest are available through the Interpreters List or other avenues.
 - Transit operators have not reported any LEP-related issues and field reviews have not indicated any LEP-related issues.
- What is latest census data statewide? District wide?
 - That data is attached. Significantly, LEP regulations are applicable in areas with a dense population. Montana's average number of persons per square mile is 6.76. In 2010, the most populated counties by "persons per square mile" (ppsm) were:
 - Yellowstone – 49.1 ppsm in 2000; 56.2 ppsm in 2010.
 - Silver Bow-Butte – 48.2 ppsm in 2000; 47.6 in 2010.
 - Missoula – 36.9 ppsm in 2000; 42.1 in 2010.
 - Cascade - 29.9 ppsm in 2000; 30.1 ppsm in 2010.
 - Gallatin – 26 ppsm in 2000; 34.4 ppsm in 2010.

- Lake – 17.7 ppsm in 2000; 19.3 ppsm in 2010.
 - Lewis & Clark – 16.1 ppsm in 2000; 18.3 ppsm in 2010.
 - Ravalli – 15.1 ppsm in 2000; 16.8 ppsm in 2010.
 - Flathead – 14.6 ppsm in 2000; 17.9 ppsm in 2010.
 - Anaconda-Deer Lodge – 12.8 ppsm in 2000; 12.6 ppsm in 2010.
 - Jefferson – 6.1 ppsm in 2000; 6.9 ppsm in 2010.
 - Hill – 5.8 ppsm in 2000; 5.6 ppsm in 2010.
 - Lincoln – 5.4 ppsm in 2010.
 - Park – 5.6 ppsm in 2010.
 - The 42 other counties had fewer than 5 persons per square mile. Montana’s overall PPSM figure is 7.35 ppsm.
- Analysis of the 2010 census is reflected on the spreadsheet entitled, “Limited English Proficiency Analysis – Census 2010” which is available in electronic form upon request from the Coordinator at bianderson@mt.gov.
 - Population shifts did not seem to influence the higher population areas as much. Rankings of population indicate the more urbanized counties continued their higher PPSM ratio.

| County | 2000 Rank | 2010 Rank (“+” means higher rank; “-“ = lower rank) |
|-----------------------|------------------|--|
| Anaconda – Deer Lodge | 10 | 10 |
| Cascade | 4 | -5 (dropped 1 rank) |
| Flathead | 9 | +8 (gained 1 rank) |
| Gallatin | 5 | +4 (gained 1 rank) |
| Hill | 12 | 12 |
| Jefferson | 11 | 11 |
| Lake | 6 | 6 |
| Lewis & Clark | 7 | 7 |
| Lincoln | Unranked | +14 (ranked in top 14) |
| Missoula | 3 | 3 |
| Park | Unranked | +13 (ranked in top 14) |
| Ravalli | 8 | -9 (dropped 1 rank) |
| Silver Bow | 2 | 2 |
| Yellowstone | 1 | 1 |

- Is any information available from state or local governments, community agencies, school systems, faith-based organizations, legal aid entities, etc.?
 - As of May 1, 2012, Local governments in Butte, Billings, Missoula, and Great Falls have indicated no LEP issues in their planning or construction operations.
 - Title VI reviews in local areas emphasize questions about the issue of LEP and whether remedial solutions are required.
 - An interpreter consortium at Montana State University was disbanded in about 2010. No successor organization has emerged.

- Statewide interpreter services are listed and available through the MDT CRB. A copy of that list is available at <http://www.mdt.mt.gov/other/civilrights/external/interpreters-list.pdf>.

2. The frequency with which LEP individuals come in contact with the program.

Motor Carrier Services officers in northwest Montana have encountered numerous instances wherein non-English speaking truck drivers from Canada have been difficult, if not impossible, to communicate with. MCS officers have needed to be able to communicate with the truck drivers and have been unable to. The number or proportion of LEP persons encountered is undetermined but significant enough to merit substantial attention by the area MCS Captain.

49 CFR 391.11(b) (2) states:

“... a person is qualified to drive a motor vehicle if he/she... can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records...”

According to the January 2011 Bond Schedule, this is a ticketable offense (\$135), and grounds for putting the vehicle “out of service.”

The balance of enforcing MCS regulations versus fear of a Title VI complaint can be efficiently dealt with by providing officers with resources to identify the language of the truck driver at issue and dealing with the MCS issue. Additionally, officers should not be placed in a position wherein their individual status is jeopardized at the expense of violation of MCS regulations. The MDT Interpreters List and contract telephone services are available for reference.

3. The nature and importance of the program, activity or service provided by the program.

Title VI Representatives or staff members in the following program areas indicated limited or no interaction in the past with significant numbers of LEP individuals:

- Right of Way – When individuals are encountered, such as Native American elders, a family or tribal member is called upon to interpret for the right of way negotiation. This has worked in the past few years without incident.
- Construction – No LEP issues were noted during the review.
- Rail, Transit & Planning – No LEP issues were noted during the review.
- Consultant Design – No LEP issues were noted during the review.
- Aeronautics – No LEP issues were noted during the review.

LEP will remain an on-going discussion issue in all future Title VI review activities.

4. The resources available to the recipient and cost.

Resource options for MDT include:

- Multi-language flashcards that MDT could use to identify the driver's language, then access to an interpreter. Each MDT office that interacts with the public should be equipped with "I Speak" cards that can be used to identify and communicate the language in which an LEP person needs assistance. The cards, which are produced by the U.S. Department of Justice, can be downloaded and copied from <http://www.lep.gov/ISpeakCards2004.pdf>. The issue of cost arises when suitable interpreter services need to be retained.
- Using family members to interpret for LEP individuals. This has been used by Right of Way agents in negotiations, and is successful. There are certain limitations that have been recognized by courts recently. For example, a child interpreting in an adult situation may lead to challenges to the accuracy or trustworthiness of the interpretation. Even an older family member interpreting may be subject to challenge based upon undue interest or subjective interpretation.
- An interagency working group on LEP has developed a website, <http://www.lep.gov>, to assist in disseminating language assistance measures, resources and cost-containment approaches developed with respect to its own federally conducted programs and activities. This web site should be accessed as statewide and district-wide LEP populations are identified. Any measures adopted will be incorporated into this MDT LEP plan.
- Contracts for Montana Deaf/ Hard of Hearing Services (MDHHS). This statewide network is based in Great Falls and can be reached at (406) 771-9053 (Voice-TTY-Fax number). As of May 2012, Sign language interpreter fees start at \$50 per hour and emergency services are possible but have to be arranged through MDHHS. Sign language interpreters can be accessed through the Montana School for the Deaf and Blind website at <http://msdb.mt.gov/outreach/resource-interpreters.html>. All interpreters are expected to comply with the conduct code above but MDT specifically does not warrant the proficiency of any interpreter on the list.

Questions about programs and services allowing meaningful access to programs, services, and information provided to the public may be directed by the individual or interpreter to the Montana DOT Civil Rights Bureau at (406) 444-6331, TTY (800) 335-7592 or (406) 444-7696, or fax (406) 444-7243. [This notice has been included on the MDT Interpreters List at

<http://www.mdt.mt.gov/other/civilrights/external/interpreters-list.pdf>.]

- The State of Montana signed Participating Addendums to the WSCA Contract No. 03508, Telephone Based Interpreter Services in November 2012. The purpose of these non-exclusive contracts is to provide agencies with an expedited means of obtaining telephone based interpreter services. The contracts provide 365 days per year, 7 days a week, 24 hours a day, telephone based interpreter services on an "as needed" basis for Limited English Proficiency clients needing immediate interpreter assistance. The contracts do not include in-person interpreting, sign language interpreting or document translation services.

Three vendors awarded WSCA contracts are below. The State has elected to participate with all three vendors:

- CTS Language Link:
<http://svc.mt.gov/gsd/apps/Documents/WSCA03508CTS.pdf>
- Language Line Services, Inc.:
<http://svc.mt.gov/gsd/apps/Documents/WSCA03508LANGUAGE.pdf>
- Pacific Interpreters, Inc.:
<http://svc.mt.gov/gsd/apps/Documents/WSCA03508PACIFIC.pdf>

Issues include:

- What are estimated costs of implementation of the LEP requirements?
 - Costs would be minimal for each of these options unless contracted services are utilized.
- What are associated areas of impact, if any, on MDT?
 - No associated areas of impact are identified at this time.
- What is the impact on MDT business processes and functions that LEP requirements make?
 - It appears all impacted areas of MDT have already or would, through use of these options, utilize processes and functions that incorporate LEP concepts.
- What is the importance and nature of the activity?
 - All department functions are treated as equally important in consideration of LEP concepts because of the greater mandate of Title VI that no federal aid services are provided in a discriminatory manner.
- What are number or proportion and frequency of contact with LEP persons?
 - Number, proportion and frequency of contact with LEP persons is less than that of a more urbanized, heterogeneous population except with reference to Indian reservations, each of which provides a unique challenge because of the differences in size of non-English speaking population.
 - The highest numbers of persons of non-English languages spoken at home according to the 2010 census are located in:

| | |
|-------------------|-------------------------------------|
| 1. Spanish: | Yellowstone, Gallatin, Missoula |
| 2. Indo-European: | Missoula, Gallatin, Yellowstone |
| 3. Asian-Pacific: | Yellowstone, Missoula, Gallatin |
| 4. Other: | Yellowstone, Lake, Butte-Silver Bow |

It appears from this that concentrating our efforts in Yellowstone, Gallatin, and Missoula Counties, which also are the locations of major academic institutions as well as being high LEP areas, would be advantageous in a time of budget shortfalls.

- What are the costs and availability of resources?
 - Resources in Montana are relatively scarce compared to other states but those resources have been identified on the Interpreter's list and will continue to be updated.
- What benefits will be realized by implementation of the requirements?
 - Benefits are already being recognized because of the pre-existing usage of LEP-related practices in areas such as Right of Way.
- Do the costs versus the benefits indicate LEP requirements will be favorable to MDT?
 - By usage of pre-existing practices and these options involving minimal expense and change in practice, the impact of imposing LEP functions is negligible, but

the benefits of acknowledging and responding to all impacted population concerns is identifiable.

- What steps have been taken by MDT to date to implement LEP?
 - The LEP plan is included in both the FHWA and FTA MDT Title VI Plans; Access to the LEP flashcards has been noticed to the Department through Title VI representatives; and the MDT interpreters list and contract telephone interpreter's services are being implemented and phased into the practices of MDT units.

CONCLUSION:

The LEP plan will be included in the MDT FHWA and FTA Title VI Plans. The MDT Interpreters List has been developed, MDT staff have been notified, and the list will be continually updated as new information is received, and will be included on the MDT Title VI Internet site. The contract telephone interpreter's services will be implemented and phased into the telephone practices of MDT units. MDT CRB will continue to monitor LEP requirements both internally and in federal aid reviews of local governments and contractors.

Appendix to LEP Plan

Title VI Complaint Procedures

Current Procedures and complaint form available from Title VI Coordinator at (406) 444-6331 or at <http://www.mdt.mt.gov/publications/docs/forms/dbe/vicomplaint.pdf>.

Title VI Periodic Report

Current Title VI Periodic Report form available from Title VI Coordinator at (406) 444-6331.

Title VI Public Meeting Form

Current Title VI Public Meeting form available at http://www.mdt.mt.gov/other/civilrights/external/title_vi_public_hearing_form.docx or from Title VI Coordinator at (406) 444-6331.

Title VI Environmental Checklist

Current Title VI Environmental Checklist available at http://www.mdt.mt.gov/other/civilrights/external/title_vi_environmental_checklist.pdf or from the Title VI Coordinator at (406) 444-6331.

FTA CIRCULAR 4702.1A REQUIREMENTS

IV.5.b (1) Requirement to Notify Beneficiaries of Protection under Title VI and VI.7.a (5) Montana DOT Title VI Notice to Public

Montana has chosen to inform the public of their rights under Title VI through a Title VI pamphlet. The pamphlet delineates protected status in each federal program. This pamphlet is posted on the MDT website at http://www.mdt.mt.gov/publications/docs/brochures/dbe_eeo/titlevi_pamphlet.pdf and includes Title VI wording as well as a simplified complaint form. The pamphlet is also posted at reception desks of district offices, throughout the headquarters complex, and on transit vehicles. The notice is used at each public meeting and copies are available for distribution. No LEP populations in Montana meet the Safe Harbor threshold and no pamphlets have been printed in any language other than English. The current Title VI pamphlet is also available upon request from the MDT Title VI Coordinator at (406) 444-6331.

IV.7.a (3) Title VI Complaint Procedures

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs receiving federal financial assistance. This section outlines the Federal Transit Administration (FTA) Title VI complaint procedures related to providing programs, services, and benefits. However, it does not deny the complainant the right to file formal complaints with the Montana Human Rights Bureau, Equal Employment Opportunity Commission, FTA, or to seek private counsel for complaints alleging discrimination, intimidation or retaliation of any kind that is prohibited by law.

These FTA-specific complaint procedures are also set forth with other (FHWA and FAA) procedures at <http://www.mdt.mt.gov/publications/docs/forms/dbe/vicomplaint.pdf>. These will be updated to conform with this plan and other Title VI changes as soon as possible.

Any person believing they have been subjected to discrimination as noted below may file a written complaint with the MDT Civil Rights Bureau (CRB). Complainants have the right to complain directly to the appropriate federal agency. Federal and State law requires complaints be filed within 180 calendar days of the last alleged incident. For FTA, complaints may be based on race, color, or national origin.

1. Within five calendar days of receipt of a written Title VI complaint the CRB Chief will notify the MDT Director of the complaint.
 - All FTA- related complaints against MDT will be investigated by CRB.
 - All Title VI complaints against State sub-recipients will be investigated by CRB.
3. Within five calendar days of receipt of a complaint against a State sub-recipient, an investigation by the CRB will begin. The Rail, Transit, and Planning Division Title VI Representative may participate in the investigation and act as liaison with the local transit agency.
4. The complaint detail shall be entered on the Civil Rights Bureau Complaint spreadsheet. Complaints summarily resolved will be entered on the complaint spreadsheet and a file record of documents kept. If more thorough investigation is required, a written investigation report will be prepared by the investigator. The report

shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.

5. The CRB Chief will be advised of the complaint resolution or review the report, if applicable. Any report will then be forwarded to the MDT Director for final internal action.
6. The investigation report with recommendations and corrective actions taken will be forwarded within 60 calendar days of the date the complaint was received by MDT to the FTA Regional office
7. Complainants will be advised of their appeal rights to the appropriate federal agency.

IV.7.a (5) Title VI Program Complaint Form

A current FTA Title VI Program Complaint form is available at http://www.mdt.mt.gov/publications/docs/brochures/dbe_eeo/titlevi_pamphlet.pdf or <http://www.mdt.mt.gov/publications/docs/forms/dbe/vicomplaint.pdf> or from the MDT Title VI Coordinator at (406) 444-6331. A modified Title VI complaint form is currently being developed and will be uploaded to FTA after MDT approval.

IV.7.a (4) Title VI Complaint Log

Reference: UMTA C4702.1, Ch. III

Categories: Program, Name, Location, Type, Recipient, Protected Status, Date filed / Nature of Complaint, Summary

Current Title VI Complaint Log available upon request from MDT Title VI Coordinator, (406) 444-6331.

IV.8 Analysis of Construction Projects during period July 1, 2009 through June 30, 2012.

Table Heading Descriptions:

- A. A description of the low-income and minority population within the study area affected by the project, and a discussion of the method used to identify this population (e.g., analysis of Census data, minority business directories, direct observation, or a public involvement process).
- B. A discussion of all adverse effects of the project both during and after construction that would affect the identified minority and low-income population.
- C. A discussion of all positive effects that would affect the identified minority and low-income population, such as an improvement in transit service, mobility, or accessibility.
- D. A description of all mitigation and environmental enhancement actions incorporated into the project to address the adverse effects, including, but not limited to, any special features of the relocation program that go beyond the requirements of the Uniform Relocation Act and address adverse community effects such as separation or cohesion issues; and the replacement of the community resources destroyed by the project.
- E. A discussion of the remaining effects, if any, and why further mitigation is not proposed.
- F. For projects that traverse predominantly minority and low-income and predominantly non-minority and non-low-income areas, a comparison of mitigation and environmental enhancement actions that affect predominantly low-income and minority areas with mitigation implemented in predominantly non-minority or non-low-income areas. Recipients and sub-recipients that determine there is no basis for such a comparison should describe why that is so.

All construction projects were for transit centers unless otherwise indicated:

| Agency | A. | B. | C. | D. | E. | F. |
|---------------|-----------|-----------|-----------|-----------|-----------|-----------|
|---------------|-----------|-----------|-----------|-----------|-----------|-----------|

| | | | | | | |
|--|--------------------|------------|------------|------------|------------|------------|
| <i>Liberty County (Chester, Mont.)</i> | <i>Observation</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> |
| <i>No. Transit Interlocal (Shelby, Mont.)</i> | <i>Observation</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> |
| <i>Streamline (Bozeman, Mont.)</i> | <i>Observation</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> |
| <i>Powder River (Broadus, Mont.)</i> | <i>Observation</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> |
| <i>Eagle (Kalispell, Mont.)</i> | <i>Observation</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> |
| <i>HATS (Helena, Mont.)</i> | <i>Observation</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> |
| <i>Bitterroot (Hamilton, Mont.)</i> | <i>Observation</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> |
| <i>Blackfeet (Browning, Mont.)</i> | <i>Observation</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> |
| <i>Big Sky (Big Sky, Mont.)</i> | <i>Observation</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> |
| <i>CS&KT (shelters) (Pablo, Mont.)</i> | <i>Observation</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> |
| <i>CS&KT (gas tank) (Pablo, Mont.)</i> | <i>Observation</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> |
| <i>+West Yellowstone (West Yellowstone, Mont.)</i> | <i>Observation</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> |
| <i>Butte (Butte, Mont.)</i> | <i>Observation</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> |
| <i>Richland (Sidney, Mont.)</i> | <i>Observation</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> |
| <i>Streamline (Bozeman, Mont.)</i> | <i>Observation</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> |
| <i>*Daniels (Scobey, Mont.)</i> | <i>Observation</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> |
| <i>*Cascade (Great Falls, Mont.)</i> | <i>Observation</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> |
| <i>*Valley (Glasgow, Mont.)</i> | <i>Observation</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> | <i>N/A</i> |
| <i>West Yellowstone was split funded with S.5311 funds and ARRA funds.</i> | | | | | | |
| <i>All other projects listed are ARRA unless denoted with an asterisk (*).</i> | | | | | | |
| <i>The only affected areas with low-income or minority populations were in Browning and Pablo.</i> | | | | | | |
| <i>A. By observation, there wasn't a low-income or minority population that was affected by the project.</i> | | | | | | |
| <i>B. There were no adverse affects in Browning or Pablo during or after construction.</i> | | | | | | |
| <i>D. No mitigation or environmental enhancements were necessary.</i> | | | | | | |
| <i>E. Not applicable.</i> | | | | | | |
| <i>F. A comparison is not applicable, since no mitigation or environmental enhancements were necessary.</i> | | | | | | |

IV.9 Promoting inclusive public participation

Steps taken to ensure that minority and low-income people had meaningful access to outreach and involvement activities include:

- Dissemination of the Montana DOT Title pamphlet to headquarters offices and all field offices for use in public hearings and at reception areas. This pamphlet contains a list of Title VI related hyperlinks. A copy of the pamphlet is available upon request from the Coordinator or at http://www.mdt.mt.gov/publications/docs/brochures/db_eo/titlevi_pamphlet.pdf.

- Development, revision, and use of the Title VI public meetings checklist to record public comments and Title VI complaints. The Title VI Public Meeting Report was revised in August 2010. It is available to MDT staff and the public on the MDT Internet at: http://www.mdt.mt.gov/other/civilrights/external/title_vi_public_hearing_form.pdf. 139 public meetings have been tracked for Title VI compliance since October 2006.

Consideration of Title VI requirements is accomplished through use of the Checklist prior to a public meeting. The Title VI checklist is available at http://www.mdt.mt.gov/other/civilrights/external/title_vi_public_hearing_form.docx. Completed checklists are entered into a spreadsheet summary which is available from the Title VI Coordinator. The current version of the checklist includes questions asking for:

- Whether Title VI language and availability of pamphlets were announced at the meeting *[This reminds presenters to have a supply of pamphlets available and remind participants of the protections of Title VI];*
- Type of meeting/ hearing (e.g. informational, scoping, public input hearing, other) *[Records purpose of hearing];*
- Type of notices (e.g. paid advertising, television, direct mailing, etc.) *[Checklist notice options; may be refined in future to record specific type of internet notification];*
- Impact on minority groups *[Checklists whether minority group concerns considered. Records whether issues discussed at public meeting];*
- Whether there will be relocations or additional right of way sought *[Checklist landowner concerns; records whether issues discussed at public meeting];*
- Which minority groups were represented at the meeting *[Checklist whether minority groups contacted prior to meeting; records whether minority groups attended];*
- How far was the meeting site from the project site *[checklist whether meeting site convenient for attendees, particularly elderly and transit-disadvantaged; record distance in case of complaint];*
- Whether there was a language barrier? Translator requested? What language? *[Checklist whether language issue arose prior to meeting, resolution to issue, what language translation was at issue; record whether particular language barrier resolved. To date, no language issues have arisen];*
- Was the facility accessible to disabled or was an accommodation requested? *[No accommodations have been requested since the inception of the checklist summary.]*
- Were disabled present? *[This relates only to visual physical disabilities and will be revised to offer more a more succinct question.]*
- Were Title VI pamphlets available? *[Ensures Title VI pamphlets are in supply and available to participants.]*
- How many persons and staff attended?
- Any comments made by the public? *[Does not record specific comments but ensures there is record that public had opportunity to comment.]*
- Any written Title VI complaints received? *[If so, instructed to notify Title VI Coordinator] ;*
- Time of meeting *[Checklists the consideration of alternative hours and records actual hours of the meeting.];*
- Were any “advanced visualization techniques” used? *[Based on a requirement under*

Safety-Lu that may no longer be applicable.]

- Development, revision, and use of the Title VI Periodic Report by Title VI Representatives throughout the Department to allow periodic assessment of public issues and needs regarding input into Department projects. The Title VI Periodic Report was revised in December 2009. The Periodic Report is used to generate the summary which allows the Coordinator to track Title VI issues (complaints, training needs, pamphlet usage, etc.) throughout MDT. It is also available upon request from the Coordinator or on the MDT Intranet at http://mdtinfo/other/civilrights/internal/title_vi_pr.docx.
- The “MDT Interpreters List” was created from an existing Montana Department of Commerce Interpreters list. This is annually updated by contact with each interpreter to note if information is still current, kept on the MDT Title VI website, and publicized in the MDT Title VI pamphlet, with notice of updates routinely disseminated to Title VI Representatives for distribution in their area.

The list of interpreters in various languages was updated in August 2011 and is updated as duties allow. The Interpreters list is available to the public at <http://www.mdt.mt.gov/other/civilrights/external/interpreters-list.pdf> and is the only known Interpreter list developed by any Montana state agencies. In 2012, a list of “Expected Conduct of Interpreters” will be appended to the interpreters list and included in the LEP Plan.

- All interpreters utilized from the MDT interpreters list are expected to adhere to the “Interpreters Code” which will be finalized and appended to the Interpreter list as an “Expected Conduct of Interpreters.”
 - Protect the confidentiality of all privileged and confidential information.
 - Limit themselves to interpreting and not express personal opinions to individuals for whom they are interpreting, or engage in any other activities that may be construed to constitute a service other than interpreting while serving as an interpreter.
 - Render a complete and accurate interpretation without altering, omitting, or adding anything to what is stated and without explanation.
 - Accurately and completely represent their certifications (if any), training, and experience.
 - Be impartial and unbiased and refrain from conduct that may give an appearance of bias.
 - Immediately disclose to the parties any real, potential or perceived conflicts of interest.
 - Conduct themselves in a professional manner.
- The Rail Transit and Planning Division (RTPD) section of the Title VI Plan was updated in April 2010 to include organizational and functional department changes. A significant part of this update was to gauge Title VI outreach and involvement activity of the RTPD. The update process included interview and training of the RTPD Representative and other staff, substantive revisions of Unit Title VI responsibilities, incorporation of Representative Unit Title VI duties, updating of the Title VI Policy Statement, and updating of the complaint processes. The Coordinator also wrote a report on the RTPD (See Appendix A).

- Title VI pamphlets and holders were distributed by the RTPD Representative to transit agencies throughout the state. Approximately 5,000 pamphlets are distributed statewide each year, with a significant number distributed by RTPD.
- The Title VI Coordinator worked with the ADA Coordinator and Public Involvement Coordinator to ensure the accuracy of the reasonable accommodations statements on public documents. The Public Involvement Title VI Representative was particularly involved in posting of Title VI protections and pamphlets, and helping develop a process of notifying the public of Title VI requirements (e.g., Title VI language is now posted, stated, or paraphrased at all MDT public meetings).
- The Coordinator worked with Road Inventory and Mapping Section staff to develop a demographic map for each county that gives up to date statistics on poverty level, race, national origin, and language. Maps for Beaverhead, Big Horn, Blaine, Cascade, Deer Lodge, Fergus, Flathead, Gallatin, Glacier, Hill, Jefferson, Lake, Lewis & Clark, Madison, Mineral, Missoula, Park, Powell, Ravalli, Roosevelt, Rosebud, Sanders, Sheridan, Stillwater, Teton, Toole, Wibaux, and Yellowstone Counties have been developed thus far. County maps have been requested. The project is progressing as duties allow because of other priorities for involved staff.
- The Coordinator presented internal Title VI training to: the Montana Transportation Commission, Director, and Deputy Director; approximately two thousand MDT staff at headquarters and the districts during mandated two-hour every two-years training; Title VI Representatives individually and at group meetings up to August 2011 and commencing thereafter in May 2012; and with the involvement of the Public Involvement Officer trained external engineering/ planning consultants in specifically-targeted Title VI training sessions. This training served to heighten the awareness of these individuals to the need to include minority and low-income participants in planning and implementation of projects.

The Coordinator reviewed various documents for Title VI compliance, including draft environmental documents, contracts, public meeting advertisements, etc. Environmental documents reviewed included Findings of No Significant Impact (FONSI); Environmental Assessments (EA), and Environmental Impact Statements (DEIS). Part of this review is to ensure that the needs of minority and low income individuals were considered. Since 2010, analysis of Title VI issues has been delegated to district environmental project engineers with relay of findings through the Environmental Engineering Section Supervisor who is also the Title VI Representative.

Public participation in Montana is facilitated by the population demographics of ///Montana DOT notifies the public of its upcoming public meetings through the Internet at <http://www.mdt.mt.gov/pubinvolve/scripts/news.pl?> and through local newspaper advertisements. A sample public notice is below; wording soliciting public input is underlined:

September 10, 2012

FOR IMMEDIATE RELEASE

For more information:

Lori Ryan, Public Information, MDT, (406) 444-6821

Informational meeting to discuss

**A proposal to replace the bridge crossing the Clark Fork River near Heron –
Sanders County**

Heron - The Montana Department of Transportation (MDT) is conducting an informational meeting and open house to discuss a proposal to replace the existing Heron Bridge (Cabinet Gorge Bridge), crossing the Clark Fork River and Cabinet Gorge Reservoir. The proposed project would also include short sections of roadway improvements on both ends of the bridge. The project site is located on Heron Road, approximately one-and-a-half miles west of Heron and roughly three-and-a-half miles east of the Idaho border. The bridge provides the community of Heron with a route across the reservoir to Montana Highway 200. The presentation will begin at 7:00 p.m., followed by an open house, on Tuesday, September 18, 2012 at the Heron Community Center, 170 Railroad Ave. Heron, MT.

Community participation is a very important part of the process, and the public is encouraged to attend. Opinion, comments and concerns may also be submitted in writing at the meeting, by mail to Mark Studt, MDT Project Consultant Engineer, MDT headquarters at PO Box 201001, Helena, MT 59620, or online at

www.mdt.mt.gov/mdt/comment_form.shtml

Please indicate comments are for project CN 6286 and submit comments by October 12, 2012.

The purpose of the project is to improve safety for the traveling public by replacing the current bridge with a new structure. Proposed work includes building a new bridge with two lanes and 3' wide shoulders. The new bridge will be designed to provide improved sight distance across the bridge, along with new horizontal and vertical alignments and updated guardrail and signing.

Construction is tentatively planned for 2015, depending on completion of design and availability of funds.

New right-of way and relocation of utilities will be required. MDT staff will contact all affected landowners prior to construction regarding property acquisition and temporary construction permits.

MDT attempts to provide accommodations for any known disability that may interfere with a person's participation in any service, program or activity of our department. If you require reasonable accommodations to participate in this meeting, please call Paul Grant at (406) 444-9415 at least two days before the meeting. For the hearing impaired, the TTY number is (406) 444-7696 or 1-800-335-7592, or call Montana Relay at 711. Alternative accessible formats of this information will be provided upon request.

The MDT Public Involvement Handbook is available on the MDT Internet at <http://www.mdt.mt.gov/publications/docs/manuals/pubinvhb.pdf>. The Handbook had not been updated since November 2003 and was replaced by the Rail, Transit, and Planning Division Public Involvement Handbook in November 2011 while the MDT handbook was being updated. An updated version of the MDT handbook will be available sometime in the near future. Civil Rights Bureau has notified the working parties that it must be a part of the review process to ensure that Title VI and other civil rights considerations are included in the revised handbook.

In addition to traditional resources, MDT also notifies the public of current projects/events at <http://www.mdt.mt.gov/pubinvolve/scripts/news.pl?> and invites public comments on its internet website at http://www.mdt.mt.gov/mdt/comment_form.shtml. MDT also uses Facebook, Flickr, Twitter, and RSS feeds to solicit public comments, and inform the public of innovative concepts, changing road conditions, and department activities. The public can access MDT-related information and comment sites on social networking sites at Facebook or <http://www.mdt.mt.gov/travinfo/rss.shtml>. Development of these social networking resources is expected to accelerate as policies are developed on employee usage and access.

VI.1 Procedure/ analysis used to determine that the effect of the statewide planning processes is not discriminatory.

The procedure/analysis is:

1. All minority organizations are notified of MDT's grant application annually.
2. The Capital Assistance review (capital application and recipient selection committee) includes a tribal representative.
3. County demographics are also maintained by the MDT Title VI Coordinator through the MDT Mapping unit which describe each county's population according to Title VI protected characteristics (LEP, low income, foreign or native born, etc.) Recent demographic maps have included local transit agency names and locations. Copies of available demographic maps are available through the MDT Title VI Coordinator.

VI. 2 Procedure to pass financial assistance through to sub-recipients in equitable manner

Montana has chosen to reimburse sub-recipients for their expenditures based on an allocated grant amount. To date, no Title VI-related complaints have been received.

VI. 2 Procedure to provide assistance to sub-recipients

1. MDT conducts an annual workshop which includes information on Title VI and requires all sub-recipient agencies to attend.
2. MDT also conducts triennial compliance reviews which include a section with question on Title VI.

3. MDT has staff with Title VI expertise at the disposal of all its sub-recipients.

VI. 3 Agency monitoring of sub-recipient's compliance with Title VI and summary of results of monitoring

1. MDT conducts triennial compliance reviews which include a section with questions on Title VI.
2. Results of the reviews are compiled in a list of corrective actions for each review and submitted to the reviewed agency.
3. As of June 30, 2012, no adverse Title VI findings have occurred during the course of a review. Results of the reviews are available from Tom Stuber, the Transit Title VI Representative at tstuber@mt.gov or at (406) 444-9216.

SPECIFIC PROHIBITED DISCRIMINATORY PRACTICES

Examples of specific prohibited discriminatory practices include, but are not limited to:

- Denial to an individual of any service, financial aid, or other benefit provided under the program;
- Distinctions in the quality, quantity, or manner in which the benefit is provided;
- Segregation or separate treatment in any part of the program;
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others;
- Different standards or requirements for participation;
- Methods of Administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
- Discrimination in any activities related to highway and infrastructure or facility built or repaired in whole or in part with Federal funds; and/or
- Discrimination in any employment resulting from a program, the primary purpose of which is to provide employment.

OVERVIEW

PURPOSE

To provide guidelines for:

1. Implementing the Federal Transit Administration (FTA) Title VI compliance program under Title VI of the Civil Rights Act of 1964, Federal Transit Administration (FTA) Circular FTA C 4702.1A (5/13/07) and related civil rights laws and regulations;
2. Conducting Title VI program compliance reviews; and
3. Processing Title VI complaints pursuant to the requirements of FTA.

APPLICATION

The provisions of this Title VI Plan apply to all recipients of federal assistance with and through MDT. A “recipient” includes any public or private entity or any individual receiving the benefits of any transit program and to all phases of MDT operations.

AUTHORITIES

- Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d;
- Federal Transit Laws as Amended (49 U.S.C. Chapter 53 et. seq.);
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S. C. 4601 et. seq.);
- Department of Justice regulation 28 CFR part 42, Subpart F, “Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs” (December 1, 1976, unless otherwise noted);
- DOT regulation, 49 CFR part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964” (June 18, 1970, unless otherwise noted);
- Joint FTA/Federal Highway Administration (FHWA regulation, 23 CFR part 771, “Environmental Impact and Related Procedures (August 28, 1987);
- Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, “Planning Assistance and Standards,” (October 28, 1993, unless otherwise noted);
- DOT Order 5610.2, “U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations,” (April 15, 1997);
- DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons, (December 14, 2005);
- Section 12 of FTA’s Master Agreement, FTA MA 13 (October 1, 2006)
- USDOT FTA Circular 4702.1A (Eff. 5/13/2007).
- USDOT FTA Circular 4702.1B (Eff. 10/1/2012).

Other federal statutes with related authority:

Age Discrimination in Employment Act (45 CFR 90)
The Americans with Disabilities Act of 1990
Environmental Justice Act, Executive Order 12898
Civil Rights Restoration Act of 1987 (P.L. 100-259)
Limited English Proficiency, Executive Order 13166

Applicable Montana non-discrimination statutes include:

The Montana Human Rights Act, Title 49, Chapter 2, M.C.A.
Governor’s Executive Order 41-2008 (11/14/08)
Governmental Code of Fair Practices, Title 49, Chapter 3, M.C.A

CIVIL RIGHTS BUREAU (CRB) TITLE VI COORDINATOR RESPONSIBILITIES

1. Develop procedures for tracking (logging), prompt processing, and disposition of Title VI complaints.
2. Conduct Title VI reviews of program areas.
3. Conduct annual reviews of special emphasis program areas to determine effectiveness.
4. Review MDT program directives and include Title VI and related requirements.
5. Conduct Title VI training for State program staff.
6. Prepare an annual FHWA Title VI accomplishments report and work plan by October 1 and an updated triennial FTA Title VI Plan as required.
7. Submit an updated Title VI plan within FHWA and FTA time frames.
8. Disseminate Title VI information to the general public.
9. Establish procedures for pre-grant and post-grant approval reviews of MDT programs and applicants; i.e., highway location, design and relocation, and persons seeking contracts with MDT.
10. Establish procedures to identify and eliminate discrimination when found to exist.
11. Establish procedures for promptly resolving deficiency status through voluntary means, if possible.
12. Establish and maintain an interdisciplinary group to implement Title VI within all areas of MDT.

DIVISION/ UNIT/ DISTRICT TITLE VI REPRESENTATIVE RESPONSIBILITIES

1. Complete Title VI Public Meeting Form for each public meeting not already covered, and submit electronically to Coordinator. (For purposes of this requirement, a “public meeting” is any meeting or hearing for which there is an open invitation (via news release, paid advertising and/or letter of invitation) to the general public (not just contractors) to attend for the purpose of informing the public and/or soliciting input from the public.)
2. Complete and submit Title VI Periodic Report every four months.
3. Report all written Title VI complaints immediately to Coordinator.
4. Seek opportunities to train staff/public on Title VI and notify Coordinator.
5. Attend Title VI Representative meeting once every four months.

6. Ensure current Title VI pamphlets are available at all unit public meetings and hearings and in unit area.
7. As necessary, work with consultants to ensure all public meetings and hearings have Title VI pamphlets and a public meeting form will be completed by consultant or MDT staff present at meeting/hearing and submitted to the Coordinator.
8. Monitor Division activities for potential Title VI impact and consult with MDT Title VI Coordinator as necessary.
9. Notify staff and distribute, as appropriate, any Title VI-related information within their responsibility areas

GENERAL PROGRAM AREA RESPONSIBILITIES

DIRECTOR'S OFFICE

Ensures Title VI compliance in media contact, public informational meetings and hearings, response to citizen complaints, internal audit, and Civil Rights,

DISTRICT OPERATIONS

Rely upon Accounting Controls Bureau, Purchasing Services Section, and Civil Rights to ensure Title VI compliance in the purchase of goods and services and in contract requirements. District staff ensures Title VI compliance in public meetings/hearings and response to citizen complaints.

RAIL, TRANSIT, AND PLANNING DIVISION

Ensures Title VI compliance in the transportation planning process and in related programs such as rail and transit, and State Highway and Traffic Safety. This includes necessary environmental documentation to meet the requirements of the National Environmental Policy Act (NEPA) and the Montana Environmental Policy Act (MEPA), including Community Impact Assessments and Title VI reviews of appropriate cities, counties, rail and transit providers and consultant contracts.

SPECIFIC AREA RESPONSIBILITIES

DIRECTOR'S OFFICE

Internal Audit Unit

The Internal Audit Unit selects audits randomly or based on requests from other entities. The Unit makes every effort to ensure protected individuals or groups are selected neither more nor less frequently than other citizens.

Public Information / Public Involvement Units

The Public Information / Public Involvement Units are responsible for ensuring that Montana citizens are aware of transportation issues/ projects and afforded the opportunity to participate in public involvement activities (public informational meetings, public hearings, i.e. Environmental Assessment hearings, comment periods, etc.).

The Public Information Unit provides media support for the department. The Public Information Officer (PIO) acts as the director's spokesperson and coordinates marketing activities; manages media contacts; writes speeches and press releases; and assists staff when media issues arise. In addition, the PIO coordinates publication of the Interchange, MDT's online employee newsletter, every payday.

The Public Involvement Unit works to increase public awareness of upcoming projects and to provide the public with ample opportunity to become involved in shaping project design and development.

This is primarily accomplished through two mechanisms:

Public meetings

The Public Involvement Coordinator organizes certain public meetings for upcoming road projects throughout the state, working with district staff and MDT consultants to ensure that MDT provides ample opportunity for public input and comment. Notice of public meetings/hearings (display ads) are also created within the Public Involvement Unit and submitted via email to the various media outlets (newspapers, television and radio stations) within the project's area announcing the upcoming meeting/hearing. Display ads are usually run twice in the regional newspapers. Community officials i.e. county commissioners, city commissioners, tribal transportation planners, etc. are notified within this e-mail distribution list as well. The Coordinator ensures that provisions are made for special meeting accommodations for protected groups or individuals (with sufficient notice to obtain it, ideally 48 hours). Accommodations include, but are not limited to, translators, sign language interpreters, etc. The Coordinator will frequently moderate or facilitate public meetings/hearings along with the project manager.

News releases

The Public Involvement Coordinator prepares and distributes news releases to the region's public media outlets and community/county officials announcing proposed projects such as: total reconstructions, paving or overlay projects, railroad crossings, bridge replacements, temporary detours, etc. as well as public informational meetings and public hearings. Special formats of all written documents are provided on request.

Direct mail letters and/or postcards may also be used to notify interested/affected parties regarding upcoming public meetings or hearings.

DISTRICT RESPONSIBILITIES

Each of the five MDT Districts relies upon the Purchasing Services Bureau to administer MDT's purchasing procedures connected with procuring items and equipment costing

greater than \$5,000 purchased by MDT. District purchasing policy adheres to the Headquarters' Purchasing Bureau's Procedures Manual. In cases when leasing is required, the District utilizes a format provided by MDT's Purchasing Services Bureau that includes the necessary Title VI language.

Schedules of public meetings, open houses and forums should be coordinated between the MDT Public Information Office and the District Engineering Services Supervisor, Area Engineer, Project Design Engineer, Consultant Project Engineer, or the appropriate MDT Design Project Engineer. The nearest location or town offering accessible facilities for all protected groups is selected. Consideration for meeting time and location is given to assure all protected groups have an opportunity to participate. Documentation is maintained to assure these considerations have been accomplished.

Monitoring

1. Either the Administrative Support Supervisor, District Financial Officer, District Purchasing Agent or District Preconstruction Engineer is responsible to report any Title VI compliance issues as they relate to purchase orders and agreement requirements.
2. District Construction personnel are responsible to report any Title VI compliance issues regarding construction documents (state and contractor) and operations.
3. Persons scheduling public meetings, open houses, and forums are responsible for Title VI compliance. The District Title VI Representative is responsible for periodic reporting of this activity.
4. Purchasing Services Bureau ensures appropriate Title VI language is contained in contracts issued by the District. The District Title VI Representative reports any Title VI compliance issues.
5. Specific duties of District Title VI Representatives are included in this Plan under the section entitled "Division/ District Title VI Responsibilities".

Civil Rights Bureau

The Civil Rights Bureau (CRB) is responsible for developing and implementing the agency-wide Title VI Plan, enforcing requirements of the ADA, conducting Division/District Title VI reviews (including recipients of pass through funding) and managing the DBE Program. All corrective actions necessary as a result of review findings will be reduced to writing and delivered to the entity reviewed within 90 calendar days of the review. All non-construction contracts will be reviewed and approved by CRB to ensure incorporation of appropriate Title VI language. Complaints will be processed in accordance with 49 CFR §21.11, subject to individual agency (FHWA, FTA, or FAA) requirements.

Americans with Disabilities Act (ADA) Program

The ADA (1990) prohibits discrimination against people with physical or mental disabilities including transportation, public services, and public accommodations. The MDT ADA

Program Specialist works to ensure compliance with ADA requirements.

ADA requires:

- Nondiscrimination based on disability;
- That MDT will provide a fully accessible transportation system. MDT transportation facilities are planned, designed, constructed, and maintained with accessibility in mind;
- MDT's state and local partners have accessible programs and services;
- Transportation-related public meetings will be accessible and public announcements offer reasonable accommodation when the meetings pertain to a project that receives federal aid or is federally mandated.

Disadvantaged Business Enterprise (DBE) Program

The MDT DBE Program has been approved by FHWA, FTA, and FAA.

To ensure that bidding opportunities are made available for minority and women owned businesses, the DBE Program will:

- Seek out minority and women-owned businesses for certification;
- Publish a directory of certified firms;
- Monitor participation levels in Federal-aid construction contracts and consultant contracts;
- Participate in goal-setting meetings to establish goals on Federal-aid construction projects and consultant contracts, and ensure input from appropriate tribal officials for reservation projects;
- Monitor work performed by certified firms and prime contractors, and provide technical assistance to contractors.

The definition of "construction" for DBE purposes includes virtually all MDT activities, including Maintenance, Purchasing, CTEP, Transit, etc.

RAIL, TRANSIT, AND PLANNING DIVISION

Rail, Transit, and Planning Division (RTPD) is subject to both FTA and FHWA Title VI responsibilities. RTPD provides a broad range of multi-modal transportation planning functions and analyses to enable project selection and programming for MDT's short and long-range transportation and grant programs. The principal areas in this Division which have Title VI impacts are planning, public involvement, contractual/consultant services

procurement, grant/sub-grant recipients, equipment procurement, rail transit, special studies and sub allocated pass-through funding to governmental subdivisions.

The impacts of these areas are incorporated in the Process Handbook for Transportation Planning program description. At a minimum, RTPD ensures that:

- Grant and sub-grant programs for non-governmental organizations are publicized through the State to assure that protected groups receive appropriate notification and are able to participate in identified programs;
- Existing statistical data identifying concentrations of protected group populations is used in the development of MDT Public Involvement Strategies; and
- Procurement of consultant services and equipment will be accomplished in accordance with State and Federal law (see Purchasing section of this Plan).

The statewide transportation planning process includes the development, administration, and update of highway, transit, rail and bicycle/pedestrian plans and programs in accordance with federal and state laws, regulations, and policies. The process relies heavily on cyclical and ongoing public involvement efforts to involve stakeholders, the public, and other state, tribal and local agencies and governments in the decision-making process. Products include plans, reports, and studies that guide MDT decision makers in carrying out MDT's statutory responsibilities as the Montana agency responsible for comprehensive statewide transportation planning and policy.

FTA regulations governing Section 5310 funds (elderly and disabled transportation) and Section 5311 funds (non-urban transportation) require that the state management plan include:

- A description of the process by which the state develops the annual program of projects submitted to FTA as part of its Section 5311 grant application, especially the method used to ensure fair and equitable distribution of funds, including to Native American tribes where present.
- A description of the state's efforts to assist sub-recipients in applying for Section 5311 funds, especially any efforts made to assist minority applicants.
- A description of the state's criteria for selecting transit providers to participate in the program, especially its efforts to include sub-recipients serving significant minority populations.
- A description of the state's ongoing process to monitor sub-recipient's compliance with Title VI, such as ongoing site visits to each sub-recipient, review checklists, etc.

Environmental Services Bureau

The Environmental Services Bureau is responsible for all environmental documentation. The documentation meets the requirements of the National Environmental Policy Act (NEPA) and Montana Environmental Policy Act (MEPA) for transportation highway projects including Community Impact Assessments.

In Montana, the areas of concern for Title VI issues are primarily on Indian reservations and urban areas, which are categorized as follows:

- 1) Reservation lands
- 2) Tribal lands outside a reservation
- 3) Minority/low income neighborhoods

In all cases, the impact of transportation projects and alternatives is evaluated when projects involve neighborhoods. However, neighborhood cases are rare since most projects follow existing transportation corridors or are in rural non-developed areas.

After appropriate analysis, evaluation, and determination of mitigation for the impacts of a transportation project and alternatives on neighborhoods, the following statements with appropriate explanations and documentation will be incorporated into the final environmental report when applicable. The statements will be included for all Categorical Exclusions.

“This project will not induce significant land use changes or promote unplanned growth. There will be no significant effects on access to adjacent properties or present traffic pattern.

This project will not create disproportionately high and adverse human health or environmental effects on minority and low-income populations (**E.O. 12898**) and complies with Title VI of the *Civil Rights Act of 1964 (42 U.S.C.2000d)*.”

The following procedures are used in studying neighborhood impacts. MDT will:

- Send requests to city/county governments, Indian tribes and the Bureau of Indian Affairs (BIA) for information and Cooperating Agency status.
- Coordinate requests and documentation for Indian reservations, tribal lands and other protected group populations with the MDT Tribal Affairs Coordinator and/or the Civil Rights Bureau.
- Determine if there is a protected group population that will be affected by the project, and identifying impacts. Identify appropriate avenues of mitigation.
- Be present at public involvement activities when applicable.
- Present mitigation steps at public involvement activities as necessary; and
- Document the process for the National Environmental Policy Act and Montana Environmental Policy Act.

The Engineering, Resource, and Hazardous Waste Sections of Environmental Services Bureau all contract for additional services to complete transportation projects. These contracts are normally awarded through the Consultant Design Bureau, Purchasing Services Section, or the DOA Purchasing Bureau (larger projects).

Monitoring

The Environmental Services Engineering Section Supervisor or the Environmental Services Bureau Chief reviews all Section work. The review covers the completeness, accuracy, and documentation of all studies relating to Title VI issues and their relationship with each project.

Major transportation project environmental documentation is also reviewed for overall content by Legal Services and various design sections of MDT. The Title VI Coordinator will review selected draft environmental documents for Title VI compliance.

State Highway Traffic Safety Office

The State Highway Traffic Safety Office's (SHTSO) mission is to reduce the number and severity of traffic crashes, injuries and fatalities on Montana highways. SHTSO conducts several programs with multiple projects that focus primarily on impaired driving prevention and occupant protection, and other traffic safety related problem areas using National Highway Traffic Safety Administration (NHTSA) funds.

Using federal funds, the SHTSO contracts with other state government agencies, local government agencies, and non-governmental entities to provide highway traffic safety, enforcement, and education programs within the state. At least 75% of all federal funds apportioned to Montana under 23 USC §402 are expended annually. The SHTSO invites law enforcement agencies to conduct overtime activities for highway traffic safety programs rather than having the agencies submit applications for funding as the general public must do. Funding is distributed to local agencies based upon population size and crash rates, with areas having the highest crash rates/fatalities assigned priority. Funding is not distributed based upon sex, race, color, or national origin.

In FFY 2007, SHTSO was awarded grant funding from NHTSA for the specific purpose of prevention of racial profiling. SHTSO has been working with MDT management, law enforcement, tribal representatives, minority organizations, other state agencies, and others to discuss options for developing appropriate programs.

Traffic safety related funds not involving law enforcement are awarded based upon selection of grant applications that contribute to reducing traffic fatalities and injuries that meet the goals and objectives of the Comprehensive Highway Safety Plan. This is done without regard to sex, race, color, or national origin. The Contractor funded with NHTSA monies will not participate either directly or indirectly in discrimination that is prohibited by 49 CFR §26.5. Applications are made available on the MDT website (<http://www.mdt.mt.gov/safety/safetyprg.shtml>) that allows all interested parties equal opportunity to apply. The website is advertised on SHTSO's written material, public announcements, and by staff contacts with the public.

All contracts provided to those receiving NHTSA funds include assurances and certification notices to the contractor that consist of contract language on compliance with Title VI of the Civil Rights Act of 1964 for Federal-aid contracts. Grant recipients are responsible for compliance with all federal, state and local requirements.

Monitoring

The Title VI Representative will ensure that Title VI language is added in SHTSO Operating Procedures as it relates to the allocation of grant funds and grant management.

Transit Section and Rail Planner

The Transit Section and the MDT's Rail Planner are responsible for ensuring that Montana residents are aware of transit and rail issues and programs and that the benefits of MDT's services are equitably distributed. This is accomplished by publicizing the availability of assistance in regional, local and minority newspapers, the MDT newsletter, and direct mail. Staff solicits participation from throughout Montana including the seven Indian reservations.

Staff also provides opportunities to participate in the transit and rail planning and decision-making processes through public meetings, surveys, toll-free telephone numbers, and consultant studies. Interpreters will be used to aid those with special needs.

To prevent discriminatory treatment of protected groups, staff ensures that applicants and recipients of assistance have access to processes for corrective or remedial actions. Complaint procedures are in place that will facilitate a resolution of problems at the lowest possible level.

Staff also ensures that decisions on locations of services and facilities and the level and quality of transit services comply with Title VI requirements.

Transit Section staff and the Rail Planner are also involved in the following activities:

- Review data to determine if concentration of Title VI protected populations exist and may affect decision-making;
- Urban areas without formal transportation plans are reviewed as appropriate or as changes in federal-aid property projects may dictate; and
- Other RTPD Title VI activities.

The Bicycle and Pedestrian Transportation Program is a part of the RTPD. It is tasked with institutionalizing bicycle and pedestrian modes and to target bicycle-related and pedestrian improvements.

Urban:

These activities include:

- Review (by Urban) of Metropolitan Planning Organization (MPO) Title VI plans to ensure the plans effectively address and comply with Title VI requirements;
- Review of FTA Section 5310 and 5311 transportation providers on a three-year rotational basis with one-third being reviewed each year;
- Reviews of MPOs (by Urban) on a three-year rotational basis to ensure compliance with Title VI requirements.

Monitoring

The RTPD retains Title VI Representatives from Transit, State Highway and Traffic Safety, and Environmental Bureau on staff. These Representatives monitor Title VI compliance in specific Division areas by conducting internal reviews and external compliance reviews which include metropolitan planning organizations (Urban), transit providers, environmental assessments, and urban areas as necessary.

The RTPD Title VI Representatives will assist in conducting formal Title VI complaint investigations of program participants. Formal complaints against a local government and sub-recipients will be referred directly to the CRB. The CRB Chief will do final approval on the investigation process.

Transit related Title VI formal complaints filed against MDT will be investigated by MDT and a written report sent to FTA. Formal complaints related to FHWA funding will be investigated immediately with a written report sent subsequently to FHWA.

TITLE VI CONTRACT LANGUAGE

The following Title VI contract language is physically attached to each non-construction contract executed by the Montana Department of Transportation.

NON-DISCRIMINATION NOTICE

During the performance of this Agreement, _____ (hereafter in this Section "the Party"), for itself, its assignees and successors in interest, agrees as follows:

A) COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 FOR FEDERAL-AID CONTRACTS

- (1) Compliance with Regulations: The Party shall comply with all Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, 49 Code of Federal Regulations (CFR), Part 21, as they may be amended (hereafter referred to as the Regulations), which are incorporated by reference and made a part of this Agreement, even if only state funding is here involved.
- (2) Nondiscrimination: The Party, with regard to the work performed by it during the Agreement, shall not discriminate on the grounds of sex, race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Party shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR Sec. 21.5.
- (3) Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations, whether by competitive bidding or negotiation by the Party for work to be performed under a subcontract, including procurement of materials or leases of equipment, any potential subcontractor or supplier shall be notified by the Party of the Party's obligations under this Agreement and the Regulations relative to nondiscrimination.
- (4) Information and Reports: The Party will provide all reports and information required by the Regulations, or directives issued pursuant thereto, and permit access to its books, records, accounts, other sources of information and its facilities as may be determined by State or the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with Regulations or directives. Where any information required of the Party is in the exclusive possession of another who fails or refuses to furnish this information, the Party shall so certify to the Department or the FHWA as requested, setting forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the Party's noncompliance with the nondiscrimination provisions of this Agreement, State may impose sanctions as it or the FHWA determines appropriate, including, but not limited to,
 - (a) Withholding payments to the Party under the Agreement until the Party complies, and/or
 - (b) Cancellation, termination or suspension of the Agreement, in whole or

in part.

- (6) Incorporation of Provisions: The Party will include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Party will take such action with respect to any subcontract or procurement as the State or the FHWA may direct to enforce such provisions including sanctions for noncompliance: Provided, however, that in the event the Party is sued or is threatened with litigation by a subcontractor or supplier as a result of such direction, the Party may request the State to enter into the litigation to protect the interests of the State, and, in addition, the Party or the State may request the United States to enter into such litigation to protect the interests of the United States.

B) COMPLIANCE WITH THE MONTANA GOVERNMENTAL CODE OF FAIR PRACTICES, SEC. 49-3-207, MCA

In accordance with Section 49-3-207, MCA, the Party agrees that for this Agreement all hiring will be made on the basis of merit and qualifications and that there will be no discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the Agreement.

C) COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)

- (1) The Party will comply with all regulations relative to implementation of the AMERICANS WITH DISABILITIES ACT.
- (2) The Party will incorporate or communicate the intent of the following statement in all publications, announcements, video recordings, course offerings or other program outputs: **"The Party will provide reasonable accommodations for any known disability that may interfere with a person in participating in any service, program or activity offered by the Party. In the case of documents, recordings or verbal presentations, alternative accessible formats will be provided. For further information call the Party."**
- (3) All video recordings produced and created under contract and/or agreement will be closed-captioned.

D) COMPLIANCE WITH PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS, 49 CFR PART 26

Each Agreement the Department signs with a Party (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

The Party, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Party shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the Party to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

DOT (FTA) TITLE VI ASSURANCE

Title VI assurances are the foundation of our commitment to non-discrimination. The Montana Department of Transportation deals with Title VI issues through the monitoring of its compliance with the principles specifically set forth in the law. Pursuant to FTA Circular 4702.1A (May 13, 2007), every application for financial assistance from FTA is accompanied by an assurance that the applicant will carry out the program in compliance with Title VI of the Civil Rights Act of 1964. This requirement is fulfilled on an annual basis when the department submits the annual certifications and assurances. The assurances are submitted electronically under the Administrator of the Rail, Transit and Planning Division or the Chief of the Multimodal Planning Bureau's automated signature. A hard copy of the assurance signed by the Chief Legal Counsel is kept on file at the Statewide and Urban Planning Section of Rail, Transit and Planning Division.

Additionally, each transit agency is required to submit their already executed "Non-Discrimination Assurance Statement" during their annual application. This statement, including complaint procedures, is reviewed as part of the MDT triennial site reviews.

ENVIRONMENTAL JUSTICE

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994),” was enacted to reinforce Title VI of the Civil Rights Act of 1964.

The Civil Rights Act states, “No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Executive Order 12898 states, “Each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”

MDT enforces Environmental Justice in the same manner as Title VI. Environmental Justice is included as review criteria in all Title VI compliance reviews, particularly local government reviews.

Appendix A – MDT Internal Title VI Plan Revisions 2010

September 1, 2010

To: Lynn Zanto, Administrator
Rail, Transit, & Planning Division (RTPD)

From: Bill Anderson, Title VI Coordinator
444-6334, bianderson@mt.gov

Re: Title VI Plan Revisions relating to RTPD

It is MDT's policy to ensure compliance with Title VI of the Civil Rights Act of 1964 and all related statutes or regulations in all programs and activities. Title VI assures that no person shall, as provided by Federal and State civil rights laws, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. MDT is mandated by federal regulations to maintain an updated Title VI Plan. The FHWA Title VI Plan was last updated in April 2008.

The revision process has included review by your unit's Title VI representative(s), Tom Stuber, with suggested changes incorporated into the draft of the plan. The next step is Management approval of the Title VI Plan wording. Please:

- review these proposed changes,
- revise as necessary,
- mark the correct box, and
- return your changes with either :
 - (1) your signature on hard copy or
 - (2) as email with plan revisions attached, if necessary, by **September 10, 2010**.

The sections that apply to the Title VI related responsibilities for RTPD are to be found on the attached document. If you need an electronic copy of the plan or if any questions, please contact me. Thanks for your cooperation.

I have reviewed and approve of the wording in this section of the Title VI Plan.

I have reviewed, revised, and approve of the wording in this section of the Title VI Plan.

TABLE OF CONTENTS/ ORGANIZATIONAL:

Environmental will be included on the RTPD Organizational chart while Highway & Traffic Safety will be moved to the Director's Office.

GENERAL DESCRIPTION:

RAIL, TRANSIT, AND PLANNING DIVISION

Ensures Title VI compliance in the transportation planning process and in related programs such as rail and transit. This includes necessary environmental documentation to meet the requirements of the National Environmental Policy Act (NEPA) and the Montana Environmental Policy Act (MEPA), including Community Impact Assessments and Title VI reviews of appropriate cities, counties, rail and transit providers and consultant contracts.

SPECIFIC DESCRIPTION:

RAIL, TRANSIT, AND PLANNING DIVISION

Rail, Transit, and Planning Division (RTPD) is subject to both FTA and FHWA Title VI responsibilities. RTPD provides a broad range of multi-modal transportation planning functions and analyses to enable project selection and programming for MDT's short and long-range transportation and grant programs. The principal areas in this Division which have Title VI impacts are planning, public involvement, contractual/consultant services procurement, grant/sub-grant recipients, equipment procurement, rail transit, special studies and sub allocated pass-through funding to governmental subdivisions.

The impacts of these areas are incorporated in the Process Handbook for Transportation Planning program description. At a minimum, RTPD ensures that:

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- Existing statistical data identifying concentrations of protected group populations is used in the development of MDT Public Involvement Strategies; and
- Procurement of consultant services and equipment will be accomplished in accordance with State and Federal law (see Purchasing section of this Plan).

The statewide transportation planning process includes the development, administration, and update of highway, transit, rail and bicycle/pedestrian plans and programs in accordance with federal and state laws, regulations, and policies. The process relies heavily on cyclical and ongoing public involvement efforts to involve stakeholders, the public, and other state, tribal and local agencies and governments in the decision-making process. Products include plans, reports, and studies that guide MDT decision makers in carrying out MDT's statutory responsibilities as the Montana agency responsible for comprehensive statewide transportation planning and policy.

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- A description of the process by which the state develops the annual program of projects submitted to FTA as part of its Section 5311 grant application, especially the method used to ensure fair and equitable distribution of funds, including to Native American tribes where present.
- A description of the state's efforts to assist sub-recipients in applying for Section 5311 funds, especially any efforts made to assist minority applicants.
- A description of the state's criteria for selecting transit providers to participate in the program, especially its efforts to include sub-recipients serving significant minority populations.
- A description of the state's ongoing process to monitor sub-recipient's compliance with Title VI, such as ongoing site visits to each sub-recipient, review checklists, etc.

Transit Section and Rail Planner

The Transit (Urban) Section and the MDT's Rail Planner are responsible for ensuring that Montana residents are aware of transit and rail issues and programs and that the benefits of MDT's services are equitably distributed. This is accomplished by publicizing the availability of assistance in regional, local and minority newspapers, the MDT newsletter, and direct mail. Staff solicits participation from throughout Montana including the seven Indian reservations.

Staff also provides opportunities to participate in the transit and rail planning and decision-making processes through public meetings, surveys, toll-free telephone numbers, and consultant studies. Interpreters will be used to aid those with special needs.

To prevent discriminatory treatment of protected groups, staff ensures that applicants and recipients of assistance have access to processes for corrective or remedial actions. Complaint procedures are in place that will facilitate a resolution of problems at the lowest possible level.

Staff also ensures that decisions on locations of services and facilities and the level and quality of transit services comply with Title VI requirements.

Transit (Urban) Section staff and the Rail Planner are also involved in the following activities:

- Review data to determine if concentration of Title VI protected populations exist and may affect decision-making;
- Review (by Urban) of Metropolitan Planning Organization (MPO) Title VI plans to ensure the plans effectively address and comply with Title VI requirements;
- Review of FTA Section 5310 and 5311 transportation providers on a three-year rotational basis with one-third being reviewed each year;
- Reviews of MPOs (by Urban) on a three-year rotational basis to ensure compliance with Title VI requirements;
- Urban areas without formal transportation plans are reviewed as appropriate or as changes in federal-aid property projects may dictate; and

- Other RTPD Title VI activities.

The Bicycle and Pedestrian Transportation Program is a part of the RTPD. It is tasked with institutionalizing bicycle and pedestrian modes and to target bicycle-related and pedestrian improvements.

Monitoring

The RTPD retains a Title VI Representative on staff. This Representative monitors Title VI and DBE compliance in all Division areas by conducting Division internal reviews and external compliance reviews which include metropolitan planning organizations (Urban), transit providers, and urban areas as necessary.

The RTPD Title VI Representative will assist in conducting formal complaint investigations of program participants. Formal complaints against a local government and sub-recipients will be referred directly to the CRB. The CRB Chief will do final approval on the investigation process.

Transit related formal complaints filed against MDT will be investigated by MDT and a written report will be sent to FTA. Formal complaints related to FHWA funding will be investigated immediately with a written report subsequently sent to FHWA.

OTHER SECTIONS:

DIVISION/ UNIT/ DISTRICT TITLE VI REPRESENTATIVE RESPONSIBILITIES

10. Complete Title VI Public Meeting Form for each public meeting not already covered, and submit electronically to Coordinator. (For purposes of this requirement, a “public meeting” is any meeting or hearing for which there is an open invitation (via news release, paid advertising and/or letter of invitation) to the general public (not just contractors) to attend for the purpose of informing the public and/or soliciting input from the public.)
11. Complete and submit Title VI Periodic Report every four months.
12. Report all written Title VI complaints immediately to Coordinator.
13. Seek opportunities to train staff/public on Title VI and notify Coordinator.
14. Attend Title VI Representative meeting once every four months.
15. Ensure current Title VI pamphlets are available at all unit public meetings and hearings and in unit area.
16. As necessary, work with consultants to ensure all public meetings and hearings have Title VI pamphlets and a public meeting form will be completed by consultant or MDT staff present at meeting/hearing and submitted to the Coordinator.
17. Monitor Division activities for potential Title VI impact and consult with MDT Title VI Coordinator as necessary.

Appendix B – 2012 MDT Press Release re: social media access

FOR IMMEDIATE RELEASE

For more information:

Lori Ryan, (406) 444-6821

Brandi Hamilton, (406) 444-0468

CHECK THE ROAD CONDITIONS BEFORE TRAVELING
MDT's 511 Traveler Information and free mobile app

Helena - As winter weather settles over Montana, motorists are encouraged to check the road report before they travel. MDT's 511 system provides accurate and up-to-date travel information which is available by simply dialing 511 or (800) 226-7623) or visiting <http://www.mdt511.com/>. While online, sign up for RSS and Twitter updates and check out the newest addition; the MDT Mobile application. The free mobile app is live on Google and the Apple store and can be accessed at <http://www.mdt.mt.gov/travinfo/mobile.shtml>. Travelers are also encouraged to follow us on MDT's Facebook Page.

The traveler information system covers much of the 24,500 lane miles MDT maintains, relaying timely information to motorists about travel advisories, winter driving conditions, weather forecast information, incidents, construction information, road closures, and major delays. Winter travel information is updated every 30 minutes or as major changes occur.

Online, more than 40 web cameras provide viewers a first-hand glance at Montana's roadway and pass conditions. Road Weather Information Stations (RWIS) provide weather, surface temps, wind speed, precipitation and humidity at over 60 locations. The cameras are often the most visited pages on MDT's website during severe winter conditions.

Motorists should be mindful that conditions can change quickly. Know before you go; research road and weather conditions to help plan your route and departure times. MDT would like to remind motorists of some important winter driving tips:

- Conduct a pre-trip vehicle inspection to ensure the vehicle is operating properly. Fluid level, wipers, belts, hoses, headlights, brake lights, and tires should all be in good condition.
- Keep the vehicle's windows, mirrors, and lights clear of snow and ice.
- Drive with headlights on.
- Do not use cruise control on wet or winter roads.
- Drive at an appropriate speed for conditions. Driving too fast for conditions is often a contributing factor in crashes.
- Be aware of potentially icy areas such as shady spots and bridges.
- When approaching a snowplow from the rear, reduce speed immediately. Snowplows must operate at slower speeds to properly plow and sand. Be patient and don't crowd the plow. The plow operators know the road well and will pull over as soon as there is a spot for vehicles to safely pass.
- When approaching an oncoming plow, don't crowd the center line.

For more information, please contact Brandi Hamilton at (406)444-0468 or <http://www.mdt.mt.gov/travinfo/>. For the hearing impaired, the TTY number is (406) 444-7696 or 1-800-335-7592 or dial Montana Relay at 711. ###

Appendix C - Sept. 19, 2012 FTA comments to Montana DOT FTA Title VI Plan

Attachment A

Checklist of requirements



If the box is checked, your original Title VI program was missing this critical element. Your updated Title VI program must address this critical element.

General reporting requirements: Comments: Please address all sections of the General Reporting Requirements in detail, as outlined in FTA Circular 4702.1A, Chapter IV Requirements that are pertinent to FTA Title VI program requirements. Provide samples of pamphlets, checklists, notices, etc. that are pertinent to FTA Title VI program requirements only. In addition, I highly recommend that your Title VI program report for FTA contains pertinent information related to FTA's requirements **ONLY**. Please do not include FHWA or FAA in your report.



Submit Limited English Proficiency (LEP) four factor analysis and language assistance plan (including description of how the factors are addressed, where data was obtained, and results) (*FTA's LEP Guidance* is attached for your convenience as *Attachment B*) Comments: The LEP four factors were analyzed and thoroughly addressed. However, the report made reference to "Contracts for Montana Deaf/Hard of Hearing Services" (see ix). Although reasonable accommodation is very critical in meeting ADA requirements, there is a difference between an interpreter and a translator as far as LEP is concerned. The latter is needed to assist LEP persons to have a meaningful access to the programs, services and information provided to the public. An interpreter (signer) service is more appropriate and relevant to persons with hearing impairments.



Submit a statement re: whether any construction projects have been undertaken by the recipient during the reporting period. If yes, please review *Chapter IV, Section 8 of FTA's Title VI Circular* (which is reproduced for your convenience as *Attachment C*).



Identify and specifically describe the recipient's Title VI complaint procedures. (a *sample complaint procedure* is attached for your convenience as *Attachment D*)

Comments: FTA's Title VI program only covers race, color or national origin. It does not protect low income. Please delete other protected groups.



Submit a copy of the recipient's Title VI complaint form. (a *sample complaint form* is attached for your convenience as *Attachment E*) **Comments: Please provide a copy of MDT's Title VI complaint form.**



Submit a copy of the recipient's Title VI notification and describe how the recipient notifies the public of Title VI protections. (a *sample notification* is attached for your convenience as *Attachment F*) **Comments: Are notices**

translated in another language other than English? Please provide a copy of your Title VI notification to recipients.

- Submit a Public Participation Plan that identifies and describes the recipient's policies/procedures for inclusive public participation and thereby ensures access to the transportation planning process for low-income and minority populations. **Comments: Please provide information on your Public Participation Plan, particularly policies and procedures for inclusive public participation. In addition, please consider alternative hours, i.e. after regular work hours for your open house and public meetings to accommodate working people. Are public notices regarding public meetings and open house translated in another language other than English? Please provide a copy of MDT's public notice.**

State DOTs: Comments: Please address the following elements in detail (See Chapter VI, Program-Specific Requirements and Guidelines for State Departments of Transportation or Other Administering Agencies), Page VI-1, FTA C 4702.1A.

- Submit procedures/analysis used to determine that the effect of statewide planning processes is not discriminatory.
- Describe procedures agency uses to pass financial assistance through to recipients.
- Describe procedures agency uses to provide assistance to sub-recipients.
- Describe how agency monitors sub-recipients' compliance with Title VI and summary of results of monitoring.

The Montana Department of Transportation (MDT) attempts to provide accommodations for any known physical or mental disability that may interfere with a person participating in any service, program or activity of the department. Alternative accessible formats of this information will be provided upon request. For further information, please contact:

Civil Rights Bureau
Department of Transportation
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001
(406) 444-6331 Phone
(406) 444-7243 FAX
Montana Relay 711

www.mdt.mt.gov/business/contracting/civil/titlevi.shtml