



IDAHO TRANSPORTATION DEPARTMENT

Title VI Assurance Update

State Fiscal Year 2009

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**Idaho Transportation Department
Title VI Assurances Update
State Fiscal Year 2009**

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**Idaho Transportation Department
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i. TITLE VI ASSURANCE POLICY STATEMENT

No revisions were made to ITD's Title VI Policy Statement during the reporting period.

II. ORGANIZATION AND STAFFING

The EEO Manager continues to manage external Civil Rights Programs including Title VI, Contract Compliance, DBE Program administration and Supportive Services, and Title II of the Americans with Disabilities Act. A current organizational chart is attached (Exhibit B).

No staff changes within the EEO Office have occurred since the last reporting period.

III. PROGRAM AREA MONITORING AND REVIEW PROCESS

The following information was obtained during the annual Title VI review of ITD's designated Title VI program areas and Metropolitan Planning Organizations (MPO). This assurance update contains information regarding the activities of headquarters and district staff. Staff activities reported for areas outside the FHWA designated program areas, such as Motor Vehicles and Public Transportation are detailed in Section V - Accomplishments.

PUBLIC INVOLVEMENT

A review of the Public Involvement section was conducted with Public Involvement Coordinator, Adam Rush. It is our determination that the Title VI requirements for public involvement activities are being implemented in accordance with ITD's Title VI Plan and Title VI of the Civil Rights Act of 1964, 23 CFR 200.1 and 200.9.

Public Involvement personnel include:

- 1 Caucasian Male Public Involvement Coordinator
- 1 female Public Involvement Coordinator

There were 2 public hearings held this past fiscal year. For the Post Falls Access Improvements project 30% women, 2.8% minorities, and 1.4% disabled attended. Demographic data was not collected for the Karcher Interchange to Five Mile Environmental Study. The consultant used the wrong sign-in sheet, a situation which has since been corrected for future meetings.

There were approximately 20 public information meetings held during this period.

Newsletters and post cards sent out on ITD projects include Spanish text letting the reader know that an interpreter can be provided, and that if someone who wants to attend needs special accommodations, they can call an ITD phone number to have those accommodations attended to. For the Garrity to Meridian construction project on Interstate 84 in District 3, a brochure and display boards on the construction were

Public Involvement, continued

translated into Spanish. The brochure was handed out at two minority-owned businesses:

XL Four Star Beef and Sorrento Lactalis. The Spanish display boards were placed in the employee break rooms at the businesses.

Efforts made to contact minority group/leaders included work with Tribal governments located in Idaho. ITD has processes in place so that close coordination with Tribal members is a normal part of doing business. Through ITD districts and the local coordinating MPO, work continues in maintaining a government-to-government relationship with Indian tribal governments. 23 CFR 134 and 135 establishes consultation requirements with tribes through the statewide and metropolitan planning and programming processes. During the statewide transportation planning process, in which the Office of Communications is involved, consideration is given to the needs of Tribal governments when carrying out planning. Tribal governments are consulted in long range planning issues and development of the State Transportation Improvement Plan (STIP). ITD works with the Bureau of Indian Affairs, the Coeur d'Alene Tribe, the Nez Perce Tribe, the Shoshone-Bannock Tribes, the Shoshone-Paiute Tribes of the Duck Valley Reservation and the Confederated Salish & Kootenai Tribes.

When an ITD project is in the initial stages of planning and design, meetings are held with the tribes to address concerns. Those concerns range from potential archaeological sites to water, wetlands and other environmental concerns. Participation occurs through mailings sent out on the highway project or in meetings arranged by ITD staff or the consultants working with ITD.

Efforts to engage other minority groups/leaders include meetings with representative from the Hispanic Cultural Center of Idaho in Nampa, and representatives from the Community Council of Idaho (formerly the Idaho Migrant Council). These organizations can be helpful with outreach efforts to individuals who might not traditionally attend a public meeting or hearing.

Recognizing the need to offer special news bulletins in a Spanish format, press releases regarding extreme weather conditions, road closures and other emergency information is sent to KWEI Spanish Radio and KDBI Spanish Radio and are translated into Spanish.

ITD attempts to engage those traditionally underserved populations such as low-income communities and minority neighborhoods that fall within a project's area of impact continue to be refined. Meetings are held in the late afternoon/early evening to allow more people to attend, and are held close to the project area to reduce the amount of time spent driving and potential transportation costs. Information collected is evaluated by district staff to see if changes or modifications can be made that will address the issues or concerns.

ITD has established web pages for projects and work continues to make them increasingly user-friendly. Work is currently being done to provide web information in Spanish for projects located in areas where there is a minority population.

Public involvement guidelines are included in the department's on-line design manual which is updated bi-annually. The 2001 Public Involvement Guidebook has been updated and includes

Public Involvement, continued

strategies, techniques and examples for reaching out to under-represented populations.

There were no complaints received during this reporting period. The headquarters Public Involvement Coordinator attended Title VI teleconference training hosted by FHWA in April.

Transportation Planning

The EEO Office concluded a review with the Division of Transportation Planning Program Area Coordinator (PAC) Ron Kerr (Senior Transportation Planner). It is our determination that the Title VI transportation planning requirements are being implemented in accordance with ITD's Title VI Plan and Title VI of the Civil Rights Act of 1964, 23 CFR 200.1 and 200.9.

Planning personnel includes:

CLASSIFICATION	VACANT	GENDER		RACE				
		F	M	White	Hispanic	Asian	Black	Native American
Trans Planning Admin			1	1				
Engineer Mgr 1			1	1				
Planning Mgr		1		1				
Tr Serv DP User Mgr			1	1				
Staff Engineer	Changed to Research Analyst Sr							
Tech Engineer 1		1		1				
Transp Planner		1		1				
Transp Planner Sr	1		2	2				
Research Analyst Pr		1	1	2				
Research Analyst Sup			1	1				
Research Analyst		2	2	3		1		
Math Analyst Sup			1	1				
Math Analyst		2	1	3				
GIS Specialist		1	1	2				
GIS Analyst			1	1				
Prog Information Coor			1	1				
Research Prog Mgr			1	1				
Transp Tech Sr		1		1				
Traffic Surv Fld Sup			1	1				
Planning Mgr		1		1				
Traffic Survey Tech		1	1	2				
TTP, Engineering			1	1				
Transp Technician	REMOVED 1	1	4	5				
TTA								
Management Asst.	REMOVED							
Admin Asst.		2		2				
Research Analyst Sr		1		1				
Geographic Info/Cart Mgr			1	1				
Totals:	1	16	23	38		1		

Transportation Planning, continued

Eight interns were hired into the Intern Program this past year. Racial/gender make up was:

- 7 males
- 1 female

- 6 Caucasian
- 1 Asian
- 1 Native American

Recruitment of students for the internship program is open to all students in certain majors. In addition, students are also recruited via 'word of mouth' by interns currently in the program.

There was only one planning agreement awarded for a total value of **\$62,500**, which was awarded to a woman-owned DBE firm. Because the agreement amount was below \$250,000 this consultant was selected from ITD's pre-approved consultant list. ITD's term agreement list is now open all of the time accepting new consultant applications year around. Standard Title VI language is included in all state and federal contractual agreements.

The dollar amount of federal planning monies passed to MPOs through ITD this reporting period was:

• Community Planning Association of Southwest Idaho	\$927,554
• Bannock Planning Organization	\$157,302
• Bonneville Metropolitan Planning Organization	\$168,549
• Kootenai Metropolitan Planning Organization	\$188,459
• Lewis-Clark Valley Metropolitan Planning Organization	\$ 77,967

Amounts are without any local match and do not include FTA planning funds.

A demographic profile of the state has allowed Transportation Planning to focus on assisting the urbanized areas of the state in their planning and compliance. The 2000 and 2005 Census information provided by the Department of Commerce continues to assist in providing information on minority and low-income populations throughout the state. Transportation Planning has a GIS section that manages a GIS database (based on census-tract information) that shows within block groups Idaho's citizens that are below the poverty level (% was determined by formula) or within minority groups. The GIS database shows the locations of these groups based on census block groups. The specific tools used in Planning's demographic analysis are ESRI and ARCmap GIS tools.

Members of the Planning Division are actively involved in encouraging participation of Tribal governments in the planning process. All of the tribal transportation planners are members of the State Intermodal Working Group that meets 3-4 times each year to discuss transportation-related issues on and off the reservation. They have also established and formalized each tribe's

Transportation Planning, continued

preference as to how interaction will occur and who will be involved at various levels. Depending on the issue or level of information being discussed or presented, the District Planner, Public Involvement Coordinator, or a member of the engineering staff. Only in District 2 is there a memorandum of understanding that spells out how the Tribe and District representatives will work and communicate together. They generally meet twice each year to go over maintenance issues, needed projects, environmental concerns, etc.

Tribes are also eligible for statewide application programs such as the Congestion Mitigation and Air Quality, Safe Routes to School, and Transportation Enhancement programs. Prioritization for projects follows ITD processes for pavement, bridges, safety, rail and reconstruction and expansion. These needs compete for limited dollars and decisions to include them in the STIP are often based on projects identified in the corridor plan. When corridor plans are developed all of the relevant governmental agencies of concern are brought into the public involvement process, including the Tribes.

Planning involvement with the Tribes includes:

- Mail both the Draft and Final STIPS to Idaho Tribes;
- Include and reimburse travel for Tribal Transportation Planners to attend 3 Intermodal Working Group meetings;
- Notify Tribes of statewide project application programs and invite them to attend informational meetings on these programs;
- Participate in the Tribal Technical Assistance Program (TAP) as a member of the Advisory Board;
- Review district involvement with the Tribes and make suggestions where appropriate;
- Meet with Tribal members when requested;
- Include the most recently available Indian Reservation Roads Program in the STIP;
- Devote a section in the STIP to information about the Bureau of Indian Affairs and Idaho Tribes and tribal contact sources.

A number of corridor studies were conducted by District staff during FY2009. The information from these studies will be used to update the STP during FY2010.

The Planning PAC attended a Title VI web conference presented by FHWA. There were no Title VI issues identified or complaints filed during this reporting period.

PROJECT DEVELOPMENT

1. Environmental

The EEO Manager concluded a review with the Environmental PAC Sue Sullivan (Environmental Manager). It is our determination that the Title VI requirements are being implemented in the environmental area in accordance with ITD's Title VI Plan and Title VI of the Civil Rights Act of 1964, 23 CFR 200.1 and 200.9.

Project Development – Environmental, continued

Environmental personnel include:

CLASSIFICATION	VAC	GENDER		RACE				
		F	M	White	Hisp	Asian	Black	Native American
Environmental Manager		1		1				
Senior Environmental Planner	2	3	6	9		1		
Environmental Planner	1	2	6	8				
Highway Archeologist			1	1				
Cultural Historian		1	1	2				
Illustrator		1		1				
Tech Records Specialist		2		2				
Stormwater Coordinator			1	1				
Totals:	3	10	15	25		1		

There were 169 environmental actions conducted this year. Of these, 157 actions were Categorical Exclusions (includes re-evaluations). 12 Environmental Assessments were performed (includes re-evaluations). No Environmental Impact Statements were reviewed. No minority or low-income populations were adversely impacted.

The evaluation process for EJ is included in the Environmental Process Manual. District Environmental Planners are responsible for the accuracy and completeness of environmental evaluations. On a minor project (Categorical Exclusion), the documentation is done using a checkbox that notes if the item required “Avoidance, Minimization or Discussion”. There is no information required on the form to verify what statistics were referenced. The ITD HQ planner reviews the document prior to approval by ITD or FHWA, as applicable. That reviewer would typically only know if there were/were not adverse impacts, not how the conclusion was made. Categorical Exclusions are smaller projects that typically would not present issues for EJ. Environmental Assessments and Environmental Impact Statements would include a more comprehensive description of the EJ analysis and finding.

No revisions were made to the Environmental Evaluation form (ITD-654) during the reporting period. As a result of our discussions with the Environmental Section PAC, efforts will be underway to improve the EJ evaluation to make it more meaningful, particularly where the evaluation of demographic data is concerned. This may result in changes to the Environmental Evaluation form and the environmental manual.

Census 2000 demographic data that ITD purchased has been loaded and documented in our GIS data repository. All GIS users within ITD have access to this data. The GIS Program Manager conducted 3 GIS classes this past year and the districts were well represented. Of the 36 seats available in these classes, 23 were filled by district personnel, some of whom were environmental planners.

Project Development – Environmental, continued

Title VI training presented by FHWA was attended. There were no Title VI issues identified or complaints filed during this reporting period.

2. Design, Consultant Agreements, Contract Bidding & Letting

A review of the Design section was concluded with PAC Nestor Fernandez, Roadway Design Engineer. It is our determination that the Title VI requirements for design are being implemented in accordance with ITD’s Title VI Plan and Title VI of the Civil Rights Act of 1964, 23 CFR 200.1 and 200.9.

Design personnel include:

CLASSIFICATION	VACANT	GENDER		RACE				
		F	M	White	Hispanic	Asian	Black	Native American
Engineer Manager 3			1		1			
Engineer Manager 1		1		1				
Project Manager	1		2	2				
TSEA	1	2	4	6				
Admin. Assistant 1		1		1				
Tech. Engineer 2			1	1				
Tech. Engineer 1			1	1				
Tech Records Spec		3		3				
Grants/Contr Spec		1		1				
Trans Mgmt Sys Coor		1		1				
Office Specialist 2		1		1				
Totals:	2	10	9	18	1			

Consulting: There were 67 consulting firms used, with a total dollar value of **\$29,873,604** during this reporting period (some consulting firms held multiple contracts but were counted only once). There were 19 DBE prime consultant agreements, with a dollar value of **\$1,878,435**. The breakdown is as follows:

- 1 MBE
- 5 WBE

11 were DBE subconsultant agreements, with a dollar value of **\$189,292**. Again, consultants were counted only once, although they may have had multiple contracts. The breakdown of the subconsultants is as follows:

- 2 MBE
- 4 WBE

Project Development – Design, continued

Consultants are selected by the District, other HQ personnel, the MPOs and LPAs from the Term Agreement list or through individual project solicitation. All selections follow the Professional Service Agreement Procedures Manual.

To provide an equal opportunity for female and minority firms to participate in the bid process, the Design section invites DBE and MBE firms to apply for term agreements. Individual project solicitations are advertised on the Consultant Agreement Unit website and through the DBE Newsletter. Inquiries from current and potential DBE firms receive a PowerPoint slide show developed by DBE/SS to provide helpful information to a prospective company considering application to the term agreement list.

Contracting: 96 federal-aid prime contracts were awarded this reporting period, totaling **\$413,681,296**. Of that number, DBE firms were awarded prime and sub contracts totaling **\$19,983,970**.

DBE subcontracts awarded totaled **\$17,577,972**. 108 woman-owned business enterprise (WBE) subcontracts were awarded for a total of **\$16,774,763**. 14 minority business enterprise (MBE) subcontracts were awarded for a total of **\$803,209**. Of the MBE’s, 10 were Hispanic and 4 were Native American.

No discriminatory barriers to female or minority firms participating in the bid process were identified. Concerns regarding securing contracts and agreements were collected and analyzed as part of the outreach required in managing the DBE Program, however the overriding negative factor appeared to be less work available due to the economy in general rather than issues of potential discrimination. These concerns have already been reported in ITD’s 2009 and 2010 Goal Setting submission to FHWA.

There were no Title VI issues identified or complaints filed during this reporting period.

RIGHT-OF-WAY

The EEO Manager concluded a review with Right-of-Way PAC Bob Snyder (Right-of-Way Supervisor). It is our determination that the Title VI requirements for right-of-way are being implemented in accordance with ITD’s Title VI Plan and Title VI of the Civil Rights Act of 1964, 23 CFR 200.1 and 200.9.

Right of Way staffing is as follows:

CLASSIFICATION	VACANT	GENDER		RACE				
		F	M	White	Hispanic	Asian	Black	Native American
ROW Manager			1	1				
District ROW Supvsr		2	4	5				1
ROW Supervisor			1	1				
Senior ROW Agent		4	5	9				

District ROW Agent		4	5	9				
ROW Agent		1	2	3				
Dist Sr ROW Agent								
Admin Assistant		1		1				
Office Specialist								
Totals:		12	18	29				1

There was 1 female and 1 DBE consultant fee appraiser utilized during the reporting period. One female ITD staff appraiser was utilized. Statewide, there are 4 DBE certified appraisers.

Right of Way annually sends out a solicitation asking for firms interested in being included on their approved appraiser list. If they are qualified by holding an Idaho Certified General Appraiser certificate, they are put on the list. Minority companies on the Idaho Appraisers Licensing Board’s list of licensees are qualified and will receive the solicitation. Minority and women-owned firms have been actively encouraged by ROW staff and DBE/Supportive Services to apply for DBE Certification.

During this timeframe, there were 7 female and 1 minority male negotiators used. None of these negotiators were DBE certified. There were no concerns or issues identified during the negotiation phase concerning options available, or any other aspects of the negotiation.

There were 5 relocations of disadvantaged residents during the reporting period: 2 female, 1 disabled, and 2 elderly persons. There were no concerns raised on replacement housing, referral housing or advisory services. No relocation assistance contracts were awarded.

Right-of-Way continues to use the public hearing/public involvement process, as well as informational brochures, to ensure relocation assistance is provided on a non-discriminatory basis. The program area also offers three brochures in an easy-to-read Spanish format: Property Acquisition, Relocation Services, and Property Owner Rights. All relocation notices have been translated into Spanish. The primary ownership data gathering form now includes a check box for providing language assistance for future contacts.

There were no Title VI issues identified or complaints filed during this reporting period. To ensure that feedback is gathered from affected public, ROW sends out a survey to every property owner after the process is completed asking if there were any problems or concerns with the process just completed. ROW uses this survey process to spot any trends or other problems with property purchases or relocation.

The ROW PAC attended FHWA sponsored Title VI monitoring training and training on monitoring the EEO requirements for consultant agreements during this past year. There were no Title VI complaints received.

CONSTRUCTION

A review of the Construction section was conducted with PAC Doug Chase (Assistant Construction Engineer). It is our determination that the Title VI requirements for construction

Construction, continued

are being implemented in accordance with ITD’s Title VI Plan and Title VI of the Civil Rights Act of 1964, 23 CFR 200.1 and 200.9.

The staffing for the Construction section is as follows:

CLASSIFICATION	VACANT	GENDER		RACE				
		F	M	White	Hispanic	Asian	Black	Native American
Transp Engineer 2		1						
Transp Engineer 1			2	2				
TSEA			1	1				
Tech Engineer 2			3	3				
Admin Assistant			1	1				
Totals:		1	7	8				

There were no consultant agreements developed directly by Construction during this reporting period. All consultant agreements were developed through the Roadway Design Consultant Administration Unit and have been reported under that program area.

No contractors, subcontractors or DBE contractors or subcontractors defaulted this period. There were no Title VI issues identified by Construction personnel or complaints filed during this reporting period. There are three Associate Engineers in Headquarters Construction Administration who are assigned to two Districts each for the purpose of monitoring construction projects, handling claims, monitoring labor compliance, monitoring and resolving prompt payment issues and conducting final inspections.

Staff in the District Construction Residencies is responsible for monitoring Civil Rights aspects of construction projects, to include uniformity in sub-contracting, and ensuring prompt payment, non-segregation of facilities, required posters, EEO policies, and assignment of a contractor EEO Officer are occurring on the project.

District Residency staff receive regular training by EEO staff in their responsibilities to ensure contractor compliance in the Civil Rights area. During FY09, construction staff in all Districts was provided training on contractor compliance issues. Agreement Administrators in all Districts received training on monitoring agreements for EEO compliance also. For the first time, all of the District training was made mandatory and attendance was nearly 100%.

To ensure that construction staff is monitoring contractors and project activities, EEO Office staff conducts regular spot checks of Residency files, processes and procedures, then provides feedback to the Resident Engineer on findings. Feedback and one-on-one training was provided to residency staff when problems are found.

For extensive and detailed information on EEO Contract Compliance Reviews conducted, please refer to the annual EEO Assurances, Part I Report.

RESEARCH

A review was conducted of the Research section with PAC Ned Parrish, Research Program Manager. It is our determination that the Title VI requirements for research are being implemented in accordance with ITD's Title VI Plan and Title VI of the Civil Rights Act of 1964, 23 CFR 200.1 and 200.9.

Research personnel include:

CLASSIFICATION	VACANT	GENDER		RACE/ETHNICITY					
		F	M	White	Hisp	Asian	Black	Nat Amer	Other
Research Prog Mgr			1	1					
Sr. Research Analyst		1		1					
Research Prog Asst		1		1					
Total:		2	1	3					

No consulting firms were used for research projects in FY09. If projects are to be awarded, they are usually of a very specialized nature and an RFP is issued and posted. There are limited female and minority-owned firms that have research capability. As a result, institutions of higher education are normally used to conduct transportation-related research. New this year was the addition of the T2 Center.

University/Consultant	Dollar Amount	Project
University of Idaho	\$67,969	RP 191 – Potential Crash Reduction Benefits of Safety Improvement Projects
University of Idaho	\$146,288	RP 192 - Native Plants for Roadside Revegetation
University of Idaho	\$187,822	RP 193 – Implementation of MEPDG for Flexible Pavements in Idaho
Boise State University	\$94,000	RP 194 – Laboratory Investigation of Concrete Sealer Products to Extend Concrete Life
Boise State University	\$35,818	Best Practices for Customer Service and Accountability Reporting
Boise State University	\$26,350	RP 196 – ITD Partnership Surveys
University of Idaho	\$50,000	RP 197 – ITD Customer Service Survey
LHTAC	\$280,000*	Ongoing T2 Center Operations
Total:	\$888,247**	

*This amount is not included in the budget amount listed below; it is strictly pass-through funds.

Research, continued

**Amounts listed are amounts awarded during the time period, not spent; many research projects (and spending) span several years.

76 Research Associates from BSU, ISU, U of I, the T2 Center, and AP Technology participated in research projects this past year. Further breakdowns are as follows:

26% - Female 1% - Hispanic 5% - Asian 3% - Black 1% - Native American 12% - Unknown 78% - White	<i>78% of the research students were categorized as white however, within that category, students from Enitrea, Iran, Bangladesh, India, Jordan and Egypt are included. In fact, most of the white research students came from outside the US.</i>
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The University of Idaho makes a conscious effort to recruit minority and female students to work on research. One way that they do this is by offering undergraduate internships to students. These internships, which pay up to \$1000 per year, are paid by National Institute of Advanced Transportation Technology funds. Interns are recruited by faculty researchers who have projects funded, usually by ITD or under NIATT's University Transportation Center grant. The University makes a special effort to recruit female research students. By offering undergraduates a chance to work on "real" projects, it has encouraged them to choose transportation engineering for their undergraduate emphasis and continue on into graduate school.

The master research agreements with Idaho universities require compliance with EEO requirements. Specifically, the agreements state that: "the University shall comply with all regulations of the US Department of Transportation relative to Civil Rights, including but not limited to Title 49 CFR Part 21, 23 CFR 710.40(b), and Title VI of the Civil Rights Acts of 1964 as amended." A nondiscrimination clause is also included in these agreements with the universities.

The total annual budget for the research program was \$1,377,943 (does not include funds for overhead). The majority of the funding goes to support research done through the National Cooperative Highway Research Program and pooled-fund studies managed by the FHWA and other states and may include minority educational institutions.

Projects selected for funding tend to be fairly small. 5 of the 8 projects selected last year were under \$100,000 each. Federal regulations for transportation grant procurements (49 CFR 18.36(d)) classify purchases under \$100,000 as "small purchases" and indicate that formal bidding is not required. Because of the small size of the program (2.5 fte), developing Requests for Proposals and going through a competitive bidding process for each project currently isn't practical. Federal regulations give states "maximum flexibility" in the use of FHWA planning and research funds (23 DFR 420.105) and specify that they are to follow their established state purchasing requirements when contracting for services (49 CFR 18.36(a)). Idaho statutes grant the Transportation Board the authority to establish contracts (I.C. 40-309) and authorize state

Research, continued

agencies to enter into contracts with other public agencies, including universities without competitive bidding (I.C. 67-2332).

The Research Program Manager attended training for agreement administrators which covered monitoring for compliance with EEO compliance requirements. This training was provided by the EEO Contract Compliance Officer.

There were no Title VI issues identified or complaints filed during this reporting period.

G. METROPOLITAN PLANNING ORGANIZATIONS

1. Community Planning Association (COMPASS)

A review was concluded with Jeanne Urlezaga, Operations Director at COMPASS. It is our determination that the Title VI requirements for metropolitan planning areas are being implemented in accordance with ITD’s Title VI Plan and Title VI of the Civil Rights Act of 1964, 23 CFR 200.1 and 200.9.

COMPASS personnel include:

CLASSIFICATION	VACANT	GENDER		RACE				
		F	M	White	Hispanic	Asian	Black	Native American
Executive Director			1	1				
Director of Planning			1	1				
Director of Operations		1		1				
Communication Coord		1		1				
Principal Planners		3	3	6				
Assoc. Planners			1	1				
Asst. Planners			4	4				
Accountant			1	1				
Accounting Asst.		1		1				
Executive Asst.		1		1				
Admin Assistants		2		2				
Totals:		9	11	20				

BOARD/COMMITTEE	GENDER		RACE				
	F	M	White	Hispanic	Asian	Black	Native American
Board of Dir Voting Members	10	24	34				
Ex-Officio Members		3	3				
*Totals:	10	27	37				

*COMPASS has indicated that their boards/committees are made up of elected officials and appointees.

MPOs – COMPASS, continued

COMPASS entered into 8 consultant agreements this past year for a total of \$206,536. Two of the agreements were with DBE, woman-owned companies for a total of \$24,410. One of the agreements was with a woman-owned, non-DBE company.

There have been no changes made to the civil rights language in COMPASS' professional services agreement, nor to the process used for selecting consultants. For projects under \$50,000, COMPASS identifies certified DBE firms from the ITD list that are qualified to do the work, contacts them directly informing them of the project and encourages them to submit a proposal. For professional service agreements (projects over \$50,000), selected consultants are encouraged to utilize DBE firms as sub-consultants. This is formally documented as part of the Professional Service Agreement.

COMPASS attempts to provide service equity by including Title VI language on public materials, on contracts for consultants, and in their employee procedure manual.

Materials are also developed for low literacy populations and translated into Spanish. Their public involvement plans routinely identify special needs communities and offers ways to reach them. COMPASS specifically surveys minority and low-income populations about their transportation needs, meets with these groups and the agencies representing them, and researches available transportation services and maps them to identify gaps in service coverage, especially where minority or low-income groups are identified. In addition, COMPASS has conducted several open houses with elderly, disabled, low-income, refugee, and immigrants to develop a mobility management guidebook which promotes transportation and transit options and preferences of these groups.

COMPASS has a Public Involvement Policy, which was approved by the COMPASS Board in 2006. The policy specifically addresses EJ and LEP concerns and strategies. COMPASS makes an effort to reach out to all groups, developing a custom strategy for each project. They work closely with community/group leaders and social service agencies to receive advice and assistance in involving at risk populations. Where possible, COMPASS goes to the people rather than expecting the people to come to them, making sure that public transit is available to those locations.

As part of its mobility management program, COMPASS reached out to groups specifically comprised of, and representing low-income, disabled, elderly and minority populations. COMPASS staff met with staff of agencies who serve these populations to get their input, assistance and support. They met with social workers at St. Luke's Regional Medical Center, Valley Regional Transit's Regional Coordination Council, Epilepsy Foundation of Idaho, AARP and others. COMPASS staff has also worked closely with SAGE Community Resources to address issues relating to elderly refugees and attended a workshop on working with refugees.

COMPASS held no public hearings during the reporting period. There were 6 public information meetings held, with an average of 27% women, 6% minorities, and .83% disabled in attendance.

3. Bonneville Metropolitan Planning Organization (BMPO)

A review was concluded with Darrell West, Director at BMPO. It is our determination that the Title VI requirements for metropolitan planning areas are being implemented in accordance with ITD's Title VI Plan and Title VI of the Civil Rights Act of 1964, 23 CFR 200.1 and 200.9.

BMPO personnel include:

CLASSIFICATION	GENDER		RACE				
	F	M	White	Hispanic	Asian	Black	Native American
Director		1	1				
Administrative Secretary	1		1				
Planner	1			1			

Board/Committee	GENDER		RACE/ETHNICITY					
	F	M	White	Hispanic	Asian	Black	Nat Amer	Other
Policy Board	1	9	9	1				
TAC	2	10	12					
*Totals:	3	19	21	1				

*When questioned about the make-up of their boards and committees, BMPO indicated that they are made up of elected officials and other appointed positions, which does not allow them control over member racial/gender make-up.

BMPO issued 4 consulting agreements for a total of **\$124,966**. A review of BMPO agreements shows that the appropriate non-discrimination language is included.

For the development or update of specific planning documents or a specific project, a Stakeholder Committee is formed with representation from the community to encourage participation from all individuals who will benefit from the planning process. Stakeholder Committee members are formed to ensure that short and long term transportation planning needs of minority, low-income, and all users in general are being addressed.

During the development of the Short Range Transit Plan this past year, the Stakeholder Committee was instrumental in bringing forth the concerns of the clients they serve, many of whom are low income and minority individuals who depend heavily on public transportation. In addition, a model overlay was used to assess the transportation system investments in low income and minority population areas.

The typical make-up of Stakeholder Committees include specific non-profit organizations and agencies such as the Idaho Migrant Council, Idaho Commission for the Blind and Legally Impaired, Eastern Idaho Community Action Partners, Department of Health and Welfare, Life, Inc., Developmental Workshop, Wilderness Technologies, city and county officials and ITD.

MPOs –BMPO, continued

Many of the above organizations are contacted to help get the word out about upcoming public meetings and also to encourage their clients to attend and voice their concerns and needs. Communication flyers, website information and advertisement in local papers and at local events are all methods that have been used in this process.

Education and outreach by way of public meetings, surveys or interviews are held at locations that are accessible to minority and low-income individuals. Meeting locations are specifically chosen in neutral locations to encourage participation and prevent any perception barriers. Interviews/surveys are made available in other languages on an as needed basis with help from community resources and Stakeholder Committee members. BMPO's Public Involvement Plan includes information about Title VI, Environmental Justice and LEP.

The above information describes what is done in a typical year, however during this past year, no public hearings or meetings were held.

There was no Title VI training attended this past year. There were no Title VI issues identified or complaints filed during this reporting period.

4. Lewis-Clark Valley Metropolitan Planning Organization (LCVMPO)

A review was concluded with Steve Watson, Director, LCVMPO. It is our determination that the Title VI requirements for metropolitan planning areas are being implemented in accordance with ITD's Title VI Plan and Title VI of the Civil Rights Act of 1964, 23 CFR 200.1 and 200.9.

LCVMPO personnel include:

- 1 Caucasian male Director

Boards and Commissions:

BOARD/COMMITTEE	GENDER		RACE				
	F	M	White	Hispanic	Asian	Black	Native American
Policy Board	1	7	8				
TAC	3	11	13				1
*Totals:	4	18	21				1

*LCVMPO's board/committee members are made up of elected and appointed officials.

LCVMPO had 3 consulting agreements for a total of **\$207,000**. One of the agreements was issued to a woman-owned company.

LCVMPO used the consultant roster for Idaho and Washington for direct solicitation for submittal of qualifications. They use a qualifications based selection process, encouraging women and minority-owned business enterprises to participate. To encourage female and minority participation in the consultant agreement process the following language is used in their requests for professional services:

MPOs – LCVMPO, continued

“The Consultant will not be required to meet a specific DBE utilization for this project. However, the Consultant is encouraged to utilize the services of women and minorities in accomplishing the tasks or providing the services for this project. A directory of DBE companies currently certified by the State of Idaho may be viewed at the following web site: <http://itd.idaho.gov/civil/dbefirms.htm>. A similar listing for Washington State may be found at <http://omwbe.wa.gov/directory/directory.htm>.” In addition, they use the consultant roster from WSDOT and ITD to directly market to minority firms.

LCVMPO uses a variety of tools to identify the needs of minority and low-income populations within their jurisdiction. Direct interviews with service providers to determine gaps and needs in transportation services that affect minority and low-income populations, open houses (rather than public meetings) at times and places convenient to the population, and a variety of ways to provide comment (conversation with staff/consultant, telephone, on-line surveys, etc.). Every effort is made to hold information sessions in facilities that are readily accessible on the public transit system.

LCVMPO’s planning activities are generally at the concept level without specifically looking at the impacts of projects on any level. However, when the process moves beyond concept level plans they evaluate project impacts on minority and low-income populations by reviewing potential displacement, undue adverse impacts (i.e. noise, dust, excessive traffic, pedestrian concerns, etc.), and the impact on the public transit system among others. There are a number of useful websites available that help to identify any environmental justice issues.

LCVMPO’s adopted public involvement plan includes community demographics. This plan is used by consultants who work on projects for the MPO. The planning process includes conducting a broad-based advertising campaign. Information is placed on public bulletin boards around the community, at city halls and courthouses, all public libraries, community and senior centers, and on transit buses. Information is provided directly to service providers through meetings and conversations. Opportunities to participate are scheduled at a variety of times and locations accessible to public transportation. Public access television is an additional tool used in larger projects.

The Nez Perce Tribe is the largest minority population in the Lewis Clark Valley area. The Tribe has an ex-officio membership on the policy board and has recently been regularly attending the meetings of the technical advisory committee. The tribal representative has been very helpful in providing outreach to the reservation.

The LCVMPO continually assesses their public involvement process and seeks ways to provide opportunity for groups and individuals to be involved in the planning process, evaluating their successes or failures on an on-going basis to amend as necessary to increase participation.

There were no Title VI issues identified or complaints filed during this reporting period. There was no Title VI training reported during the fiscal year.

5. Kootenai Metropolitan Planning Organization (KMPO)

A review was concluded with Glenn Miles, Director, KMPO. It is our determination that the Title VI requirements for metropolitan planning areas are being implemented in accordance with ITD's Title VI Plan and Title VI of the Civil Rights Act of 1964, 23 CFR 200.1 and 200.9.

KMPO personnel include:

CLASSIFICATION	GENDER		RACE				
	F	M	White	Hispanic	Asian	Black	Native American
Director		1	1				
Transportation Planner	1		1				
Administrative Assistant	1		1				
Totals:	2	1	3				

BOARD/COMMITTEE	GENDER		RACE				
	F	M	White	Hispanic	Asian	Black	Native American
KMPO Board*		2	2				
Kootenai County Area Transportation Team*	1	9	7				
Public Transportation Round-table*	8	10	11				
Total:	9	21	20				

*Some Board members declined to provide race/ethnicity information. Board and committee members are made up of elected and appointed officials.

Although KMPO issued 4 agreements to consultants during this past year, none of them were with DBE companies. In order to encourage female and minority consultants to respond to RFP's, KMPO contacts known firms and directs them to their website where RFPs can be downloaded. A review of agreements verified the appropriate non-discrimination language was included.

Firm	DBE	Woman	Minority	Work Performed	Amount
Ruen-Yeager & Associates	No	No	No	Huetter Corridor Study	\$227,418
Ruen-Yeager & Associates	No	No	No	SH 97 Route Development Plan	\$200,000
David Evans & Associates	No	No	No	US 95 Access Study	\$122,000
The Land Group	No	No	No	Transit Center Location Study	\$ 51,550

MPOs – KMPO, continued

The KMPO Board includes a position for a member of the Coeur d'Alene Tribe, however the position is unfilled at this time. KMPO has a member from the Tribe on their Kootenai County Area Transportation Team, which is the technical committee that advises the Board. Also, the Board works very closely with the Tribe on anything to do with CityLink, the Transit Center Location Study, and the Public Transportation Roundtable.

KMPO utilizes the following strategies to ensure that all components of the transportation planning process comply with Title VI:

- An 'Affirmative Action' email distribution list is updated on a regular basis and announcements of all requests for proposals, call for projects, and other KMPO activities are sent to that list.
- Meeting notices and meeting minutes are sent to citizen, business and agency interest groups that represent minority, low-income, and aging populations.
- Notices for all KMPO meetings, studies, call for projects, requests for proposals, and other activities and/or events are posted on the KMPO 'blog' at <http://kmpo.blogspot.com>.
- Well-publicized public meetings are held at locations that are easily accessible for those with and without disabilities. Those meetings are held at convenient times after traditional work hours, such as from 5-8 pm. Most meetings are held in an open house format so that citizens who may not be able to stay the duration of a meeting can stop by at any point, ask questions, submit comments, and leave whenever it is convenient for them.
- Interest groups are invited to participate in advisory committees, the most recent being for the Non-Motorized Plan, the Transit Center Site Location Study, and the Public Transportation Roundtable.

KMPO attempts to identify the needs of minority and low-income populations through collecting input and public comment at public meetings, coordinating with area social service agencies to determine and address needs, analyzing census data, and through relationships with local minority and low-income activists and leaders.

In addition, a Public Transportation Roundtable group was formed in early 2009 to identify the transportation needs of all area transportation users, including minorities, those with disabilities, and low-income citizens. The group also works to find ways to provide additional/improved service to those people.

KMPO has a number of ways to assess benefits/burdens of transportation system investments:

- As projects come up, surveys are conducted by mail, email, and over the phone to solicit information from the public.
- Final drafts of all documents are put out for public comment periods and all comments received are seriously considered and incorporated into the public outreach portion of the document.

MPOS – KMPO, continued

- Citizens are invited to contact KMPO at any time to voice comments and concerns by email, phone, fax, or through regular mail; and neighborhood/citizen groups and leaders are approached for feedback.
- KMPO is prepared and willing to hire interpreters at any time in order to communicate with minority groups and citizens.

KMPO uses the regional travel demand model for Kootenai County as well as ArcGIS to analyze the spatial relationship between planned and programmed improvements and the demographic profile of Kootenai County. Census and historical data is also analyzed and community directories and the internet used to locate and contact neighborhood/minority group leaders and businesses frequented by minorities. Meeting and informational flyers are then posted at those locations as allowed. Draft and final documents are distributed to area libraries for viewing by members of the public.

KMPO uses a wide variety of strategies to support their public involvement efforts. Some notable examples include their Public Education Coordinator speaks at meetings of groups involving minority/low-income and traditionally underserved citizens; a blog on their website has been established; and a quarterly newsletter of activities has been developed.

Specific efforts to engage minority and low-income populations in the public involvement process include holding meetings in areas where background data shows these groups reside, work or take part in recreational activities; accessing the City of Spokane's 'language bank' for immediate interpreting needs; maintaining a list of interpreters for hire; and consultation with groups such as the ALS Association Evergreen Chapter, the Washington Adult Literacy Council, the Northeast Washington Housing Solutions, Washington Council of the Blind, Eastern Washington Center for the Deaf and Hard of Hearing, etc., in order to better understand and facilitate participation of the disabled population.

There was no Title VI training attended. There were no Title VI issues identified or complaints filed during this reporting period.

H. Local Public Agencies

During FY 2009 a new Title VI program for monitoring local public agencies (LPA) was developed and implemented. State and Local Agreements are issued by ITD for its Local Roads Program, Roadway Enhancement Program, Congestion Mitigation/Air Quality Program, Safe Routes to School Program, and its Scenic Byways Program. Added to this agreement is Appendix A, a Non-Discrimination Agreement for Local Public Agencies.

The new non-discrimination agreement includes all required Title VI assurances, program implementation procedures, complaint procedures, and sanctions. The non-discrimination

Agreement also contains attachments for federal provisions that are to be inserted in every contract and agreement subject to Title VI.

Local Public Agencies, continued

LPAs entering into agreements with ITD must submit their Title VI Policy Statement (signed by someone in authority), complaint procedures, designation of their Title VI Coordinator, and a list of current transportation related projects for an initial determination of compliance. In addition, LPAs are required to have an Americans with Disabilities Transition Plan (LPAs with more than 50 employees) and a Limited English Proficiency Plan.

The first agreements under this new process were signed during July 2008, and are scheduled for review July 2009. Reviews will be conducted thereafter on an annual basis for as long as the LPA is receiving federal funding through ITD.

A sample review questionnaire is attached as Exhibit C.

IV. COMPLAINTS

There were four ADA complaints filed against ITD during state fiscal year 2009. All of these complaints were forwarded to the FHWA for investigation according to their complaint procedures. As of the close of this reporting period, all four complaints were still outstanding.

There were no other Title VI related complaints filed during the year.

ITD's ADA Complaint Log is attached as Exhibit D.

V. ACCOMPLISHMENTS

During this reporting period, accomplishments included:

- **New Title VI Plan** - Drafted and finalized ITD's 5-year Title VI Plan. The Plan was reviewed and approved by FHWA and FTA. The Plan was printed and disseminated in March 2009. This Plan will be scheduled for revision during 2014.
- **Non-Discrimination Agreement** - A new non-discrimination agreement was developed for local public agencies receiving federal funds. This new agreement has been included in the state and local agreement as an addendum since July 2008.
- **Subrecipient Review Process** - A new process for monitoring subrecipients' compliance with Title VI and the ADA was developed, including an annual report template and a review schedule. The questionnaires for the first reviews are scheduled to go out in August 2009.
- **Resources for Sub recipients** – A new webpage containing compliance and resource material for local public agencies was developed to educate and assist them in complying with Title VI. These documents include a sample policy statement, a sample complaint procedure, a sample complaint log, a sample public meeting/hearing attendance sheet, FAQs, and additional Title VI information in layman's language.

Accomplishments, continued

- **LPA Title VI Training** – During FY09, 7 Title VI training sessions were held around the state. A total of 57 LPAs attended the training out of a potential 294 cities, counties and highway districts.
- **Title VI Reviews** - Questionnaires for Title VI Reviews of ITD program areas and MPOs were revised to obtain more detailed information regarding activities in Environmental Justice and LEP areas.
- **FHWA Training** - Hosted FHWA Title Training for Program Area Coordinators, LPAs, and District EST staff.
- **ARRA Notice** - A new Recovery Act Notice of Civil Rights Obligations was posted to ITD and LHTAC websites. A copy of the written notice was included in all subrecipient application packets for federal funding on local roads projects.
- **ADA Transition Plan Project** – Work has continued on the Transition Plan Project. Inventories have been completed in Districts 1, 2, and 3. Inventories are in progress in Districts 4, 5, and 6, with an estimated completion date of Fall 2009. An estimated \$3.3 million in ARRA funding has been made available for correcting ADA some of the high priority deficiencies identified in Districts 1, 2, and 3, with an estimated construction period of Spring/Summer 2010. Work was started on a draft interim transition plan for Districts 1, 2, and 3 to coincide with public involvement meetings scheduled after the end of this reporting period.
- **Drivers Knowledge Tests** - The Division of Motor Vehicles, as an accommodation under the ADA, worked with a team of neuropsychologists to develop a modified version of the driver's knowledge test. This new version is an alternative developed specifically for drivers with normal intelligence and comprehension who have sustained a brain injury resulting in a cognitive disability making it difficult to process written questions as they are normally written. The questions are still in written form, however it is written in a specific format, leaving out words that are unnecessary and distracting. The test is being piloted, however it is too early to determine the results of the pilot.
- **Web Pages for Blind/Sight Impaired** - The ITD Webmaster is working on a new webpage template that will be required by the Governor's Office through Access Idaho for all state web pages. The template will allow a reader for the sight impaired to 'read' the webpage without reformatting the page to a 'reader' version. The transition to the new web page template will take place over the next couple of years as old pages are updated. Ultimately, once all ITD web pages are transitioned to the new template, every page will be accessible.
- **Web Page Videos for Deaf/Hearing Impaired** - The ITD Webmaster has added captioning for the hearing impaired to every video on ITD's website. This has now become a standard practice for ITD web pages.

Accomplishments, continued

- **Web Page Links** – New this past year was the addition of a link on the Idaho Bicycle and Pedestrian Program page titled “Americans with Disabilities Act – Accommodations”. This is an external web page where the public can click the link to directly contact the EEO Office to request an accommodation, ask questions, or voice concerns.

In addition, a link has been added to the “Contact Us” box on the ITD home page. This link, labeled “Civil Rights” sets up an email window that goes directly to the EEO Office for a response. The purpose for this email link is to allow an easy way for the public to voice Title VI or ADA concerns.

- **Contract Compliance** – Additional, mandatory training was provided by ITD’s Contract Compliance Officer which included a training component for Commercially Useful Function Reports and Engineer’s On-Site Inspection Reports. Training also included compliance enforcement and steps to take when non-compliance issues are identified by residency staff.
- **Second level reviews** – A new level of contract compliance review was developed jointly with the Contract Compliance Officer and all 6 EEO/Safety/Training Officers. Actual accomplishment of this level of review, conducted by the EST has been off to a slow start, with one review accomplished during this past fiscal year.

- **LEP and Disaster Planning – Public Transit**

A review of FTA subrecipient public transit agencies verified that they have formal LEP plans in place. Transit providers publish system information in Spanish and English where the data supports bilingual services. Several companies have part of the Greyhound Bus Services network and as such, have access to Greyhound’s reservation and ticketing centers which offers interpreter services in all major languages.

The transit companies are the designated local emergency management responders and partner with their local law enforcement personnel to provide emergency services, including evacuation of disabled populations. For transit providers in areas with a high LEP population, such as Canyon County, emergency services include multi-lingual services for dispatching and providing evacuation information to the public. Most of the transit operators have formalized written agreements with local law enforcement to provide evacuation services. Some of the transit operators also have agreements with their local school districts for providing buses for evacuation including services for disabled persons.

- **Traffic/Road Conditions**

Staff in the Division of Highway Mobility Services Section has continued work on the 511 traffic, road construction, and driving condition system that can be accessed either by website or by telephone. ITD has partnered with the Sacramento Council of Governments (SACOG) to begin working on the next set of enhancements to the 511 systems which will

Accomplishments, continued

include a Spanish version of the telephone application. The target completion date is FFY 2000 if the enhancements are approved by the 511 Advisory Council and the ITD Board.

On the ADA front, the Mobility Services Section has just signed task orders to reconstruct the current low band width 511 web site so that it is ADA compliant.

The Maintenance Foremen and Construction Engineers in every district were surveyed to determine what LEP issues have been encountered and how they responded when language assistance was needed. The outcome showed that language difficulties are infrequent. Current protocol is for the ITD employee to radio the State Bureau of Communications (State Comm) for a connection to the Language Line.

- **Division of Motor Vehicles (DMV)**

DMV has compiled a list of ITD interpreters that can be used for language services for phone and walk-in customers. If a specific language is not available on that list, the formal Language Line is used. Frequently an LEP person will bring in their own interpreter which is allowed, however in the case of testing, extra care is given to ensure that there are no irregularities in how the testing is conducted.

The Vehicles Titles Guide, Abandoned Vehicle Poster, and the instructions for Entering a Plea of Guilty for a Uniform Citation have been translated into Spanish and Russian. The Commercial Drivers License Manual, Class D Manual and Motorcycle Manual have been translated into Spanish. Computerized tests have replaced written tests and are offered in English, Mandarin Chinese, Spanish, Russian, Serbo Croatian, Arabic, Vietnamese, and Farsi.

A brief LEP section has been added to the Driver Licensing Procedure Manual and is being added to the Vehicle Services Title and Registration Manual.

ITD's LEP Plan and language identification 'I Speak' cards have been distributed to all the county agents and port of entry personnel. Written procedural instructions have been distributed to ITD DMV personnel, port of entry staff and county assessor and sheriff's offices.

VI. ANNUAL WORK PLAN

The EEO Office will focus on the following action items during FY10:

- **DBE Program Disparity/Availability Study** - Draft Request for Proposal for hiring a vendor to conduct an update of the 2006 DBE Disparity and Availability Study. Hire consultant to begin work during Fall 2010.
Assigned to EEO Manager, complete by 6-30-10
- **LPA Training** - Conduct Title VI training for LPAs (Fall and Spring sessions).
Assigned to EEO Manager, ongoing

Annual Work Plan, continued

- **Teleconference Training** - Develop EEO training for agreement administrators to be provided along with training from the Consultant Agreement Unit and Internal Review via teleconference to alleviate travel time and expense.
Assigned to Contract Compliance Officer, complete by 9-30-10
- **ADA Transition Plan** - Continue work on the ADA Transition Plan project. Complete physical inventories in all districts, complete quality control on data, develop construction packages for selected ADA corrections in Districts 1, 2, and 3 using ARRA funding. Construction will begin in Spring 2010. Conduct public meetings in Districts 4, 5, and 6.
Assigned to Lead Counsel, EEO Manager, ongoing
- **LPA reviews** - Conduct scheduled reviews on LPAs.
Assigned to EEO Manager, ongoing
- **DBE outreach** - Conduct enhanced outreach to gather anecdotal data to be used in DBE goal-setting methodology.
Assigned to Contract Compliance Officer, DBE/SS Coordinator, complete by 5-30-10
- **Contract compliance reviews** - Evaluate contract compliance review criteria and process to determine an appropriate number of reviews.
Assigned to Contract Compliance Officer, 1-1-10
- **Second level reviews** – Work with district EST staff to identify contractors that would be good candidates for second level reviews. Only one review of this type was conducted last year. Monitor the assignment of 2 reviews for each EST to be completed this next year.
Assigned to Contract Compliance Officer, ongoing
- **OJT/SS Grants** - Research to determine most appropriate type of agreement or memorandum of understanding to use with the OJT/SS grant funds awarded to outside agencies.
Assigned to Contract Compliance Officer, 10-30-09

VII. EXHIBITS

- Exhibit A: Standard DOT Title VI Assurances
Appendix A, B, C
- Exhibit B: Organization Chart
- Exhibit C: LPA Review Template
- Exhibit D: ADA Complaint Log

Exhibit A: 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 of 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.

EXHIBIT A, continued

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.



L. Scott Stokes, Acting Director

9/29/09

Date

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

APPENDIX A, continued

impose such contract 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 the deed.*

*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)

§ 21.7 Assurances required.

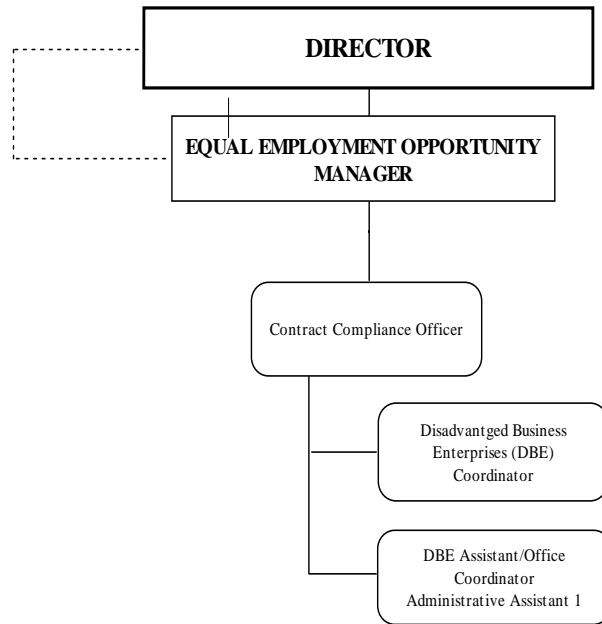
(a) *General.* (1) Every application for Federal financial assistance to which this part applies, except an application to which paragraph (b) of this section applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension 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 which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants. Any such assurance shall included 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 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 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.

IDAHO TRANSPORTATION DEPARTMENT ORGANIZATION COMPLEMENT

Director -- Equal Employment Opportunity

Revised Chart 03/07



EEO0307.SDR

Approved By: *Pamela K. Lowe*

Exhibit C



**Idaho Transportation Department
Title VI Annual Compliance Report
For Ada County Highway District**

This report covers the period of July 2008 through June 2009. July 2008 was the date your first State & Local Agreement containing the new non-discrimination agreement was signed. FHWA guidance requires a compliance review one year after signing the agreement, and once per year thereafter, until funding ceases.

Reviewing actual documentation of your activities is necessary in determining compliance, in addition to your narrative responses to the questions below. You may provide electronic documents or a link to your website for documents and materials as an alternative to providing a paper copy.

1. In the table below, list current personnel at ACHD by position. Include all members of boards, commissions and committees. *(Next year's report will contain the information you report this year and will only need to be updated for staff changes.)*

CLASSIFICATION	VACANT	GENDER		RACE/ETHNICITY					
		F	M	White	Hisp	Asian	Black	Nat Amer	Other
Totals									

2. How are boards, councils or committees appointed? How do you ensure that equal opportunity is provided when appointments are made?
3. List the recruiting opportunities during the report period including the number of vacancies and promotions:

- How was recruitment done (where advertised, posted, etc.)?
 - Race and gender of applicants.
 - Race and gender of person hired/promoted.
4. Provide documentation to show dissemination of your Title VI Policy Statement internally to inform employees, and externally to inform the public. Include documentation to show that the policy was disseminated in language(s) other than English if appropriate (based on demographics of the communities you serve).
 5. Using the most current data available (through US Census or Idaho census data) describe the population demographics within your jurisdiction, and:
 - Describe any activities and /or studies conducted that provided data relative to minority persons, neighborhoods, income levels, physical environment, and travel habits.
 - How was the information utilized or Title VI provisions and requirements applied in each study or activity?
 - Attach examples of your demographic analysis.
 6. Describe any public outreach activities during the reporting period such as: public announcements and/or communications for meetings, hearings, project notices.

Include the following:

 - How were special language needs assessed? List the special language needs assessments conducted. Attach examples of assessments.
 - What outreach efforts did you use to ensure that minority, women, low-income, and Limited English Proficiency (LEP) population groups were provided equal opportunity to participate in those outreach activities. (Examples: provided written materials in other languages, met with local social services agencies, advertised in a minority publication). Attach documentation of these activities.
 - List the special language services provided – note the language services provided, if any, including the name of the service, date provided, number of persons served, and any other relevant information.
 - Attach demographics gathered from attendees at public meetings, hearings, etc.
 - Attach a copy of your LEP Plan.
 7. Provide documentation to show that appropriate non-discrimination language was included in solicitations for proposals/bids for agreements/contracts that were issued as part of federal aid projects. Other than advertising, what outreach was made to DBE/MBE/WBE firms that a contracting opportunity existed within your agency? Provide documentation to support your activities.
 8. List and provide copies of all the federally funded transportation related contracts that were executed during the reporting period by ACHD. Include construction, consultant agreements for planning, design, engineering, environmental, research, maintenance, etc.
 - Include dollar value of each.
 - Identify the contracts/agreements that were DBE/MBE/WBE.
 - List sub-contracts/agreements issued by primes.

9. On federally funded contracts or agreements let by ACHD, describe how non-discrimination requirements are being monitored.
10. Summarize any transportation projects where potential impacts to minority and/or low-income Environmental Justice (EJ) populations were identified, i.e. impacts such as displacements, increased noise, bisecting neighborhoods, et al) were assessed and identified. Note the following:
 - What impacts were identified?
 - How impacts were minimized/mitigated.
 - Include information about, if applicable, projects that specifically benefit community cohesion such as: adding sidewalks, improving access to properties that improve access for EJ populations.
11. If right of way was acquired for any transportation projects, please describe.
 - Identify the number of minority, low-income, elderly and disabled persons affected by those projects.
 - Describe any efforts that were made to address LEP issues (including use of translators, outreach efforts for each reported activity).
 - Describe any concerns raised by minorities or women regarding appraisals, negotiations, relocation assistance and payments. What actions were taken to resolve those issues?
12. Provide a copy of ACHD's ADA Transition Plan.
 - Summarize progress towards meeting the Plan's schedule of ADA corrections (number and type of corrections made; number of deficiencies reduced by percentage, etc.).
 - If you have 50 or more employees, provide the name of the individual who will be serving as the ADA Coordinator for the next year.
 - How do you provide notice to the public the name and contact information for your ADA Coordinator?
 - What process is available so that a member of the public can request an accommodation (for meetings and in the public right of way)?
13. List and describe any Title VI related complaints, as a result of transportation activities and projects. Include:

What was the allegation or concern?

 - Procedures used.
 - Action taken
 - Resolution
14. List any Title VI training taken by ACHD staff:

ATTENDEE	NAME OF TRAINING	DATE

15. Name the individual who will be serving as the Title VI Coordinator for the next year.

ADA Complaints - State Fiscal Year 2009

Complaint Number	Received	Complaint Information	Submitted To FHWA	Disposition
2009-01	12/4/2008	Chelsea Dennis complaint, US Highway 2 Sandpoint to Dover. Division St. intersection	12/5/2008	
2009-02	11/18/2008	Ted Lowman complaint, US Highway 2, 5th Ave to Dover, no ramps installed on project	12/5/2008	
2009-03	3/25/2009	Mattoon - Rehab project on Myrtle St., Boise, no ramps installed on project	4/9/2009	
2009-04	3/25/2009	Danielson - Rest areas non-compliant	4/9/2009	