



# Idaho Transportation Department



# Title VI Plan

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**This document is available online at:**

<http://itd.idaho.gov/civil/Title6.htm>

## SECTION 1 - OVERVIEW

### INTRODUCTION

The Idaho Transportation Department's (ITD) foundational principle is "Our Mission. Your Mobility." This simple mission statement encompasses the core of ITD's responsibility to Idaho citizens – ensuring safe, efficient mobility, connecting people, products, and places through multiple transportation options.

Over 1800 departmental employees make up six divisions and five support offices. The six divisions are Administration, Aeronautics, Highways, Motor Vehicles, Planning & Programming, and Public Transportation. Five offices report directly to the ITD Director: Budget, Policy, and Intergovernmental Relations, Internal Review, Equal Employment Opportunity Office, Human Resources, and the Office of Communications.

As a recipient of Federal financial assistance, ITD is required to comply with various non-discrimination laws and regulations, including Title VI of the Civil Rights Act of 1964, which provides that:

**"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried out under this title."**

**The Federal-aid Highway Transportation Act of 1973 added sex to the list of prohibitive factors. Disability was added through Section 504 of the Rehabilitation Act of 1973. Age was subsequently added in 1975 under the Age Discrimination Act.**

The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the term "programs or activities" ***to include all programs or activities of Federal-aid recipients, subrecipients, and contractors, whether or not such programs and activities are Federally assisted.***

Title VI was further defined in 1994. Executive Order 12898 - Environmental Justice (EJ), directed Federal agencies ***to identify and address the effects of all programs, policies, and activities on "minority populations and low-income populations."***

In 2000, Executive Order 13166 - Limited English Proficiency (LEP), was also signed into effect requiring Federal agencies to ***assess and address the needs of otherwise eligible limited English proficient persons seeking access to the programs and activities of recipients of Federal financial assistance.***

In addition, the Americans with Disabilities Act (ADA) is part of ITD's Title VI Program. The ADA and Section 504 of the Rehabilitation Act protect the civil rights

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of persons with disabilities, therefore, ITD's provision of services and benefits to the public must include provisions for persons with disabilities relative to fair and equitable treatment in their transportation needs.

The Equal Employment Opportunity (EEO) Office develops and oversees the FHWA portion of ITD's Title VI plan and program compliance, and submits reports to the Federal Highway Administration (FHWA). The Division of Public Transportation (DPT) oversees its section of the Title VI Plan and submits reports to the Federal Transit Administration (FTA). Section 7 of this Plan details the unique requirements for FTA recipients. This Plan is effective upon review and approval by the FHWA and the FTA.

### **PLAN OBJECTIVES**

The primary objectives of ITD's Title VI plan are:

- To assign and clarify roles, responsibilities, and procedures for assuring compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives.
- To assure that all people affected by ITD's Federal-aid programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, gender, disability, economic status or Limited English Proficiency.
- To proactively prevent discrimination and ensure nondiscrimination in all ITD programs and activities, whether those programs and activities are Federally funded or not.
- To establish procedures for identifying and eliminating discrimination when found to exist.
- To establish procedures to review specific program areas annually within ITD to determine the effectiveness of the area's activities at all levels.
- To set forth procedures for the filing and processing of complaints by persons who believe they have been subjected to discrimination under Title VI in any ITD service, program, or activity.

### **PLAN DISSEMINATION**

**Internal** - The approved Title VI plan will be disseminated as follows: The Director, Deputy Director, Division Administrators, District Engineers, Section Managers, Program Area Coordinators and District EEO/Safety and Training Coordinators shall receive a copy of the plan. The plan will be posted on ITD's EEO intranet website and hard copies will be available upon request.

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**External** - Copies of ITD's approved Title VI plan are available to the public and interested groups and organizations, or in alternate formats upon request to the EEO Office. The Title VI plan will be posted on ITD's website and will be distributed to the following locations outside of ITD:

- The Governor's Office
- Idaho Association of General Contractors
- Idaho Association for Affirmative Action
- Idaho Human Rights Commission
- Community Council of Idaho (Idaho Migrant Council)
- United Women of Idaho
- Hispanic Business Association
- Tribal Employment Rights Offices
- Idaho College/University Recruiting Offices
- Division of Human Resources
- Local Highway Technical Assistance Council
- Idaho Commission on Hispanic Affairs
- Idaho Women's Council
- National Women in Construction (NAWIC)
- NAACP
- Idaho Women's Commission
- Idaho Metropolitan Planning Organizations

### **AUTHORITIES**

ITD's Title VI plan was developed pursuant to the following authorities:

- Title VI of the Civil Rights Act of 1964
- 42 USC 2000d
- FTA Circular 4702.1A
- Federal Transit Laws as amended (49 USC Chapter 53 et seq.)
- 49 CFR 21
- DOT Order 1050.2
- 42 USC 4601 to 4655
- Title VIII of the Civil Rights Act of 1968, amended 1974
- 23 USC 109(h)
- 23 USC 324

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- Federal-aid Highway Transportation Act
- 23 CFR 200
- E.O. 12250 – Leadership and Coordination of Non-Discrimination Laws
- E.O. 12898 – Environmental Justice
- E.O. 13166 – Limited English Proficiency

## **TITLE VI POLICY STATEMENT**

The Idaho Transportation Department (ITD) is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. ITD assures that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ITD service, program, or activity.

The department also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, the department will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

Federal financial assistance is defined as Federal dollars that are passed directly to ITD to support the operation of transportation-related programs.

Although ITD's Title VI Plan in its entirety applies to all of ITD's programs and services, regardless of funding source, Section 7 deals specifically with requirements for FTA funded programs.

## **DISCRIMINATION UNDER TITLE VI**

Title VI and its related statutes prohibit two types of discrimination: **intentional discrimination** or **disparate treatment** and **disparate impact** or **disparate effects**.

The first, **intentional discrimination**, is the result of inconsistent application of rules and/or policies to one group of people over another. This form of discrimination may result when rules and policies are applied to intentionally treat a person(s) differently because of race, color, national origin, gender, disability, or age.

The second type of discrimination is **disparate impact** or **disparate effects**. A disparate impact results when rules and laws have a different and more inhibiting effect on women and minority groups than on the majority because of race, color, national origin, gender, disability or age. This type of discrimination occurs when a neutral procedure or practice results in fewer services or benefits, or inferior services or benefits, to members of a protected group such as minorities or low-income populations. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than on the intent.

Under Title VI, the department's efforts to prevent such discrimination must address, but is not limited to:

- access to services, financial aid, or other benefits provided under its programs;
- distinctions in the quality, quantity, or manner in which the benefit is provided; segregation or separate treatment;
- restriction in the enjoyment of any advantages, privileges, or other benefits provided to others;
- different standards or requirements for participation;

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- 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;
- discrimination in any employment resulting from a program, the primary purpose of which is to provide employment.

ITD has developed this Title VI plan to help assure that all services, programs, and activities of the department, whether Federally assisted or not, are offered, conducted, and administered fairly, without regard to race, color, national origin, gender, disability, age, economic status or ability to communicate in English of the participants or beneficiaries.



Pamela K. Lowe, P.E.  
Director

9-02-08

Date

## **SECTION 2 - ORGANIZATION AND COMPLIANCE RESPONSIBILITIES**

### **OVERVIEW**

ITD established the EEO Office in accordance with Federal guidelines. The Office oversees the Department's Title VI plan and meets the terms of FHWA implementing guidance. In keeping with Federal requirements the EEO Manager reports directly to the ITD Director. An organizational chart is included as 'Exhibit A'.

### **ORGANIZATION**

**Director** – The Director is the head of ITD, a State Transportation Agency and is responsible to the Governor, the Idaho Legislature, and the Idaho Transportation Board for ensuring implementation of the department's Title VI plan. The Director provides leadership, guidance, direction, and support for ITD's Title VI programs.

**Equal Employment Opportunity Manager** – The EEO Manager is responsible for supervising, reviewing, monitoring, and evaluating the effectiveness of external EEO programs. The EEO Manager is personally responsible for managing the Title VI, ADA/Section 504, Limited English Proficiency (LEP), Historically Black Colleges and Universities (HBCU) and Minority Institutions of Higher Education (MIHE), programs. The EEO Manager is also responsible for the daily operation of the EEO Office and acts as a liaison between ITD and Federal and state officials regarding EEO issues.

**EEO Contract Compliance Officer** – The CCO is responsible for the external EEO programs, which include: EEO Contract Compliance, Disadvantaged Business Enterprises, Training Special Provisions, and Tribal Employment Rights Ordinance (TERO). Responsibilities include reviewing and monitoring all external highway construction projects Title VI activities, preparing and submitting EEO/contract compliance review documents and annual assessment updates to FHWA, providing internal and external training on Civil Rights Special Provisions, and advising the department in the area of Tribal Employment Rights.

**Program Area Coordinator** – Each of the FHWA-designated Title VI program areas have a responsibility to communicate and coordinate with the EEO Manager in all activities liable to Title VI, E.O. 12898, and E.O. 13166. The Program Area Coordinator (PAC) is responsible for monitoring procedures and practices within his or her respective area(s) of authority to ensure the area's programs are operated fairly, equitably, and in a nondiscriminatory manner in accordance with Title VI, E.O. 12898, and E.O. 13166. The PAC will provide program activity information to the EEO Manager on an ongoing basis.

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Each PAC is located in a division within ITD where programs and activities are tied to Federal-aid funds. There are seven divisional program areas which include Transportation Planning, Public Involvement, Project Development (Design and Environmental Planning), Right of Way, Construction, and Research.

**Managers and Supervisors** – Managers and supervisors in each division are responsible for familiarizing themselves with the requirements of Title VI, E.O. 12898, and E.O. 13166, and for complying with the department's Title VI Program. They are responsible to promptly report issues or complaints concerning Title VI and related statutes to the EEO Office. They are also responsible for assisting the Title VI Program Area Coordinators in their efforts to implement all requirements, internally and externally, and in coordinating with the EEO Office any proposed changes to ITD operating procedures, instructional memoranda, policies, and manuals, etc. that relate to Title VI.

**District Equal Employment Opportunity/Safety & Training Coordinators (EST)** – Each of the six ITD Districts has one EST Coordinator that assists the EEO Office in communicating the requirements of Title VI to the appropriate individuals in their respective Districts. Each Coordinator provides guidance to the District on Title VI compliance issues, provides an avenue for Title VI complaints to be referred to the EEO Office, and assists in assuring that Title VI programs, services, and activities are administered fairly and without regard to protected factors. The EST also assists the CCO in reviewing and monitoring all external highway construction field activities involving Title VI and act as a liaison to tribal representatives as needed.

### **SUBRECIPIENTS**

Each year ITD allocates a portion of its FHWA funding to Metropolitan Planning Organizations (MPOs) and Local Public Agencies (LPAs) in the form of direct funding or grants/awards, to be used for transportation planning and construction projects at the metropolitan and/or local level.

**Reviews/Reporting** – 23 CFR 200.9b (7) requires ITD to “conduct Title VI reviews of cities, counties, consultant contractors, suppliers [...] and other recipients of Federal-aid highway funds.” Therefore, in order for ITD to approve any grant/award application(s) involving the receipt of Federal-aid funds, local agencies must complete a pre-award assurance. For example, a non-discrimination agreement must be signed as part of the grant/award funding agreement process (State and Local Agreement) for LPAs. The non-discrimination agreement serves as the LPAs Title VI Plan and includes implementation procedures, reporting requirements and a description of potential sanctions for non-compliance. Additionally, the agreement requires the LPA to pass down non-discrimination requirements in their own contracting process. This new procedure provides pre- and post-award reviews, and supports required Federal reporting. It also provides ITD staff an opportunity to deliver technical assistance when requested.

Depending on the size of the grant, and the frequency of grants awarded, the LPA will be required to submit an annual report or undergo an on-site review. Generally, subrecipients receiving direct funding or grants in excess of \$250,000

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will undergo an on-site review at least once during the life of the project. During alternate years, and for grants/awards less than \$250,000, a Title VI Annual Update of Accomplishments Report will be required.

Currently, each of the MPOs develops its own Title VI Plan that describes implementation, reporting, and complaint procedures. ITD staff reviews MPOs each year either through a standard reporting process or by an on-site review. The MPO's also undergo a triennial FHWA/FTA joint review, which includes a Title VI compliance assessment.

**Complaint Process** – The non-discrimination agreement includes a procedure for handling Title VI complaints. The LPAs sign this agreement as part of the award process. The MPOs include a complaint procedure within their Title VI Plans.

**Funding** – During FY2008, the five Idaho Metropolitan Planning Organizations received \$22,605,790 in Federal financial assistance. During the same period, LPAs received a total of \$7,753,828, divided among 41 awards. The specific programs providing funding are Safe Routes to School, Congestion Mitigation and Air Quality. The Local Highway Technical Assistance Council assists LPAs (cities, counties and highway districts) with utilizing the available resources for maintenance and construction of Idaho's local highway system in the most efficient and effective manner possible.

## **SECTION 3 - PROGRAM AREA MONITORING AND REVIEW**

### **PROGRAM AREA MONITORING – PLANNING**

The Program Area Coordinator (PAC) for the Division of Transportation Planning has a primary responsibility for assuring that multi-modal planning and the results of that planning are executed in accordance with Title VI requirements. This process entails deliberation of all possible social, economic, and environmental effects of a proposed plan or program on identified groups in order to avoid the unintended creation of inappropriate and biased programs. The PAC also monitors the transportation planning activities of the various MPOs to ensure consistency with Title VI compliance requirements.

#### **Compliance Monitoring - PAC**

- Monitor the overall strategies and goals of the transportation planning process to ensure Title VI compliance;
- Monitor the utilization of demographic information to identify minority and low-income populations and examine the distributions of the benefits/burdens of the transportation plans and activities on these groups;
- Monitor the service equities of the planning data collection and analysis for impacts on different socio-economic groups;
- Monitor EJ (E.O. 12898) issues to identify and locate minority and low-income populations that may be impacted by transportation planning programs;
- Monitor compliance with E.O. 13166, LEP, to improve access and understanding of transportation planning processes for those in the population confronted with language barriers;
- Monitor efforts made to ensure that female and minority-owned firms have an equal opportunity to compete for consultant planning agreements;
- Monitor transportation planning accomplishments and problem areas.

#### **Annual Reviews - EEO Manager**

The EEO Office will review and report annually the Title VI activities of the Division of Transportation Planning. The following items will be considered in the review and will be reported to the FHWA in ITD's annual Title VI Assurance Update:

**PROGRAM AREA MONITORING - PLANNING, continued**

- Strategies used to ensure that all components of the transportation planning process comply with Title VI;
- Whether a demographic profile of the State that includes identification of minority and low-income populations has been developed;
- Whether a process has been developed to identify the needs of minority and low-income populations and whether demographic information has been used to assess the distribution of benefits across these groups;
- Whether there is an analytical process in place to assess the benefits/burdens of transportation system investments on minority and low-income populations, and what data source and tools are used to support such an analysis;
- Whether there is a public involvement strategy for engaging minority and low-income populations in transportation decision-making and reducing participation barriers;
- Whether the public involvement process is routinely evaluated and whether any efforts were made to improve the process, especially with regard to minority and low-income populations;
- Efforts made to engage minority and low-income populations in the public outreach effort and public outreach efforts made to utilize media targeted to these groups;
- Methods used to ensure that issues/concerns raised by minority and low-income populations as well as other affected groups are considered in the decision-making process;
- Composition of the Division of Transportation Planning workforce (including District staff) and internships by position title, race and gender;
- Number of consultant planning agreements awarded and the dollar value; number of female and minority-owned firms with dollar value;
- Methods used to encourage the use of female and minority planning consultants and subconsultants;
- Amount of Federal money passed to individual MPOs through ITD for transportation planning;
- Status of any Title VI complaints received regarding transportation planning or the public involvement process;
- Any significant accomplishments made during the review period;

**PROGRAM AREA MONITORING - PLANNING, continued**

- Any significant actions planned for the ensuing year.

## **PROGRAM AREA MONITORING – PUBLIC INVOLVEMENT**

The Program Area Coordinator (PAC) for public involvement is located in the Office of Communication, and has a primary responsibility for assuring that public participation activities include consideration of Title VI Environmental Justice (EJ) requirements.

The public involvement phase occurs in conjunction with planning and project development. At this point in the process, staff involved with the planning and development of a project, collaborate with public involvement staff to develop the best strategy for gaining the appropriate level of public input. ITD staff may be seeking input from the public on a proposed project and its potential impacts to the community, particularly if there may be a disproportionate impact to a minority or low income neighborhood. Later in the process, there may be a need to provide information on an on-going basis to the public as the project progresses through various stages of construction. Public Involvement staff may be involved in the planning effort at the statewide level for long- and short-range planning purposes, or at the project level during the preliminary phase and again during construction.

### **Compliance Monitoring – PAC**

- Monitor the overall strategies and goals of the public input process to ensure Title VI compliance;
- Monitor the utilization of demographic information to identify minority and low-income populations and determine strategies to reach these populations;
- Monitor the public involvement processes to improve performance and reduce participation barriers for minority and low-income populations;
- Monitor EJ (E.O. 12898) issues to identify and locate minority and low-income populations that may be impacted by transportation planning programs;
- Monitor compliance with E.O. 13166, LEP, to improve access and understanding of transportation issues for those in the population confronted with language barriers;
- Monitor public outreach accomplishments and problem areas.

### **Annual Reviews - EEO Manager**

The EEO Office will review and report annually the Title VI activities of the Office of Communication. The following items will be considered in the review and will be reported to the FHWA in ITD's annual Title VI Assurance Update:

- Strategies used to ensure that all components of the public outreach process comply with Title VI;

### **Program Area Monitoring – Public Involvement, continued**

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- Whether a demographic profile of the State that includes identification of minority and low-income populations has been developed;
- Whether a process has been developed to identify the needs of minority and low-income populations;
- Whether there is a public involvement strategy for engaging minority and low-income populations in transportation decision-making and reducing participation barriers;
- Whether the public involvement process is routinely evaluated and whether any efforts were made to improve the process, especially with regard to minority and low-income populations;
- Efforts made to engage minority and low-income populations in the public outreach effort and public outreach efforts made to utilize media targeted to these groups;
- Composition of the Office of Communication workforce (including District Public Involvement staff) by position title, race and gender;
- Number of public information meetings/open houses that were held; Percentage of female and minority participation;
- Status of any Title VI complaints received regarding the public involvement process;
- Any significant accomplishments made during the review period;
- Any significant actions planned for the ensuing year.

## **PROGRAM AREA MONITORING - PROJECT DEVELOPMENT**

The project development phase occurs between planning and construction. This is when project development explicitly defines the project, selects the final location, and prepares the final design. At this point, planning is done at the project level. Project development encompasses both the Environmental and Design sections as follows:

### **Project Development - Environmental**

The Program Area Coordinator (PAC) for the Environmental section has the primary responsibility for assuring that the determination of environmental effects and any resulting impacts and mitigative measures are executed in accordance with Title VI. This process requires consideration of all possible social, economic, and environmental (SEE) effects of a proposed project on identified groups in order to identify potential Title VI issues. It is here that the PAC investigates these effects to see if they meet the designed transportation needs and goals of the community. This process also provides for the protection and enhancement of the environment.

### **Compliance Monitoring - PAC**

- Monitor the public involvement processes to improve effectiveness and reduce participation barriers for minority and low-income populations throughout the environmental effects determination;
- Monitor procedures for the identification of SEE environmental impacts through use of the Environmental Evaluation checklist (ITD-654);
- Identify mitigative measures when there is the potential for disproportionate or discriminatory impacts on minority or low-income populations;
- Monitor compliance with Environmental Justice (E.O. 12898) through use of environmental studies to identify and locate minority and low-income populations that may be impacted by transportation programs and activities;
- Monitor compliance with E.O. 13166, Limited English Proficiency, to improve access and understanding of transportation programs and activities for those in the population confronted with language barriers;
- Where consultant agreements regarding environmental issues are utilized for location studies, ensure that female and minority-owned consulting firms are afforded equal opportunity to participate in such agreements;
- Monitor environmental accomplishments and problem areas.

**Program Area Monitoring – Environmental, continued**

**Annual Review - EEO Manager**

The EEO Office will review and report annually the Title VI activities of Environmental Planning. The following items will be considered in the review and will be reported to the FHWA in ITD's annual Title VI Assurance Update:

- Public involvement strategies for engaging minority and low-income populations in transportation decision-making and for reducing participation barriers;
- Whether the public involvement process is routinely evaluated and whether efforts were made to improve performance, especially with regard to minority and low-income populations;
- Efforts made to engage minority and low-income populations in the public outreach effort, and public outreach efforts to reach media targeted to these groups;
- Methods used to ensure that issues/concerns raised by minority and low-income populations as well as other affected individuals and groups are appropriately considered in the decision-making process;
- Composition of the Environmental section workforce (including District staff) by position title, race and gender;
- Number and type of environmental actions completed;
- Summary of any Environmental Assessments or Environmental Impact Statements where minority and low-income populations were disproportionately impacted and any mitigative measures taken as a result;
- Number of consulting agreements involving environmental studies and the dollar value as well as the number of female and minority-owned firms and the dollar value;
- Efforts made to ensure an equal opportunity for participation of female and minority-owned consulting firms in the selection process;
- Number of public hearings/information meetings that were held concerning the location of a project; percentage of female and minority participation;
- Efforts made to take EJ concerns into consideration in the environmental process;
- Status of any Title VI complaints received involving environmental project impacts or the public involvement process;
- Any significant accomplishments made during the review period;
- Any significant actions planned for the ensuing year.

### **Project Development - Design**

The Program Area Coordinator (PAC) for the Design section has the primary responsibility for assuring that all aspects of the design phase and the resulting final design are executed in accordance with Title VI. The process includes consultant selection, preliminary design work, development of alternatives, final design, and the solicitation of bids and proposals.

### **Compliance Monitoring - PAC**

- Monitor the public involvement processes to improve effectiveness and reduce participation barriers for minority and low-income populations throughout the design phase;
- Ensure that all consultant/subconsultant agreements and construction contracts have the appropriate Title VI contract provisions;
- Ensure equal opportunity for female and minority-owned consulting firms to participate in consultant design agreements;
- Monitor design accomplishments and problem areas.

### **Annual Reviewing – EEO Manager**

The EEO Office will review and report annually the Title VI activities of the Design Section. The following items will be considered in the review and will be reported to the FHWA in ITD's annual Title VI Assurance Update:

- Public involvement strategies for engaging minority and low-income populations in transportation decision-making and for reducing participation barriers;
- Whether the public involvement process is routinely evaluated and whether efforts are made to improve the process, especially with regard to minority and low-income populations;
- Efforts made to engage minority and low-income populations in the public outreach effort, and public outreach efforts utilizing media targeted to these groups;
- Methods used to ensure that issues/concerns raised by minority and low-income populations as well as other affected individuals and groups are appropriately considered in the decision-making process;
- Composition of the Design section workforce (including District staff) by position title, race and gender;

**Program Area Monitoring – Design, continued**

- Number of consultant agreements awarded and the dollar value; Number of female and minority-owned firms and the dollar value;
- Efforts made to ensure an equal opportunity for participation of female and minority firms in obtaining consultant/subconsultant agreements and construction contracts;
- Potential concerns/barriers for female and minority consultants (i.e. licensing, pre-qualification, lack of subconsulting opportunities);
- Number of public hearings/information meetings held during the design phase and in what locations; percentage of female and minority participation;
- Status of any Title VI complaints received regarding the design process;
- Any significant accomplishments made during the review period;
- Any significant actions planned for the ensuing year.

**PROGRAM AREA MONITORING - RIGHT-OF-WAY**

The Program Area Coordinator (PAC) for the Right-of-Way (ROW) section has the primary responsibility for assuring that the ROW appraisal and negotiation functions and the results of those activities are executed in accordance with Title VI. This process includes property appraisals, negotiations with property owners, acquisition of properties, and relocation of people and businesses.

**Compliance Monitoring - PAC**

- Ensure the inclusion of Title VI provisions in all realtor, fee appraiser, and negotiator contracts;
- Monitor diversification in the use of fee appraisers;
- Monitor use of staff appraisers and consultants from the approved fee appraiser list;
- Monitor efforts made to ensure that female and minority appraisers are provided an equal opportunity to participate in the bid process;
- Ensure equitable treatment of all businesses and persons displaced by highway projects, regardless of race, color, age, gender, national origin or disability;
- Monitor efforts taken to overcome language barriers in all phases of the right-of-way process;
- Ensure that internal procedures are reviewed and updated as necessary to maintain Title VI compliance during all phases of the right-of-way process;
- Monitor and report right-of-way accomplishments and problem areas.

**Annual Review - EEO Manager**

The EEO Office will review and report annually the Title VI activities of the ROW Section. The following items will be considered in the review and will be reported to the FHWA in ITD's annual Title VI Assurance Update:

- Composition of the ROW section workforce (including District staff) by position title, race, and gender;
- Number of consultant fee appraisers utilized; Number of female and minority consultant fee appraisers; efforts made to ensure an equal opportunity for participation of female and minority consulting firms;
- Number of staff appraisers utilized; number of female and minority staff appraisers; efforts made to ensure an equal opportunity for the participation of females and minorities;

**PROGRAM AREA MONITORING - RIGHT OF WAY, continued**

- Number of negotiators utilized; number of female and minority negotiators; efforts made to ensure an equal opportunity for participation of females and minorities; Efforts made to provide information in the appropriate language and/or number of times interpreters were used;
- Number of relocations involving female, minority, elderly, low-income and disabled persons;
- Concerns raised, if any, by female, minority, elderly, low-income, and disabled persons who were relocated and what action was taken to address concerns;
- Number of relocation assistance contracts awarded; number of female or minority firms utilized and efforts made to provide an equal opportunity for female and minority firms to participate in bidding;
- Status of any Title VI complaints received regarding the right-of-way process, i.e. appraisals, negotiations, relocation assistance and payments;
- Any significant accomplishments made during the review period;
- Any significant actions planned for the ensuing year.

## **PROGRAM AREA MONITORING - CONSTRUCTION**

The Program Area Coordinator (PAC) for Construction Administration has a primary responsibility for assuring that highway contracting procedures are executed in accordance with Title VI. The EEO Manager works with both Construction Administration and the EEO Office's Contract Compliance Officer (CCO) for the external program areas. The CCO monitors contractor compliance, the Disadvantaged Business Enterprise Program, and Training Special Provisions.

### **Compliance Monitoring - PAC**

- Monitoring of District residencies to ensure that subcontracts contain the appropriate Title VI contract provisions;
- Administer and enforce the terms of the construction contract in a nondiscriminatory manner;
- Oversee the monitoring of construction project work to ensure compliance with contract plans, specifications and civil rights special provisions;
- Ensure that policies and procedures for monitoring construction activity are applied in a nondiscriminatory manner;

### **Compliance Monitoring – Contract Compliance Officer**

- Monitor construction accomplishments and problem areas;
- Develop procedures to incorporate the appropriate Training Special Provisions into all prime and subcontractor contracts;
- Ensure that all provisions of the DBE Program Plan are being implemented with respect to Federal-aid construction contracting and subcontracting;
- Establish the appropriate level of DBE participation on Federal-aid highway construction projects;
- Identify areas of concern or any barriers to equal participation by female and minority firms on construction projects (i.e. bonding, cash flow, etc.);
- Establish procedures to review and monitor contractors and subcontractors for compliance with Title VI and with contract special provisions utilizing appropriate District staff;
- Review corrective action plans prepared by contractors when areas of deficiency with regard to Title VI/EEO requirements are identified;
- Monitor Commercially Useful Function reviews performed by District staff;
- Monitor prompt payment provisions for compliance;

**Program Area Monitoring – Construction, continued**

- Report in the annual Title VI Assurances Update, Part 1, on any construction contract procedure complaints with potential Title VI implications.

**Annual Review – EEO Manager**

The EEO Office will review and report annually the Title VI activities of the Construction Section. The following items will be considered in the review and will be reported to the FHWA in ITD's annual Title VI Assurance Update:

- Composition of the Construction section workforce by position title, race, and gender;
- Number of construction contracts awarded and the dollar amount; Number of female and minority firms utilized and the dollar amount of the award;
- Number of contractors defaulting on contracts;
- Number of DBE contractors or subcontractors defaulting on contracts;
- Status of any Title VI construction complaints received during the reporting period;
- Any significant activities accomplished by the PAC or CCO during the review period;
- Any significant actions planned for the ensuing year.

## **PROGRAM AREA MONITORING - RESEARCH**

The Program Area Coordinator (PAC) for the Research section has a primary responsibility for assuring that all aspects of transportation-related research projects are executed in accordance with Title VI. The process includes consultant/university selection and the diversification of research participants.

### **Compliance Monitoring - PAC**

- Ensure that the appropriate Title VI provisions are contained in the terms of all research agreements;
- Monitor diversification in the selection of universities and consultants;
- Ensure equal opportunity for female and minority-owned consultant firms to compete for and participate in research contracts;
- Monitor the utilization of female and minority students on research projects by the contract universities;
- Monitor research accomplishments and problem areas.

### **Annual Reviewing - EEO Manager**

The EEO Office will review and report annually the Title VI activities of the Research Section. The following items will be considered in the review and will be reported to the FHWA in ITD's annual Title VI Assurance Update:

- Composition of the Research Section workforce by position title, race and gender;
- Number of research agreements currently underway by universities/and or consultants and the dollar amount;
- Efforts made to ensure equal opportunity for participation of female and minority consultants in obtaining research contracts;
- Possible concerns/barriers for female and minority consulting firms in obtaining research contracts;
- Amount of Federal (SPR) funds spent on contract research;
- Actions taken to encourage universities to utilize female and minority student participants on highway research projects;
- Percentage of female and minority participation in research projects;
- Status of any Title VI complaints received regarding research projects;
- Any significant accomplishments made during the review period;

### **Program Area Monitoring – Research, continued**

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- Any significant actions planned for the ensuing year.

## **PROGRAM AREA MONITORING - METROPOLITAN PLANNING ORGANIZATIONS**

The Metropolitan Planning Organizations (MPOs) are responsible for the transportation planning process within their urbanized areas. Each MPO develops a 3-year Transportation Improvement Program (TIP), a long-range transportation plan, and develops and implements an annual Unified Planning Work Program (UPWP). The Program Area Coordinator (PAC) for the Division of Transportation Planning assists the MPOs in the transportation planning activities that require Title VI compliance and advises them on Title VI compliance issues.

The following are the MPOs for the state of Idaho:

- Community Planning Association of Southwest Idaho (COMPASS)
- Bannock Planning Organization (BPO)
- Bonneville Metropolitan Planning Organization (BMPO)
- Kootenai Metropolitan Planning Organization (KMPO)
- Lewis-Clark Valley Metropolitan Planning Organization (LCVMPO)

### **Compliance Monitoring - Division of Transportation Planning PAC**

- Monitor overall strategies and goals of the transportation planning process to ensure Title VI compliance;
- Monitor the utilization of demographic information to identify minority and low-income populations and examine the distributions of the benefits/burdens of the transportation plans and activities on these groups;
- Monitor the service equities of the planning data collection and analyses for impacts on different socio-economic groups;
- Monitor the public involvement processes to improve effectiveness and reduce participation barriers for minority and low-income populations;
- Monitor Environmental Justice (E.O. 12898) issues to identify and locate minority and low-income populations that may be impacted by transportation planning programs;
- Monitor compliance with E.O. 13166, Limited English Proficiency, to improve access and understanding of transportation planning processes for those in the population confronted with language barriers;
- Ensure that female and minority-owned firms have an equal opportunity to participate in the consultant selection phase of the transportation planning process;

**Program Area Monitoring - Metropolitan Planning Organizations, continued**

- Monitor MPO accomplishments and problem areas.

**Annual Review - EEO Manager/Division of Planning PAC**

The information listed below is obtained annually from each MPO and reviewed for compliance with Title VI. The EEO Manager conducts on-site reviews with two MPOs annually, establishing a three-year review cycle for each MPO.

- Strategies used to ensure that all components of the transportation planning process comply with Title VI;
- Whether the MPO has developed a demographic profile of its planning area that includes identification of minority and low-income populations;
- Whether the MPO has developed a process to seek to identify the needs of minority and low-income populations and to use demographic information to assess the distribution of benefits across these groups;
- What process is in place to assess the benefits/burdens of transportation system investments on minority and low-income populations on an analytic basis and whether an appropriate data source and tools are used to support the analysis;
- Whether a public involvement strategy for engaging minority and low-income populations in transportation decision-making is in place and what steps are being taken to reduce any participation barriers that have been identified;
- Determine if the public involvement process is routinely evaluated and whether there have been efforts made to improve effectiveness, especially with regard to minority and low-income populations and any other affected groups;
- What efforts have been made to engage minority and low-income populations in the public outreach effort and whether the public outreach effort utilizes media targeted to minority and low-income groups;
- What procedure the MPO has established for using issues/concerns raised by minority and low-income populations as well as other affected individuals and groups in the decision-making process;
- Composition of the MPO's workforce by position title, race and gender;
- The names, race and gender of the individuals on the MPO's Board of Directors and what criteria has been established for their selection and retention;
- Number of consultant agreements awarded and the dollar amount; Number of female and minority firms and the dollar amount;

**Program Area Monitoring – Metropolitan Planning Organizations, continued**

- Efforts made to ensure an equal opportunity for female and minority consulting firms to participate in the consultant selection process;
- Number of hearings, the location, and the times of day the hearings were held; The percentage of female and minority participation at the hearings;
- Number of public information meetings/open houses held; Percentage of female and minority participation;
- Efforts made to take Environmental Justice concerns into consideration in the transportation planning process;
- Whether there was any training received regarding Title VI or Environmental Justice;
- Review of the MPO internal complaint procedures and policies;
- Status of any Title VI complaints received regarding any of the transportation planning and public involvement processes;
- Any significant Title VI activities or accomplishments made during the review period.
- Any significant Title VI activities or actions planned for the ensuing year.

## **SECTION 4 - COMPLAINT PROCEDURES**

These procedures cover all complaints under the following acts: Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act (ADA) of 1990. Complaints may be filed by any person who believes that he or she has been excluded from participation in, been denied the benefits of, or otherwise subjected to discrimination under any ITD service, program, or activity whether Federally funded or not, and believes the discrimination is based on race, color, national origin, gender, age, disability, economic status or Limited English Proficiency. All allegations, regardless of where they are reported, shall be immediately forwarded to the EEO Manager.

In addition, these complaint processing requirements are passed down to subrecipients and are reviewed for compliance during on-site reviews with those subrecipients. ITD has published these procedures for public view at: <http://itd.idaho.gov/civil/Title6.htm>

**Complaint Reporting** - If the complainant elects to file a formal complaint with ITD, it must be submitted in writing, signed and dated, within 180 days of the alleged discriminatory act (or latest occurrence). The complainant is strongly encouraged to bring any incidents of discrimination to the attention of ITD as soon as possible after any such alleged conduct occurs. Individuals may also file complaints directly with the U.S. Department of Transportation (USDOT), the FHWA, or the FTA within the 180 day period.

Idaho Transportation Department  
Attention: Karen Sparkman  
EEO Manager – External Programs  
P O Box 7129  
Boise ID 83707-1129

**Investigations** - All allegations of discrimination will be taken seriously and investigated in a timely manner. (Any Title VI complaints filed directly against ITD will be forwarded to and investigated by the appropriate Federal agency). Confidentiality will be maintained to the greatest extent possible. The EEO Manager or other qualified investigator(s), following an investigative plan, will gather all relevant information in a fair and impartial manner and will submit a report of findings to the ITD Director. This report will include the nature of the complaint, remedy sought, and a summary of the investigative findings and activities. A Statement of Agency Decision will be prepared, reflecting the department's final determination.

The complainant and appropriate managers shall receive written notification as to the Department's decision. If the finding is unfavorable to the complainant, they will also be advised of their avenues for appeal. Copies of all Title VI complaints and investigative reports will be sent to FHWA or FTA within 60 days of receipt of the complaint.

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Investigation files are confidential and will be maintained by the EEO Office in the case of FHWA programs, and Division of Public Transportation for FTA programs. The contents of such files will only be disclosed to ITD personnel on a need-to-know basis and to others in accordance with State laws. ITD will retain files in accordance with records retention schedules and all Federal guidelines.

The EEO Office maintains a log of complaints filed and information on the status of any active investigations involving FHWA programs. The DPT maintains complaint information for FTA programs.

**SECTION 5 - ACCOMPLISHMENTS – FY 2008**

The items listed below represent the significant accomplishments made during FY08 by the EEO Office as well as other significant accomplishments or events that affect ITD's Title VI review process:

ITD revised its Title VI Policy Statement to incorporate definitions of discrimination as well as examples of program areas where potential discrimination can occur.

As part of the process for developing the new Title VI Plan, and in response to the 2008 Baseline Assessment performed by FHWA, each of the Functional Area Coordinators and their managers participated in in-depth interviews to determine if or how their monitoring activities should be reflected in the revised Plan.

Subsequently, the EEO Office has developed a multi-step process to assist in monitoring the local public agencies that receive funding for planning and construction projects. This process includes a pre-award assurance, training and technical assistance, and a post-award review or report. A new non-discrimination agreement was developed and added to our State and Local Agreement process. This agreement serves as the Local Public Agency's Title VI Plan.

An extensive list of technical assistance documents was developed and posted on the EEO website to aid the locals in understanding their obligations under Title VI.

The EEO Office purchased the ESRI Census 2000 database, which will provide planners with the necessary data to understand changes and trends in population demographics, determine socioeconomic characteristics by population or household, and analyze the composition of population subgroups.

During this past year a comprehensive study of the DBE Program was undertaken, which included an availability and disparity analysis. This study resulted in an overhaul of ITD's DBE Program and in particular, added a new emphasis to strengthen the DBE Supportive Services Program.

The Title VI Plan was revised to incorporate the requirements of the FTA. The FTA suggested the revision as a better alternative than having the DPT develop its own Title VI Plan.

Work continues on completing the physical inventory or self-assessment of both public rights of way and ITD buildings and facilities.

ITD installed TDD phones at its headquarters and in each of the Districts intended to take calls from members of the public who are hearing impaired. In addition, ITD is steadily adding these phone numbers to all publications and phone listings as a hearing-impaired alternative mode of communication.

ITD identified a group of employees who can interpret and published the list on the Intranet. It is exclusively for internal use and is helpful in fulfilling LEP requirements.

## Idaho Transportation Department Title VI Plan

The new Guide to Public Involvement was completed this year and contains extensive references to Environmental Justice and LEP issues and recommendations for maintaining compliance.

The Research Section has instituted a Research Advisory Council. It is comprised of a combination of ITD Director, Division Administrators, District Engineers, Assistant District Engineers, District Business Managers, Program Managers, Assistant Chief Engineers, Local Highway Technical Assistance Council, and the Internal Review Manager. This council will provide a more interdisciplinary body that has authority for determining and funding research projects.

In the Right of Way area, we now have the capability to gather statistics in the Relocation Program on relocatee's gender, race, national origin, age, and disability and to generate reports for analysis to determine potential for Title VI concerns.

There were no Title VI-related complaints filed during FY2008.

There was one ADA complaint regarding building accessibility that has been resolved.

**SECTION 6 - ANNUAL WORK PLAN – FY 2009**

The review process for the various functional areas and the MPOs will be revised according to feedback received as part of the FY2007 Title Assurance Update submittal and the FHWA Baseline Assessment. Questionnaires will be revised in order to obtain more detailed information as per FHWA guidelines.

Assigned to EEO Manager – complete by 6-30-09

The process of gathering information from the various program areas will be revised to include face-to-face interviewing in addition to the current process of sending out questionnaires.

Assigned to EEO Manager – complete by 6-30-09

Title VI training for cities, counties, highway Districts, and ITD will be identified and brought into Idaho.

Assigned to FHWA – complete by 6-30-09

FHWA has recommended using the ‘interdisciplinary approach’ to implementing Title VI requirements. Work in this area will commence shortly after FHWA Title VI training for ITD staff. Afterwards ITD will identify participants and begin group work meetings.

Assigned to EEO Manager – complete by 9-30-09

Work will continue in further refining the process and materials used in monitoring LPA’s for Title VI compliance.

Assigned to EEO Manager – complete by 3-30-09

ITD will conduct compliance reviews on cities, school Districts, counties, and highway Districts receiving Federal-aid.

Assigned to EEO Manager – ongoing

The EEO Manager will develop and conduct training on Title VI for the locals. The purpose of this training is to give LPA’s a basic understanding of their Title VI requirements.

Assigned to EEO Manager – complete by 12-30-08

ITD purchased the ESRI Census 2000© software and associated components. At this time, only a small number of headquarters planning staff have the software required to access the database. Planning, Environmental and GIS management will determine who will have access to the database and different features. It will also need to determine such issues as report writing, software, training needs, matters such as consultant access, etc.

Assigned to EEO Manager, GIS Manager, Environmental Manager – complete by 6-30-09

In order to strengthen the compliance and monitoring that occurs at the residency level on prime and subcontractors, ITD will examine changes in procedures and

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implementation of these new procedures. The focus will be on increasing the frequency and accuracy of Commercially Useful Function (CUF) reports on DBE companies and the On-Site Engineers report.

Assigned to CCO, Construction staff – complete by 12-30-08

Enforcement of EEO contract compliance at the residency level on prime and subcontractors was identified during the FHWA Baseline Assessment. ITD will identify and resolve barriers that may exist in the enforcement process.

Assigned to CCO and Construction staff – by 9-30-09

Continue work on developing and implementing ITD's Americans with Disabilities Act Transition Plan. During 2009 the remaining districts to be inventoried will be completed and work will begin on developing a GIS spatial layer and database from which we can generate reports and maps. The development of this database is the first step in the work that will need to be done to develop a transition plan.

## **SECTION 7 - Federal Transit Administration (FTA) Title VI Plan**

### **OVERVIEW**

Oversight for compliance with FTA Title VI regulations and guidance resides within the Division of Public Transportation (DPT), which is responsible for grantee compliance reviews and tri-annual reporting. Although ITD's Title VI Plan in its entirety applies to all of ITD's programs and services, regardless of funding source, Section 7 of this Plan deals specifically with requirements for FTA funded programs.

**Annual Title VI Certification and Assurance** – Title VI requirements are passed on to all subrecipients of FTA funds. The DPT annually submits its Certifications and Assurances to FTA by means of PINNING these certifications and assurances in the TEAM Web system, which is the electronic system used by FTA recipients and subrecipients.

All subrecipients to programs administered by the DPT are required to submit their Certifications and Assurances by original signature as part of the Application Package, and State Agreement for Funding. Specifically, in the FY 2008 Certifications and Assurances, by checking: Category 01, containing Section D, Nondiscrimination Assurance; Section E, Assurance of Nondiscrimination on the Basis of Disability; Section F, U.S. Office of Management and Budget (OMB) Assurances: Category 5 – Public Hearing; Category 11 – Demand Responsive Service, containing ADA compliance; Category 17 – Elderly Individuals and Individuals with Disabilities Formula Program and Pilot Program; Category 18 – Non-urbanized Area Formula Program. When the ITD enters into the Job Access and Reverse Commute Formula Grant Program (Category 19); and/or New Freedom Program (Category 20), subrecipients will be required to check these Certifications and Assurances.

**Complaint and Investigation Procedures** - The DPT complies with all aspects of ITD's established Title VI complaint procedures described in Section 4 of this Plan. In addition, these requirements pass on to subrecipients who are reviewed for compliance during Site Reviews. Procedures on how to file a Title VI complaint can also be found at <http://itd.idaho.gov/civil/Title6.htm>. Exhibit III, Site Visit Checklist, page 8 contains the requirement to review subrecipient complaint procedures and resolution.

DPT maintains records of complaints, investigations, or lawsuits and these recordkeeping requirements pass to subrecipients by publishing the requirements in the State's Management Plans, and State Agreements for Funding. These areas are reviewed for compliance during Site Reviews with subrecipients.

**Notification of Title VI Protection for Beneficiaries** – After each revision, ITD widely distributes its Title VI Plan. Title VI notifications are also included with all newly printed or revised ITD publications, brochures, and pamphlets meant for

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public consumption. In addition, the requirement to provide notification is passed to subrecipients. The following notice is the standard wording for publications, brochures, flyers, etc:

*The Idaho Transportation Department (ITD) is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. ITD assures that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ITD service, program, or activity. The Department also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, the department will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.*

DPT's FY09 Program Information Guide includes the above language and can be viewed at <http://itd.idaho.gov/PublicTransportation/grants.htm>. Exhibit IV is an example of a publication used by DPT that contains the above Title VI non-discrimination statement. Exhibit V, ITD's Title VI Program brochure, is an example of a pamphlet used to notify the public of ITD's (and DPT's) Title VI obligations. This pamphlet, which is distributed statewide, includes a reference to DPT and FTA, and is also printed in Spanish and available on the internet.

As part of the site visit, DPT ensures that the subrecipients maintain current wall posters explaining Title VI requirements, as it relates to both employees and transit service offered. DPT also distributes the ADA Riders Guide to all of their 5311 subrecipients. In addition, they review subrecipient board policies to ensure that they contain Title VI language.

**Inclusive Public Participation** — The DPT uses the subrecipient on-site review to determine the level of access that the subrecipient provides to minorities. The Site Visit includes a review of the subrecipients' public outreach, advertising and public education efforts to determine if service delivery has been inclusive and adequate. See page 4 of Exhibit III. DPT grant solicitation flyers are geared to, and sent to all the significant groups listed in Title VI documents. Included are all Native American Tribes, organizations that serve disabled persons directly and the State Independent Living Council (SILC), minority organizations currently on file.

ITD's new Guide to Public Involvement is a comprehensive guide for all Divisions within the ITD that covers all aspects of public involvement for programs, planning and projects. In this guide, Title VI considerations are the fundamental elements of the public participation process.

**Limited English Proficiency Requirements** - The ITD adopted a comprehensive LEP Plan in 2006. Compliance with this Plan is required whether the ITD program is Federally funded or not, and applies regardless of the funding source. This link provides access to the plan: <http://itd.idaho.gov/civil/Title6.htm>. The plan directs DPT and the rest of ITD to determine and evaluate the number, frequency, importance of the public contacts they have with individuals who are limited in English speaking ability, and the resources available for LEP services. This evaluation includes

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determining which, if any, documents must be translated and whether interpretation assistance must be provided. A copy of ITD's LEP Plan is included with materials provided to subrecipients to ensure that they are aware of their compliance requirements.

DPT is required to monitor subrecipients for compliance with LEP requirements to ensure that members of the public who are limited in their English speaking ability have the same access to and benefit from public transportation agencies receiving Federal-aid funds. Monitoring is done primarily through the Site Visit which includes reviewing the public agency's LEP self-assessment and the extent to which the agency has provided information to the public regarding the availability of interpreter services and translated written materials into other languages. See page 4 of Exhibit III.

**Environmental Justice (EJ) Requirements** - Although the ITD as a whole has a process for complying with EJ requirements in the project development process, the DPT has historically never received funding in amounts that would allow for entering into construction projects that would require NEPA review. New construction or expansion of transit terminals, storage and maintenance garages, office facilities and parking facilities may be designated as categorical exclusions after FTA review and approval. ITD staff would work with the FTA Region X Engineer, ITD Design Section and ITD Environmental Section on the process. The DTP has a sub-memorandum of understanding with the Idaho Division of Environmental Quality and would be in close contact with staff on public transportation issues affected by environmental concerns. If, or when construction projects become a part of the business conducted by DPT, it will follow the EJ (and LEP) guidance found in ITD's Guide to Public Involvement, which is published at [www.itd.idaho.gov/manuals/Online\\_Manuals/Current\\_Manuals/PIG/Guidebook.pdf](http://www.itd.idaho.gov/manuals/Online_Manuals/Current_Manuals/PIG/Guidebook.pdf)

Additionally, if DPT were to achieve sufficient funding levels to undertake such projects with the assistance of Region 10, FTA, it will complete Region 10 FTA's Categorical Exclusion and Documented Categorical Exclusion Worksheet.

There were no Title VI complaints filed during FY09.

**SECTION 8 - STATE PROCEDURES, MANUALS, AND DIRECTIVES APPLICABLE TO FEDERAL-AID HIGHWAY PROGRAMS AND TITLE VI**

Manuals, plans, policies, programs, laws, regulations, executive orders and procedures establishing rules and guidelines for implementing Title VI are as follows:

- Human Resource Services Manual
- Construction Administration Manual
- Right-of-Way Manual and supplemental publications
- Design Manual CD-ROM
- Environmental Process Manual
- Research Manual
- ITD Guide to Public Involvement
- FHWA Title VI Program Guidelines for Federal-aid Recipients
- Statewide Transportation Improvement Program (STIP)
- Standard Specifications for Highway Construction
- Required Contract Provisions/Federal-aid Contracts (FHWA-1273)
- LEP Plan
- Contract Compliance Plan
- DBE Plan
- Affirmative Action Plan
- Board Policy B-18-06, Employee Education and Training
- Administrative Policy A-18-06, Employee Education and Training
- Board Policy B-18-07, Code of Fair Employment Practices
- Administrative Policy A-18-07, Code of Fair Employment Practices
- Board Policy B-18-09, Equal Employment Opportunity/Affirmative Action
- Administrative Policy A-18-09, Equal Employment Opportunity/Affirmative Action
- 49 CFR 21 (DOT Title VI Regulations)
- DOT Order 1050.2 (Standard Title VI Assurances)
- 23 CFR 200 (FHWA Implementation Regulations of Title VI)
- DFR 200 Part 420.121(h) (Funding Planning and Research Activities)
- 23 CFR 450 (FHWA & FTA MPO Planning Regulations)
- 23 USC 109(h)/28 CFR Part 50.3 (DOJ's Guidelines for enforcement for Title VI)
- 49 CFR Part 21 (DOT's Implementation regulations of Title VI)
- Executive Order 12250 (DOJ Leadership and Coordination of Nondiscrimination Laws)

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- Executive Order 12898 (Environmental Justice)
- Executive Order 13166 (Limited English Proficiency)
- Title VI of the Civil Rights Act of 1964 (42 USC 2000)
- Title VIII of the Civil Rights Act of 1968
- The Federal-aid Highway Act of 1973 (23 USC 324)
- The Federal-aid Highway Act (23 USC 306)
- The Americans with Disabilities Act
- Section 504 of the Rehabilitation Act of 1973 (29 USC 790)
- The Age Discrimination Act of 1975
- The Civil Rights Restoration Act of 1987
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4601)
- The Relocation Act Amendments of 1987
- The Civil Rights Act of 1991

## SECTION 9 - DEFINITION OF TERMS

**Affirmative Action:** A good faith effort to eliminate past and present discrimination which ensures that future discriminatory practices do not occur. Actions aimed at addressing the under-representation of minorities and females.

**Beneficiary:** An individual and or/entity that directly or indirectly receives an advantage through the operation of a Federal program; however, they do not enter into any formal contract or agreement with the Federal government where compliance with Title VI is a condition of receiving such assistance.

**Categorical Exclusion:** A technical exclusion for projects that do not result in significant environmental impacts.

**Disparate Impact:** Discrimination which occurs because of a neutral procedure or practice, and such practice lacks a "substantial legitimate justification." The focus is on the consequences of a recipient's practices rather than the recipient's intent.

**Discrimination/Disparate Treatment:** Discrimination which occurs when similarly situated persons are treated differently because of their race, color, national origin, gender, disability, or age, and the decision maker was aware of the complainant's race, color, national origin, gender, disability, or age, and decisions were made (at least in part) because of one or more of those factors.

**MPO:** Metropolitan Planning Organization (considered a subrecipient).

**Minority:** A person who is a citizen or lawful permanent resident of the United States and who is:

- Black - a person having origins in any of the black racial groups of Africa
- Hispanic - a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race
- Asian or Pacific Islander - a person having origins in any of the original peoples of the Far East, Southeast Asia, Indian Subcontinent, or the Pacific Islands
- American Indian or Alaskan Native - a person having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition
- White - a female having origins in any of the original peoples of Europe, North Africa, or the Middle East
- Additional subcategories based on national origin or primary language spoken may be used, where appropriate on either a national or regional basis

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**Recipient:** An individual and/or entity that receives Federal financial assistance and operates a program and/or activity.

**SEE:** Social, Economic, and Environmental – A process to analyze the SEE impacts and effects must be considered during the planning process. The goal of the SEE process is to develop a complete understanding of the existing and future environmental conditions and the possible effects of a proposed project in order to make the best project decision in terms of meeting the intended transportation needs and the goals of an area or community, and for protection and enhancement of the environment.

**STIP:** A three year, Statewide Transportation Improvement Program that includes ITD's program as well as the Transportation Improvement Programs prepared by the Metropolitan Planning Organizations in Idaho.

**Subrecipient:** A non-Federal entity that expends Federal awards received from a pass-through entity to carry out a Federal program, but does not include an individual that is a beneficiary of such a program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

**TIP:** A three-year, Transportation Improvement Program prepared by a Metropolitan Planning Organization.

**SECTION 10 - EXHIBITS**

- I. Standard DOT Title VI Assurances
  - Appendix A
  - Appendix B
  - Appendix C
  - 49 CFR 21.7(a) (1) and (2)
- II. EEO Office Organizational Chart
- III. Division of Public Transportation On-Site Visit Checklist
- IV. Division of Public Transportation Pamphlet
- V. ITD's Title VI Program Brochure

## EXHIBIT I STANDARD DOT TITLE VI ASSURANCES

The State of Idaho (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d - 42USC 2000d-7 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations"), Executive Order 12898 - Environmental Justice (hereinafter referred to as "EJ"), Executive Order 13166 - Limited English Proficiency (hereinafter referred to as "LEP") and other pertinent directives, to the end that in accordance with the Act, Regulations, Executive Orders and other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, gender, age or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) (1) of the Regulations, a copy of which is attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal-aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal-aid Highway Program and, in adapted form in all proposals for negotiated agreements:  

The **Idaho Transportation Department** in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d to 2000d-7 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to the advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, gender, age or disability in consideration for an award.
3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the clauses of Appendix B of this assurance shall be included as a covenant running with the land, in any deed from the United States effecting a transfer or real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.

7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal-aid Highway Program; and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under the Federal-aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the official to whom he delegates specific authority, to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by, or pursuant to, the Act, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal-aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal-aid Highway Program. The person or persons whose signatures appear herein are authorized to sign this Assurance on behalf of the Recipient.



Pamela K. Lowe  
Pamela K. Lowe  
Director

Date 09-02-08

Attachments: Appendices A, B, and C  
DOT Title VI Regulations

## **APPENDIX A**

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor"), agrees as follows:

1. Compliance with Regulations:

The Contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination:

The Contractor, with regard to the work performed during the contract, shall not discriminate on the grounds of race, color, religion, sex or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment:

In all solicitations, either by competitive bidding or negotiation, made by the Contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor, of the Contractor's obligations of this contract and Regulations relative to nondiscrimination on the grounds of race, color, religion, sex, or national origin.

4. Information and Reports:

The Contractor shall provide all information and reports required by Regulations and/or Directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the state of Idaho Transportation Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the state of Idaho Transportation Department or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance:

In the event the Contractor is in noncompliance with the nondiscrimination provision of this contract, the state of Idaho Transportation Department shall impose such contract

Appendix A, continued

sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- a. Withhold progress payments until it is determined that the contractor is found in compliance;
- b. Suspend the contract, in whole or in part, until the contractor or subcontractor is found to be in compliance with no progress payment being made during this time and no time extension made;
- c. Cancel or terminate the contract for cause in accordance with section 108.08 of the Contract Specifications;
- d. Assess against the contractor's final payment on this contract or any progress payments on current or future Idaho Federal-aid projects an administrative remedy by reducing the final payment or future progress payment in an amount equal to 10% of this contract or \$7,700, whichever is less.

6. Incorporation of the Provisions:

The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to subcontractor or procurement as the state of Idaho Transportation Department or Federal Highway Administration may direct as a means of enforcing the provisions, including sanctions for noncompliance, provided, however, that in the event a Contractor becomes involved in, or is threatened with litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the state of Idaho Transportation Department to enter into such litigation to protect the interests of the State, and in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

## **APPENDIX B**

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

### **(GRANTING CLAUSE)**

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the state of Idaho will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 USC, 2000d to 2000d-7), does hereby remise, release, quit claim, and convey unto the state of Idaho all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

### **(HABEDUM CLAUSE)**

TO HAVE AND TO HOLD said lands and interests therein unto the state of Idaho, and its successors forever, subject, however, to the covenant, conditions, restrictions, and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the state of Idaho, its successors and assigns.

The state of Idaho, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that: (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed; [and]\* (2) that the state of Idaho shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended; and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation, and its assigns as such interest existed prior to this instruction.\*

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

## **APPENDIX C**

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the state of Idaho, pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for him/herself, his/her heirs, personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

### **[INCLUDE IN LICENSES, LEASES, PERMITS, ETC.]\***

That in event of breach of any of the above nondiscrimination covenants, the state of Idaho shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

### **[INCLUDE IN DEED]\***

That in the event of breach of any of the above nondiscrimination covenants, the state of Idaho, shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the state of Idaho and its assigns.

The following shall be included in all deeds, licenses, leases permits, or similar instruments entered into by the state of Idaho, pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for him/herself, his/her heirs, personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities; (2) that in the construction

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX C, continued

of any improvements on, over or under such land the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination; and (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

**[INCLUDE IN LICENSES, LEASES, PERMITS, ETC.]\***

That in event of breach of any of the above nondiscrimination covenants, the state of Idaho shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

**[INCLUDE IN DEEDS]\***

That in the event of breach of any of the above nondiscrimination covenants, the state of Idaho, shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the state of Idaho and its assigns.

\*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

Title VI Assurances  
49 CFR 21.7(a)(1)

(a) General. (1) Every application for Federal financial assistance to which this part applies, except an application to which paragraph (b) of this section applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by, an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. Every award of Federal financial assistance shall require the submission of such an assurance. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, the assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended to the program. The Secretary shall specify the form of the foregoing assurances, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(2) In the case where Federal financial assistance is provided in the form of a transfer of real property, structures, or improvements thereon, or interest therein, from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property or interest therein from the Federal Government is involved, but property is acquired or improved with Federal financial assistance, the recipient shall agree to include such covenant in any subsequent transfer of such property. When the property is obtained from the Federal Government, such covenant may also include a condition coupled with a right to be reserved by the Department to revert title to the property in the event of a breach of the covenant where, in the discretion of the Secretary, such a condition and right of Reverter is appropriate to the statute under which the real property is obtained and to the nature of the grant and the grantee. In such event if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the Secretary may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to subordinate such right of reversion to the lien of such mortgage or other encumbrance.

(b) Continuing Federal financial assistance. Every application by a State or a State agency for continuing Federal financial assistance to which this part applies (including the types of Federal financial assistance listed in appendix A to this part) shall as a condition to its approval and the extension of any Federal financial assistance pursuant to the application: (1) Contain or be accompanied by a statement that the program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or pursuant to this part, and (2) provide or be accompanied by provision for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to this part.

[35 FR 10080, June 18, 1970, as amended at 68 FR 51389, Aug. 26, 2003]

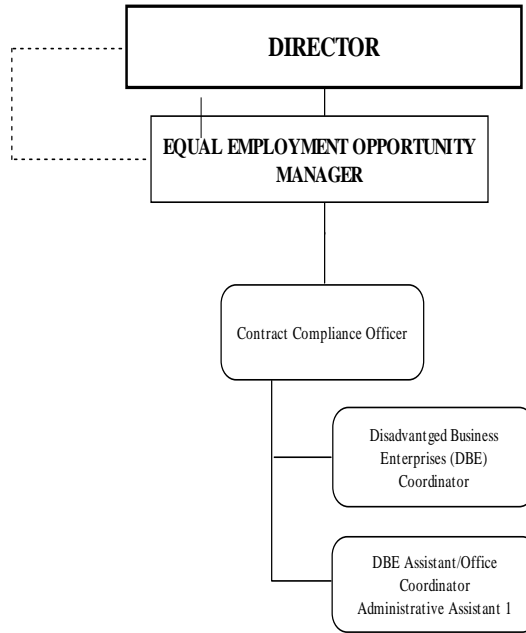


# EXHIBIT II – Organization Chart

## IDAHO TRANSPORTATION DEPARTMENT ORGANIZATION COMPLEMENT

Director -- Equal Employment Opportunity

Revised Chart 03/07



EE00307.SDR

Approved By: *Ronald K. Lowe*

## EXHIBIT III – DIVISION OF PUBLIC TRANSPORTATION SITE VISIT CHECKLIST

	<p style="margin: 0;"><b>Idaho Transportation Department</b>  <b>Division of Public Transportation</b>  <b>Organization Site Visit Checklist</b></p>
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Item #	Item Description	Response/Data	Comments	Ref.
<b>Section I – Organization Identification and Grants Officer Information</b>				
I-1	<b>Organization Name</b>			
I-2	<b>Organization Mailing Address</b>			
I-3	<b>Organization Physical</b>			
I-4	<b>Organization Phone Number</b>			
I-5	<b>Organization Fax Number</b>			
I-6	<b>Organization E-Mail Address</b>			
I-7	<b>Organization Web Site</b>			
I-8	<b>Organization Type</b>	Local Government Private Non-Profit Private For-Profit Native American Tribe Other		
I-9	<b>Grants Officer(s) Conducting Site Review:</b>			
I-10	<b>Site Review Location</b>			
I-11	<b>Site Review</b>			
I-12	<b>Organization Representatives at this Site</b>	(Names, Titles, Phone Numbers, E-Mail Addresses)		
Miscellaneous Information for Section I:				

**IDAHO TRANSPORTATION DEPARTMENT  
DIVISION OF PUBLIC TRANSPORTATION  
ORGANIZATION SITE VISIT CHECKLIST**

<b>Item #</b>	<b>Item Description</b>	<b>Response/Data</b>	<b>Comments</b>	<b>Ref.</b>
<b>Section II – Funding Information and Financial Audit Information for Organization</b>				
<b>II-1</b>	<b>FTA Funding Source(s) Covered for this Site Review</b>	(FTA Section 5310, 5311, etc.)		
<b>II-2</b>	<b>Additional Federal Funding Sources</b>	(Medicaid, Older Americans Act, Etc.)		
<b>II-3</b>	<b>Matching Fund Source(s) for Item II-1</b>			
<b>II-4</b>	<b>Completed Schedule of Federal Funds Received</b>	(Attach as Appendix to this Site Review)		
<b>II-5</b>	<b>Did Organization Receive more than \$500,000 in Federal Funds in 2007?</b>			
<b>II-6</b>	<b>Type of Audit, and Status of Audit for Organization</b>	(E.G. - A-133, Closed, Dates)	(Attach copy if available)	
<b>II-7</b>	<b>ROSS-Web Claims Pending at time of Site Review</b>			
<p>Miscellaneous Information for Section II:</p> <p><b>NOTE:</b> Subrecipient Organization completes two questionnaires regarding financial control that have been jointly developed by ITD, Division of Public Transportation, and ITD’s Office of Internal Review. Completed questionnaires are to be added to this site visit report as an appendix.</p>				

**IDAHO TRANSPORTATION DEPARTMENT  
DIVISION OF PUBLIC TRANSPORTATION  
ORGANIZATION SITE VISIT CHECKLIST**

<b>Item #</b>	<b>Item Description</b>	<b>Response/Data</b>	<b>Comments</b>	<b>Ref.</b>
<b>Section III – Human Resource Management</b>				
III-1	Organization Personnel Manual	(Describe currency, status, last date updated, etc.)	Obtain copy for ITD files, if available	
III-2	Recruitment Efforts	(Describe Recruitment Efforts, including Minority Recruiting, Access for Disabled Applicants, and other Recruiting/Advertising Activities)		
III-3	Equal Employment Opportunity	(Describe presence of required posters, policy statements and related documentation showing compliance with EEO Policies)	Refer to sections of Personnel manuals as appropriate	
III-4	Policies Prohibiting Harassment, Intimidation, Coercion, Etc.	(Describe where policies exist, currency, and other observations)	Refer to sections of Personnel manuals as appropriate	
III-5	Human Resource EEO Complaints	(Describe, and document if there is a H.R. EEO Complaint Log present, if any formal complaints have been received. If so, how documented, resolution status, etc.)	Provide summaries to ensure privacy act compliance, as required	
III-6	Employment Practices – Salaries and Salary Schedule	(Describe if any employees are receiving less than minimum wage, and if so, document reason why and exemption sources.)	Provide salary schedule for employees by job classification (Omit personal information)	
III-7	Employment Practices – Job Descriptions and Related Information	(Describe review of Job Descriptions for the organization to include, FLSA status, Safety-Sensitive Status (for Sec. 5311), physical requirements, and currency of descriptions)	Attach copies of job descriptions as available and appropriate to Site Visit Report	
Miscellaneous Information for Section				

**IDAHO TRANSPORTATION DEPARTMENT  
DIVISION OF PUBLIC TRANSPORTATION  
ORGANIZATION SITE VISIT CHECKLIST**

<b>Item #</b>	<b>Item Description</b>	<b>Response/Data</b>	<b>Comments</b>	<b>Ref.</b>
<b>Section IV – Transportation Service Delivery Compliance</b>				
IV-1	Title VI – Minority Access to Services	(Describe public outreach, advertising, and public education as to its inclusion of services to minority groups. Include posters and other publications present during site review)	As able and appropriate, attach copies of these documents to the site review	
IV-2	Title VI – Limited English Proficiency (LEP) Access (Current Description)	(Describe how the subrecipient addresses communication needs of persons with LEP, including service provisions, number and proportion of LEP persons, frequency and contact of LEP persons to the organization, and costs and availability.)	As appropriate, attach LEP information and tools for customers	
IV-3	Title VI – Limited English Proficiency (LEP) Implementation Plan	(Describe how the subrecipient uses ITD Implementation Plan, and supplements same to meet local requirements for areas served)	Provide Organization with copy of ITD LEP Plan and associated documents	
IV-4	Title VI – Complaint Procedure, Logs, and Associated Documentation	(Describe observed compliance by reviewing complaint files, logs, etc.)	As appropriate and available, attach documents to site review report	
IV-5	Americans with Disabilities Act (ADA) Compliance	(Describe the Organization’s type of transportation services, and requisite ADA levels of service)	As appropriate, attach ADA Paratransit Plan, and other associated documents	
IV-6	Disadvantaged Business Enterprise (DBE) – Program Required	(Describe if the Organization is subject to development of a DBE Plan. If not required to have their own plan, describe participation in the ITD plan and Goal)	Attach or reference the Organization’s DBE plan, if appropriate	
IV-7	Disadvantaged Business Enterprise (DBE) – Activities	(Summarize the Organization’s methods to identify and use DBE businesses in their purchases. For Section 5311 providers, also review DBE reports submitted in ROSS Web as part of the site visit)	As appropriate, attach DBE program information to Site Visit Report	
Miscellaneous Information for Section IV:				

**IDAHO TRANSPORTATION DEPARTMENT  
DIVISION OF PUBLIC TRANSPORTATION  
ORGANIZATION SITE VISIT CHECKLIST**

Item #	Item Description	Response/Data	Comments	Ref.
<b>Section V – Organization Marketing Practices</b>				
V-1	On-going Advertising and Marketing	(Describe the Organization's advertising and marketing efforts, including education and public awareness activities)	Attach flyers, copies of newspaper ads, and related documents as available	
V-2	Special Advertising and Marketing Efforts	(Describe the Organization's special marketing efforts and seasonal campaigns, with emphasis on information to the general public using services)	Attach flyers, copies of newspaper ads, and related documents as available	
V-3	Community Awareness of Transportation Services	(Describe the Organization's activities in working with other community organizations, local governments, and associated organizations to promote services)		
V-4	Rider Information Regarding Services	(Describe the Organization's operations in providing services, including riders' guide, schedules, websites, etc.)	Attach copies of schedules and associated documents as available	
Miscellaneous Information for Section V:				

**IDAHO TRANSPORTATION DEPARTMENT  
DIVISION OF PUBLIC TRANSPORTATION  
ORGANIZATION SITE VISIT CHECKLIST**

Item #	Item Description	Response/Data	Comments	Ref.
<b>Section VI – Capital Procurement and Vehicle Maintenance</b>				
VI-1	Capital Procurement Processes	(Describe the Organization's process (es) for acquiring capital items [primarily rolling stock] valued at \$25,000 or more. If organization uses a consolidated bid, so state.)	Attach policies, instructions, and other related documentation that addresses this area	
VI-2	Vehicle Maintenance – Daily Check Sheets	(Describe the Organization's use of daily check sheets for vehicles, and process used to identify problems and ensure necessary repairs are completed)	As available and appropriate, attach copy of daily check sheet for vehicle(s)	
VI-3	Vehicle Maintenance – Documentation	(Describe how the Organization documents vehicle maintenance and repair)	Attach any forms used by Organization for this purpose	
VI-4	Vehicle Inspection(s) Conducted	(If vehicle inspection(s) were conducted during the site visit, attach copies to report)		
VI-5	Vehicle Inventory	(Describe the inventory of vehicles used by Organization to provide Public Transportation services [including those not purchased with FTA funding])	If available and appropriate, attach vehicle inventory provided by Organization	
Miscellaneous Information for Section VI:				

**IDAHO TRANSPORTATION DEPARTMENT  
DIVISION OF PUBLIC TRANSPORTATION  
ORGANIZATION SITE VISIT CHECKLIST**

Item #	Item Description	Response/Data	Comments	Ref.
<b>Section VII – Drug and Alcohol Testing, Policies, and Required Documentation</b>				
VII-1	Drug-Free Workplace Policy	(Describe the Organization’s Drug-Free Workplace policy, including when adopted by board, updates, and how employees are notified of the policy)	Attach copy of the policy to this site visit report	
VII-2	Drug and Alcohol Program Policy	(As required, describe the currency and status of the Organization’s FTA Drug and Alcohol Testing Program Policy. Identify any on-going activities in this area, and if the current policy is compliant with FTA requirements.)	Identify where the current policy can be found, or attach copy to this site visit report	
VII-3	Other Drug and Alcohol Program Policies	(Describe if the Organization utilizes and/or operates a Drug and Alcohol Testing program other than the FTA –required program. If such a program exists, ensure it does not conflict with FTA program requirements)	Attach summary of other Drug and Alcohol Testing policy if one exists	
Miscellaneous information for Section VII:				

**IDAHO TRANSPORTATION DEPARTMENT  
DIVISION OF PUBLIC TRANSPORTATION  
ORGANIZATION SITE VISIT CHECKLIST**

<b>Item #</b>	<b>Item Description</b>	<b>Response/Data</b>	<b>Comments</b>	<b>Ref.</b>
<b>Section VIII – Miscellaneous Program Specific Requirements (Depending on Type of FTA Funding)</b>				
VIII-1	Restrictions on Lobbying	(Describe if the Organization is subject to reporting of Lobbying Activities [receives more than \$100,000 in federal funds in one year], and the Organization’s involvement in Lobbying activities)	As appropriate, attach federal lobbying reports to site visit report	
VIII-2	Purchasing Procedures	(Describe the Organization’s purchasing controls and process. Describe the various controls for purchases meeting State of Idaho and Federal thresholds, and how managed/documented)	As appropriate, attach purchasing documents used by the Organization	
VIII-3	Complaint Handling and Resolution (Non-ADA, Civil Rights)	(Describe the Complaint Procedures in place, and being used by the Organization. Items to be included are the presence of a complaint log, complaint form, documentation on status, how resolved, etc.)	As appropriate, attach copy of complaint form	
VIII-4	Complaint Handling and Resolution (ADA, Civil Rights)	(Describe how the Organization provides a compliant activity and documentation for ADA and Title VI Civil Rights Complaints)	As needed and appropriate, provide Organization with ITD Title VI Civil Rights Documents and related tools	
VIII-5	Charter Service Requests	(Describe how the Organization handles requests for Charter Service, including referral to private-for-profit carriers, documentation of requests and actions, etc.)	Refer Organization to FTA Charter Bus requirements at the FTA Website (various locations)	49 CFR Part 604
VIII-6	School Bus Service	(Describe the Organization’s involvement (if any) in school bus transportation. If involved, ensure the Organization complies with FTA requirements)	Refer Organization to FTA School Bus regulations at the FTA Web Site	49 CFR Part 605
Miscellaneous Information for Section VIII:				

**IDAHO TRANSPORTATION DEPARTMENT  
DIVISION OF PUBLIC TRANSPORTATION  
ORGANIZATION SITE VISIT CHECKLIST**

Item #	Item Description	Response/Data	Comments	Ref.
<b>Section IX – Follow Up Actions Needed on Site Visit</b>				
<b>Section X – Comments from Subrecipient (Organization) on Site Visit:</b>				

\_\_\_\_\_  
Grant Officer Signature

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Organization Official Signature

\_\_\_\_\_  
Date:

## EXHIBIT IV – DIVISION OF PUBLIC TRANSPORTATION PAMPHLET



### GRANT FUNDS AVAILABLE

The Idaho Transportation Department, Division of Public Transportation, will be accepting applications for FY **2010**

Federal grant funds in the following program categories:

**SECTION 5311 - RURAL PUBLIC TRANSPORTATION PROGRAM** - Administration, operating and capital assistance for transit providers serving areas with populations less than 50,000.

**SECTION 5311(f) – INTERCITY BUS TRANSPORTATION PROGRAM** - Development and support of rural bus service for the general public between communities.

**SECTION 5310 - ELDERLY AND PERSONS WITH DISABILITIES PROGRAM** - Capital purchases to assist private non-profit organizations, local governments, or tribes, in meeting the transportation needs of the elderly and/or persons with disabilities.

**SECTION 5310 – RURAL PURCHASE OF SERVICE (POS)** – Assistance to private non-profit organizations serving the elderly and persons with disabilities to fund SCRIP or voucher programs when capital purchases are not cost effective.

**SECTION 5316 – JOB ACCESS/REVERSE COMMUTE PROGRAM** - For promoting the use of transit by workers with non-traditional work schedules, transit vouchers by appropriate agencies for welfare recipients and eligible low-income individuals, or employer-provided transportation.

**SECTION 5317 – NEW FREEDOM PROGRAM** - For the enhancement or expansion of **new** services and/or capital improvements **above and beyond** ADA requirements.

**Minority Organizations are encouraged to apply.** The Grant Applications and the Program Information Guide will be available online December 3, 2007 at <http://itd.idaho.gov/PublicTransportation/grants.htm>.

**Grant Applications Will Be Due By March 13, 2009.**

(Continued Next Page)

To request a hard copy, electronic copy in disc or CD format, please return the bottom portion of this announcement to:

**DIVISION OF PUBLIC TRANSPORTATION  
IDAHO TRANSPORTATION DEPARTMENT  
PO BOX 7129  
BOISE ID 83707-1129**

or

FAX: (208) 334-4424

TELEPHONE: (800) 527-7985

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**YES! Please send a Program Information Guide and the following applications:**

**Organization:** \_\_\_\_\_ **Contact Person:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

**E-mail address:** \_\_\_\_\_

**Application(s) we would like to receive:**

Section 5311 \_\_\_\_\_

Section 5311(f) \_\_\_\_\_

Section 5310 \_\_\_\_\_

Section 5310 POS \_\_\_\_\_

Section 5316 JARC \_\_\_\_\_

Section 5317 New Freedom \_\_\_\_\_

**Applications are available in Microsoft Word – Please send electronic versions of applications checked above \_\_\_\_\_**

**3/13/09**

***Important Notice to Potential Applicants and Interested Parties:***

*The Idaho Transportation Department (ITD) is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. ITD assures that no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ITD service, program, or activity. The department also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, the department will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.*

## EXHIBIT V – ITD TITLE VI PAMPHLET

### OUR MISSION AT ITD

The mission of the Idaho Transportation Department (ITD) is to provide high-quality, cost-effective transportation systems that are safe, reliable, and responsive for the economical and efficient movement of people and products.

Under Title VI, the transportation programs, services, and activities offered by ITD are intended to assist the people of the state of Idaho without regard to race, color, national origin, gender, age, disability, economic status or limited English proficiency.

The policy of ITD is to ensure that all components of Title VI of the Civil Rights Act of 1964 are complied with.

### WHAT IS TITLE VI?

Title VI was enacted as part of the Civil Rights Act of 1964. It states that:

*“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” (42 USC 2000)*

Other related statutes provide protection against discrimination on the basis of gender, age, or disability by programs receiving federal financial assistance.

Title VI was further defined in 1994. **Executive Order 12898** (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) requires federal agencies and their recipients to identify and

address the effects of all programs, policies, and activities on minority and low-income populations.

In 2000, **Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency)** was signed into effect requiring federal agencies to assess and address the needs of otherwise eligible limited English proficient persons seeking access to the programs and activities of recipients of federal financial assistance.

### WHAT DOES THIS MEAN TO ITD?

ITD will strive to ensure that all of the services, programs, and activities of the department are administered **fairly**, without regard to race, color, national origin, gender, age, or disability. The department will also make efforts to prevent discrimination through the impacts of its programs on minority and low-income populations. In addition, the department will take reasonable steps to provide meaningful access to services for persons with limited English proficiency.

ITD will seek to prevent discrimination by any of its employees or sub recipients of its federal funds such as cities, counties, contractors, consultants, suppliers, colleges and universities, and community planning agencies. The department's efforts to prevent discrimination must address, but not be limited to, a program's impacts, access, benefits, participation, treatment, services, contracting opportunities, training opportunities, investigation of complaints, allocation of funds, and the prioritization of projects.

*ITD prohibits all discriminatory practices which may result in:*

- *Denial of services, financial aid, or benefits provided under the program.*
- *An opportunity afforded to participate that is different from that afforded others.*
- *Service different or restricted from that provided to others under the program.*
- *Segregation or separate treatment under the program.*
- *Differing standards that an individual must meet in order to be provided service under the program.*
- *Denial of an opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program.*

Any federal financial aid sub recipient, such as the metropolitan planning organization, is required to administer its program and activities without regard to race, color, national origin, gender, age, disability, economic status or limited English proficiency.

### WHO BEARS THE RESPONSIBILITY?

The responsibility for Title VI compliance and monitoring lies with ITD employees and its specialty program areas as outlined in Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) guidelines.

- Transportation Planning
- Design
- Environmental
- ROW
- Construction
- Research
- Public Involvement

- Public Transportation
- Metropolitan Planning Organizations

The Equal Employment Opportunity (EEO) Office has developed and will oversee ITD's Title VI plan, and program compliance with the plan, which is effective upon review and approval by the Federal Highway Administration.

The EEO Office will provide continuous leadership, guidance, and technical assistance to ensure ongoing compliance with Title VI and the Executive Orders of Environmental Justice and Limited English Proficiency.

### **HOW IS A DISCRIMINATION COMPLAINT FILED?**

Complaints may be filed by any person who believes that he or she has been excluded from participation in, been denied the benefits of, or otherwise subjected to discrimination under any ITD service, program, or activity, and believes the discrimination is based upon race, color, national origin, gender, age, disability, economic status or limited English proficiency. Written complaints may be filed with the Idaho Transportation Department's EEO Office in Boise.

A signed written complaint must be submitted within 180 days of the alleged discriminatory act (or latest occurrence). Individuals may also file complaints directly with the U.S. Department of Transportation (USDOT) and/or the Federal Highway Administration (FHWA) within the 180 day timeframe. Your complaint should contain:

- Name, address, telephone number, and signature of the complainant.
- Facts and circumstances surrounding the claimed discrimination, including date

of allegations, and basis of complaint (i.e., race, color, national origin, gender, age, disability).

- Any names of persons, if known, that the investigator could contact for additional information to support or clarify the allegations.
- Remedial action being sought by the complainant.

### **HOW WILL A COMPLAINT BE RESOLVED?**

Within ten days of receiving a written complaint, ITD's EEO Office will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation. If it is determined that ITD has jurisdiction of the complaint, it will investigate and make recommendations for resolving it. Otherwise, the complaint will be forwarded to the Federal Highway Administration for investigation.

### **WHAT IF A RECIPIENT RETALIATES AGAINST THE COMPLAINANT FOR FILING A COMPLAINT?**

Federal laws prohibit a recipient of federal funds from retaliating against any person who has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing. Any complaints of retaliation should be directed to ITD's EEO Office immediately at:

*Idaho Transportation Department  
Equal Employment Opportunity Office  
Attention: EEO Manager  
P.O. Box 7129*

*Boise, ID 83707*

*Phone: (208) 334-8852*

*TDD: (208) 334-4458*

**For further information, please visit ITD's EEO website at: [www.itd.idaho.gov](http://www.itd.idaho.gov)**



**The Idaho Transportation Department  
Equal Employment Opportunity Office**

### **TITLE VI PROGRAM**

“Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination.”

John F. Kennedy