



2025 TITLE VI PROGRAM PLAN

Arkansas Department
of Transportation

Joanna P. McFadden
Civil Rights Officer

P.O. Box 2261
Little Rock, AR 72209

Joanna.McFadden@ardot.gov



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PLAN OVERVIEW

ARDOT is a recipient of federal funds from the U.S. Department of Transportation modal agencies, including the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Motor Carrier Safety Administration (FMCSA). All Recipients of federal funding must comply with the requirements of Title VI of the Civil Rights Act of 1964 and other nondiscrimination statutes, regulations, and authorities. This plan describes how ARDOT accomplishes nondiscrimination in the delivery of its federally assisted programs, services, and activities. The plan includes the structure of the Department's Title VI program along with the policies, procedures, and practices used to comply with nondiscrimination requirements. The plan is intended to be a living document and is regularly monitored and updated by the Department to reflect the program as it changes and grows. Questions regarding ARDOT's Title VI Program may be directed to:

Arkansas Department of Transportation
Attention: Joanna P. McFadden, Civil Rights Officer
P.O. Box 2261
Little Rock, AR 72209
Email: Joanna.McFadden@ardot.gov

I. STANDARD USDOT TITLE VI ASSURANCES

The ARDOT Director is required to sign Standard DOT Title VI/Non-Discrimination and FMCSA Assurances in accordance with USDOT 1050.2A. (See Appendix B)

II. ORGANIZATION AND STAFFING

STAFFING

Director - The Director is responsible for supervising and administering the overall activities of ARDOT, its divisions, sections, and employees. As such, the Director signs all necessary nondiscrimination assurances to aid in ensuring all civil rights requirements are met. The Civil Rights Division provides oversight to fulfill the Title VI statutory and regulatory requirements.

Civil Rights Officer - The Civil Rights Officer functions as the Title VI/ADA/Section 504 Coordinator. This involves oversight of the following programs: Title VI/Nondiscrimination, Employee Nondiscrimination Program (Title VII), Internal Affirmative Action, and the Americans with Disabilities Act (ADA) Section 504.

To comply with the Code of Federal Regulations 49 part 21 and other regulatory statutes, the day-to-day Title VI/ADA/Section 504 Coordinator roles and responsibilities include the following: supervising, reviewing, monitoring, and evaluating the effectiveness of external and internal

Equal Employment Opportunity (EEO) programs. This position is also responsible for managing the Title VI, ADA/Section 504, Limited English Proficiency (LEP), and Minority Serving Institutions (MSI) programs. The Civil Rights Officer is responsible for the daily operation of the Civil Rights Division and acts as a liaison between ARDOT and federal and state officials regarding EEO issues. Responsibilities include:

1. Delegated authority to have a direct line of communication to ARDOT's Director.
2. Providing guidance and technical assistance on Title VI matters and has overall program responsibility for preparing required reports regarding Title VI compliance, and initiating monitoring activities including developing procedures for:
 - Promptly resolving deficiencies and documenting remedial action within a reasonable period of time not to exceed 90 days.
 - Collecting statistical data (race, color, national origin, and LEP status) of participants in and beneficiaries of ARDOT's programs.
 - Identifying and eliminating discrimination when found to exist.
3. Ensuring the Title VI Assurances are signed by ARDOT's Director.
4. Complying with FHWA and ARDOT's procedures to investigate Title VI complaints filed against ARDOT and its subrecipients when appropriate.
5. Reviewing ARDOT program directives in coordination with ARDOT program officials and where applicable to include Title VI requirements.
6. Preparing and disseminating an annual report of accomplishments for the past year and the goals for next year.
7. Conducting and coordinating Title VI training for ARDOT and its subrecipients as needed.
8. Updating the Title VI program plans as necessary and submit to appropriate DOT authorities FHWA, FMCSA, and FTA.
9. Developing Title VI information for distribution to the public in other languages as needed, including those with hearing and vision impairments.
10. Monitoring public participation and awareness of Title VI policies and procedures for effectiveness in reaching the public.

11. Developing and overseeing implementation of ARDOT's Title VI environmental justice and civil rights requirements.
12. Reviewing environmental documents to ensure the proper inclusion of environmental justice and civil rights requirements.

EEO Specialist - The EEO Specialist assists the Civil Rights Officer in the review and responsibilities over all aspects of the Title VI program. In particular, the Civil Rights Officer has the delegated task to focus on internal and external Title VI responsibilities, while the EEO Specialist duties include but not limited to:

1. Providing guidance to subrecipients on Title VI matters.
2. Overall program responsibility for preparing required Title VI reports regarding Title VI/ADA/Section 504 compliance, monitoring activities, and developing procedures.
3. Promptly resolving deficiencies and documenting remedial action within 90 days.
4. Identify and eliminate discrimination when found to exist.
5. Ensuring subrecipients develop procedures for the collection of statistical data (race, color, national origin, and LEP) of participants in and beneficiaries of federal aid programs.
6. Oversight of subrecipient Title VI plans and programs to ensure compliance.
 - A. Conducting annual Title VI reviews of subrecipients.
 - B. Ensuring Title VI Assurances are signed by all subrecipients.
 - C. Complying with ARDOT's procedures to investigate Title VI complaints.
 - D. Conducting Title VI training and provide technical assistance for subrecipients.
 - E. Complying with federal standards to ensure proper implementation of subrecipient's LEP.

III. PROGRAM AREA REVIEW PROCEDURES

ARDOT's seven major program areas are Local Programs, Environmental, Right of Way, Construction, Planning and Research, Program Management, and Roadway Design. These areas are reviewed for FHWA's Title VI Goals and Accomplishments Report. The objective of the review process is to monitor the processes of each program area to ensure equality and open access to all members of the public. This will be accomplished through the following methods:

- Desk Audits – requesting and reviewing processes and documents used by each program area for Title VI compliance.
- Shadowing – accompanying program area staff on project business activities to identify Title VI risks.

The Civil Rights Officer or assigned EEO Specialist reviews the public meeting notification process, LEP participation and any documents translated into appropriate languages, contract

provisions, Disadvantaged Business Enterprise (DBE) Utilization, and other strategy or process efforts to determine compliance with Title VI nondiscrimination in accordance with 23 CFR 200.9(a)(4).

Internal Program Areas:

The Civil Rights Division annually reviews Title VI activities to ensure nondiscrimination, which may include, but not limited to:

- Reviewing the selection of consulting or contract firms for projects.
- Reviewing public involvement materials to ensure appropriate nondiscrimination language is included.
- Reviewing annual Title VI reports for possible trends of discrimination.
- Interview ARDOT staff.

Local Programs Division – The Local Programs (LP) Division is responsible for providing long range multimodal transportation planning for the state, conducting studies of transportation needs, assisting cities and counties in transportation planning, and publishing information and recommendations relative to transportation issues. The LP Division coordinates transportation planning activities with metropolitan and regional planning agencies, other ARDOT Divisions and Districts, federal partners, public citizens, and other stakeholders. The LP Division also maintains information for economic, financial, and planning studies to support ARDOT's policy decisions. Tourist, city, and county maps are produced, printed, and distributed. The Highway Safety Improvement Program and Public Transportation Program are managed in the Local Programs Division.

The following are the eight (8) Metropolitan Planning Organizations (MPOs) in Arkansas:

- Frontier Metropolitan Planning Organization
Fort Smith, Arkansas and Pocola, Oklahoma Urbanized Areas
- Northeast Arkansas Transportation Planning Commission
Jonesboro, Arkansas Urbanized Area
- Metroplan
Little Rock, Arkansas Urbanized Area
- Northwest Arkansas Regional Planning Commission
Fayetteville, Arkansas and McDonald County Missouri Urbanized Areas
- Southeast Arkansas Regional Planning Commission
Pine Bluff, Arkansas Urbanized Area
- Texarkana Metropolitan Planning Organization
Texarkana, Arkansas and Texarkana, Texas Urbanized Areas

- Tri-Lakes Metropolitan Planning Organization
Hot Springs, Arkansas Urbanized Area
- West Memphis Metropolitan Planning Organization
West Memphis and Marion, Arkansas Urbanized Areas

MPOs annually provides the United States Department of Transportation (USDOT) Standard Title VI/Non-Discrimination Assurances DOT Order No. 1050.2A in their Unified Planning Work Programs (UPWP) that are approved by ARDOT and FHWA (FHWA approves for FHWA and FTA).

Considerations for internal review may include, but not limited to:

- Title VI complaints received.
- Reviewing contracts awarded to minority and/or female owned firms, DBEs or individuals as compared to the total number of contracts awarded, if any.
- Reviewing contractors qualified to perform related work broken down by minority and/or female owned firms, nonminority firms, and individuals.
- Reviewing training or assistance provided to minority and/or female owned firms, DBEs, or individuals.
- Reviewing documents that were translated to other languages.
- Determining if interpreters were needed to explain Division documentation or procedures.
- Reviewing process or strategies used to ensure Title VI issues are addressed in the planning process.

Environmental Division – The Environmental Division of ARDOT is primarily responsible for ensuring that ARDOT adequately addresses and documents the impacts of highway construction and other activities that require the National Environment Policy Act (NEPA) evaluation on the natural and social environment, in compliance with regulations set forth in the NEPA, as well as other state and federal laws pertaining to environmental protection.

Environmental Justice in minority populations and low-income populations emphasizes a federal agency's responsibility to make environmental justice a goal by identifying and addressing the effects of programs, policies, and activities on minority and low-income populations. To accomplish this mission and to be consistent, the Environmental Division has developed a process that works with the interdisciplinary staff (project managers and professional staff) of evaluating, documenting, and monitoring nearly all the potential social, economic, and environmental impacts of ARDOT's construction and maintenance activities.

As part of the interdisciplinary staff, the Civil Rights Officer monitors environmental assessment data and other information during meetings to determine if Title VI discrimination exists in a transportation project.

The Environmental Division Title VI responsibilities include, but not limited to:

- Refer Title VI complaints to the Title VI Coordinator.
- Evaluate ARDOT's public involvement process to assess the effectiveness of outreach efforts and identify any potential barriers to participation.
- In cooperation with the Civil Rights Officer, develop and implement methods to ensure nondiscrimination in formal and informal public comments.

Considerations for internal review may include, but not limited to:

- Reviewing Title VI complaints received.
- Reviewing Job Name and Job Number of each public involvement meeting held during the reporting period.
- Reviewing meeting locations for accessibility for disabled persons, including special meetings held with community leaders, churches, schools, government officials, and neighborhood organizations concerning the public meetings or projects.
- Reviewing number of minority attendees at each public meeting.
- Reviewing documents that were translated to another language.
- Reviewing public meeting notices advertised in minority newspapers and radio stations.
- Reviewing flyers indicating the date, time, and location of the public meeting(s) distributed directly to affected property owners.
- Reviewing other than English speaking individuals available at each meeting, if any.
- List of any community centers utilized in minority communities.

Construction Division – The Construction Division administers all contracted highway projects primarily through the 31 Resident Engineers located statewide. The responsibilities this Division is charged with on all phases of the contract until the project is completed and the contractor is paid in full are:

- Refer Title VI complaints to the Title VI Coordinator.
- Coordinating between the various divisions which are involved in the contract.
- Consulting with the Resident Engineer, District Engineer, the FHWA, utilities, and other divisions on any construction problems.
- Inspecting records and field work, including review and approval of all changes to the contract.
- Processing current and final estimates.
- Training of employees to promote statewide uniformity in the application of specifications.

The Civil Rights Officer or designated EEO Specialist will regularly review the processes of the Construction Division to ensure Title VI compliance.

Considerations for internal review may include, but not limited to:

- Reviewing Title VI complaints received.
- Reviewing consultants qualified to perform work for the Construction Division broken down by minority and/or female owned firms, nonminority firms, or individuals.
- Reviewing number of contracts awarded to DBEs, minority and/or female owned firms, or individuals compared to the total number of contracts awarded, if any.
- Reviewing minority and/or female owned firms or individuals that have been contacted and encouraged to become certified by the Department as a DBE.
- Reviewing training or assistance provided to DBEs, minority and/or female owned firms, or individuals concerning the Department construction process and requirements.
- Reviewing documents that were translated to other languages.
- Reviewing interpreters utilized to explain Division documentation or procedures.

Right of Way Division – The Right of Way Division is charged with the responsibility of acquiring and managing all rights of way necessary for the construction and maintenance of highways in the State of Arkansas. The Division is also responsible for the adjustment of utility facilities necessary for the construction of highways.

Another activity of Right of way is the appraisal of properties. The appraisal activity includes legal and relevant issues that may influence the value of property and must comply with Title VI nondiscrimination requirements. Information analysis, data gathering, and reporting is done objectively without discrimination.

To meet Title VI requirements during the relocation process, all relocation services and payments agree with the contract provisions listed in Appendix A of the Title VI Assurances.

The Civil Rights Officer or designated EEO Specialist will regularly review the processes of the Right of Way Division to ensure Title VI compliance.

Considerations for internal review may include, but not limited to:

- Reviewing Title VI complaints received.
- Reviewing acquisition appraisals and residue and if any were conducted by a qualified DBE, minority, and/or female owned business.
- Reviewing how relocations and negotiations were made, and if there were any concerns raised by minority group members, elderly, disabled, or low-income individuals.
- Reviewing what properties were acquired through eminent domain, and if any of the properties acquired were in environmental justice communities.
- Reviewing documents that were translated to other languages, if any.

- Reviewing interpreters utilized to explain Division documentation or procedures, if any.
- Reviewing outside minority and/or female owned firms, nonminority firms, or individual appraisers qualified to perform work for the Right of Way Division.

Roadway Design Division – The Roadway Design Division is responsible for the design and preparation of plans for all projects to construct or reconstruct roadways on the Arkansas Department of Transportation System. The design of these roadways includes but is not limited to, geometric design, hydraulic design, pavement design, and design of sediment and erosion control devices. The construction plans developed by Roadway Design also includes plans for maintenance of traffic, signing and striping, and plans for permanent striping. The Roadway Design Division also has the responsibility to establish the amount of property and real estate needed as right of way to construct roads.

Public meetings are held for most of the projects designed in this Division. Personnel in Roadway Design are present at these public meetings to explain the proposed design. Along with the design and plan preparation, this Division is responsible for the calculation of all quantities of materials needed to construct the roadway. Roadway Design is responsible for the contract cost estimates for all projects developed by this Division, as well as projects developed by various other Divisions. This Division oversees and reviews all consultant designed plans developed for construction of roadways on the State Highway System and aids cities in the design and preparation of contract plans and specifications on federally funded city street projects.

The Civil Rights Officer or designated EEO Specialist will regularly review the processes of the Roadway Design Division to ensure Title VI compliance.

Considerations for internal review may include, but not limited to:

- Reviewing Title VI complaints received.
- Reviewing federal funded consultant contracts awarded by job number, dollar amount, percent complete, and the name of prime and subconsultants.
- Reviewing consultant contracts awarded to DBEs, minority, and/or female owned firms.
- Reviewing efforts made to inform DBEs, minority, and female owned firms of consultant contracts that may be awarded by the Department.
- Reviewing what newspapers Letters of Interest were advertised in.
- Reviewing documents that were translated to other languages, if any.
- Reviewing interpreters utilized to explain Division documentation or procedures, if any.

Planning & Research Division – The Research Section of the Planning and Research Division has the responsibility of making sure contracted and in-house research projects comply with Title VI. All contract Transportation Research Committee (TRC) projects are solicited to colleges and universities in the state of Arkansas, including MSIs.

The Research Section ensures that contract research projects are solicited without regards to race, color, or national origin. MSIs in the state of Arkansas are not denied the benefits of or excluded from participation in these projects. The Research Section makes sure that all recipients who receive federal funds through the state meet civil rights requirements. A summary of minority faculty and students working on TRC projects by race and sex is compiled and sent to the Civil Rights Division each fiscal year.

The Civil Rights Officer or designated EEO Specialist will regularly review the processes of the Research Section of the Planning and Research Division to ensure Title VI compliance.

Considerations for internal review may include, but not limited to:

- Reviewing Title VI complaints received.
- Reviewing documents that were translated to other languages, if any.
- Reviewing interpreters utilized to explain Research documentation or procedures, if any.
- Reviewing minority and/or female owned firms, nonminority firms, or individual consultants qualified to perform work for Research.
- Reviewing number of contracts awarded to DBEs, minority and/or female owned firms, or individuals compared to the total number of contracts awarded, if any.
- Reviewing minority and/or female owned firms, or individuals that have been contacted and encouraged to become certified by the Department as a DBE, if any.
- Reviewing if training or assistance was provided to DBEs, minority and/or female owned firms, or individuals concerning the Research process and requirements.
- Reviewing what colleges and universities were awarded research projects and the percent completed, including what minority serving institutions, faculty, and students are working on the projects, if any.

Program Management Division – The Program Management Division is responsible for effectively assisting in the pre-construction phases of projects and maintaining and reporting information related to construction projects.

The Construction Contract Procurement Section has two primary responsibilities. The first is advertising, letting, and award of highway construction contracts. This includes contractor prequalification, selling plans, proposals, and specification books.

The Program Support Section handles a variety of functions. They assign state and federal-aid project numbers, open, close, and adjust funding allotments, request authorization to obligate federal funds, and manage the balance of all federal-aid funding categories. They also maintain a database and create location maps for all ARDOT projects. They assist in updating the four-year Statewide Transportation Improvement Program (STIP) which is a list of projects to be funded within that timeframe.

The Civil Rights Officer or designated EEO Specialist will regularly review the processes of the Program Management Division to ensure Title VI compliance.

Considerations for internal review may include, but not limited to:

- Reviewing Title VI complaints received.
- Reviewing minority and/or female owned firms, nonminority firms, or individual consultants qualified to perform work for the Programs & Contracts Division.
- Reviewing number of contracts awarded to DBEs, minority and/or female owned firms, or individuals compared to the total number of contracts awarded, if any.
- Reviewing minority and/or female owned firms, or individuals that have been contacted and encouraged to become certified by the Department as a DBE, if any.
- Reviewing training or assistance provided to DBEs, minority and/or female owned firms, or individuals concerning the Department process and requirements, if any.
- Reviewing documents that were translated to other languages, if any.
- Reviewing interpreters utilized to explain Division documentation or procedures, if any.

IV. SUBRECIPIENT REVIEW PROCEDURES

ARDOT is a direct recipient of federal financial assistance, in which all recipients are required to comply with nondiscrimination laws and regulations, including Title VI of the Civil Rights Act of 1964. Therefore, ARDOT and its subrecipients of federal-aid funds must ensure that all its programs and activities are conducted in a nondiscriminatory manner.

The Title VI Coordinator or EEO Specialist will conduct annual onsite or desk audit compliance reviews of Local Public Agencies (LPAs), Transit grantees, MPOs, universities, colleges and other subrecipients of federal financial assistance to determine compliance with Title VI requirements to ensure the following:

1. Technical assistance is provided in the implementation of the Title VI Program.
2. Deficiencies are corrected, when found to exist.

Subrecipients will be notified within fourteen (14) days of the upcoming Title VI review by email. The notification will include a copy of the Title VI Compliance Review Questionnaire that entails questions to be asked during the review. (Appendix D)

During an onsite review, the Title VI Coordinator or designated EEO Specialist will conduct interviews, discuss reporting and data collection practices, public notification practices, examine public notification participation practices, examine the Title VI complaint procedures, and make verbal and written recommendations towards best practices. If deficiencies are found, they will be reviewed in accordance with ARDOT's compliance review procedures along with a report of findings. If no deficiencies are found, a letter of full compliance is provided within 30 calendar

days of the onsite review. The Title VI Coordinator will determine if additional monitoring is needed to ensure ongoing compliance with Title VI requirements.

Desk Audits are initialized by email requesting the subrecipients submit the following:

- Copy of Notice of Nondiscrimination
- Copy of Title VI complaint procedures
- Copy of Title VI complaint form
- Copy of most current signed Standard Title VI/Nondiscrimination Assurances
- Copy of a brochure, pamphlet, or flyer that's made available to the public
- Which auxiliary aid is offered to the public (i.e., TTD/TTY)
- If the Title VI Coordinator has received Title VI training within the last five years

V. DATA COLLECTION AND ANALYSIS

To ensure Title VI compliance, various program areas collect demographic data to aid in projects, program, and activities impact. Divisions collect statistical data on race, color, and national origin of the population that are affected by transportation decisions. ARDOT's Civil Rights Division analyzes the data for trends and potential Title VI discriminatory impacts. Collected data is reported in ARDOT's Annual Goals and Accomplishments Report.

Potential sources used for project areas to identify Title VI impacts:

- U.S. Census Bureau
- American Community Survey
- Forms and Surveys during public involvement meetings

Types of analysis identifying Title VI compliance:

- Impact on race, color, and national origin
- Distribution and allocation of funds
- Language needs assessment
- Dissemination of information

Public Involvement

To ensure community outreach and public education as it relates to the Title VI Program, Title VI information is developed for dissemination for public involvement.

The purpose of the public involvement process is to provide information to the public, receive comments, questions, and ideas. All public involvement meetings and facilities comply with the Title VI nondiscrimination program and the Americans with Disabilities Act of 1990. Current public involvement meetings are viewable here: [Current public meetings](#)

VI. TITLE VI TRAINING

It is recommended that any agency receiving federal financial funds dispersed by ARDOT, receive training on Title VI laws and regulations. ARDOT provides onsite and online training. The training includes an overview of Title VI and the requirements for compliance to include LEP and Environmental Justice.

ARDOT's Civil Rights Officer or designated EEO Specialist is responsible for coordinating and providing quarterly virtual training for subrecipients. Training is also provided in-person by request. Subrecipients can also access the online [Title VI Tutorial](#) and [Title VI Technical Guide](#) to assist in compliance requirements at their convenience. We encourage Title VI Coordinators and other staff as appropriate to participate in training every three (3) years to stay abreast of Title VI laws and or changes.

Responsibilities also include obtaining resource personnel from FHWA, FTA and other resource agencies as available for staff training.

VII. COMPLAINT PROCEDURES

Any person who believes they, or a specific class of persons, were subjected to discrimination on the basis of race, color or national origin in programs or activities of a Federal-aid Recipient may file a complaint. According to U.S. DOT regulations, 49 CFR § 21.11(b), a complaint must be filed no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the investigating agency. If filed with ARDOT, then ARDOT will ensure that the complaint is sent to the appropriate authority for disposition.

If a subrecipient receives a complaint, it must forward it to ARDOT, who will then forward the complaint to the FHWA Arkansas Division Office (Division)

All Title VI complaints received by the Division Office will be forwarded to Federal Highway Office of Civil Rights (HCR) for processing and potential investigation.

If HCR determines a Title VI complaint against a subrecipient can be investigated by ARDOT, HCR may delegate the task of investigating the complaint to ARDOT, who will conduct the investigation and forward the Report of Investigation to HCR for review and final disposition.

The disposition of all Title VI complaints will be undertaken by HCR, through either informal resolution or issuance of a Letter of Finding of compliance or noncompliance with Title VI. A copy of the Letter of Finding will be sent to the Division Office.

Complaints alleging violations of Title VI can be filed in writing directly with one of the following agencies:

Arkansas Department of Transportation Joanna P. McFadden, Civil Rights Officer/Title VI Coordinator 10324 Interstate 30, Little Rock, AR 72209 Email: Joanna.mcfadden@ardot.gov Telephone: (501) 569-2298 (voice/TTY 711)	Federal Highway Administration – Arkansas Division 700 West Capitol Ave, Suite 3130 Little Rock, AR 72201
Federal Coordination and Compliance Section – NWB Civil Rights Division, U.S. Department of Justice 950 Pennsylvania Avenue, N.W. Washington, D.C. 20530	Federal Highway Administration Office of Civil Rights, HCR-20, Room E81-320 1200 New Jersey Avenue, SE Washington, DC 20590

Additional information regarding the Title VI complaint process is available to the public via ARDOT's website at: Ardot.gov/complaint_process. Complaint and investigation files are confidential and will only be disclosed to appropriate personnel and federal authorities in accordance with Federal and State laws.

ARDOT will retain a log of all Title VI complaints received by the Civil Rights Officer for at least five (5) years. The log shall include the date the complaint was filed, a summary of the allegations, the status of the complaint, and actions taken in response of the complaint.

Alternate formats of this policy (large print, Braille, audiotape) are available upon request. Please contact Joanna P. McFadden at (501) 569-2298 (voice/TTY 711).

VIII. DISSEMINATION OF TITLE VI INFORMATION

Areas of dissemination:

- ARDOT website
- Title VI Brochure
- ARDOT Policy and Nondiscrimination Statements

Title VI Notice of Non-Discrimination

ARDOT provides posters and brochures at every public hearing and meeting. These program posters and brochures are available in languages other than English, as needed or upon request. Furthermore, current copies of ARDOT's Notice of Nondiscrimination to the Public are available and accessible at all ARDOT buildings statewide and on ARDOT's website at: ardot.gov (Appendices F & G).

IX. LIMITED ENGLISH PROFICIENCY (LEP)

LEP refers to individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English are entitled to free language assistance with respect to a particular type of service, benefit or encounter.

AUTHORITY

Executive Order (EO) 13166 – *Improving Access to Services for Persons with LEP* set forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons. Recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

ARDOT RESPONSIBILITY

Since Arkansas' diverse population is ever evolving, it is important that ARDOT be innovative and proactive in engaging individuals from different cultures, backgrounds, and businesses in planning, project development and other program areas.

The U.S. Department of Commerce, Bureau of the Census, conducts the American Community Survey (ACS). Questionnaires are mailed to a sample of addresses to obtain information about households. The American Community Survey produces demographic, social, housing, and economic estimates in the form of 1-year, 3-year and 5-year estimates based on population thresholds. The strength of the ACS is in estimating population and housing characteristics.

The American Community Survey 2020 ACS 5 Year Estimates Subject Tables (S1601) is the source of the population information included in this program. In the ACS, respondents may identify as a single race or as a combination of races. People who identify their origin as Hispanic, Latino, or Spanish may be of any race. LEP is a subset of National or Hispanic Origin.

A breakdown of the total population in Arkansas follows:

	Population	Percent
Total Population	3,011,524	
American Indian and Alaska Native alone	27,177	0.9
Asian alone	51,839	1.7
Black or African American alone	453,783	15.1
Hispanic or Latino	256,847	8.5
Native Hawaiian and Other Pacific Islander alone	14,533	0.5
Not Hispanic or Latino	2,063,550	68.5
Some other race alone	136,105	4.5
Two or more races	213,575	7.1
White alone	2,114,512	70.2

According to the U.S. Census Bureau, there are 90,286 Arkansans who speak a language other than English and speak English less than well.

Population 5 years and over speak English less than “very well” by language*

Arkansas by County, 2020

Geography	Total	Spanish	Other Indo-European Languages	Asian and Pacific Island languages	Other Languages
Arkansas	90,286	67,045	4,801	17,192	1,248
Arkansas County, AR	136	113	6	0	17
Ashley County, AR	365	359	0	6	0
Baxter County, AR	145	49	28	68	0
Benton County, AR	16,148	12,295	544	3,263	46
Boone County, AR	287	80	114	93	0
Bradley County, AR	386	377	9	0	0
Calhoun County, AR	59	59	0	0	0
Carroll County, AR	1,928	1,545	25	358	0
Chicot County, AR	182	161	12	9	0
Clark County, AR	399	354	13	32	0
Clay County, AR	46	46	0	0	0
Cleburne County, AR	51	34	4	13	0
Cleveland County, AR	14	10	4	0	0
Columbia County, AR	311	231	0	80	0
Conway County, AR	190	179	5	6	0
Craighead County, AR	2,483	1,577	473	302	131
Crawford County, AR	1896	1320	137	439	0
Crittenden County, AR	527	296	80	125	24
Cross County, AR	185	0	0	7	178
Dallas County, AR	15	15	0	0	0
Desha County, AR	568	541	0	11	16
Drew County, AR	49	49	0	0	0
Faulkner County, AR	1,586	1,004	131	335	116
Franklin County, AR	16	9	0	7	0
Fulton County, AR	73	15	55	1	2
Garland County, AR	2,690	1,633	483	567	7
Grant County, AR	62	62	0	0	0
Greene County, AR	258	189	20	49	0
Hempstead County, AR	1,058	1,039	13	6	0
Hot Springs County, AR	445	386	29	16	14
Howard County, AR	615	514	57	44	0
Independence County, AR	768	670	9	89	0
Izard County, AR	19	12	3	4	0
Jackson County, AR	33	33	0	0	0
Jefferson County, AR	912	552	93	250	17
Johnson County, AR	1445	1139	47	259	0
Lafayette County, AR	103	90	8	5	0
Lawrence County, AR	36	25	10	1	0
Lee County, AR	101	101	0	0	0
Lincoln County, AR	262	255	7	0	0
Little River County, AR	36	35	0	1	0

Geography	Total	Spanish	Other Indo-European Languages	Asian and Pacific Island languages	Other Languages
Logan County, AR	241	48	39	154	0
Lonoke County, AR	939	582	42	315	0
Madison County, AR	198	90	54	54	0
Marion County, AR	52	14	2	36	0
Miller County, AR	277	220	0	45	12
Mississippi County, AR	726	670	17	37	2
Monroe County, AR	56	47	4	5	0
Montgomery County, AR	175	162	0	13	0
Newton County, AR	8	0	0	8	0
Ouachita County, AR	27	14	12	1	0
Perry County, AR	33	27	0	6	0
Phillips County, AR	7	7	0	0	0
Pike County, AR	311	292	0	4	15
Poinsett County, AR	206	206	0	0	0
Polk County, AR	450	384	45	21	0
Pope County, AR	2,426	1,976	194	182	74
Prairie County, AR	1	1	0	0	0
Pulaski County, AR	11,784	8,341	929	2,102	412
Randolph County, AR	211	56	17	138	0
St. Francis County, AR	684	664	10	10	0
Saline County, AR	2,141	1,646	78	409	8
Scott County, AR	270	214	0	56	0
Sebastian County, AR	8,212	5,969	86	2,101	56
Sevier County, AR	2,338	2,280	0	58	0
Sharp County, AR	55	38	17	0	0
Stone County, AR	7	1	6	0	0
Union County, AR	598	452	46	100	0
Van Buren County, AR	98	75	11	12	0
Washington County, AR	18,174	12,793	676	4,604	101
White County, AR	1,187	913	90	184	0
Yell County, AR	1,508	1,410	7	91	0

FOUR FACTOR ANALYSIS

The key to providing meaningful access for LEP persons is to ensure that effective communication exists between ARDOT and the LEP person. To accomplish effective communication, the following actions and/or discussions will be performed:

- A needs assessment to determine the extent of ARDOT's obligation to provide LEP services. The assessment includes the following four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of ARDOT or grantee; (2) the frequency with which LEP individuals come in contact with the program; (3) the nature and importance of the program, activity, or service provided by ARDOT to people's lives; and (4) the resources available to ARDOT and the costs.
- Provide language assistance services (oral or written).
- Develop an effective implementation plan on language assistance for LEP persons. This plan will include: (1) identifying LEP individuals who need language assistance; (2) language assistance measures; (3) training staff; (4) providing notice to LEP persons; and (5) monitoring and updating the LEP plan.

NEEDS ASSESSMENT

The U.S. Census reports that 67,045 of the 90,286 persons in Arkansas, who could be considered LEP, speak Spanish. ARDOT evaluated its programs and/or service areas utilizing the four-factor analysis and determined that ARDOT meets the criteria to have a LEP program for the Hispanic community.

ARDOT evaluated its programs and/or service areas utilizing the four-factor analysis and determined that ARDOT meets the criteria to have a LEP program for the Hispanic community. Project related LEP data for appropriate program areas are supplied in ARDOT's Annual Goals and Accomplishments Report.

There are twelve additional counties, primarily in the western part of the State, with a higher percentage share of LEP persons than the overall State average (3.3%). The number of LEP persons exceeds the LEP population threshold (1,000) in sixteen counties. Fifteen counties with Spanish and one each in Other Indo-European language, Other Asian and Pacific Island languages, and Other languages. One county's LEP population is composed of a combination of languages that do not individually meet the LEP threshold. Therefore, ARDOT and its subrecipients will provide language assistance in the fifteen in the language indicated above, as needed.

LEP persons interact with ARDOT's public transportation programs primarily in two ways. The first is through the development and review of planning documents Annual Grants' Program of Projects, Transit Coordination Plans, State Management Plans, STIP/Transportation

Improvement Programs, Unified Planning Work Program, etc. The second is through the delivery of transit service.

ARDOT is a Primary Recipient under FTA funding and is responsible for program oversight of sub-recipient transit providers. ARDOT is not a Direct Recipient under FTA funding and does not provide transit service. Therefore, ARDOT ensures that schedules, route/fare changes and policies are adequately conveyed to LEP persons in the aforementioned counties through oversight and monitoring of its subrecipients who consult census block and tract level data in their LEP analysis.

For planning documents and Notices of Federal Transit Funding Availability, ARDOT provides notices to the statewide Hispanic newspaper to inform this group of transit activities. There has been no report of communication problems.

ARDOT staff does not frequently come in contact with Hispanic or LEP persons. These groups rarely attend public meetings for ARDOT or MPO planning meetings despite efforts to inform them of the meetings. ARDOT has not performed any bus ridership or operator surveys to ascertain the frequency of LEP person use.

As the frequency of interactions with LEP persons utilizing ARDOT's programs and/or services increases, additional language assistance services will be provided. Costs incurred by ARDOT's public transportation staff or by public transit agencies may be reimbursed by the FTA through the various transit programs.

ARDOT maintains a database on LEP interpreters and translators. These persons are available to public transportation staff and to transit agencies for public and other meetings as needed. Costs incurred by ARDOT's public transportation staff or by public transit agencies may be reimbursed by the FTA through the various transit programs.

LANGUAGE ASSISTANCE (ORAL AND WRITTEN)

The Arkansas Spanish Interpreters and Translators (ASIT) will be utilized for individuals who need language assistance. The 5311 Rural Transit programs have translators on staff or available to their program on an as needed basis. ARDOT maintains a database of LEP interpreters and translators. Based on three of the four-factor analysis, ARDOT identified written documents and/or materials that were translated into Spanish, which comprises 74.7% of the state's LEP community. According to the U.S. Census, there are 90,768 persons in Arkansas who could be considered LEP, 87,825 speak Spanish.

ARDOT will continue to review documents and/or materials to determine if translation is necessary, utilizing the "safe harbor" approach. ARDOT, on a case-by-case basis, will determine if ASIT will translate the written documents/materials or if it would be more cost effective for the sub-recipient to translate the documents.

NOTIFICATION OF LANGUAGE ASSISTANCE

Information on free language assistance is posted in public areas, such as welcome centers and rest areas. ARDOT will notify the identified LEP communities that they have a right to free language assistance that includes documents and/or materials printed in their language. Notification regarding the availability of the services is also provided through neighborhood community meetings, brochures, minority radio stations and newspapers, and other information disseminated by ARDOT.

STAFF TRAINING

Training will be provided to staff members on policies and procedures concerning language assistance and ways to determine whether an individual needs assistance services. ARDOT and subrecipients will provide training to employees who are most likely to come in contact with LEP individuals who need language assistance.

MONITORING AND UPDATING THE LEP PLAN

ARDOT will periodically evaluate the plan to determine if changes have occurred in:

1. Current LEP populations in the service area or populations affected or encountered.
2. Frequency of encounters with LEP language groups.
3. Nature and importance of activities to LEP persons.
4. Available resources, including technological advances and sources of additional resources, and the cost imposed.
5. The needs of LEP persons.
6. The staff's knowledge and understanding of the LEP plan and how it is implemented.
7. The identified sources for assistance, to ensure they are still available and viable.

The data will be collected from various sources, such as ARDOT's staff, meetings with the State Director of the League of the United Latin American Citizens, and the Arkansas Department of Education, among others.

VOLUNTARY COMPLIANCE EFFORTS

The goal for Title VI regulatory enforcement is to achieve voluntary compliance. The requirement to provide meaningful access to LEP persons is enforced and implemented by the Department of Justice (DOJ) through the procedures identified in Title VI regulations. These procedures include complaint investigations, compliance reviews, efforts to secure voluntary compliance, and technical assistance.

Title VI regulations require the DOJ to investigate whenever it receives a complaint, report, or other information that alleges or indicates possible noncompliance with Title VI or its regulations.

X. REVIEW OF ARDOT DIRECTIVES

ARDOT's policy and procedural directives are reviewed for possible Title VI implications. If a directive is deemed to have potential discriminatory results, the issue will be brought to the attention of ARDOT's Director. The Title VI Program staff reviews planning manuals, directives, guidelines, processes, meeting and hearing transcripts, and policies for Title VI compliance, and makes recommendations as needed.

XI. COMPLIANCE & ENFORCEMENT PROCEDURES

Trends or patterns of discrimination can be identified through annual program area reviews, subrecipient reviews, and investigating Title VI relevant data or discrimination complaints. ARDOT actively seeks to prevent Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements, both within ARDOT and with its subrecipients.

When deficiencies occur in the administration of the federal-aid highway program's operation, corrective action will be taken to resolve Title VI issues. ARDOT will result to writing a Voluntary Corrective Action Plan (VCAP) agreed upon by ARDOT and FHWA to be necessary within a period not to exceed 90 days.

ARDOT will seek the cooperation of subrecipients in correcting deficiencies found during their on-site reviews. ARDOT will also provide the technical assistance and guidance necessary to aid the subrecipient to comply voluntarily. Subrecipients placed in a deficiency status will be allotted a reasonable time frame, not to exceed 90 days after receipt of the deficiency letter, to voluntarily correct deficiencies.

When a subrecipient fails or refuses to voluntarily comply with requirements within the time frame allotted, ARDOT will submit a copy of the file to FHWA with a recommendation that the subrecipient be deemed non-compliant.

APPENDIX A

ARDOT Policy Statement

ARKANSAS DEPARTMENT OF TRANSPORTATION

TITLE VI/ ADA NON-DISCRIMINATION PROGRAM POLICY STATEMENT

The Arkansas Department of Transportation (ARDOT) policy ensure non-discrimination compliance on the grounds of race, color, national origin, age, sex, religion (*not applicable as a protected group under the Federal Motor Carrier Safety Administration Title VI Program*), disability, limited English proficiency (LEP), or low-income status as provided by Title VI of the Civil Rights Act of 1964 and related non-discrimination authorities.

The applicable non-discrimination statutes and authorities include but are not limited to:

- Title VI of the Civil Rights Act of 1964 (42 USC§ 2000d et seq.)
- Section 162(a) of the Federal-Aid Highway Act of 1973 (23 USC§ 324 et seq.)
- The Age Discrimination Act of 1975, as amended (42 USC§ 6101 et seq.)
- Section 504 of the Rehabilitation Act of 1973 (29 USC§ 794 et seq.)
- Americans with Disabilities Act of 1990
- The Civil Rights Restoration Act of 1987
- 49 CFR Part 21
- 23 CFR Part 200
- 49 CFR Part 303
- USDOT Order 1050.2A
- Executive Order #12898 (Environmental Justice)
- Executive Order #13166 (Limited English Proficiency)

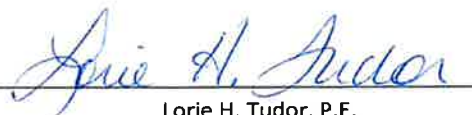
No person will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ARDOT program or activity. Every effort will be made to ensure non- discrimination in all ARDOT programs and activities, whether those programs and activities are federally funded or not. ARDOT's sub-recipients, grant recipients, and contractors must also comply with this policy.

ARDOT's Civil Rights Officer and program areas must work closely to implement their mutual Title VI non- discrimination program responsibilities. Therefore, each program area will take full responsibility for preventing discrimination and ensuring non-discrimination compliance in all ARDOT's programs and activities.

The Director signs assurances and delegates full authority to the Civil Rights Officer to oversee and implement Title VI and ADA regulations.

Dated 6/26/24

By



Lorie H. Tudor, P.E.

Director

APPENDIX B

ARDOT Standard DOT Title VI Non-Discrimination Assurances

ARKANSAS DEPARTMENT OF TRANSPORTATION

Standard Title VI/Non-Discrimination Assurances

The Arkansas Department of Transportation (herein referred to as the Recipient), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the *Federal Highway Administration*, it is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 USC§ 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin)
- 49 CFR Part 21 (entitled *Non-discrimination in Federally-assisted Programs of the Department of Transportation; -Effectuation of Title VI of the Civil Rights Act of 1964*)
- 28 CFR Section 50.3 (entitled *U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964*)

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

General Assurances

In accordance with the Acts, Regulations, and other pertinent directives, circulars, policies, 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, or national origin, 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 Federal Highway Administration.

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, institution-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 Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted *Federal Aid Highway Program*:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23(b) and 21.23(e) of 49 CFR § 21 will be (with regard to an "activity") facilitated or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and Regulations.

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

The Arkansas Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 USC §§ 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, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin 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 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, 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, Regulations, and this Assurance.

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

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

Arkansas Department of Transportation

(Name of Recipient)

By 
Lorie H. Tudor, P.E.
Director

Date 

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 Regulations relative to non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix 8 of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurement 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 Regulations relative to non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and facilities as may be determined by the Recipient or the Federal Highway Administration 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 Federal Highway Administration, as appropriate, and will set forth its efforts to obtain the information.
5. **Sanctions for Non-compliance:** In the event of a contractor's non-compliance with the non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor 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, Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration 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 U. S. Department of Transportation (USDOT) as authorized by law and upon the condition that the Department 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 the Federal-Aid Highway Program, and the policies and procedures prescribed by the Federal Highway Administration of the USDOT in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, USDOT, Subtitle A, Office of the Secretary, Part 21, non-discrimination in Federally-assisted programs of the USDOT pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 USC § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Arkansas Department of Transportation (ARDOT) all the right, title and interest of the USDOT 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 ARDOT 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 Department, its successors and assigns.

AROOT, 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, 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 ARDOT 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, USDOT, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted Programs of the U.S. 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 USDOT 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 make clear 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 Arkansas Department of Transportation (ARDOT) 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 U.S. 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, or national origin, 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, ARDOT **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, ARDOT will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will thereupon revert to and vest in and become the absolute property of ARDOT and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear 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 the Arkansas Department of Transportation (ARDOT) pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for itself, its 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, or national origin, 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, or national origin, 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.
- 8. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above non-discrimination covenants, ARDOT 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, ARDOT will thereupon revert to and vest in and become the absolute property of ARDOT and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear 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:

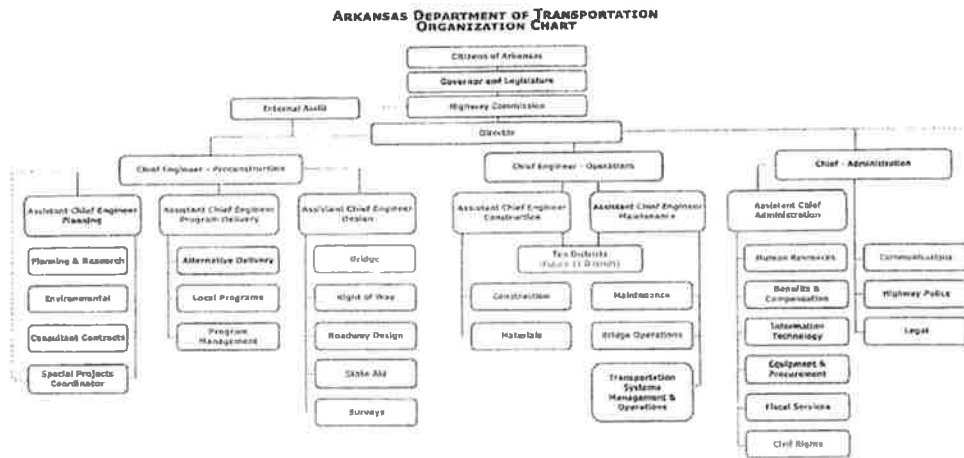
Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 USC § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC § 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 USC§ 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973 (29 USC § 794 et seq.), as amended, (prohibits discrimination on the basis of disability) and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended (42 USC§ 6101et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982 (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (PL 100-209), (broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- 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 USC§§ 12131-12189) as implemented by U.S. Department of Transportation regulations at 49 CFR Parts 37 and 38;
- The Federal Aviation Administration's non-discrimination statute (49 USC § 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, reasonable steps must be taken to ensure that LEP persons have meaningful access to programs (70 Fed. Reg. at 74087 to 74100); and
- Title IX of the Education Amendments of 1972, as amended, which prohibits discriminating because of sex in education programs or activities (20 USC 1681et seq).

APPENDIX C

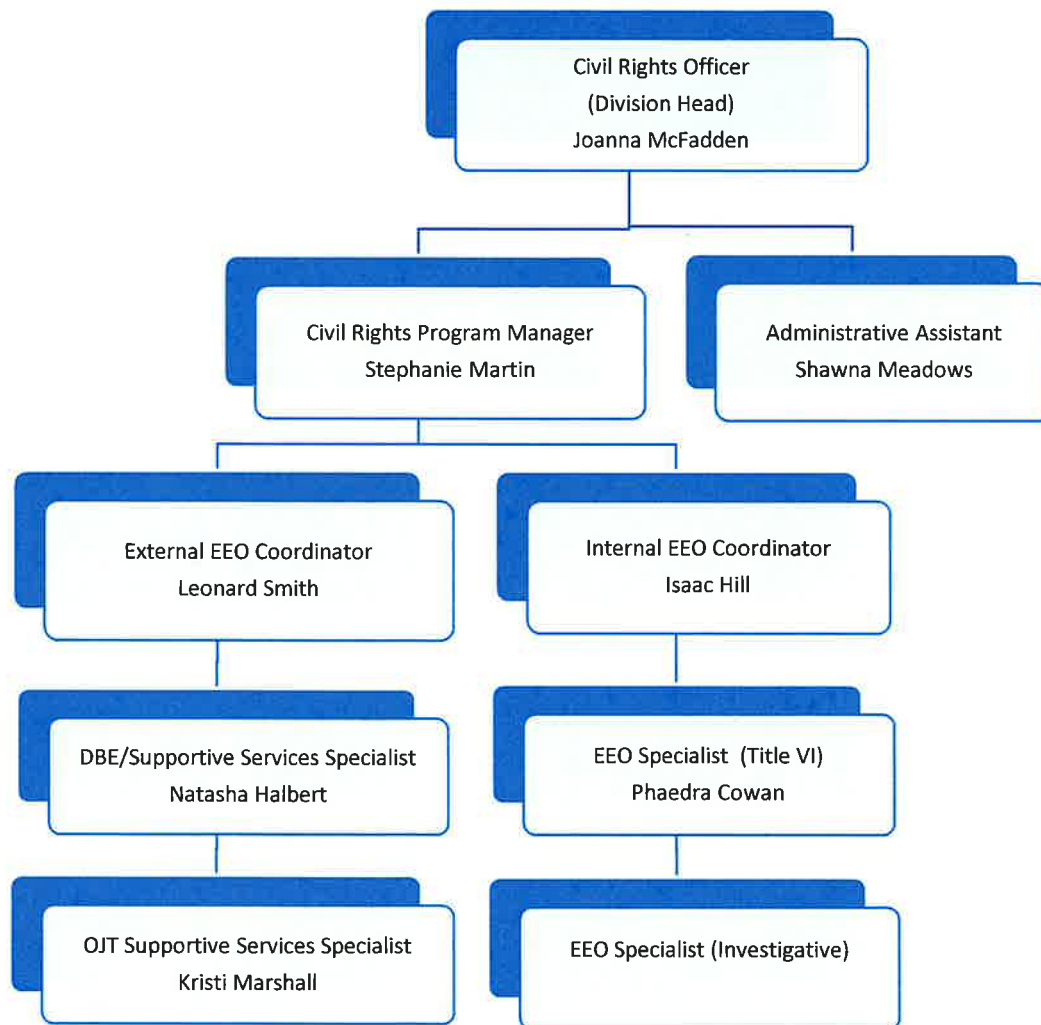
ARDOT – Organizational Chart
Civil Rights – Organizational Chart

ARDOT ORGANIZATION CHART



Eric H. Jordan 7/1/34
Director Date

Civil Rights Division Organization Chart



Appendix D

Subrecipient Compliance Review Questionnaire



CITY OF
TITLE VI PROGRAM REVIEW
(Ref: FTA C 4702.1B, 23 CFR 200.9 and 49 CFR Part 21)

1. Organization type that best describes the agency/organization	
a. State Government b. City, County, or Local Government c. Transit-Urban d. Transit-Rural e. Consultant Service f. Consultant (NEPA) g. Contractor h. College and/or University (Research Grants) i. Other _____	
2. Organization, Staffing, and Training	Status
a. Provide the name, race, sex, and title of the individual (s) responsible for the administration of the Title VI program.	
b. Has the individual participated in any type of Title VI training? If yes, provide information as to when the training was held.	☐ Y ☐ N
c. Describe your organization's staffing structure including the name, ethnicity, gender, title, and a very short job description. Provide an organizational chart	
i. Are there changes anticipated for the upcoming year?	☐ Y ☐ N
ii. Does the Table/Graph show who the Title VI/504-ADA Coordinator reports to?	☐ Y ☐ N
d. Does your agency/organization have a nondiscrimination statement? If yes, provide a copy. Non-Discrimination Notice identifying nondiscrimination on the basis of race, color and national origin; as well as designating the Title VI/504-ADA Coordinator.	
e. How are your employees notified of the agency/organization's nondiscrimination statement?	☐ Y ☐ N
f. Is the nondiscrimination statement published in all public notices and posted on bulletin boards? If yes, provide examples.	☐ Y ☐ N
Comments:	

3. Complaints and Procedures	Status
a. Have any complaints (oral or written, informal or formal), lawsuits, charges, inquiries, etc., been filed with any Federal, State, or local agency, alleging that your agency/organization or any component thereof discriminated against an individual or individuals on the basis of race, color, or national origin? <i>If yes, please provide a copy of each complaint received or filed for the last two years</i> i. Are your organization/agency complaint procedures based on FHWA or FTA guidelines for investigating and tracking complaints? ☐ FHWA ☐ FTA? ii. Are complaint procedures available on the agency website? iii. Do the procedures state that complaints may be made no more than 180 days after the alleged incident? iv. Description of procedures members of the public should follow to file a Title VI/ADA discrimination complaint against the agency. <i>Provide copy</i> Complaint Form: a. Is your agency's complaint form available on the website? b. Does the Complaint form state that an individual may submit a complaint to the ☐ Agency ☐ FTA ☐ FHWA ☐ ARDOT?	☐Y ☐N ☐Y ☐N ☐Y ☐N ☐Y ☐N
Comments:	

4. Public Involvement and Notice to the Public	Status
a. What efforts are made to notify the public of meetings, workshops, special sessions, etc.?	
b. What efforts are made to ensure public participation?	☐ Y ☐ N
c. Were accommodations for translation services or special needs included in notices to the public?	☐ Y ☐ N
d. Does your company include minority and/or female media in all notification processes for public meetings or public review of agency documents? <i>If yes, identify the media resources by name, race, and sex.</i>	☐ Y ☐ N
e. Where were the public meetings held?	
f. Were the meeting locations, day, and time of week, conducive for public involvement?	☐ Y ☐ N
g. Was consideration given to accessibility for persons with disabilities?	☐ Y ☐ N
h. Are the meetings held where bus service was provided? If no, explain.	☐ Y ☐ N
i. Has your agency/organization received any request for information in an alternative format such as Braille, Audio, or non-English? <i>If yes, please discuss.</i>	☐ Y ☐ N
j. If the public involvement meeting held was concerning work for ARDOT, was ARDOT's nondiscrimination statement posted at the meeting?	☐ Y ☐ N
k. Is a copy of the Non-Discrimination included in the Notice to the Public?	☐ Y ☐ N
l. Does the plan state the Notice to the Public will be posted? <i>Check all boxes that apply.</i>	☐ Y ☐ N
☐ On the agency's website	
☐ At the reception desk	
☐ In public meeting rooms.	
m. Does the Notice to the Public include:	
i. The statement agency operates programs w/out regard to race, color, or national origin	☐ Y ☐ N
ii. Description of procedures members of the public should follow to request additional information on Title VI Program.	☐ Y ☐ N
Comments:	

5. Limited English Proficient (LEP) Executive Order 13166		Status
a. Individuals who, because of their national origin, are Limited English Proficient (LEP) are entitled to meaningful access to federally assisted programs and activities. Does your agency/organization service area population include individuals with LEP? If yes, what are the languages most encountered?		☐ Y ☐ N
b. How does the agency/organization provide access to persons whose languages are identified above?		☐ Y ☐ N
c. Are LEP persons made aware that they can receive translation services at no cost?		☐ Y ☐ N
Four Factor Analysis		
d. Did the agency complete a Four Factor Analysis?		☐ Y ☐ N
e. Was the Four Factor Analysis completed using U.S. Census or more current data as the basis of the demographic analysis in the Four Factor Analysis?		☐ Y ☐ N
Language Assistance Plan		
f. Is a copy of the plan included within the Title VI Plan?		☐ Y ☐ N
g. Describe how language assistance services are provided.		
Comments:		
6. For MPO - Environmental Justice – Executive Order 12898		Status
a. Has your agency received training on environmental justice? If yes, provide date and location of training.		☐ Y ☐ N
b. Has your agency identified any environmental justice issues?		☐ Y ☐ N
7. USDOT 1050.2A Title VI / Nondiscrimination Assurances		Status
a. Has your agency completed and signed USDOT 1050.2A Title VI Nondiscrimination Assurances? Provide copy		☐ Y ☐ N

8. Access for individuals with Disabilities under Section 504 Rehabilitation Act and ADA Act	Status
a. Has your agency appointed an ADA/Section 504 Coordinator? (required if agency is private with 15 or more employees or public with 50 or more employees). Provide name, title, race, and sex of the individual.	☐ Y ☐ N
b. Does your agency have a complaint procedure in place to resolve disability-related complaints from the public? Provide copy	☐ Y ☐ N
c. Is the complaint procedure made publicly on your agency's website?	☐ Y ☐ N
d. Are facilities and meeting areas fully accessible to persons with disabilities?	☐ Y ☐ N
e. In order for individuals with hearing limitations or speech disabilities to have access to program areas, does the agency/organization have auxiliary aids such as TTD/TTY? If yes, identify the type of services.	☐ Y ☐ N
f. Is the public informed that the agency/organization have auxiliary aids such as TTD/TTY? If yes, provide documentation of how the public was informed.	☐ Y ☐ N
g. Has the agency conducted a self-evaluation? (required if agency is private with 15 or more employees or public with 50 or more employees). Provide copy of evaluation.	☐ Y ☐ N
Section 8h through 8qq applicable to Transit and Paratransit agencies only	
h. Describe the vehicle acquisition process to ensure ADA compliance, if applicable.	
i. Does your agency conduct maintenance of accessible features on vehicles (i.e., lifts and other means of access to vehicles, and securement devices)? If so, how often? Provide copy of most recent maintenance report.	☐ Y ☐ N
j. If accessibility features are damaged or inoperable, how soon are they repaired?	
k. Does the agency take reasonable steps to accommodate individuals with disabilities when an accessibility feature is inoperable? If so, please provide examples	☐ Y ☐ N
l. Do vehicle operators report failure of a lift to operate in service?	☐ Y ☐ N
m. If no spare vehicles are available, does the agency keep vehicle with inoperable lifts in service no longer than: ☐ 5 days for service areas under 50,000 people ☐ 3 days for service areas over 50,000 people	☐ Y ☐ N
n. Does your agency use the term "common wheelchair in public information materials?	☐ Y ☐ N
o. Does your agency's public information impose a combined occupant/wheelchair weight restriction less than what the vehicle lift can accommodate?	☐ Y ☐ N

	Status
p. Does your agency use a securement system to secure wheelchairs?	☐ Y ☐ N
q. Does your agency personnel assist individuals with disabilities with the use of securement systems, ramps, and lifts if requested?	☐ Y ☐ N
r. Does your agency deny service if the wheelchair cannot be secured or restrained satisfactorily?	☐ Y ☐ N
s. Are individuals with disabilities (who do not use wheelchairs) allowed to use the lift or ramp when entering/exiting the vehicle?	☐ Y ☐ N
t. Does the agency announce the following on fixed routes:	☐ Y ☐ N
i. Transfer points with other fixed routes,	
ii. Other major intersections and destination points,	
iii. Intervals along a route (assists persons with visual impairments/other disabilities to orient their location),	
iv. Announce any stop on request of an individual with a disability?	
u. For bus stops that serve more than one route, can a person with a disability identify the proper vehicle to enter?	☐ Y ☐ N
v. Does the agency allow adequate time for boarding and disembarking from the vehicle?	☐ Y ☐ N
w. Do the vehicle operator request riders without a disability to vacate seats or wheelchair securement areas in order to make room for individuals with a disability?	☐ Y ☐ N
x. Does the facility operator ask persons without disabilities to move, so that persons with disabilities can sit in a seat or occupy a wheelchair securement location?	☐ Y ☐ N
y. Are individuals with disabilities allowed to travel with a respirator or oxygen supply?	☐ Y ☐ N
z. Does the agency allow service animals to accompany individuals with disabilities in vehicles and facilities?	☐ Y ☐ N
aa. Does the agency make available information about transportation services in accessible formats and technology upon request? Please provide examples	☐ Y ☐ N
bb. Does the transit facility operators and other personnel make use of accessibility equipment?	☐ Y ☐ N
cc. Does the agency respond to requests for reasonable modification (temporarily change procedures) so that individuals with disabilities can use the transit service?	☐ Y ☐ N
dd. Does the agency have a reasonable modification policy? If yes, please provide a copy	☐ Y ☐ N
ee. Does the agency make information about how the public can make requests for reasonable modifications readily available through the same format it uses to inform the public about its policies and practices?	☐ Y ☐ N
i. Is the process to make requests accessible to individuals with disabilities?	☐ Y ☐ N
ii. Does the agency respond to riders need for reasonable modification even if the rider did not specifically use the term "reasonable modification" in their request for service?	☐ Y ☐ N

	Status
ff. Can vehicle operators make reasonable modification determinations at the time of request?	☐ Y ☐ N
gg. Are requests denied for the following reasons because granting the request would:	
i. Fundamentally alter the nature of the agency's transit service,	☐ Y ☐ N
ii. Create a direct threat to the health or safety of others; or	☐ Y ☐ N
iii. Create an undue financial or administrative burden for the agency?	☐ Y ☐ N
hh. If a request was denied, does the agency, to the maximum extent possible, take any other actions to ensure that the individual with a disability receives the services? <i>If yes, please provide examples.</i>	☐ Y ☐ N
ii. Is training provided to agency personnel for the safe operation of vehicles, accessibility equipment, and the proper treatment of persons with disabilities?	☐ Y ☐ N
i. Number of staff trained this year: _____	
jj. If fixed route service is provided, does the agency have a Complementary Paratransit Plan? If yes, was it approved by the board? <i>Please provide copy</i>	☐ Y ☐ N
kk. Have there been any transit service, service area changes, or plan revisions since the plan was approved?	☐ Y ☐ N
ll. Does the agency use route deviation service as a method for demand response service? If yes, who does the service deviate for?	☐ Y ☐ N
mm. For service that deviates only for people with disabilities, does the agency:	
☐ Conduct an eligibility determination process to determine who is ADA paratransit eligible,	
☐ Provide service within ¾ mile of fixed route; or	
☐ Operate service free of capacity restraints?	
nn. How is route deviation service that deviates for all riders publicly advertised?	
☐ Agency website; or	
☐ Bus schedules?	
Comments:	

	Status
00. Does the route deviation service have similar features to those of a demand response service? Examples include: ☐ Response time ☐ Fares ☐ Hours and days of service ☐ Availability of information and reservations capability ☐ Geographic area of service; and ☐ Restrictions or priorities based on trip purpose.	☐ Y ☐ N

9. Subcontracts	Status
a. Did your organization/agency award any subcontracts to assist with ARDOT's contract that was awarded to your agency/organization on (date)? If yes, provide the following: Name of firms and dollar amount of subcontract awarded, if any.	☐ Y ☐ N
b. Were any of the above firm(s) minority, female and/or DBE owned?	☐ Y ☐ N
c. Did you contact minority, female or DBE firms for subcontract opportunities? If yes, provide the name of firm(s) contacted and identify if it was a minority, female, or DBE firm. Provide total dollar amount awarded to each minority, female, and DBE firm, if any. \$ _____	☐ Y ☐ N
d. Since the award of the contract from ARDOT, has your agency/organization solicited and/or awarded any contracts, services, and/or ordered supplies? If yes, provide the name of each firm, type of service provided, dollar amount and identify if any of the firms were a minority, female and/or DBE, if any. If no, please state your good faith efforts made in order to solicit business with minority, female, or DBE firms.	☐ Y ☐ N

Reviewer Signature: _____ Date: _____

Appendix E

ARDOT TITLE VI Complaint Form

Arkansas Department of Transportation

TITLE VI Complaint Form

Title VI of the Civil Rights Act of 1964 states "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Title 42 U.S.C. Sections 2000d

Executive Order 13166 ensures individuals whose first language is not English and has a limited capacity to read, write or understand English have meaningful access to programs, information and services by any entity receiving Federal funding. Please provide the following information necessary in order to process your complaint. A formal complaint must be filed within 180 days of the occurrence of the alleged discriminatory act. Assistance is available upon request. Please contact ARDOT Civil Rights Division at (501) 569-2297.

Complete this form and return to:

Arkansas Department of Transportation
Civil Rights Division
Attn: Joanna P. McFadden, Civil Rights Officer
10324 Interstate 30
Little Rock, AR 72209

Complainant's Name: _____

Address: _____ City: _____

State: _____ Zip Code: _____

Telephone (Home): _____ Telephone (Work): _____

Person(s) discriminated against (if other than complainant)

Name: _____

Address: _____ City: _____

State: _____ Zip Code: _____

Telephone (Home): _____ Telephone (Work): _____

What is the discrimination based on?

☐ Race

☐ Color

☐ National Origin

Date of the alleged discrimination: _____ Location: _____

Agency or person that was responsible for the alleged discrimination:

Have you filed this complaint with any other Federal, State, or local agency? If so, whom?

What remedy are you seeking?

List names and contact information of persons who may have knowledge of the alleged discrimination.

Describe the alleged discrimination. Explain what happened and whom you believe as responsible.

Please sign and date. The complaint will not be accepted if it has not been signed. You may attach any written materials or other supporting information you think is relevant to your complaint.

Signature

Date

Appendix F

Notice of Non-Discrimination

ARKANSAS DEPARTMENT OF TRANSPORTATION

ADA/TITLE VI NOTICE OF NONDISCRIMINATION

The Arkansas Department of Transportation (ARDOT) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, ARDOT does not discriminate on the basis of race, sex, color, age, national origin, disability, religion (not applicable as a protected group under the Federal Motor Carrier Safety Administration Title VI Program), LEP, or low-income status in the admission, access to and treatment in ARDOT's programs and activities, as well as the ARDOT's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding ARDOT's nondiscrimination policies may be directed to Joanna P. McFadden, Civil Rights Officer - (ADA/504/Title VI Coordinator), P.O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: joanna.mcfadden@ardot.gov

Free language assistance for Limited English Proficient individuals is available upon request.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

Appendix G

Title VI Brochures

(English and Spanish Versions)

**A MESSAGE FROM
CIVIL RIGHTS OFFICER
JOANNA P. McFADDEN**

The primary goal of the Arkansas Department of Transportation's Title VI Program is to ensure that all appropriate personnel and contractors are aware of the provisions of Title VI of the Civil Rights Act of 1964, and are fully aware of their Title VI responsibilities as well as ADA/504, Executive Order 12898 (Environmental Justice) and Executive Order 13166 LEP (Limited English Proficiency).

The ARDOT Civil Rights Division is available to provide you with technical assistance, resources, guidance, and any other information pertaining to Title VI and ADA/Section 504.

Should you have any questions or concerns regarding the Title VI Program, please do not hesitate to contact me at

Joanna.McFadden@ardot.gov
(501) 569-2298, Voice/TTY 711.

Joanna P. McFadden



**ARKANSAS DEPARTMENT
OF TRANSPORTATION**

NOTICE OF NONDISCRIMINATION

The Arkansas Department of Transportation (ARDOT) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, the ARDOT does not discriminate on the basis of race, sex, color, age, national origin, disability, religion (*not applicable as a protected group under the FMCSA Title VI Program*), LEP, or low-income status in the admission, access to and treatment in ARDOT's programs and activities, as well as the ARDOT's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the ARDOT's nondiscrimination policies may be directed to Joanna P. McFadden, Civil Rights Officer (ADA/Section 504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address:

Joanna.McFadden@ardot.gov

Free language assistance for Limited English Proficient individuals is available upon request.

This notice is available from the Civil Rights Officer in large print, on audiotape and in Braille.

**Your Guide
To
Title VI
Civil Rights
Act of 1964**

**ARKANSAS
DEPARTMENT
OF
TRANSPORTATION**

10324 Interstate 30
Little Rock, AR 72209

Phone: 501-569-2298
Voice/TTY 711

Nondiscrimination in the Federal Highway Program

The focal point of nondiscrimination law is Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance. However, the broader application of the nondiscrimination law is found in other statutes, regulations and Executive Orders. Section 324 of the Federal-Aid Highway Act of 1973 prohibits discrimination based on sex. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibits unfair and inequitable treatment of persons as a result of projects that are undertaken with Federal financial assistance. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability as does the Americans with Disabilities Act of 1990 (ADA). The ADA also prohibits discrimination in the provision of access to public buildings and requires that rest areas be accessible by wheelchair. The Age Discrimination Act of 1975 prohibits age discrimination. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all program and activities of Federal-aid recipients and contractors whether those programs and activities are federally-funded or not. Executive Order 12898 provides Environmental Justice for Minority and Low-income populations. Executive Order 13166 provides language assistance to persons who are limited English proficient.

What programs are covered by Title VI?

Federally assisted programs address such broad and diverse areas as:

- Transportation (including transit)
- Construction
- Elementary, secondary, and higher education

- Health care, social services, and public welfare
- Parks and recreation
- Natural resources and the environment
- Employment and job training
- Law enforcement and the administration of justice
- Agriculture and nutrition
- Housing and community development

What discrimination is prohibited?

There are many forms of illegal discrimination based on race, color, sex, national origin, age, disability, religion (*not applicable as a protected group under the FMCSA Title VI Program*). LEP, or low-income status that can limit the opportunity of minorities to gain equal access to services and programs. Among other things, in operating a federally assisted program, a recipient cannot, on the basis of race, color, sex, national origin, age, disability, LEP, or low-income status either directly or through contractual means:

- Deny program services, aids, or benefits;
- Provide a different service, aid, or benefit, or provide them in a different manner than they are provided to others; or
- Segregate or separately treat individuals in any matter related to the receipt of any service, aid, or benefit.

How can I file a discrimination complaint?

You may file a signed, written complaint within 180 days from the date of the alleged discrimination. The complaint should include:

- Your name, address, and telephone number.
- The name and address of the agency, institution, or department you believe discriminated against you.
- How, why and when you believe you were discriminated against. Include as much specific, detailed information as possible about the alleged acts of discrimination, and any other relevant information. Include names of individuals whom you allege discriminated against you, if you know them.
- The names of any persons, if known, who the ARDOT can contact for clarity of your allegations.

Please submit your signed complaint to the address on the front, attention of Joanna P. McFadden, Civil Rights Officer (ADA/Section 504 and Title VI Coordinator).

**UN MENSAJE DE LA OFICIAL
DE DERECHOS CIVILES
JOANNA P. McFADDEN**

La principal meta del Programa del Título VI del Departamento de Transporte de Arkansas es asegurar que todo el personal apropiado y contratistas estén al tanto de los requisitos del Título VI de la Ley de Derechos Civiles de 1964, y que estén completamente al tanto de sus responsabilidades del Título VI al igual que de ADA Sección 504, Orden Ejecutiva 1289 (Justicia Ambiental) y la Orden Ejecutiva 13166 LEP (Limitación de manejo del Idioma Inglés).

La Sección de ARDOT EEO está disponible para ofrecerle ayuda técnica, recursos, orientación, y cualquier otra información pertinente al Título VI y ADA Sección 504.

Si tiene preguntas o preocupaciones acerca del Programa del Título VI, por favor no dude en comunicarse conmigo a

Joanna.McFadden@ardot.gov (501) 569-2298. Voz TTY 711.

Joanna P. McFadden



DEPARTAMENTO DE TRANSPORTE DE ARKANSAS

AVISO DE NO DISCRIMINACION:

El Departamento de Transporte de Arkansas (Departamento) cumple con todos los requisitos de derechos civiles de las leyes federales y autoridades relacionadas que prohíben la discriminación en los programas y actividades que reciben ayuda federal financiera. Por lo tanto, el Departamento no discrimina bajo las bases de raza, sexo, color, edad, origen nacional, religión (no aplica como grupos protegidos bajo el FMCSA Title VI Program), discapacidad, Limitación del Idioma Inglés (LEP), o de bajos ingresos en la admisión, el acceso a y el tratamiento en los programas y actividades del Departamento al igual que las prácticas de contratación y empleo del Departamento. Quejas de supuesta discriminación y preguntas sobre las pólizas de no discriminación del Departamento pueden ser dirigidas a Joanna P. McFadden, Oficial de Derechos Civiles (ADA Sección 504 Coordinador del Título VI), PO Box 2261, Little Rock, AR 72203, (501)569-2298, (Voz TTY 711), o al siguiente correo electrónico:

Joanna.McFadden@ardot.gov

Ayuda gratis para personas con limitación del idioma Inglés. Este aviso está disponible del ADA Sección 504 Coordinador del Título VI en letra grande, grabación de audio y en Braille.

**Su Guía al
Título VI
Ley de
Derechos
Civiles de
1964**

**DEPARTAMENTO DE
TRANSPORTE DE
ARKANSAS**

10324 Interstate 30
Little Rock, AR 72209

Teléfono: 501-569-2298
Voz TTY 711



No discriminación en el Programa Federal de Carreteras

El punto focal de la ley de antidiscriminación es el Título VI de la Ley de derechos Civiles de 1964, la cual prohíbe la discriminación sobre las bases de raza, color, u origen nacional en cualquier programa o actividad que recibe asistencia financiera Federal. Sin embargo, la aplicación más amplia de la ley se encuentra en otras leyes, reglamentos y Ordenes Ejecutivas. La Sección 324 de La Ayuda Federal de Carreteras de 1973 prohíbe la discriminación basada en el sexo. La Ley de Política Uniforme de Asistencia para la Reubicación y Adquisición de Propiedades Inmuebles de 1970 prohíbe el trato injusto y desigual de las personas como resultado de proyectos que se comiencen con asistencia económica Federal. La sección 504 de la Ley de Rehabilitación de 1973 prohíbe la discriminación basada en discapacidad al igual que la Ley Sobre Estadounidenses de 1990 con discapacidades (ADA). El ADA también prohíbe la discriminación en la estipulación de acceso a edificios públicos que requieren que las áreas de descanso sean accesibles para sillas de ruedas. La Ley de Discriminación de Edad de 1975 prohíbe la discriminación por razones de edad. La Ley de Restauración de derechos Civiles de 1987 aclaró el sentido del Título VI al incluir en todos los programas y actividades a los beneficiarios y contratistas de ayuda Federal ya sea que esos programas y actividades sean financiadas federalmente o no. La orden Ejecutiva 12898 ofrece Justicia Ambiental para poblaciones con Minorías y de Bajos-recursos.

¿Cuáles son los programas protegidos por el Título VI?

Los Programas Federales abordan áreas amplias y diversas tales como:

- Transporte (Incluyendo transporte público)
- Construcción
- Educación Primaria, Secundaria y Superior

- Atención médica, servicios sociales, y el bienestar público.
- Parques y áreas de recreación
- Recursos Naturales y el medio ambiente.
- Empleo y capacitación laboral
- Orden público y administración de Justicia
- Agricultura y nutrición
- Desarrollo de vivienda y comunitario

¿Cuál discriminación está prohibida?

Existen muchas maneras de discriminación ilegal basada en la raza, color, sexo, origen nacional, edad, discapacidad, religión (*no aplica como grupo protegido bajo el FMCSA del Programa Título VI*), LEP, o de bajos ingresos los cuales pueden limitar la oportunidad de las minorías a obtener igual acceso a los servicios y programas. Entre otras cosas, al operar programas federales, un beneficiario no puede, bajo las bases de raza, color, sexo, origen nacional, edad, discapacidad, LEP, o de bajos recursos ya sea directamente o por medio contractual:

- Negar servicios, ayuda o beneficios del programa.
- Proporcionar un servicio diferente, ayuda, o beneficio, o proporcionarles de una manera diferente de lo que ellos proporcionan a otros; o
- Segregarle o tratar separadamente a individuos de cualquier asunto relacionado con el beneficiario de cualquier servicio, ayuda o beneficio.

¿Cómo puedo presentar una queja de discriminación?

Usted puede presentar la queja escrita y firmada dentro de 180 días de la fecha de la supuesta discriminación. La queja debe incluir:

- Su nombre, domicilio, y número de teléfono.
- El nombre y domicilio de la agencia, institución, o departamento que usted cree que discrimino en su contra.
- Como, porque y cuando cree usted que se le discrimino. Incluya tanta información específica y detallada como sea posible sobre las supuestas acciones de discriminación, y u otra información relevante. Incluya nombres de personas que usted alega que discriminaron en contra de usted, si los sabe.
- Los nombres de personas, si los sabe, a los cuales ARDOT los puede contactar para aclarar sus alegatos.
- Por favor envíe su queja firmada a la dirección que aparece en la parte de enfrente del folleto a la atención de Joanna P. McFadden, Oficial de Derechos Civiles (ADA Sección 504 y Coordinadora del Título VI).