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# **FMCSA Title VI Program Compliance Plan**

**FFY2025**

**Office of Civil Rights**  
11331 W. Chinden Blvd. • P.O. Box 7129 • Boise, ID 83707-112

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# I. INTRODUCTION TO THE IDAHO TRANSPORTATION DEPARTMENT

## ***Vision & Mission***

Transportation is vital to achieving a high quality of life, which is synonymous with living in Idaho. Our mission statement for the Idaho Transportation Department (ITD) drives us every single day and describes what we do: Your Safety. Your Mobility. Your Economic Opportunity.

The five focus areas that guide all ITD employee behavior, actions, and approach are:

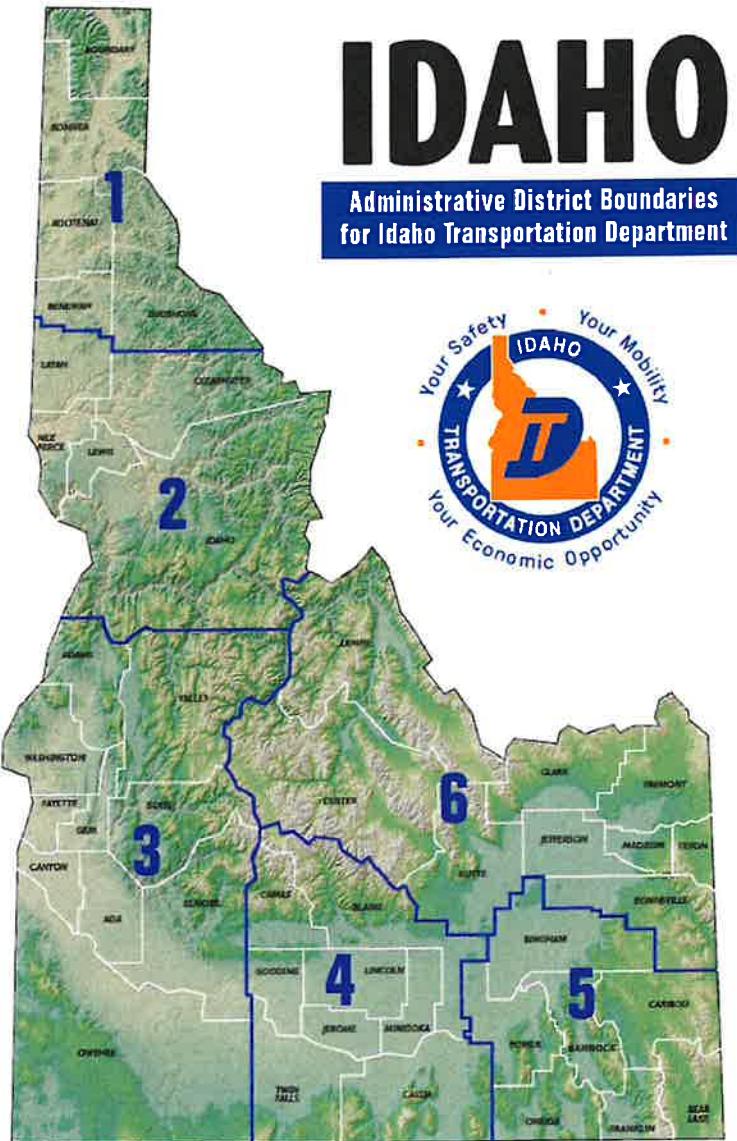
- Employee Safety
- Ideal Workplace
- Innovation
- Invest with Purpose
- External Outreach

## ***Organization***

ITD operates and maintains more than 12,300 lane miles and 1,830 bridges, 2,523 miles of Idaho Byways, and 32 state backcountry airstrips. The state highway system includes 34 rest areas and 12 ports of entry. The Division of Motor Vehicles registers more than two million vehicles and trailers and is responsible for the credentials of more than a million drivers.

Idaho's geographic areas face different travel demands and transportation challenges. Larger metropolitan areas that need to expand urban roadways or manage congested intersection operations may differ from rural Idaho's needing to reduce roadway departure crashes or manage the movement of large trucks through small towns.

Each division within the department provides a critical function toward meeting ITD's mission of Your Safety, Your Mobility, Your Economic Opportunity. To ensure we are making responsible and strategic use of new funding, ITD has adopted a philosophy of "invest with purpose," which aligns with our strategic plan to make purposeful investments in transportation that result in strong communities, attract new businesses, and ensure Idaho's economy remains strong.



The Idaho Transportation Department is organized into four divisions: Administration, Aeronautics, Highways, and Motor Vehicles. There are six districts, each managed by a district engineer focused on the individual transportation needs within their jurisdiction.

## II. DMV VISION AND MISSION



### The Division of Motor Vehicles (DMV) of ITD:

- Protects Idaho and federal government investments in Idaho's highway system.
- Ensures the safety of the traveling public through enforcement of state and federal regulations applicable to:
- Commercial motor vehicle (CMV) industry
- Agricultural motor carrier laws, rules, and regulations.
- Licenses and permits vehicles in compliance with state and federal laws.

### DMV Vision

Elevating Your Experience.

### DMV Mission

To deliver quality service in the issuance of secure credentials to people and vehicles while providing education and enforcement on related rules and regulations.

### III. FMCSA TITLE VI PROGRAM POLICY STATEMENT

ITD, as a recipient of Federal financial assistance and under Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities, ensures that no person shall, on the grounds of race, color, national origin, sex, age, disability, low-income, and limited English proficiency (LEP) be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any ITD programs or activities.

ITD is committed to complying with 49 CFR Part 21 and 49 CFR Part 303. I have signed the United States Department of Transportation Standard Title VI/Non-Discrimination Assurances.

I have designated Asali Crisp, the Office of Civil Rights (OCR) Title VI Program Manager, as the Agency-wide Title VI Program Coordinator for the ITD Title VI Program.

I have also delegated sufficient responsibility and authority to the ITD's Title VI Program Coordinator and the Division of Motor Vehicles (DMV) Division Administrator to implement ITD's Title VI Program for DMV.

The ITD Title VI Program Coordinator is responsible for implementing ITD's Title VI obligations, which involve education, training, and the prevention and investigation of discrimination claims under Title VI. The ITD Title VI Program Coordinator coordinates all complaints filed, conducts investigations, and maintains the files on all Title VI complaints.

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Scott Stokes, Director

Date

## **IV. FMCSA TITLE VI PROGRAM ASSURANCES**

49 CFR 21.7 requires assurances from ITD 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 otherwise be subjected to discrimination under any program or activity for which the recipient receives Federal assistance from the Federal Motor Carrier Safety Administration (FMCSA). ITD's current Title VI Program Assurances signed by the ITD Director are in Attachment A.

## **V. DESCRIPTION OF FEDERAL-AID PROGRAMS**

ITD continues seeking grant opportunities to improve, maintain, and expand our automated commercial driver's license testing system and has historically received the Commercial Driver License Program Implementation (CDLPI) grant. These funds have created a lasting impact by enhancing the safety and integrity of Idaho's CDL Program. This has included hardware and software maintenance, annual licensing costs, and system maintenance to keep the system operational. ITD has also been awarded High Priority – Innovative Technology Deployment (HP-ITD) funding, most recently through the 2024 Notice of Funding Opportunity.

## **VI. ACCESS FOR LIMITED ENGLISH PROFICIENT PERSON**

Limited English Proficient (LEP) persons are those for whom English is not their primary language and who have limited ability to speak, understand, read, or write English. This category includes people who reported to the U.S. Census that they do not speak English well or at all.

The Idaho Transportation Department (DMV) endeavors to meet the needs of all its customers, including those who may not be fluent in English. DMV offers a variety of resources/services in various languages free of charge, including oral interpretation/translation services and the written knowledge test for driver licenses in various languages. The written knowledge test is available in the following languages: Arabic, Chinese, English, English-Modified, Farsi, French, Korean, Russian, Serbo-Croatian, Sign Language (American), Spanish, Spanish-Modified, Swahili, and Vietnamese.

DMV also encourages employees fluent in languages other than English to assist customers within standard operating procedures when necessary to provide appropriate customer service.

A LEP section is included in the DMV User Manual and the Driver's License Examiner manual.

## **VII. NOTIFICATION TO BENEFICIARIES/PARTICIPANTS**

ITD populates FMCSA's "Public Notice of Title VI Program Rights" template with the appropriate contact information. ITD posts the Public Notice of Title VI Program Rights in all public-accessed facilities and uploads the Notice to ITD's website, where members of the public may access the Notice.

Here is ITD's Public Notice of Title VI Program Rights:

### **Public Notice of Title VI Program Rights**

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

Any person who desires more information regarding ITD's Title VI Program can contact Asali Crisp/Office of Civil Rights Program Manager and Title VI Program Coordinator—at the address noted below.

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

Asali Crisp, Civil Rights Program Manager

P.O. Box 7129

Boise, ID 83707

208-334-8884

[Asali.Crisp@ITD.Idaho.gov](mailto:Asali.Crisp@ITD.Idaho.gov)

## **VIII. SUBRECIPIENT COMPLIANCE REPORTS**

The ITD Division of Motor Vehicles has no subrecipients of federal funding.

## **IX. TRAINING**

ITD OCR, in coordination with the Division of Motor Vehicles Training Specialist, provides Title VI Program training for Division of Motor Vehicles personnel and state partners. Training will include the Title VI Program Policy Statement and FMCSA PowerPoint presentation. ITD will provide Title VI Program training to personnel annually or every other year. ITD maintains a record of Division of Motor Vehicles personnel receiving the Title VI Program training and will submit it to FMCSA OCR upon request. If ITD updates the existing FMCSA Title VI Program training, it will submit the updated Title VI Program material to FMCSA OCR for review and comments.

## **X. ACCESS TO RECORDS**

All records or documents relating to the effective implementation of Title VI Program requirements are readily available for FMCSA to review at any time. Upon request by FMCSA, the ITD Title VI Program Coordinator will provide the previous years' complaint logs, training materials, handouts, contract language, the ITD nondiscrimination and disability accommodation notice, the FHWA Report, or any other Title VI Program-related records or document requested by FMCSA. The documents will be electronically delivered (unless paper copies are requested) to FMCSA within seven business days of the request.

## **XI. COMPLAINT DISPOSITION PROCESS**

The Civil Rights Program shall coordinate the overall administration of the Title VI program, plan, and assurances.

If an individual believes they or any other program beneficiaries have been subjected to unequal treatment or discrimination in receiving benefits and/or services or on the grounds of race, color, national origin, income, sex, LEP, or disability, they may exercise their right to file a complaint with the ITD Office of Civil Rights.

Every effort will be made to resolve complaints informally at the district, subrecipients, contractor, and policy levels. The Title VI/Nondiscrimination Coordinator will provide support in the investigative processes and track all Title VI complaints received and their associated outcomes. The Title VI/Nondiscrimination Coordinator will collaborate with all parties to support and provide training.

If the complaint is against a contractor or its subrecipient(s), ITD will have fifteen (15) business days from the receipt of the complaint to advise the appropriate state or federal agency (e.g., OFCCP for Federal contract compliance issues) of the receipt of a complaint and the status of the investigation.

If there is no complaint resolution to the satisfaction of all parties concerned, the party not satisfied is advised of their right to appeal according to 49 CFR Part 21. The complainant must file the appeal in writing no later than 180 calendar days after the date of the alleged discrimination unless the Secretary of Transportation extends the filing period:

U.S. Department of Transportation  
Office of Civil Rights  
1200 New Jersey Avenue, SE  
8th Floor E81-314  
Washington, DC 20590

### **Complaint Procedures**

All investigations are conducted by personnel trained in Title VI Program compliance investigations.

OCR tracks Title VI Program complaint information, including:

- name of the complainant.
- identification by demography (i.e., race, color, national origin, etc.).
- allegation(s).

- complaint date.
- date of Report of Investigation.
- determination made and date.
- any other relevant information OCR deems appropriate.

Formal complaints related to FMCSA for alleged Title VI Program violations will be investigated immediately. FMCSA will be notified of all steps taken. A copy of the final report will be furnished to FMCSA if a formal investigation is required.

### **Tracking of Complaints**

ITD OCR tracks all Title VI complaints in the ITD Complaint Tracking database and can produce reports for Title VI complaints for specified time frames. ITD will make Title VI Program Complaint Tracking data available to FMCSA upon request.

# ITD Title VI Program Discrimination Complaint Form

1. Please input date (M/YY/YY):

6. Please Select the Basis for the Discrimination \*

- Race
- Color
- National Origin
- Sex
- Age
- Disability
- Income Status
- Limited English Proficiency

7. Explain as briefly and clearly as possible what happened and how you were discriminated against. Indicate who was involved and describe the corrective action you are seeking \*

8. By clicking the signature button below, you certify that the information you provided is both factual and accurate \*

- Electronic Signature

**Submit**

## Discrimination Complaint

\* Required

1. First & Last Name \*

Enter your answer

2. Street Address: City | State | Zip \*

Enter your answer

3. Phone Number \*

Enter your answer

4. Name of the Person(s) or Entity that Discriminated Against You \*

Enter your answer

5. Date of Alleged Incident \*

Please input date (M/d/yyyy)

## **XII. STATUS OF CORRECTIVE ACTIONS IMPLEMENTED BY APPLICANT TO ADDRESS DEFICIENCIES PREVIOUSLY IDENTIFIED DURING A TITLE VI PROGRAM COMPLIANCE REVIEW**

The Division of Motor Vehicles has not been subject to a Title VI Program Compliance Review as of the submission date of this Title VI Program Compliance Plan.

### XIII. COMMUNITY PARTICIPATION PROCESS

If the Idaho Transportation Department Division of Motor Vehicles (DMV) increases or decreases the number of locations and/or services conducted, the DMV will evaluate the impacts on members of the public to determine what outreach, if any, may be necessary to inform them of the change in availability of services and/or customer locations.

In the event of a proposed increase in services and/or customer locations, DMV will most likely determine that minimal outreach to the public is sufficient.

However, in the event of a decrease in services and/or customer locations, DMV will, at a minimum, consider the following questions:

- Is the decrease localized, regional, or state-wide?
- Are other facilities or methods of conducting services (i.e., applying for licenses or renewals online, or other 3rd-Party Testers, etc.) available in the local or regional area?

The answers to these questions will then lead to DMV's determination of how extensive and intensive the outreach/notice to the public will need to be. If the impact is local or regional and there are other methods of obtaining the services in the area, then the outreach may be as simple as a notice to the public regarding the change and identification of other available methods to obtain those services. However, if multiple locations, regionally or state-wide, will be affected and there will be a marked diminution of available customer locations and services offered, then DMV may determine that an intensive outreach effort, which shall include meetings, will be necessary to notify and then solicit feedback regarding the impact of the proposed changes. If DMV determines that an intensive outreach effort is necessary, the following requirements will be applicable:

1. Prepare a Stakeholder List. This List should identify affected customers (both benefited and burdened by the program) and any advocacy groups, churches, community-based organizations, other advisory bodies, etc. The list should also include demographic information for affected customers regarding race, color, national origin (including Limited English-proficient individuals), sex, age, disability, and income level.

The Stakeholders List must be sufficiently inclusive to ensure the news of the proposed change(s) is communicated to the greatest number of customers.

2. Plan Public Meetings. Determine an effective number of public meetings to hold in strategically significant areas and at appropriate times to reach the greatest number of customers. Determine the method for and communicate news of the public meeting(s)

to the greatest number of customers via hard copy publications (i.e., newspapers, newsletters, posters, etc.), electronic media (i.e., website, social media including Facebook, Twitter, etc.), and stakeholder groups listed above.

3. Publicize Proposed Changes. Determine how to communicate the news of the proposed change(s) to the greatest number of customers via hard copy publications (e.g., newspapers, newsletters, posters, etc.), electronic media (e.g., website, social media (including Facebook, Twitter, etc.), and stakeholder groups listed above. This news should be communicated in an accessible and inclusive manner (including foreign language translations, if necessary) that promotes effective public participation and is free of linguistic, cultural, economic, or historical barriers.
4. Conduct the Public Meetings. Ensure attendees have reasonable time to comment on the proposed change(s).
5. Review and Analysis. After the outreach effort, review the comments and analyze the impacts on all customers (regardless of a customer's race, color, national origin, sex, age, disability, income level, or Limited English Proficiency) regarding their ability to access the customer locations and/or services both before the proposed change(s) and following the proposed change(s). This analysis must be sufficiently detailed so that the conclusion of how the proposed change(s) will impact customers is well-documented.
6. Written Report. Prepare a detailed record to capture all aspects of the outreach effort.
7. Submission to FMCSA. Submit the record to FMCSA. FMCSA reserves the right to offer comments as deemed appropriate after reviewing the record.
8. Implement the change(s).
9. Monitor Feedback. Monitor customer communications for a period of time (e.g., six months, one year) for reactions to the change(s).
10. Reevaluate. Be prepared to adjust the change(s) as appropriate based on the actual impact on customers.
11. Adjust. Adjust the change(s), depending upon the actual impact on customers.
12. Notification of Title VI Program Protections. Notify beneficiaries of protections available to them under the Title VI Program. Notify the public of procedures for filing a Title VI complaint. Please refer to the Notification to Beneficiaries/Participants section of this Title VI Program Compliance Plan.

## **XIV. COMMERCIAL VEHICLE INSPECTION SELECTION & UNBIASED ENFORCEMENT PROCEDURES**

ITD conducts motor vehicle safety inspections at the port of entry locations, and bypass operations are completed for those who do not enter the port when required. ITD does not enforce traffic laws for speeding, crash investigation, failure to maintain lanes, etc.

# Attachment A: STANDARD USDOT TITLE VI ASSURANCES

## The United States Department of Transportation

### Standard Title VI/Non-Discrimination Assurances

#### DOT Order No. 1050.2A

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

#### Statutory/Regulatory Authorities

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

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

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FMCSA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice: [http://www.fhwa.dot.gov/environment/environmental\\_justice/index.cfm](http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm)

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

### **General Assurances**

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

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

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

### **Specific Assurances**

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

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in 49 C.F.R. §§ 21.23 (b) and 21.23 (e) will be (with regard to an “activity”) facilitated, or will be (with

regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with the FMCSA Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

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

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or

structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
- b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

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

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

**Idaho Transportation Department**

by \_\_\_\_\_

  
**Scott Stokes, Director**

Dated 12/19/24

## **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 (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 C.F.R. part 21.
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 procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FMCSA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FMCSA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FMCSA may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor

will take action with respect to any subcontract or procurement as the Recipient or the FMCSA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

## Appendix B

### CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

**NOW, THEREFORE**, the Department of Transportation as authorized by law and upon the condition that the Idaho Transportation Department will accept title to the lands and maintain the project constructed thereon in accordance with Idaho Code Title 67 and Title 40, the Regulations for the Administration of Federal Motor Carrier Safety Administration (FMCSA) program, and the policies and procedures prescribed by the FMCSA of the Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Idaho Transportation Department 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.

#### (HABENDUM CLAUSE)

**TO HAVE AND TO HOLD** said lands and interests therein unto Idaho Transportation Department and its successors forever, subject, however, to the covenants, 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 will be binding on the Idaho Transportation Department, its successors and assigns.

The Idaho Transportation Department, 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 will on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP 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 Idaho Transportation Department will use the lands and interests in 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, Non-discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will 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 purpose of Title VI.)

## **Appendix C**

### **CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY OR PROGRAM**

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the **Idaho Transportation Department** pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/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. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, **Idaho Transportation Department** will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the **Idaho Transportation Department** will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the **Idaho Transportation Department** and its assigns.\*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)

## **Appendix D**

### **CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM**

The following clauses will be included in deeds, licenses, permits, or similar instruments/ agreements entered into by **Idaho Transportation Department** pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/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 ground of race, color, national origin, sex, age, disability, income-level, or LEP will 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 of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin, sex, age, disability, income-level, or LEP will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, **Idaho Transportation Department** will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, **Idaho Transportation Department** will there upon revert to and vest in and become the absolute property of **Idaho Transportation Department** and its assigns. \*

(\*Reverter clause and related language to be used only when it is determined that such a clause is necessary to effectuate the purpose of Title VI.)

## Appendix E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d *et seq.*), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1 *et seq.* and 49 C.F.R. part 303;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 *et seq.*) (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 *et seq.*) (prohibits discrimination on the basis of disability); and 49 C.F.R. part 27;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*) (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982 (Pub. L. 97-248 (1982)), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (102 Stat. 28) (“*....which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.*”);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189), as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*).

## **Appendix F**

### **ITD POE Vehicle Inspections, Profiling Policy, and Title VI Compliance – Distributed 12/20/24**

#### **i. Idaho Transportation Department Port of Entry Authority –**

In order to administer the vehicle size and weight enforcement provisions established through Federal Code 23 CFR Part 657, the Idaho Transportation Department's Port of Entry (ITD POE) section has established fixed and temporary ports of entry throughout the state, pursuant to Idaho Code 40-510.

#### **ii. Port of Entry Vehicle Inspections –**

ITD POE employees inspect vehicles and vehicle combinations in order to examine safety aspects of the vehicle/load. Additional duties include inspecting drivers and vehicles for proper credentials to ensure proper license class and endorsements and adherence to restrictions. Driver inspections also includes determining adherence to federal hours of service regulations. ITD provides a comprehensive vehicle inspection training video as a resource for its employees.

#### **iii. Joint ISP-POE Safety Inspection Program –**

In order to administer the federal motor carrier safety regulations established through 49 CFR parts 350 through 399, ITD POE and the Idaho State Police jointly administer a safety inspection program, established through an agreement, subject to the following conditions:

- The ISP may, at their discretion, inspect vehicles after POE Inspectors have cleared- vehicles through the scales and their cursory inspection.
- When ISP troopers are making inspections, a safety violation observed by POE Inspectors should be brought to the attention of ISP troopers for disposition.
- The ISP has agreed to adopt ITD POE policies and procedures in regard to weight, size, registration, and suspense tolerances in order to establish uniformity by both agencies.
- The ITD POE section has agreed to adopt ISP policies and procedures in regard to safety inspections.
- In cases of disagreement between the POE and ISP in regard to procedures listed above, the Superintendent of ISP, Division of Motor Vehicles Administrator and Commercial Vehicle Services manager shall negotiate mutually acceptable procedures.
- Office space at the POE for ISP Inspectors to complete reports, forms, etc., shall be made available on an “as needed basis” at the discretion of the Area Supervisor in charge of the specific POE.
- Upon approval of ITD Traffic section, ISP troopers may place additional portable signing directing truck traffic to a location approved by the Area Supervisor to be inspected.
- Any disagreements between POE Inspectors and ISP troopers working at the POEs shall

- be settled at the local level by the POE Area Supervisor and District Captain.
- ISP may be permitted to use ITD satellite POE sites for inspection purposes. Commercial Vehicle Services Manager will deny/approve use of the facilities and provide keys as needed.
- ISP troopers may use the facilities free of charge. All long-distance calls by ISP troopers shall be by credit card, charging calls to ISP funds.
- ITD facilities without janitorial contracts used by ISP troopers will be jointly cleaned by the POE Inspectors and ISP troopers.

iv. **Profiling –**

All ITD POE contacts or stops must be directly related to POE's prescribed duties. ITD employees treat all people with whom they have contact equally and without regard to actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, age, disability, low-income, limited English proficiency (LEP) or veteran's status. Any consideration of these characteristics in deciding whether to stop or question a person or inspect a vehicle/load constitutes profiling and is expressly prohibited. This is in accordance with the requirements of Title VI of the Civil Rights Act of 1964 and related non-discrimination authorities as identified in the FMCSA Title VI Program Assurance which is signed annually by the ITD Director.

ITD will provide training to ensure all employees understand their responsibilities regarding Title VI program requirements. ITD's Title VI Program Coordinator is responsible for identifying and providing training for all ITD employees. Training will be provided in person and/or on-line to all ITD employees biannually.

v. **Title VI information and Complaint Process**

Information regarding Title VI complaints is available in all POE physical locations and on the [ITD Civil Rights Web Page](#). The information includes how to file a complaint and the appropriate contact information, depending on the complaint type. ITD has an approved Complaint Disposition Process including a complaint form. The Complaint Disposition Process applies to both ITD and any sub-recipients. The policy includes the following:

- Complaint disposition
- Investigation planning
- Conducting the investigation
- Writing the investigation
- Ultimate disposition of the complaint.

ITD maintains a Title VI Complaint log that includes the following information:

- Name of the complainant
- Identification by demography
- Allegations
- Complaint date
- Date of report of investigation
- Determination made and date

All records pertaining to the Title VI Program at ITD are available from the Title VI Program Coordinator/Affirmative Action Officer. Records will be provided to FMCSA upon request in paper or electronic format.