

**DELAWARE DEPARTMENT OF  
TRANSPORTATION  
OFFICE OF CIVIL RIGHTS**



**TITLE VI PROGRAM COMPLIANCE PLAN**

**FMCSA**

**Applicable to FMCSA Grants for FFY 2019**

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# NONDISCRIMINATION POLICY STATEMENT

DelDOT presents the Nondiscrimination Policy Statement endorsed by the Secretary of the Delaware Department of Transportation and shown below to demonstrate its compliance with 49 CFR part 21 and 49 CFR part 303, and its commitment to nondiscrimination and its understanding of responsibilities for the effective implementation of the Title VI Program. Further, DelDOT has signed the Title VI Assurance document, and will ensure that sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees sign an Assurance document as well.

It is the policy of the Delaware Department of Transportation that no person shall on the grounds of race, color, national origin, sex, age, or handicap/disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program or activity which is administered by the Delaware Department of Transportation, regardless of the funding source.

The Secretary of the Delaware Department of Transportation is ultimately responsible for the effective implementation of the Title VI Nondiscrimination Program. The Secretary will not perform the day to day implementation duties. Those duties are delegated to the Civil Rights Administrator, who has been delegated sufficient authority to carry out her or his duties and responsibilities, which include overseeing a committee of Liaisons from each Program Area. Those Liaisons will perform data collection, data analysis, process reviews and reporting related to DelDOT's Title VI program.

Date: 1/4/19  
By: Johan  
Jennifer Cohan, Secretary  
Department of Transportation

## The United States Department of Transportation

### Standard Title VI/Non-Discrimination Assurances

#### DOT Order No. 1050.2A

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

#### Statutory/Regulatory Authorities

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

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

Although not applicable to Recipients directly, there are certain Executive Orders and relevant guidance that direct action by Federal agencies regarding their federally assisted programs and activities to which compliance is required by Recipients to ensure Federal agencies carry out their responsibilities. Executive Order 12898 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” emphasizes that Federal agencies should use existing laws to achieve Environmental Justice, in particular Title VI, to ensure

nondiscrimination against minority populations. Recipients should be aware that certain Title VI matters raise Environmental Justice concerns and FMCSA intends that all Recipients evaluate and revise existing procedures (as appropriate) to address and implement Environmental Justice considerations. See the following FHWA website for more information and facts about Environmental Justice: [http://www.fhwa.dot.gov/environment/environmental\\_justice/index.cfm](http://www.fhwa.dot.gov/environment/environmental_justice/index.cfm)

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

### **General Assurances**

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

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

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

### **Specific Assurances**

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

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in 49 C.F.R. §§ 21.23 (b) and 21.23 (e) will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations;
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with the FMCSA Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

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

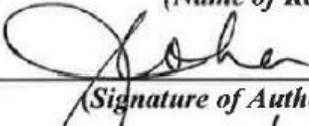
3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations;
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient;
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith;
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property;
7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

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

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

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

Jennifer Cohen  
*(Name of Recipient)*

by   
*(Signature of Authorized Official)*

DATED 1/4/19

## APPENDIX A

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

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

## APPENDIX E

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

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

## **DESCRIPTIONS FOR PROJECTS IN DELAWARE HP-ITD-2019 AND HP-CMV-2019 GRANT APPLICATIONS**

The State of Delaware has applied for High Priority (HP)-Innovative Technology Deployment (ITD) and HP-Commercial Motor Vehicle (CMV) 2019 grant funds. Both grant programs are sponsored by the Federal Motor Carrier Safety Administration (FMCSA). These programs provide federal aid as financial assistance to states in advancing technological capabilities for CMV operations in the areas of electronic credentialing, electronic screening, and electronic exchange of safety information.

Commercial Vehicle Information Systems Network (CVISN) and Performance and Registration Information Systems Management (PRISM) were grant programs administered by FMCSA. In Delaware, these programs were integrated at the project level to provide a cost-effective approach to meet federal requirements while simultaneously supporting business needs for the state.

On September 22, 2008, Delaware became a "Gold PRISM State" by achieving level 8 for the PRISM Program. On September 16, 2014, the Secretary of Transportation received a letter from FMCSA congratulating the State of Delaware on successfully completing all the "Core Requirements" for the CVISN Program. These significant milestones qualified Delaware to participate in both ITD and CMV sections of High Priority grant program, which provides grant funding to carry out capabilities that exceed the core innovative technology deployment requirements to improve safety and productivity of commercial vehicle operations, and to enhance transportation security. The High Priority Grant Program is intended to provide the following benefits and services: to improve the safety and productivity of CMVs and drivers; to reduce costs associated with CMV operations and regulatory requirements; and to carry out CMV safety activities.

### **HP-ITD Project 1: Tire Abnormality Detection System**

This project involves the deployment of a Tire Abnormality Detection System (TADS) to electronically screen tires of commercial vehicles near Delaware weigh stations. The system can identify underinflated, missing, mismatched, and flat tires at ramp to mainline speeds (1 to 100 mph). Anomalous tires can also be identified on the inside of a dual set of tires, which would be difficult to spot at mainline speeds. Anomalous or flat tires decrease a driver's directional control, increasing the risk of an accident. It also reduces the useful life of the tire and impacts fuel economy. In the case of missing or mismatched tires (old and new in dual set), the vehicle loading can become imbalanced, also increasing the risk of an accident.

### **HP-ITD Project 2: ITD/PRISM Web Site & Trucker Portal for Delaware**

This project will entail the development of a publicly accessible web site and trucker portal that provides information regarding the Delaware ITD and PRISM programs. Information will include project overviews; links to Delaware ITD/PRISM systems; links to national program information, tools, resources etc.; and a link to the DMTA website.

DelDOT IT consultants will design, develop and implement the ITD/PRISM web site and trucker portal in accordance with Delaware IT standards. Design and development include preparation and assembly of website content; and identification of other Internet websites with relevant ITD program content, systems and tools to include as hyperlinks on the Delaware ITD program website.

### **HP-ITD Project 3: OS/OW Hauling Permit System Technology Upgrade – RE-architecture and Enhancements**

Delaware Hauling (Oversize / Overweight, OSOW) Permit system is a State-developed and maintained web application. The system is accessible by the public through the Internet. It tracks company's profile and payment information along with details and validations of restrictions for Hauling Permits issuance.

After analyzing OS/OW Hauling Permit System, Delaware decided to re-architect OSOW Hauling Permit system using newer technology such as Micro Services with spring, .net core, angular JS to make the OS/OW Hauling permit system efficient and easy to maintain. The enhancements of the System include but are not limited to the following: allow electronic signatures for the applicants and approvers with process workflow; online forms; login pages; contact-us pages; and integration with other Delaware applications.

### **HP-ITD Project 4: Program Management Support**

A program management consultant assists the program manager and system architect with day-to-day project management support for the ITD/PRISM Program and related CMV projects. The PM consultant supports activities such as CVO outreach, procurement support, meeting coordination, grant requirements collections, grant application development, grant financial planning, and grant progress reporting in accordance with FMCSA requirements.

### **HP-CMV Project 1: Share the Road New Driver Training Program**

DelDOT seeks to implement a supplemental driver education program developed by the Virginia Tech Transportation Institute (VTTI) that aims to instruct young and older drivers alike on sharing the road with heavy vehicles to support the State's goal of reducing motor vehicle fatalities. This program involves two components: (1) a hands-on truck experience developed by VTTI, which demonstrates proper procedures for sharing the road (STR) with trucks and other heavy vehicles along with the danger areas around these heavy vehicles; and (2) the Tips for Sharing the Road with Commercial Motor Vehicles website ([www.cmvroadsharing.org](http://www.cmvroadsharing.org)), which incorporates video clips of real-world driving events captured during VTTI naturalistic driving studies. The proposed program will promote the highly successful hands-on STR demonstrations part of the educational outreach and safe driving practices among teen drivers and the general driving population while interacting with commercial motor vehicles in Delaware.

This project includes a Delaware Department of Transportation professionals to oversee the program in Delaware and VTTI research personnel to conduct the hands-on demonstrations. Additionally, the Delaware Motor Transport Association (DMTA) is a critical partner in serving as liaison with local truck carriers to provide a Class 8 truck-trailer combination unit for each of these events.

### **HP-CMV Project 2: Delaware MCS, MVALS and CVIEW System Modifications for Enhanced PRISM Program Participation**

Currently Delaware is at "Fully Participating" level for the PRISM program sponsored by FMCSA. Delaware is requesting HP-CMV-2019 grant funding to achieve "Enhanced Participation" in PRISM program by modifying its Motor Carrier (IRP & IFTA Integrated) System, Motor Vehicles and Licensing System and Commercial Vehicle Information Exchange Window (CVIEW) software. Delaware's systems will be enhanced by the implementation of a Real-Time PRISM Web Service to verify motor carriers

Federal Out of Service Order (OOS) in Motor Carrier Management Information System (MCMIS) database and implementation of automatic processes to update (add and remove) motor carrier's OOS status and all related commercial vehicles. Delaware's CVIEW will be enhanced to integrate with MVALS to send, receive and display detailed information for intra-state commercial vehicles and Vehicles weighed between 10,001 and 26,000 pounds, including vehicle's OOS status and Uniform Commercial Registration (UCR) fees.

### **HP-CMV Project 3: Automated Video Verification for CMV Safety Compliance using Artificial Intelligence/Machine Learning – Phase 1**

Automated Video Verification for CMV Safety Compliance using Artificial Intelligence / Machine learning Project- Phase-1 is to develop and demonstrate video analytics using artificial intelligence and machine learning to automatically classify vehicles and detect visible safety issues and violations. The concept of operations is to automatically read a vehicle's license plate, DOT number, and placards on the truck cab and trailer, determine the class and type of the vehicle and compare it to vehicle type(s) approved for the material designated by the placard. The successful application of machine learning will allow traffic monitoring cameras to identify commercial vehicles types and for the state safety enforcement agency to increase their ability to detect operators transporting materials along roadways where that vehicle type increases risks to public safety.

### **HP-CMV Project 4: Chemical Shipping Data Improvement and Integration – Phase 1**

This project is intended to perform a gap assessment of the multiple stand-alone systems used by enforcement officers to track chemical shipping, then develop a prototype cloud-based integrated database pulling data from those existing systems to improve CMV safety enforcement operations and safety data quality. The prototype cloud-based integrated database will access real datasets when allowed and technically feasible. When data is not collected, the prototype will create mock datasets for demonstration purposes. When data is collected but not shared or not shareable due to the absence of an application interface, the prototype will create a mock application interface for demonstration purposes.

## **DESCRIPTIONS FOR PROJECTS IN DELAWARE FY2019 CDLPI GRANT APPLICATIONS**

The Delaware Division of Motor Vehicles (DMV) strives to maintain full compliance with 49 CFR Parts 383 and 384. This grant application assists the Delaware DMV in achieving this goal by focusing on the following four (4) initiatives:

- Delaware Commercial Driver License (CDL) Self Certification Application
- Maintenance of Program – Road Scholar Equipment
- Maintenance of Program – Supplies
- Travel – Meetings

DMV's strategies include the removal of any barriers to compliance and to ensure the continued accuracy, completeness, and timeliness of CDL data and to achieve a status of zero open findings in the State Compliance Records Enterprise (SCORE) system. While Delaware has made great progress in achieving these goals, there are still areas that require attention and enhancements for Delaware's CDL program to remain innovative and forward-looking.

Delaware's initiatives for this grant align with the FY2019 CDLPI Grant Program's National Priority Category #1: Basic CDLPI Grant for projects that update and improve CDL programs, processes, and procedures to ensure drivers of large trucks, school buses or vehicles containing hazardous materials meet all of the qualification requirements and possess the knowledge and skills necessary to operate those vehicles safely. DMV's strategies include the removal of any barriers to compliance and to ensure the continued accuracy, completeness and timeliness of CDL data and to achieve a status of zero open findings in SCORE.

Delaware seeks the award of the FY2019 CDLPI Grant Program to ensure Delaware's ability to maintain compliance with 49 CFR Parts 383 and 384, meet federal rule making compliance dates, and fund implementation of initiatives that support best practices and the resolution of barriers to compliance.

### **Delaware Commercial Driver License (CDL) Self-Certification Application**

The first performance objective of the proposal is to improve DMV's medical certification processing by implementing an automated on-line web application which will allow the Commercial Driver License (CDL) holder to submit his/her self-certification affidavit, enter data from the Medical Examiners Certificate (MEC), and upload an image of the MEC, if required. Delaware's goal for this new application is to implement a system that can support the receipt of the anticipated electronic transmission of medical certification information.

Delaware's goal is to implement a new system within our current process that will provide:

- ✓ Reporting capabilities
- ✓ Interface with the Motor Vehicle and Licensing System (MVALS), Delaware's mainframe system
- ✓ Efficiency gains allowing the streamlining of current processes
- ✓ Elimination / reduction of staff hours required for manual processing

### **Maintenance of Program - Road Scholar Equipment**

The second performance objective is to upgrade and improve the Delaware DMV's electronic road exam tablets also known as RST. The system provides Delaware with the ability to electronically score, closely monitor, and track the testing history of all Delaware CDL applicants while supporting the prevention of testing fraud throughout the State. The ability to track is a key element to ensure qualified drivers are eligible to receive and retain a CDL and that each holder has successfully met all testing requirements.

Delaware DMV's goal is to adhere to the concept of one driver, one driving record, and one credential. The correlation between Delaware's Automated Testing and Retesting System (ARTS = Delaware's CDL knowledge testing system), RST, and MVALS platforms allow DMV to maintain a complete and accurate driver history record for anyone who obtains a CLP or CDL, as well as the ability to impose appropriate disqualifications against any driver who violates certain serious and/or major violations.

### **Maintenance of Program – Supplies**

The third performance objective is for the purchase of training supplies/equipment to enhance the current CDL training program. The State of Delaware's AAMVA certified trainers facilitate the CDL Skills and Knowledge Certification Training sessions.

## **Delaware Department of Transportation - Non Discrimination Policies**

### **Your Rights Under The Title VI Program**

#### **What is Title VI?**

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

The Delaware Department of Transportation (DelDOT) conducts its programs, activities and facilities without regard to race, color, national origin, sex, age, or disability, including income-level and Limited English Proficiency (LEP).

#### **Recipient/Sub-recipient**

Any State, territory, possession, political subdivision, instrumentality, public or private agency, institution, organization entity, or individual who receives Federal financial assistance directly (recipient) or through another recipient (sub-recipient), but who is not the ultimate beneficiary.

#### **Non-discrimination Compliance**

The Delaware Department of Transportation (DelDOT) operates programs and activities without regard to race, color, national origin, sex, age, or disability, including income-level and LEP and prohibits discriminatory acts (or inaction) whether intentional or unintentional directed toward any group or individual as previously noted.

#### **Who can file a complaint?**

Any person or any specific class of persons (group) may file a complaint by themselves or by a representative, if they believe they have been subjected to discrimination or retaliation by DelDOT or DelDOT's sub-recipient based on race, color, national origin, sex, age, or disability including income-level or LEP.

DelDOT will post the Notice to the Public as posters in all publically accessed facilities, and has uploaded the Notice to the DelDOT website. The estimated completion time for posting in all public facilities is September 30, 2019.

#### **Complaint procedures**

A complaint is a written or electronic statement concerning discrimination that requests the receiving office to take action.

Complaints must be signed, and can be mailed, faxed, delivered in person, or sent by email.

Complaints must contain the name of the complainant (person or group filing the complaint) and information such as phone number and address.

Complaints must be filed within 180 days of the last date of alleged discrimination.

If a Complainant is dissatisfied with the ultimate disposition of his/her complaint by DelDOT, the Complainant may file a separate complaint with the FMCSA. FMCSA will request the case file from DelDOT and will review the case file prior to making the determination as to whether a separate complaint investigation is warranted. If the complaint is against DelDOT's sub-recipient, DelDOT will conduct the investigation.

DelDOT's External Complaint Procedure is located at the link below:

<http://regulations.delaware.gov/AdminCode/title2/2000/2500/2501.shtml#TopOfPage>

**If you have questions or need assistance, you may contact:**

**Civil Rights Administrator, Wendy B. Henry (302)760-2555, [wendy.henry@delaware.gov](mailto:wendy.henry@delaware.gov)  
ADA Title II/Section 504 Coordinator, Todd Webb (302)760-2048, [todd.webb@delaware.gov](mailto:todd.webb@delaware.gov)  
Contract Services Administrator, Jim Hoagland (302)760-2031, [Jim.Hoagland@delaware.gov](mailto:Jim.Hoagland@delaware.gov)**

Delaware Department of Transportation  
Attn: Civil Rights Administrator  
800 Bay Road  
PO Box 778  
Dover, DE 19903

**You may also file complaints with:**

US Department of Justice  
Civil Rights Division  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Click on the link below to find additional information on our website:

[https://www.deldot.gov/Business/cr/index.shtml?dc=civil\\_rights\\_title6](https://www.deldot.gov/Business/cr/index.shtml?dc=civil_rights_title6)

## **SUB-RECIPIENT COMPLIANCE**

DelDOT does not currently provide awards of FMCSA funds to any sub-recipients.

## **TRAINING (Internal and External)**

DelDOT conducts Title VI Program-related training annually to its' personnel regarding the Title VI Program. The Title VI Program Coordinator conducts this training in-person (or via web-based training). The training consists of a PowerPoint presentation and periodical distribution of the Nondiscrimination Policy Statement. DelDOT employees requiring periodic Title VI non-discrimination training include the Secretary, Senior Management, Division Directors, Civil Rights Staff, and Committee Liaisons (assigned to each federal program area) Planning staff and project managers and other staff as deemed necessary.

## **ACCESS TO RECORDS**

All records and documents related to implementation of the Title VI Program requirements, including those required for compliance reviews and investigations, are available for review by FMCSA upon request. FMCSA must provide a written request (letter or email) to the DelDOT Civil Rights Administrator (Title VI Program Coordinator), and specify the format that records are requested to be presented. If the format is not specified, documents will be provided in electronic format. DelDOT will acknowledge all requests upon receipt, and should be allowed a minimum of ten business days to provide records. Arrangements can also be made if the FMCSA reviewer prefers to view the records on site at a DelDOT location.

## COMPLAINT DISPOSITION PROCESS

Discrimination under DelDOT's Title VI program is defined as an act, intentional or unintentional, through which a person or group of persons, has been subjected to unequal treatment or impact under any program or activity receiving Federal financial assistance based on race, color, national origin, disability, sex, or age, including income-level and LEP.

An individual or group that believes they have been subjected to discrimination by DelDOT or by one of DelDOT's sub-recipients based on their race, color, national origin, sex, age, or disability, including income-level and LEP may file a complaint. Complaints should be submitted in writing and must be signed. Complaints must contain the name of the person or group filing the complaint (the complainant), and must contain contact information such as phone number and address. Complaints may be submitted to:

DelDOT Civil Rights Administrator, or  
DelDOT ADA Title II/Section 504 Coordinator, or  
DelDOT Contract Administrator

Mail to the following address:

Delaware Department of Transportation  
800 Bay Road, PO Box 778  
Dover, DE 19903

Title VI complaints of discrimination will be investigated by the Civil Rights Administrator (Title VI Program Coordinator). When a complaint is filed against DelDOT and it cannot be resolved to the satisfaction of the Complainant, the Complainant will be notified of his/her opportunity to file a separate complaint with the FMCSA. The FMCSA will then request the case file from DelDOT and will review the case file prior to making the determination as to whether a separate complaint investigation is warranted. Complaints may also be filed with:

### **Federal Coordination and Compliance Section - NWB**

Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

The Civil Rights Administrator (Title VI Program Coordinator) is responsible for investigating complaints against sub-recipients, and, once completed, the Report of Investigation and the complaint file will be forwarded to the Federal Coordination and Compliance Section for Letter of Finding. The Complainant will be formally notified in writing of the final disposition of their complaints.

When DelDOT conducts an investigation the following steps shall be taken (at a minimum):

- Determine the scope
- Develop an investigative plan
- Prepare a Request for Information for the respondent
- Interview appropriate witnesses, personnel, etc.
- Conduct an on-site visit, as necessary. (ADA complaints involving public right -of-way require on-site review.)

- Analyze the evidence.
- Prepare the Report of Investigation (ROI)

Click here to view DelDOT's detailed complaint procedure or go to:

<http://regulations.delaware.gov/AdminCode/title2/2000/2500/2501.shtml#TopOfPage>

(Note: this procedure is located on the official website for the State of Delaware.)

Additional information related to the Title VI Program can be found on DelDOT's website by clicking the web address below:

[https://www.deldot.gov/Business/cr/index.shtml?dc=civil\\_rights\\_title6](https://www.deldot.gov/Business/cr/index.shtml?dc=civil_rights_title6)

DelDOT records each complaint in a log, and maintains detailed files regarding the allegations and all other pertinent information related to each complaint, including disposition. This information is available to FMCSA upon request.

**STATUS OF CORRECTIVE ACTIONS IMPLMENTED BY APPLICANT  
TO ADDRESS DEFICIENCIES PREVIOUSLY IDENTIFIED DURING A  
TITLE VI PROGRAM COMPLIANCE REVIEW**

In 2012 the Federal Highway Administration (FHWA) Office of Civil Rights (OCR) conducted a Title VI Nondiscrimination compliance review of DelDOT. DelDOT was placed in Deficiency Status as a result of the findings in the report. The report is attached.

DelDOT developed and implemented corrective actions to address the deficiencies, and is no longer in Deficiency Status.

## COMMUNITY PARTICIPATION PROCESS

**\*The Delaware Department of Transportation is committed to performing this process and will have documentation of this process by September 30, 2019.**