



# TITLE VI NONDISCRIMINATION PROGRAM IMPLEMENTATION PLAN

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Delaware Department of Transportation  
Office of Civil Rights

FFY 2025

October 1, 2024 - September 30, 2025



The Title VI Implementation Plan (IP) is designed to aid the Office of Civil Rights in its ability to provide oversight and ensure that there is Title VI compliance throughout DelDOT. This document will be updated annually to reflect changes in law, administration, regulations, and/or policy. This document is intended to provide guidance to department personnel and other interested entities and is not intended to, does not, and may not be relied upon to create any right or benefit enforceable by law, by a party against the Department.

For individuals with disabilities, this document will be made available upon request in alternate formats. In addition, a translation of this plan into alternate languages will be made available upon request.

To obtain a copy in one of these alternate formats or for questions or concerns, please contact us at:

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# **ABOUT THE DELAWARE DEPARTMENT OF TRANSPORTATION**

## **Our Mission**

**Excellence in Transportation**

**Every Trip • Every Mode • Every Dollar • Everyone**

## **Our Vision**

### **Every Trip**

We strive to make every trip taken in Delaware safe, reliable and convenient for people and commerce.

### **Every Mode**

We provide safe choices for travelers in Delaware to access roads, rails, buses, airways, waterways, bike trails, and walking paths.

### **Every Dollar**

We seek the best value for every dollar spent for the benefit of all.

### **Everyone**

We engage our customers and employees with respect and courtesy as we deliver our services.

## **Goals**

- Minimize the number of fatalities and injuries on our system
- Build and maintain a nationally recognized system benefiting travelers and commerce
- Provide every traveler with access and choices to our transportation system
- Provide every customer with the best service possible
- Minimize the environmental impact of the state's transportation system
- Achieve financial sustainability through accuracy, transparency and accountability
- Develop and maintain a place where talented and motivated employees love to work and can be national leaders in transportation.

As a recipient of federal funds through USDOT, DelDOT is held to a standard of nondiscrimination as further described in this document. These guidelines, identified as “Title VI Nondiscrimination Implementation Program Plan” (Title VI Plan), were developed in accordance with the federal compliance guidelines. Furthermore, Title VI Plan has been reviewed by department directors and various agency administrators who are committed to the implementation of these policies.

To request further information, please contact Wendy B. Henry, Civil Rights Administrator/Title VI Coordinator at (302) 760-2555.

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# 1. INTRODUCTION

The Delaware Department of Transportation (DelDOT) is a recipient of federal funds from the U.S. Department of Transportation modal agencies, including the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). 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, Executive Orders, and authorities.

DelDOT's Mission is to provide "Excellence in Transportation. One important way we show our dedication is indicated in our Title VI Nondiscrimination Implementation Program Plan (Title VI). In accordance with Title VI, DelDOT is committed to ensuring that no person in the State of Delaware is excluded from participation in, is denied services or benefits of those services, or subjected to discrimination under any and all programs and activities administered by the Department, its sub-recipients (e.g., MPOs, counties, municipalities), and contractors on the basis of race, color, or national origin. (<https://www.justice.gov/crt/fcs/TitleVI-Overview>). It is also DelDOT's policy to ensure compliance with other non-discrimination regulations, amendments, policies, and Executive Orders regarding Limited English Proficiency (LEP) and sex.

DelDOT established the Office of Civil Rights in accordance with Federal requirements (23 CFR 200.9 (b)). The Office oversees the Department's Title VI program and meets the terms of FHWA implementing guidance as detailed in the *Title VI Nondiscrimination in the Federal-Aid Highway Program Desk Reference*. In keeping with Federal requirements, the Title VI Coordinator reports directly to the DelDOT Cabinet Secretary. [An organizational chart is included as Attachment 3 of this document.](#)

This Implementation Plan describes how DelDOT 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 as well as the policies, procedures, and practices the Department uses to comply with nondiscrimination requirements.

The Plan is intended to be a living document, regularly monitored, and updated by the Department to meaningfully reflect the program as it changes and grows.

Anyone wishing to provide input into the Department's Title VI Program Implementation Plan is encouraged to contact the Title VI Coordinator, Wendy B. Henry at [wendy.henry@delaware.gov](mailto:wendy.henry@delaware.gov) or by writing to the Department's Civil Rights Office at 800 Bay Road, PO Box 778, Dover DE 19903.

## **2. TITLE VI STANDARD ASSURANCES**

In accordance with USDOT Order 1050.2A, a copy of DelDOT's Title VI Nondiscrimination Statement and Assurances signed by DOT's Cabinet Secretary are included as part of Attachment 1 of this document. Appendices "A", "B", "C", "D", and "E" are also included as required.

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### 3. TITLE VI BACKGROUND

Title VI of the Civil Rights Act of 1964 provides that “no person shall on the grounds of race, color, 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 Civil Rights Restoration Act of 1987 amended Title VI to specify that entire institutions receiving Federal funds – whether schools and colleges, government entities, or private employers – must comply with Federal civil rights laws, rather than just the particular programs or activities that receive funds.

Nondiscrimination programs require that Federal-aid recipients, sub recipients, and contractors prevent discrimination and ensure nondiscrimination in all of their programs and activities, whether those programs and activities are federally funded or not. If a unit of a state or local government is extended Federal-aid and distributes such aid to another government entity, all of the operations of the recipient and sub recipients are covered. Corporations, partnerships or other private organizations or sole proprietorships are covered in their entirety if such entity received Federal financial assistance (FHWA Notice N4720.6 September 2, 1992).

[Executive Order 12898](#) of February 11, 1994, authorized federal actions to address Environmental Justice in minority populations and low-income populations. Each Federal agency shall develop an agency-wide environmental justice strategy that identifies and addresses disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Each Federal agency shall conduct its programs, policies, and activities in a manner that ensures that such programs, policies, and activities do not have the effect of excluding person (including populations) from participation in, denying persons (including populations) the benefits of, or subjecting persons (including populations) to discrimination under, such programs, policies, and activities, because of race, color, or national origin.

[Executive Order 13166](#) of August 11, 2000, “addresses the application of Title VI’s prohibition on national origin discrimination when information is provided only in English to persons with limited English proficiency.” The policy “clarifies existing Title VI responsibilities. The purpose of this document is to set forth general principles for agencies to apply in developing guidelines for services to individuals with limited English proficiency.”

## **4. ORGANIZATION AND STAFF RESPONSIBILITIES**

### **Overview- Office of Civil Rights**

DelDOT's Office of Civil Rights oversees the Department's Title VI Implementation Plan and meets the terms of FHWA's implementing guidance. DelDOT's Title VI Program is led by the Civil Rights Administrator. The Office of Civil Rights resides in the Office of the Secretary at the Department of Transportation. In keeping with federal requirements, the Civil Rights Administrator has direct access to the Cabinet Secretary of the Delaware Department of Transportation. ([See organizational chart shown as part of Attachment 3](#)).

### **Civil Rights Administrator**

The Civil Rights Administrator is responsible for the daily operation of the Civil Rights Section and acts as a liaison between DelDOT and Federal and state officials regarding external EEO issues. The Civil Rights Administrator is responsible for supervising, reviewing, monitoring, and evaluating the effectiveness of External EEO programs. These duties also include the following:

- Works collaboratively with federal and state authorities in communicating Title VI program requirements.
- Implement the Department's Title VI Work Plan through programs, procedures, and ongoing monitoring.
- Reviews Directives to determine if there are any Title VI implications.

### **Title VI Coordinator**

Title VI Coordinator is responsible for the developing and maintaining the Title VI Program Implementation Plan. In addition, the Title VI Coordinator is responsible for the following:

- Assists in correcting Title VI problems and/or discriminatory practices or policies.
- Provide technical assistance and advice on Title VI matters to program area Subject Matter Experts and program area managers.
- Conduct Title VI reviews of internal program areas, MPOs, and local Subrecipients to ensure Title VI compliance.
- Review DelDOT program areas to correct identified Title VI problems, including discriminatory practices or policies.
- Provide Title VI training for DelDOT internal staff and Subrecipients.

- Complete DelDOT's Title VI Implementation Plan for submission to FHWA by October 1 each year.
- Complete DelDOT's Title VI Annual Accomplishment Report for submission to FHWA by November 1 each year.
- Complaint investigation and resolution.
- Work with program areas to collect and document statistical data.
- Distribute and, where necessary, ensure translation of Title VI documents for the public.
- Review DelDOT program manuals, contracts, and policy documents to determine whether Title VI is appropriately addressed and implemented agency wide.

## **Title VI Liaison**

Each of the FHWA-designated Title VI program areas have a responsibility to identify Liaison who will communicate and coordinate with the Title VI Coordinator in all Title VI, E.O. 12898, and E.O. 13166 activities. Title VI Liaisons are selected based on their technical expertise in their program area. The Title VI Liaison is responsible for monitoring procedures and practices within his or her respective area(s) of authority to ensure the area's programs are operated fairly, equitably, and in a nondiscriminatory manner in accordance with Title VI, E.O. 12898, and E.O. 13166.

The Title VI Liaisons assist and support the Title VI Coordinator in the implementation of DelDOT's Title VI Program. The Liaisons monitor and ensure compliance with the provisions of Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities, including LEP within DelDOT's offices.

Each Title VI Liaison is located in a division within DelDOT where programs and activities are tied to federal-aid funds. The divisional program areas include:

### Division of Transportation Solutions (DOTS)

- Construction
- Environmental
- Right-of-Way;

### Finance

- Contract Administration

### Planning

- Multi-modal Planning

#### External (Sub-recipient) Programs

- Metropolitan Planning Organizations
- Colleges and Universities (Research)

The duties of the Title VI Liaisons are as follows:

- Assist with the implementation of Title VI policies for their respective Divisions.
- Advise the Office of Civil Rights of any related problems or discrimination complaints.
- Refer Title VI discrimination complaints to the Civil Rights Administrator/Title VI Coordinator
- Maintain statistical data by race, color, and national origin, as needed for respective program areas.
- Assist Title VI Coordinator to ensure that Title VI requirements are included in program area directives and that procedures used have built in safeguards to prevent discrimination.
- Collaborate with and/or assist Title VI Coordinator in conducting reviews.
- Provide assistance to their Division Administrators regarding Title VI of the Civil Rights Act of 1964 and other nondiscrimination authorities.
- Assist in the development of Title VI information for public dissemination, where appropriate, in languages other than English.
- Assist in obtaining public input, particularly in minority and traditionally underserved areas.
- Participate in the identification of Title VI impacts and mitigation measures of proposed projects.

Information regarding these divisions can be found at: <https://www.deldot.gov/About/divisions/>.

**Directors, Managers, and Supervisors** – Managers and supervisors in each division are responsible for familiarizing themselves with the requirements of Title VI, Executive Order 12898, Executive Order 13166, and for complying with the department's Title VI Program. They are responsible to promptly report issues or complaints concerning Title VI and related statutes to the Civil Rights Administrator/Title VI Coordinator. They are also responsible for assisting the Title VI Liaison in their efforts to implement all requirements, internally and externally, and in coordinating with the Civil Rights Section any proposed changes to DelDOT operating procedures, instructional memoranda, policies, and manuals, etc. that relate to Title VI.

## **5. INTERNAL MONITORING AND REVIEW PROCEDURES**

### **Scheduling**

The internal monitoring program is designed to reach, at a minimum, the public facing DOT federal program areas on a three-year cycle. This means that each program area will undergo an assessment for compliance with Title VI obligations at least once every three years. The cycle is currently structured as follows:

- Year One: DOTS
- Year Two: Finance
- Year Three: Planning & External- MPOs & Colleges and Universities (Research)

The schedule is flexible and based on factors outlined below:

- Complaints
- Staffing changes
- Changes in protocol/rollout of projects
- Patterns indicating noncompliance
- Any additional factors

### **Procedures**

While DelDOT's Civil Rights Administrator, serving as the Department's Title VI Coordinator, is responsible for administering and evaluating the effectiveness of the Title VI program, the Title VI Liaisons in each functional area are critical to the effective implementation of a functional Title VI program. The Liaisons should fully understand how Title VI applies to their particular discipline(s) and to effectively monitor actions to those requirements.

Across the Department, the Title VI Liaisons share responsibility for monitoring procedures and practices to ensure that programs are operated fairly, equitably, and in a nondiscriminatory manner. Title VI Liaisons are also responsible for assisting the Civil Rights Administrator/Title VI Coordinator with reporting and compliance review by providing information and documentation as requested that pertains to their particular program areas. The following sections of this document outline in detail the responsibilities of Title VI Liaisons and Civil Rights personnel based on functional areas within DelDOT.

Programs scheduled for review will be notified in writing at least 60 days in advance to coordinate a date that ensures the attendance of members of the leadership team. The notice of review will include a compliance review questionnaire that programs are required to complete in writing and return 30 days prior to the scheduled on-site review. The Title VI staff will review the response to the questionnaire during the desk review process in advance of the on-site review.

The on-site review will consist of an entrance conference, review of files and documentation, staff interviews, and an exit conference. A Determination of Findings will be issued within a 30-day period following the exit conference. A copy of the findings will be provided to key leaders of the program being reviewed. No action on the part of the program will be required on findings of compliance unless a condition of compliance is specified. However, programs found out of compliance will result in the development of a Corrective Action Plan (CAP) to overcome any deficiencies noted in the Determination of Finding within a period not to exceed 90 days. If it is determined that the matter cannot be resolved voluntarily, by informal means, action will be taken to effectuate compliance, up to and including notice to the Secretary.

## **Methodology**

The assessment process is designed to give the DelDOT Title VI Coordinator an opportunity to understand the business practices of each program area and to identify areas of improvement and corresponding corrective actions. This is accomplished through the following methods:

### ***Desk Audits***

By requesting and reviewing the documents used by DelDOT's program areas, the Title VI Coordinator is able to determine the extent to which Title VI activities are woven into the activities of those units. This review looks primarily for the presence of standard Title VI assurance language, as needed. This is also an opportunity for DelDOT's Title VI Coordinator to identify opportunities for Title VI data gathering and/or training opportunities.

### ***Interviews***

DelDOT's Title VI Coordinator relies on interviews (in-person and virtual) of program area staff to determine the extent of compliance with Title VI obligations. These interviews reach both managerial and frontline staff.

It is critical for managers to be sufficiently trained on Title VI principles to articulate its importance to their staff and to instruct on how adherence to Title VI is demonstrated through the particular actions of a program area. It is equally important that front-line staff be able to articulate the ways in which Title VI activities are a part of their course of business as well as the resources available to address Title VI concerns by members of the public (such as the availability of a complaint resolution process and the procedure for engaging it).

### ***Shadowing***

This describes instances where DelDOT's Title VI Coordinator will accompany program area staff on their business activities in order to better understand the nature of the work (and possible Title VI risk factors therein) as well as monitor staff for compliance with Title VI obligations.

### ***Technical Assistance***

DelDOT's Title VI Coordinator provides technical assistance on Title VI compliance across the agency. This can include identifying language needs in impacted communities, informing reasonable accommodation interactive process, developing new methods of data collection and analysis, and providing recommendations on new Title VI related questions and issues. Oftentimes, this technical assistance is prompted by the direct request of program area staff. These instances provide Title VI staff with an opportunity to gauge current levels of Title VI compliance throughout the agency as well as areas for improvement.

### ***Attendance at Public Outreach Events***

By attending public outreach events, such as public hearings, meetings, and information sessions, DelDOT's Title VI Coordinator is able to observe program area staff in their direct interactions with members of the public. This gives the Title VI staff an opportunity to identify any needs or additional training and to ascertain the effectiveness of Title VI related request processes (such as language services and reasonable accommodations). Attending these sessions also provides an opportunity to learn of project-level community concerns that may be Title VI related.

## **Outcome**

The internal assessment process culminates in the development of tailored Title VI work plans designed to determine possible deficiencies and identify areas of improvement in the Title VI activities of DelDOT's programs, with specific timeframes for deliverables and action items. DelDOT's Title VI Coordinator drafts these tailored work plans immediately following the close of assessment activities. Once developed, an exit interview with the leadership team and staff members is arranged. These sessions afford the opportunity for Title VI staff to explain the content/purpose of work plans as well as schedule technical assistance sessions and establish cycles and methodologies for program areas to report on and demonstrate their progress to address all work plan items.

The intervening years between assessments consist of Title VI staff providing both planned and ad hoc technical assistance and training, meeting regularly with program leadership and staff to track progress on work plan items, and monitoring the programs, services, and activities of program areas for Title VI compliance.

## **Program Overview**

DelDOT's mission is to provide *Excellence in Transportation! Every Trip, Every Mode, Every Dollar, Everyone*. We strive to make every trip taken in Delaware safe, reliable, and convenient for people and commerce.

We provide safe choices for travelers in Delaware to access roads, rails, buses, airways, waterways, bike trails, and walking paths. We seek the best value for every dollar spent for the benefit of all. We engage our customers and employees with respect and courtesy as we deliver our services.

DelDOT has a comprehensive transportation program, each area of which is essential to achieving the mission. To measure the effectiveness of the program and ensure mission advancement, DelDOT monitors and collects program data related to transportation issues. The following describes the various program areas, the activities conducted, and the data reviewed for nondiscrimination.

## **General Guidelines**

The cornerstone of Title VI compliance in all DelDOT programs is outreach and public involvement. DelDOT has a Public Involvement Program that is designed to provide early,

continuous, and extensive outreach to all communities, but particularly to ensure that project selection does not subject populations to disparate, adverse effects based on race, color, or national origin. Each division uses a manual which describes how the division complies with Title VI requirements. Each division reports annually to the DOT Title VI Coordinator, who reviews each report for compliance.

DelDOT uses a process to annually review Title VI activities to ensure nondiscrimination. The Coordinator examines data for nondiscrimination, which may include, but not be limited to:

- Sampling of contracts to ensure inclusion of required nondiscrimination provisions as well as nondiscrimination in the selection of consulting firms;
- Sampling of public involvement materials including meeting notices, project flyers and other similar documents to ensure appropriate nondiscrimination language and to ensure that such outreach is conducted in other languages as appropriate;
- Reviewing Title VI annual reports analyzing data for possible trends of discrimination;
- Interviewing division staff to identify emerging issues and needs;
- Sampling environmental documents to ensure Community Impact Assessments (CIA) appropriately identify underserved communities and discuss avoidance, minimization and mitigation of potentially disproportionate, adverse impacts;
- Choosing media outlets and other disbursement networks to ensure access to traditionally underserved and Limited English Proficiency (LEP) customers;
- Ensuring that meetings, hearings, and other public involvement events are held in accessible locations and at times to garner the best representation of the impacted community; and/or
- Collecting questions, concerns, comments, or complaints from the public, ensuring they are appropriately addressed and forwarding potential discrimination concerns to the appropriate official.

### **Annual Reporting**

Each program area Title VI Liaison will provide Annual Reports describing the activities which intersect with the Title VI Nondiscrimination Program. In this report, the program area will provide the data they have collected throughout the period and explain the steps their program area has taken to comply with Title VI Program requirements. In these reports, program area liaisons will provide the following information:

- A description of the service area demographics, including how information was collected;
- How Title VI information was disseminated to the public;
- How different populations were affected by race, color, and national origin, whether any groups suffered disparate, adverse impacts, and what efforts were made to minimize and mitigate potential adverse effects;
- The number of requests for Limited English Proficiency (LEP) services and those provided;
- A description of any discrimination related complaint received;
- Any proposed changes to policy or procedures.

The Office of Civil Rights will review and evaluate the data reported in these reports to identify trends, prioritize program area comprehensive compliance reviews.

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## 6. INTERNAL DIVISIONS

### FINANCE

#### **Contract Administration**

The Title VI Liaison for Contract Administration has a primary responsibility for assuring that advertisements for construction contracts and professional services agreements are executed in accordance with Title VI and incorporate the required Federal-aid contract provisions and assurances in bid documents.

The Civil Rights Administrator coordinates external program areas with Contract Administration during the procurement process. Proposals are reviewed for compliance with the DBE Program Good Faith Effort requirements stipulated in 49 CFR Section 26.53. The DBE Highway Construction Specialist and the Contract Compliance Officer (CCO) monitor contractor compliance with the Disadvantaged Business Enterprise Program and On-the-Job Training Special Provisions.

Title VI responsibilities and duties for Contract Administration for contracts and professional services (consultant services) are to:

- Ensure that the required Federal-aid obligations (including *FHWA Standard Assurances for Title VI and Other Nondiscrimination Statutes and Regulations*) are incorporated in Requests for Proposals when Federal-aid is used to fund the projects.
- Ensure prime consultants are informed that Expression of Interest (EOI) submittals will be considered non-responsive if their submitted EOI does not contain the required Federal-aid assurances.
- Review EOI submittal for their intent to use Disadvantaged Business Enterprise (DBE) sub-consultants on Federal-aid consultant projects. Consultant firms are required to comply with the Disadvantaged Business Enterprise Program requirements as stipulated in 49 CFR Part 26.13(b); 26.29; and 26.37(b).

Advertisements must include notification of DBE goals when prescribed. The Department confirms satisfactory compliance with DBE Good Faith Effort Requirements as stipulated in 49 CFR Part 26.53.

Appropriate licensing is required of all contractors and consultants. The apparent lowest responsible and responsive bidder's bid proposal is evaluated, awarded and executed as outlined in Title 29 of the Delaware Code Annotated Chapter 69, Section 6962(d)(13). In addition, the

proposal is reviewed for compliance with the requirements of FHWA Form – 1273 and for compliance with 49 CFR Part 26.

Title 29 Del. C. 69; Section 6962 (d) (7) requires that all state agencies awarding contracts financed with state funds include Equality of Employment Opportunity language. Every state public works contract advertised by the Department incorporates the Equality of Employment Opportunity (EEO) contract clauses required by Delaware Code.

The Delaware Department of Transportation complies with the advertising requirements set forth in Title 29 of the Delaware Code as follows:

- Competitively bid contracts – Section 6923(b)
- Competitively Sealed Proposals – Section 6924(b)
- Public Works Contracts – 6962(b)
- Professional Service Selection – Section 6981(b)

Like all other Title VI Liaisons, the Contract Administration Liaison will report accomplishments and goals related to Title VI annually to the Office of Civil Rights.

### **Activities To Ensure Nondiscrimination**

- Monitoring to ensure that contracts and agreements contain the appropriate Title VI, EEO and contractor compliance provisions;
- Monitor construction projects and professional services accomplishments and problem areas;
- Develop procedures to incorporate the appropriate Training Special Provisions into all prime and subcontractor contracts;
- Establish the appropriate level of DBE participation on Federal-aid highway construction projects and professional services agreements;
- Identify areas of concern or any barriers to equal participation by female and minority firms on construction projects and professional services agreements (i.e. bonding, cash flow, etc.);
- Establish procedures to review and monitor contractors, subcontractors, and professional services firms for compliance with Title VI and with contract training special provisions;
- Monitor Commercially Useful Function (CUF) reviews performed by DBE staff;
- Monitor prompt payment provisions for compliance;

- Report in the annual Title VI Assurances Update on any construction contract or professional services procedure complaints with potential Title VI implications;
- Monitor and report problem areas (trends of discrimination or potential discrimination) and accomplishments (new practices/procedures to address actual or potential discrimination);
- Report Title VI goals for the upcoming period annually to the Office of Civil Rights

### **Title VI Review Activities- Contract Administration**

The Office of Civil Rights will review and report annually the Title VI activities of the Contract Administration Section. The following items will be considered in the review and will be reported to the FHWA in DelDOT's annual Title VI Assurance Update:

- Composition of the Contract Administration section workforce by position title, race, and gender;
- Number of construction contracts and professional services agreements awarded and the dollar amount of awards;
- Number of female and minority firms utilized and the dollar amount of awards;
- Number of contractors/consultants defaulting on contracts;
- Number of DBE contractors or subcontractors/consultants defaulting on contracts/agreements;
- Status of any Title VI procurement complaints received during the reporting period;
- Any significant activities accomplished by the Title VI Liaison or CCO during the review period;
- Any significant actions planned for the ensuing year.

## **DIVISION OF TRANSPORTATION SOLUTIONS (DOTS) – CONSTRUCTION**

The Title VI Liaison for the Construction Group is responsible for assuring that highway contracts and procedures comply with Title VI requirements. Construction has an essential function and responsibility within the department to assist in meeting the overall mission, goals, and values. The goal of the Construction Group is to provide the resources necessary to ensure the quality of construction projects by improving decisions made in the field, making information available for training, and to maintain statewide consistency. The highway construction program is ever changing, and it is imperative that relevant up to date resources are available for the stakeholders involved in the construction process.

The Construction Group is divided between the three (3) counties; New Castle (overseen by Group 1 and 2), Kent and Sussex County (Group 3). The Construction Group has the primary responsibility for assuring that highway construction practices adhere to Title VI requirements. DOTs Construction Group ensures that any firm interested in working on construction projects are able to do so without regard to race, color, or national origin.

### **Activities To Ensure Nondiscrimination**

- Carefully review and ensure subcontracts contain the appropriate Title VI contract provisions including Appendix A of the FHWA Standard Assurances for Title VI and Other Nondiscrimination Statutes and Regulations;
- Oversee the monitoring of construction project work to ensure compliance with contract plans, specifications, and civil rights special provisions;
- Ensure that policies and procedures for monitoring construction activity are applied in a nondiscriminatory manner.
- Monitor and report problem areas (trends of discrimination or potential discrimination) and accomplishments (new practices/procedures to address actual or potential discrimination);
- Report Title VI goals for the upcoming period annually to the Civil Rights Administrator.
- Monitor prime and subcontracting to ensure disadvantaged and small business opportunities receive opportunity to work on state and federally funded projects;
- Ensure project information is adequately distributed to stakeholders and the public, following the Department's public involvement procedures and LEP plan;

- Ensure that all mitigation measures during construction are effectively implemented to reduce health and environmental hazards to the public, (e.g., work zone safety, measures to reduce noise and air impacts, erosion control measures);
- Carefully review project activities to avoid disproportionately high or adverse impacts to underserved communities during the construction phases;

## **Title VI Review Activities- Construction**

The Department uses its review process to annually review activities to ensure nondiscrimination. Title VI reviews are conducted by the Title VI Coordinator who performs a desk audit, conducts an onsite visit, issues an approved finding, and oversees compliance with a corrective action plan, if any.

As part of the review, the Title VI Coordinator examines data for nondiscrimination, which may include but not be limited to:

- Sampling of construction contracts, subcontracts, purchase orders and lease agreements to ensure inclusion of required nondiscrimination provisions;
- Sampling of construction public involvement materials including meeting notices, project flyers and other similar documents to ensure appropriate nondiscrimination language;
- Reviewing Title VI annual reports searching data for possible trends of discrimination;
- Interviewing Construction staff to identify emerging issues and needs;
- Sampling Contract Compliance Reviews to ensure adequacy and consistency of the process;
- Examining consistent administration of testing and specifications regardless of race, color, or national origin. Nondiscrimination in the approval of material suppliers and sources;
- Examining uniformity in the assessment of sanctions, liquidated damages, withholding payments, suspension, termination of contracts and decertification;
- Data and information regarding mitigation commitments made during the environmental process and progress toward completion of the commitments.
- Data and information regarding temporary traffic and pedestrian routing during the course of construction, as well as a demographic profile of the project area.

## ENVIRONMENTAL

The Environmental Section oversees all environmental programs within DelDOT. This group ensures that local, state, and federal environmental laws are complied with during the development, construction, and operation of DelDOT projects. The Environmental Section integrates environmental considerations into all DelDOT activities to achieve environmental compliance. The Division manages environmental programs, works to streamline the environmental process, and monitors changing laws and regulations.

<https://deldot.gov/environmental>

The Environmental Section houses a diverse group of environmental specialists who research, analyze, and monitor the effects transportation projects have on the environment. They include air, noise, hazardous materials, and water quality specialists; biologists, archaeologists, environmental engineers, and National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) experts.

The Environmental Section's procedures are focused on preparing environmental documentation for projects and the processes for approving that document. They discuss how Title VI should be incorporated into the environmental process and environmental documentation.

All notices are placed on the State of Delaware website as are project documents referenced in the notice. DelDOT's website and social media pages are used to disseminate meeting notices. Depending upon the project location and potential impacts, smaller newspapers and "neighborhood" papers may also be utilized. When warranted, mailings to property owners are multilingual. Language interpreters are available at DelDOT public meetings upon request. Community advisory councils or boards are made aware of the meeting and if requested, project representatives make a separate presentation to those bodies. NEPA documents are made available at local libraries, affected city or county offices, and at DelDOT District offices.

Copies of documents are available upon request and may be translated as needed. For individuals who may lack transportation, DelDOT policy provides meetings be held close to a project area to facilitate involvement. Transit routes are also included on notices if they directly serve or are in close proximity to a meeting venue. As part of a given environmental study, identifying the demographic composition and any affected populations in the project's study area is a specific task. Based on the results of this research, outreach methods are established to most

effectively involve potentially affected neighborhoods or potential project users. Post meeting debriefs are held to determine the effectiveness of all aspects of the meeting and to make recommendations for future meetings.

### **Activities To Ensure Nondiscrimination**

As with all DelDOT programs, public involvement is the cornerstone of Title VI compliance. DelDOT has a Public Involvement Program that is designed to provide early, continuous, and extensive outreach to all communities, but particularly to ensure that project selection does not subject any populations to adverse, disparate impacts.

The Environmental Section uses a review process to annually review environmental activities to ensure nondiscrimination. Title VI reviews are conducted by the Title VI Coordinator who performs a desk audit, and/or conducts an onsite visit. Once the review is complete, an approved finding is issued and oversees compliance with a corrective action plan, if any.

- Sampling of consultant contracts to ensure inclusion of required nondiscrimination provisions as well as help ensure nondiscrimination in selection of consulting firms;
- Sampling of public involvement materials including meeting notices, project flyers and other similar documents to ensure appropriate nondiscrimination language; including:
  - Data and information regarding the demographics of public meeting participation, including comparisons to the relevant population for each project.
  - Ensure community involvement and participation is considered in the design of projects for all affected populations;
  - Number of public hearings/informational meetings held, the meeting location, and the representative participation based on the affected populations within the project area;
  - Demographic breakdown of attendees in public meetings/public involvement activities.

### **Title VI Review Activities- Environmental**

As part of the review, the Title VI Coordinator examines data for nondiscrimination, which may include, but not be limited to:

- Reviewing Title VI Annual Reports analyzing data for possible trends of discrimination;
- Interviewing staff to identify emerging issues and needs; and/or

- Sampling environmental documents to ensure community impact assessments appropriately identify underserved communities and discuss avoidance, minimization, and mitigation of disproportionately high or adverse impact.
- The number and types of environmental reviews.
- Summary of any Environmental Assessments (EA) or Environmental Impact Statements (EIS) where any populations were disproportionately impacted by race, color, or national origin and any mitigating measures taken as a result.
- Monitor procedures for the identification of Categorical Exclusion Evaluation (CEE) impacts through the use of the DOT's Environmental Evaluation Checklist or other forms, including potential impacts on minority populations for:
  - Air quality
  - Noise
  - Community cohesion
  - Relocations
  - Community services
  - Mitigation measures
- Identify what mitigative measures have been employed in the location studies and project alternative analysis when there is the potential for disproportionate or discriminatory impacts.
- Review and ensure the validity of socioeconomic data, specifically:
  - The methods for identifying populations for Title VI purposes;
  - The study area selection and consider community impacts.

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## **RIGHT-OF-WAY SECTION**

The “Right of Way (ROW)” Section ensures the equitable treatment of businesses and persons displaced by highway projects, regardless of race, color, or natural origin by operating under the Federal Code of Regulations (49 CFR Part 24) to address the requirements established by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended.

DelDOT’s ROW Section employs a diverse staff responsible for ensuring compliance with policies and procedures required for the acquisition of rights-of-way, preparation of land surveys, relocation of utilities and the quality control and assurance of ROW plans on highway and bridge projects. The ROW staff is also responsible for the oversight of the Department’s Land Services activities. The entire ROW staff is committed to performing their duties in a timely, effective, and customer-oriented manner for the benefit of all the citizens of Delaware.

The Title VI Liaison for the ROW Section has the responsibility of assuring that all ROW functions and the results of those activities are executed in accordance with Title VI. This process includes property appraisals, negotiations with property owners, acquisition of properties, and relocation of people and businesses.

### **Activities To Ensure Nondiscrimination**

- Ensure that procedures are in place to collect and review statistical data pertaining to all beneficiaries or persons affected by negotiations, relocation, and property management to ensure ROW activities do not have a disproportionate or adverse effect on traditionally underserved populations. Data collected through the use of the surveys shall include race, color, and national origin (23 CFR 200.9);
- Establish controls to ensure the objectiveness, quality, and equity of appraisals, property management, relocation assistance, and payments to impacted persons and property owners;
- ROW uses interpreters and translators as necessary to ensure that those with Limited English Proficiency (LEP) needs receive meaningful access to the Department’s services;
- Each District has a Liaison who reviews appraisals, acquisition, relocation, and other documentation for nondiscrimination and submits annual reports activities to the Title VI Coordinator;

- All projects have a ROW plan that is monitored for compliance with the Uniform Act Relocation Assistance and Real Property Acquisition Policies Act of 1970 as well as for Title VI compliance; and
- DelDOT uses a review process to annually review ROW activities to ensure nondiscrimination. Title VI reviews are conducted by the Title VI Coordinator who issues an RFI, performs a desk audit, conducts an onsite visit, issues an approved finding and oversees compliance with a corrective action plan, if any.

### **Title VI Review Activities- Right-Of-Way**

As part of the review, the Title VI Coordinator examines data for nondiscrimination, which may include but not be limited to:

- Sampling of appraisal contracts to ensure inclusion of required nondiscrimination provisions as well as ensuring nondiscrimination in selection of consulting firms;
- Sampling of ROW public materials including information notices, relocation assistance documents and other similar materials to ensure appropriate nondiscrimination language is included and materials are offered in alternative languages as required;
- Ensure equitable treatment of all businesses and persons displaced by highway projects (i.e. property valuations, negotiations, and relocation benefits were conducted/calculated in a nondiscriminatory manner), specifically examining the following:
  - Sampling project ROW documents to ensure appraisal values, acquisitions, and relocation assistance do not show trends and patterns of discrimination, opportunities to purchase excess property, in particular, discrimination whether intentional or unintentional against persons based on race, color, or national origin;
  - Data and information related to the appraisal process, including just compensation offers and supporting documentation;
  - Data and information related to the demographics of relocatees and other beneficiaries of the Right-of-Way Division. This includes persons and businesses that receive relocation counseling and who attend informational meetings;
  - Concerns raised by persons who were relocated and what action was taken to address concerns; and,
  - Whether the determination to condemn a property is done in a nondiscriminatory fashion based on who was affected by the condemnation and whether the property owner was aware of his/her rights during the process
- Reviewing Title VI annual reports searching data for possible trends of discrimination, including equitable treatment without regard to race, color, and national origin;

- Interviewing District ROW staff to identify emerging issues and needs;
- Sampling project right of way documents to ensure appraisals, acquisitions and relocation assistance do not show discriminatory trends based on race, color, or national origin; and/or,
- Conducting interviews with members of the public impacted by acquisition and relocation.

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## **DIVISION OF PLANNING**

DelDOT understands that transportation touches everyone's lives in a very personal way on a daily basis. Transportation is critical to our state's economic vitality and our quality of life, which is why DOT engages in a forward-thinking planning process that encourages community and stakeholder participation in transportation investment decisions.

DelDOT's Planning Division is made up of four sections: Active Transportation & Community Connections, Data Analysis & Support Services, Development Coordination, and Statewide Regional Planning. These sections are responsible for major corridor studies and the development and plan adoption of urban freeway corridor improvements in Delaware, as well as data analysis.

In addition, the Planning Division works to provide an inclusive and comprehensive transportation planning and permitting process that seeks solutions to the state's transportation needs by balancing safety, choice, environmental stewardship, economic development, financial accountability, and quality of life.

### **Activities To Ensure Nondiscrimination**

- The Department uses a Public Involvement Program that is designed to provide early, continuous, and extensive outreach to all communities, but particularly to ensure that project selection does not subject any populations to disparate, adverse effects based on race, color, or national origin.
- DelDOT and the MPOs scrutinize planning projects, screening them to identify and categorize the various impacts and enhancements of planned projects.
- DelDOT annually reviews planning activities to ensure nondiscrimination. Title VI reviews are conducted by the Title VI Coordinator, who may perform a desk audit, and/or conduct an onsite visit, then issue an approved finding and oversee compliance with a corrective action plan, if any.

## **Title VI Review Activities- Planning**

As part of the review process, the Title VI Coordinator examines data for nondiscrimination, which may include, but not be limited to:

- Sampling contracts to ensure inclusion of required nondiscrimination provisions;
- Sampling public involvement materials including meeting notices, project flyers and other similar documents to ensure appropriate nondiscrimination language;
- Reviewing Title VI annual reports searching for possible trends of discrimination in planning;
- Monitoring the utilization of demographic information that identifies populations and evaluates the equitable distribution of the benefits/burdens of the transportation plans and activities, as well as transportation system investments, on these populations;
- Reviewing information regarding project prioritization procedures for MPOs as well as rural projects;
- Evaluating the process in which projects are selected;
- Ensuring that formal and informal public comments are incorporated into the transportation decision-making process.

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## **7. EXTERNAL REVIEW PROCEDURES**

### **Overview**

DelDOT is required to monitor its subrecipients to ensure those entities are in compliance with Title VI and related nondiscrimination statutes. Subrecipients receiving federal financial assistance through DelDOT for the purpose of administering programs and activities must be monitored. The subrecipients that receive federal financial assistance for the purpose of administering programs and activities includes: local public agencies; metropolitan and regional transportation planning organizations; and transit grantees.

### **Subrecipient Review Selection Procedures**

#### **Metropolitan Planning Organizations**

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

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

- Wilmington Area Planning Council (WILMAPCO)
- Dover/Kent County Metropolitan Planning Organization
- Salisbury/Wicomico Metropolitan Planning Organization

Each of the MPOs develops a Title VI Plan that describes implementation, reporting, and complaint procedures. DelDOT establishes a schedule for Title VI Program reviews of MPOs. The review may consist of a desk audit or an on-site review. Details related to Title VI Program Plans and complaint procedures for each of the above-named organizations can be found at:

WILMAPCO- <http://www.wilmapco.org/titlevi/>

DOVER/KENT MPO - <https://doverkentmpo.delaware.gov/>

SALISBURY/WICOMICO MPO - <http://www.swmpo.org/>

The MPOs are responsible for the transportation planning process within their urbanized areas and by means of a Memorandum of Understanding relating to transportation planning with DelDOT's and mutual agreement of Federal funding in support of metropolitan planning and project activities: As a result, each MPO must develop a:

- 3-year Transportation Improvement Program (TIP)
- Long-range transportation plan; and
- Must develop and implement an annual Unified Planning Work Program (UPWP).
- Reviewing the Unified Planning Work Program (UPWP) approval, administration, and oversight;
- Evaluating the Transportation Improvement Program (TIP);
- By providing general assistance and or any guidance;
- Ensuring Title VI Program compliance; and
- Assisting with MPO Federal/State reviews.

The Planning Division and the Title VI Coordinator will monitor the MPO's overall strategies and goals of the transportation planning process to ensure Title VI Program compliance. DelDOT utilizes the Title VI review criteria as outlined above to decide the level of review required.

### **Title VI Review Activities- MPOs**

A review will evaluate the outreach efforts employed by the MPO during the 3-year planning period. One of the review functions will be to compare the demographics of attendees at planning meetings, and then perform an analysis of available documents to determine if the planning process includes underserved and underutilized populations, those with Limited English proficiency. DelDOT staff will, as well examine marketing and advertising samples, marketing and email communications, and check the disposition of complaints filed against the MPO during the same period. DelDOT will complete the analysis and provide a report on any identified deficiencies. If necessary DelDOT will provide corrective action plan for the planning process that will aim to improve participation of underutilized and underserved populations.

DelDOT's Title VI Coordinator will oversee, monitor, and train MPOs as follows:

- Review Limited English Proficiency (LEP, E.O. 13166) compliance to ensure utilization of demographic information.
- Ensure the MPOs use the data to identify potential LEP populations, and that the MPOs assess distributions of the benefits/burdens of the transportation plans and activities on these groups;
- Monitor Title VI compliance to ensure utilization of demographic information. Ensure the MPOs use the data to identify potential disparately impacted populations, and that the MPOs assess distributions of the benefits/burdens of the transportation plans and activities on these groups;
- Monitor public involvement processes to improve effectiveness and reduce participation barriers for populations based on race, color, and national origin; and
- Evaluate MPO annual accomplishments and goals.

## **COLLEGES AND UNIVERSITIES (RESEARCH)**

Delaware State University and the University of Delaware are sub-recipients and are subject to monitoring and review of their activities related to Title VI compliance. The ***Research Title VI Liaison*** is involved in the transportation research activities that require Title VI compliance and advises colleges and universities on Title VI compliance issues.

As subrecipients, colleges and universities are required to have a signed Assurances document ([see sample in Appendix A](#)), which must be re-signed annually. If there is a change in top leadership (president), a new Assurances statement must be signed within thirty days. The college or university will also be responsible for including the Title VI/Nondiscrimination Assurance paragraph in solicitations for bid, requests for proposals, and project agreements.

The Civil Rights Administrator conducts on-site reviews with the college/university, establishing a review cycle for each.

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

## **Activities To Ensure Nondiscrimination**

Monitoring and review of colleges and universities will also be managed by the Liaison for this area to ensure the following:

- Ensure that the appropriate Title VI provisions are contained in the terms of all research agreements;
- Ensure sub-recipient college/university CEO has signed the standard US DOT Assurances for Title VI and other nondiscrimination statutes and regulations;
- Ensure the sub-recipient college/university submits a Title VI Nondiscrimination Plan approved by the Department;
- Monitor diversification in the selection of universities and consultants;
- Ensure equal opportunity for female and minority-owned consultant firms to compete for and participate in research contracts;
- Monitor the utilization of female and minority students on research projects by the contract universities;
- Monitor and report problem areas (trends of discrimination or potential discrimination) and accomplishments (new practices/procedures to address actual or potential discrimination);
- Report Title VI goals for the upcoming period annually to the Civil Rights Administrator.

## **Title VI Review Activities- Colleges and Universities**

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

- Composition of the Research Section workforce by position title, race and gender;
- Number of research agreements currently underway by universities/and or consultants and the dollar amount;
- Efforts made to ensure equal opportunity for participation of female and minority consultants in obtaining research contracts;
- Possible concerns/barriers for female and minority consulting firms in obtaining research contracts;
- Amount of federal State Planning and Research (SPR) dollars spent on contract research;
- Actions taken to encourage universities to utilize female and minority student participants on highway research projects;

- Percentage of female and minority participation in research projects;
- Status of any Title VI complaints received regarding research projects;
- Any significant accomplishments made during the review period;
- Any significant actions planned for the ensuing year.

### **Compliance Review Process (Research)**

The following steps outline the process with which the review is conducted:

1. Notice of Compliance Review
  - Title VI program staff will send a notice of compliance review providing the reason for the review and a request for documents to the Subrecipient.
  - The subrecipient will be given an initial thirty (30) days to produce the requested documentation. This time period may be extended when a reasonable request for extension is made and at the discretion of DOT staff.
  - Any subrecipient who fails to respond to a notice of compliance review, including the request for information, within the prescribed deadline shall receive written notification of his or her deficiency status from the Title VI program staff (see preliminary findings below).
2. Desk review information received from the subrecipient is reviewed by the Title VI Coordinator and a telephone call may be scheduled to discuss preliminary deficiencies observed and to request additional information as necessary. The following factors will play a role in determining whether or not an on-site review is necessary:
  - Deficiencies are directly related to improvements being constructed or maintained by the subrecipient;
  - Deficiencies include missing entire program components or are otherwise considered major deficiencies;
  - The subrecipient's program coordinator or representative has not been identified and/or does not appear to have the support of the executive leadership of the agency in ensuring program compliance; and,
  - The review is based upon the receipt of a complaint.
3. Preliminary findings: Following the conclusion of the desk review and/or on-site review, the reviewer shall provide the subrecipient with a written report of preliminary findings which shall:

- Document any deficiencies observed and direct the subrecipient to come into compliance within 90 days.
- Require that any deficiencies which cannot possibly be resolved within 90 days shall be reflected in a compliance plan submitted to DelDOT for approval within the 90-day period and shall include dates by which compliance will be achieved and specific action steps with identified task ownership.
- In addition, it is the subrecipient's responsibility to notify DelDOT that it has achieved its approved compliance plan goals. Failure to provide such notice will place them in deficiency status.

### **Failure to comply:**

If the subrecipient does not voluntarily comply within 90 days of the original notification or alternative period approved by DelDOT, DelDOT will issue a Notice of Noncompliance. If the subrecipient fails to submit appropriate and complete documentation to support its commitment to comply with Title VI, DelDOT will issue a noncompliance letter and forward a copy to FHWA and may then take or participate in other legally available action against the subrecipient for failure to comply, such as withholding payment on a contract, and/or suspending or terminating the contract.

Following the expiration of 90 days, DelDOT may do any of the following:

- Certify the current subrecipient compliant and eligible to receive funds;
- Identify the current subrecipient as deficient but on an approved corrective action plan, or;
- Issue a Notice of Noncompliance

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## 8. DATA COLLECTION AND ANALYSIS

DelDOT is required by federal regulations to collect statistical data on the race, color, and national origin of participants in and beneficiaries of its programs. See 23 CFR § 200.9(b)(4). Civil rights staff works with program area staff (Environmental, Planning, Right of Way, etc.) on collecting and analyzing data.

Data collection efforts specific to each program area are described on an annual basis in DelDOT's Goals and Accomplishment Report to FHWA. The following is a brief description of data collection efforts conducted by DelDOT:

**Construction:** Demographic data is collected by surveys along with information specific to mitigation commitments made during the environmental phase and progress toward completion of the commitments. Data is also collected regarding temporary traffic control (TTC) and pedestrian routing during construction, as well as the demographic profile of the project area.

**Contract Administration:** During the bid process for Construction projects, bidders list are collected, which include demographic information on primes and subcontractors interested in doing business with DelDOT. During selection and award of Professional Services, demographic data for primes and subconsultants can be obtained from submitted Expressions of Interest (EOIs) and bidders lists to assess nondiscrimination's in the selection and award process.

**Right of Way:** During the interview/intake process, DelDOT ROW staff will ensure that demographic information is collected voluntarily and inform impacted person of the reasons for collecting the demographic data. Additionally, ROW staff will disseminate Customer Service Surveys that include demographic information questions and provide to all relocatees, and persons impacted by ROW activities.

**Environmental:** DelDOT collects and analyzes U.S. Census and other data as a part of the environmental Justice analysis, regarding populations expected to be impacted by DelDOT projects. Demographic data is collected during the environmental review process. Additionally, Environmental staff collect voluntary demographic data during public meetings.

**Statewide Planning:** As part of the Statewide Planning Process, DelDOT staff analyze demographic maps that include median income levels per county, racial/ethnic makeup at the U.S. Census tract level, and trends regarding transportation equity. Additionally, demographic data will be collected at all public meetings hosted.

**Language Assistance:** DelDOT staff has provided translation or interpretation services to members of the public. This and other information is included in the Title VI Goals and Accomplishments report.

**Public Involvement:** A successful public involvement plan (PIP) involves early and continued involvement of citizens who are impacted by DelDOT projects without regard to race, color, national origin, sex, or socio-economic status. Individuals with limited English proficiency (LEP) must also be considered in order to ensure equal opportunity to participate in public involvement activities. DelDOT's Public Involvement Policy was issued in 1996 with the purpose of establishing policies and procedures for DelDOT to reference and implement to mitigate adverse impacts associated with its projects, or as deemed appropriate, to consider and offer alternatives when adverse impacts cannot be avoided. The PIP was developed in accordance with guidelines set out in 23 USC § 135 (f)(1)(c) and 23 CFR §450.210, both of which indicate the State must allow public involvement in the planning process. Additional considerations regarding public involvement include the National Environmental Policy Act (NEPA)(42 USC §4331, 40 CFR § 1506.6 (a)-(f), 23 CFR §771.111(h), and Environmental Justice (EJ)(Executive Order 12898)

Click this [link](#) to reach Policy #O-03 Public Involvement.

## **Data Collection**

Federal program areas are responsible for collecting data on race, color, and national origin as it pertains to their potential interaction with the public. Additional data can include language spoken other than English. The Office of Civil Rights will work individually with each program area to develop a collected data set which will support both the desk audit and reporting to FHWA. Potential sources of data and analysis tools include:

- Census Data
- School Districts
- Forms or Surveys
- Management Systems (Pavement and Congestion)
- Land Use Plans
- Geographic Information Systems
- Transportation Models
- MPO Committees (e.g., Citizen Advisory Committees)

## **Analysis**

Once the Title VI data is collected, the data must be analyzed for the purpose of identifying patterns of discrimination. Each federal program area is responsible for analyzing the data collected and recommending corrective action, as appropriate. A pattern of discrimination may result from a specific process, or as the result of a process or procedure being implemented in a discriminatory manner.

Types of analysis to address compliance with Title VI include:

- Distribution of benefits (dollars, facilities, systems, projects) by groups and communities;
- Allocation of funds by mode (highway, bus, etc.);
- Impact of investments on race, color, and national origin;
- Projected population increases versus planned facilities;
- Impacts of the location of existing or proposed facilities connected with a project;
- Alternatives to modes, locations, and types of facilities;
- Language needs assessment; Transportation needs of all persons within boundaries of plans or projects;
- Persons included in the decision-making process;
- Strategies to address impacts;
- Priorities for investments;
- Sources for financing investments, and
- Strategies to disseminate information.

When determining compliance with Title VI, each program area may consider the following:

- The manner in which services are or will be provided and the related data necessary for determining whether any persons are or will be denied such services on the basis of their race, color, or national origin as defined by Title VI authorities;
- The population eligible to be served by race, color and national origin;
- The location of existing or proposed facilities connected with the program, and related information adequate for determining whether the location has or will have the effect of unnecessarily denying access to any persons on the basis of prohibited discrimination;
- The present or proposed membership by race, color and national origin, in any planning or advisory body which is an integral part of the program; and

- Where determination of location is involved, the requirements and steps used or proposed to guard against unnecessary impact on persons on the basis of race, color and national origin.

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## 9. TRAINING

### **Internal Training**

Per 23 CFR § 200.9, State highway agencies are responsible for providing Title VI training programs for program areas and civil rights officials.

Internal training is composed of three levels of training of varies intensity and content. Past training has included topics such as methods for identifying complaints of discrimination, understanding and applying Title VI regulations and identifying elements of Title VI compliance within program areas. When possible the Title VI Coordinator conducts one hour of Title VI training quarterly for the Title VI Liaisons.

1. Director and Division – This training will occur annually and functions as part training and part debriefing regarding highlights from the previous reporting year. The training portion is high-level and is tailored to identify and address major challenges and special emphasis areas.
2. Title VI Liaison Level – This training will be conducted semi-annually and is intended to provide liaisons with the opportunity to discuss issues, ask questions regarding reviews conducted or to be conducted, review specific scenarios, and share experiences. It is also an opportunity to provide individualized training related to Title VI requirements and how to apply the requirements to specific federal program areas. The training provided to the liaisons is intended to be a trickle-down approach for dissemination to staff under liaisons.

**New Title VI Liaisons** - In addition, the Title VI Coordinator provides Title VI training for newly appointed Title VI Specialists and Liaisons. The training materials are on USDOT's internal website and include a training program syllabus clearly describing the requirements of each section to be completed including a question-and-answer session at the end of the training. The training covers Title VI, all related nondiscrimination statutes, and ADA/Section 504.

**All staff** – The Office of Civil Rights will offer a minimum of one hour of Title VI training to all DOT employees annually. This training may be offered on more than one day to accommodate work schedules.

**New Staff** - Title VI Liaisons in each division and district are responsible to conduct Title VI training for new employees. A new employee Title VI Training syllabus and checklist is available to assist the Title VI Specialist in fulfilling this responsibility. The available training is one hour

and includes an independent study of viewing Title VI, ADA, and LEP videos followed by a brief discussion of the materials with the Title VI Specialist. Additional question and answer time is provided as needed. The Title VI Specialist may choose to provide Title VI Training to their division or district employees using training materials from previous trainings. The Title VI Program Administrator has recorded CDs/DVDs of previous trainings, presentations, and other materials available. The materials on DOT under the Title VI are a good source of training materials.

The training provides comprehensive information on the Title VI program and its application to program operations, identification of Title VI issues and resolution of complaints. Scheduled training events may be recorded documenting the training topic, date, time, hours, location, and participants. The Title VI training schedules are reported to FHWA in the annual Goals and Accomplishments report.

## **External Training**

**Subrecipient Training** – DelDOT staff provides individual (one-on-one) technical training to Subrecipients on an “as needed basis.” In addition to the online training for Subrecipients, the Title VI program staff periodically offers Title VI training to subrecipients as well.

It is the responsibility of the Civil Rights Administrator to ensure that training programs are provided for the individuals, groups, and entities noted herein. Training conducted will be documented and reported to FHWA annually in DelDOT’s Title VI/Nondiscrimination Work Plan and Accomplishments.

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## 10. COMPLAINT DISPOSITION PROCEDURES

### **Who can file?**

**Discrimination.** That act (or action) whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, sex, or national origin, has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the Federal Highway Administration under title 23 U.S.C.

Any person or specific class of persons by themselves or by a representative, organizations or business entities that believes they or with a specific class of persons— have been subjected to discrimination or retaliation by DelDOT or by one of DelDOT’s sub-recipients based on their race, color, or national origin, may file a complaint.

### **What should a complaint look like?**

Complaints should be in writing and signed and may be filed by mail, fax, in person, or e-mail. However, the complainant may call the agency and provide the allegations by telephone, and the agency will transcribe the allegations of the complaint as provided over the telephone and send a written complaint to the complainant for correction and signature.

While the above indicates a complaint should be in writing and signed, the receiving agency will accept complaints in alternate formats from persons with disabilities, upon request. The complaint may be filed electronically, by audio tape, or in Braille. A complaint should contain at least the following information:

- A written explanation of what has happened;
- A way to contact the complainant;
- The basis of the complaint (e.g., race, color, national origin);
- The identification of a specific person/people and the respondent (e.g.) agency/organization) alleged to have discriminated;
- Sufficient information to understand the facts that led the complainant to believe that discrimination occurred in a program or activity that receives Federal financial assistance; and;
- The date(s) of the alleged discriminatory act(s). Complaint should indicate if the alleged discrimination is on-going.

- Complaints in languages other than English will be translated and responded to in the language in which they were sent in accordance with E.O. 13166, "*Improving Access to Services for Persons with Limited English Proficiency*." DelDOT will provide translation services in as many languages as it has available to it.

Complaints may be submitted using the Title VI Complaint Form located on the DelDOT website at the following link:

[DELDOT Title VI Complaint Form](#) ([This form is shown as Attachment “5” at the end of this document](#)).

### **Where can one file?**

Complaints may be filed with DelDOT, FHWA Division Offices, the FHWA Headquarters Office of Civil Rights, the United States Department of Transportation (USDOT) Departmental Office of Civil Rights, or the U.S. Department of Justice.

**Delaware Department of Transportation  
Office of Civil Rights**

Attn: Title VI Coordinator  
800 S. Bay Road  
PO Box 778, Dover DE 19903

**Federal Highway Administration  
Delaware Division Office**

Attn: Civil Rights Specialist  
1201 College Park Drive, Suite 102  
Dover, DE 19904

**U.S. Department of Transportation  
Office of Civil Rights**

1200 New Jersey Avenue, SE 8th Floor E81-105  
Washington, DC 20590

**US Department of Justice  
Federal Coordination and Compliance Section - NWB**

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

### **When must one file?**

According to U.S. DOT regulations, 49 CFR § 21.11(b), a complaint must be filed not later than 180 days after the date of the last instance of alleged discrimination, unless the time for filing is extended for good cause by the investigating agency.

## **How are complaints routed?**

Complaints should be forwarded from the initial receiving agency through the Federal aid highway oversight hierarchy. For example, if a complaint is filed with a Subrecipient, that receiving agency should forward the complaint to the DelDOT. State DOTs and Subrecipients must log all complaints received.

## **What are the timeframes for investigations?**

Title 2 of Delaware Code requires that Title VI investigations be completed within 90 days of receipt. Investigations that are delegated to DelDOT by the FHWA must be completed within 60 days of receiving the delegated complaint.

Investigation files are confidential and will be maintained by DelDOT. The contents of such files will only be disclosed to appropriate DelDOT personnel and federal authorities in accordance with Federal and State laws. DelDOT will retain files in accordance with records retention schedules and all Federal guidelines.

## **General Procedures**

1. Upon initial receipt, the complaint will be date stamped and logged in by the receiving office.
2. The complaint will be reviewed within 10 calendars days of receipt to determine whether it contains all the necessary information required for acceptance.
3. If the complaint is unclear or incomplete, the complainant will be contacted in writing or by telephone to obtain additional information. The complainant will have 15 calendars days to respond to the request for additional information.
4. If it becomes clear that DelDOT lacks jurisdiction over a complaint, the complaint will be referred to the appropriate authorized agency.
5. A referral letter will be sent to the agency along with the complaint and any other documents collected.
6. A letter will also be sent to the complainant stating that the complaint has been referred to another agency and that DelDOT has closed the complaint.
7. After determining the complaint will be accepted for investigation, notification will be sent to the complainant and respondent (if applicable).
8. Complainants represented by an attorney must provide a letter authorizing representation. The authorized attorney will be copied on all correspondence with the complainant.

9. It is in the best interest of all parties involved that issues raised in a complaint of discrimination be resolved informally. Every effort will be made to pursue resolution of the complaint, even while the investigation is underway.
10. Based on the investigation and the analysis of information and evidence gathered, specific recommendations or a formal corrective action plan may be generated.
11. Complainants will be advised of their right to file their grievances with other governmental agencies possessing the statutory authority to accept and process such complaints; (such as the Delaware Human Relations Commission, Delaware Department of Labor) or, appropriate Federal agencies, including but not limited to FHWA, FTA, USDOT, DOJ or the EEOC. Links to resources related to these agencies are shown below:

<https://www.fhwa.dot.gov/civilrights>

<https://www.transportation.gov/>

<https://www.justice.gov/crt/filing-complaint>

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## **11. DISSEMINATION OF INFORMATION**

In accordance with 23 CFR § 200.9(a)(12), DelDOT develops Title VI information for dissemination to the general public and, where appropriate, in languages other than English.

### **Notification to Beneficiaries – Website**

DelDOT's website is designed to ensure Title VI information is readily accessible to the public. The website informs the public of their rights under Title VI and provides information on how to file a complaint. Title VI information available on DelDOT's website includes:

- DelDOT's Title VI Implementation Plan
- Title VI and Related Statutes Nondiscrimination Statement (English and Spanish)
- Title VI Nondiscrimination Assurances
- DelDOT's External Discrimination Complaint Form
- Title VI Public Notice (English and Spanish)

### **Notification to Beneficiaries – Posters and Brochures**

DelDOT provides posters, brochures, and survey cards at every public hearing and meeting. These program posters and brochures are available in languages other than English, as needed. Furthermore, current copies of DelDOT's Title VI Notice to the Public are available and accessible at DelDOT buildings.

### **Public Involvement Plan (PIP)**

A successful Public Involvement Plan (PIP) involves early and continued involvement of citizens who are impacted by DelDOT projects without regard to race, color, national origin, sex, or socio-economic status. Individuals with limited English proficiency (LEP) must also be considered in order to ensure equal opportunity to participate in public involvement activities.

Special efforts need to be made to engage and stakeholders from all demographic groups. Efforts to involve these affected stakeholders in public participation activities can include both general measures, such as placing public notices in public areas (e.g., libraries, transit stations, or vehicles), as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent such populations from effectively and meaningfully participating in the decision-making process.

Some effective practices include:

- Scheduling meetings at times and locations that are convenient and accessible for all communities, including LEP communities.
- Employing different meeting sizes and formats (i.e. virtual).
- Coordinating with community and faith-based organizations; educational institutions; and other organizations to implement public engagement strategies that reach members of all impacted communities.
- Considering radio, television, or newspaper ads on stations and in publications that serve typically underserved communities. Outreach to these populations could also include audio programming available on podcasts.
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.

DelDOT's Public Involvement Policy was issued in 1996 with the purpose of establishing policies and procedures for DelDOT to reference and implement to mitigate adverse impacts associated with its projects or as deemed appropriate, to consider and offer alternatives when adverse impacts cannot be avoided. The PIP was developed in accordance with guidelines set out in 23 USC § 135 (f)(1)(c) and 23 CFR §450.210, both of which indicate the State must allow public involvement in the planning process. Additional considerations regarding public involvement include the National Environmental Policy Act (NEPA)(42 USC §4331, 40 CFR § 1506.6 (a)-(f), 23 CFR §771.111(h), and Environmental Justice (EJ)(Executive Order 12898).

Effective public involvement includes opportunities that encouraged participation in the planning process by transportation stakeholders. Statewide and metropolitan planners and decision makers are required to develop public participation plans that serve as a guide for the participation process to ensure ongoing public involvement in the development and review of transportation plans, programs, and projects. In response to its commitment to ensure proactive measures to prevent discrimination, DelDOT has implemented public involvement processes to ensure that transportation stakeholders, including community groups, businesses, environmental groups, LEP populations, and the general public, are given the opportunity to participate in the planning process.

These processes include but are not limited to:

- Public involvement solicited early on during the planning process;
- Public meetings held at convenient times and accessible locations;
- Reasonable accommodations (as needed) for individuals with disabilities;
- The use of visuals to describe plans;
- Public information available in electronic and accessible formats;
- Public comment periods held open after hearings and workshops to allow submission of written comments.

DelDOT periodically evaluates public involvement policies and procedures to determine effectiveness and continued compliance with federal requirements.

Securing and responding to public comment is a critical component of DelDOT's transportation planning program. Effective and informed public comment helps DelDOT develop plans that meet Delaware's existing and future travel needs, while promoting community livability and economic development.

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## 12. REVIEW OF STATE DIRECTIVES

The Title VI Coordinator employs various processes to review DelDOT directives, policies and practices:

- The Title VI Coordinator and Title VI Liaisons work collaboratively with the Division Directors and members of the Senior Leadership Team, who help to make and implement policies. This collaboration helps to ensure DelDOT directives are in keeping with Title VI of the Civil Rights Act of 1964 and other federal nondiscrimination mandates;
- The Title VI Coordinator is included in the review process when DelDOT directives are drafted and policies implemented. This process affords the Title VI Coordinator an opportunity to review for any possible Title VI issues.
- The Title VI Coordinator and Title VI Liaisons reviews all environmental documents, public meeting and hearing transcripts to ensure staff is aware of any potential Title VI issues.
- The Title VI Coordinator works cooperatively with FHWA Division Civil Rights staff to implement federal nondiscrimination directives.

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# **13. COMPLIANCE AND ENFORCEMENT PROCEDURES**

## **Remedial Action**

The goal for Title VI and regulatory enforcement is to achieve voluntary compliance. If deficiencies are found during a Title VI review, the Compliance Review Report will include a draft Corrective Action Plan (CAP) with projected due dates. A final CAP is issued following a compliance meeting or phone call with the program area or Subrecipient. During the meeting, the program area or Subrecipient will be able to propose remedial actions to correct the deficiencies. The CAP for Department Program areas and Subrecipients are expected to correct all deficiencies according to their CAP and provide periodic updates to the Title VI Coordinator. The Title VI Coordinator will provide technical assistance, as needed, and work with the (program area's) Title VI Liaison or Subrecipient's Title VI Specialist/Manager to ensure implementation of the CAP. When the Title VI Coordinator has determined that a subrecipient's deficiencies are sufficiently corrected, the Subrecipient will be notified that the review process is complete and no further progress reporting is needed. The Subrecipient will receive an official Closeout Letter signed by the Department's Title VI Coordinator.

## **Affecting Compliance Departmental Program**

When DelDOT or its subrecipient's program area refuses to cooperate or comply with Title VI, the Title VI Coordinator will elevate the matter to the DelDOT Secretary, after which, the matter may be referred to the FHWA Civil Rights or responsible USDOT Operating Administration (OA).

Subrecipients: When a Subrecipient fails to take appropriate corrective action in response to the findings of deficiencies in the compliance report:

- The Subrecipient moves from a "deficiency status" to noncompliance;
- DelDOT will submit two copies of the case file to FHWA with a recommendation that the sub-recipient be found in noncompliance; and/or,
- DelDOT may, with the concurrence of FHWA (or other USDOT OA), initiate proceedings to impose sanctions for noncompliance.

## **Sanctions**

In the event that a subrecipient fails or refuses to comply with Title VI, the first step taken by the DelDOT program area with oversight of the recipient will be attempts to resolve the issue using the program area's normal administrative solutions. However, the Department may take any or all of the following steps, with the concurrence of USDOT (i.e., FHWA), if the recipient is uncooperative or nonresponsive during attempts by DelDOT to voluntarily resolve the compliance issue:

- Cancel, terminate, or suspend the contract or agreement in whole or in part;
- Refrain from extending any further assistance to the recipient under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the recipient;
- Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient; and/or,
- Refer the case to the appropriate federal agency for appropriate administrative or legal proceedings. Other means authorized by law.

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## **14. LANGUAGE ACCES PLAN (LIMITED ENGLISH PROFICIENCY)**

Most individuals living in the United States adequately read, write, speak, and understand English. However, there are many individuals whose primary language is not English. Individuals with a limited ability to read, write, speak, or understand English have Limited English Proficiency, or LEP. The greater the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population, the more likely language services are needed.

DelDOT is responsible for ensuring that LEP persons have meaningful access to all federal-aid programs, activities, and services. Federal-aid Programs include the following: Planning, Environment, Design, and Right-of-Way (ROW). Whenever DelDOT holds a public hearing/meeting, the legal notice regarding the hearing/meeting must indicate that LEP persons may request that documents are printed in an alternate language by contacting a DelDOT representative to communicate this need a reasonable amount of time prior to the event. Additionally, legal notices must inform LEP persons that a translator will be made available if DelDOT is notified sufficiently in advance of the hearing/meeting. In the case of ROW agents making individual contacts, if a property owner does not speak English as his/her primary language, the ROW agent will consult the DelDOT Language Request List to coordinate the services of another DelDOT employee who may act as a translator or contract out for translation services.

On August 11, 2000, President Clinton signed Executive Order 13166, entitled "Improving Access to Services for Persons with Limited English Proficiency" (LEP). The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) were instructed to ensure that all FHWA/FTA funding recipients provide meaningful access to their LEP applicants and beneficiaries.

Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. Recipients of Federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important governmental services.

As a recipient of Federal funding, DelDOT is required to take reasonable steps to ensure LEP persons have meaningful access to all Federal-aid programs and activities. To comply with Title VI of the Civil Rights Act of 1964, as amended, DelDOT adheres to acceptable compliance standards ensuring reasonable access to all Federal-aid programs and activities by LEP persons to prevent discrimination on the basis of national origin. Coverage extends to all DelDOT programs and activities.

This section of the Title VI Plan describes steps that DelDOT must take to ensure meaningful access by LEP persons to Federal-aid Programs and activities. Populations likely to include LEP persons seeking or utilizing DelDOT programs and services may include, but are not limited to:

- Public transportation passengers;
- Persons who apply for a driver's license at Delaware Division of Motor Vehicles Office;
- Persons subject to the control of state or local transportation enforcement or authorities, including, for example, commercial motor vehicle drivers;
- Persons served by emergency transportation response programs;
- Persons living in areas affected or potentially affected by transportation projects;
- Business owners who apply to participate in the Disadvantaged Business Enterprise (DBE) Program.

The LEP Program is designed to be flexible and fact dependent. The LEP four-factor analysis will be utilized to ensure balanced individualized assessment and consists of the following:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a DelDOT program, activity, or service;
2. The frequency with which LEP individuals come in contact with the program;
3. The nature and importance of the DelDOT program, activity, or service to people's lives;
4. The resources available to DelDOT and costs.

DelDOT will ensure that any resource limitations are identified and that every reasonable effort will be made to ensure access to programs, services, and activities and will be made available to the LEP group, community, or population. Resources and actions that may reduce the costs needed to provide access to LEP individuals include, but are not limited to:

- Training bilingual staff to act as interpreters and translators;
- Sharing information through industry groups;
- Making available telephonic and video conferencing interpretation services;
- Translating vital documents posted on websites;
- Pooling resources and standardizing documents to reduce translation needs;
- Using qualified translators and interpreters to ensure that documents need not be "fixed" later and that inaccurate interpretations do not cause delay or other costs;
- Centralizing interpreter and translator services to achieve economies of scale;
- Formalizing use of qualified community volunteers.

### **Language Services**

There are two main ways to provide language services: oral interpretation either in person or via telephone interpretation services; and written translation. Oral interpretation can range from onsite interpreters for critical services to commercially available telephonic interpretation services. Written translation can range from translation of an entire document to translation of a short description of the document.

Providing transportation access to LEP persons is crucial. An LEP person's inability to utilize effectively public transportation may adversely affect his or her ability to obtain health care, education, or access to employment. When it is determined that interpretation is needed and reasonable, it should be provided in a timely manner in order to be effective.

If an LEP person voluntarily chooses to provide his or her own interpreter, DelDOT should consider making a record of that choice and whether the offer of assistance is appropriate. Where precise, complete, and accurate interpretations or translations of information and/or testimony are critical, or where the competency of the LEP person's interpreter is not established, DelDOT may decide to provide its own, independent interpreter, even if the LEP person wants to use his or her own interpreter as well. Extra caution should be used when the LEP person chooses to use a minor as an interpreter.

Interpreters should demonstrate proficiency in the ability to communicate information accurately in both English and in the other language and identify and employ the appropriate mode of interpreting (e.g., consecutive, simultaneous, summarization, or sight translation). Interpreters should have knowledge in both languages of any specialized terms or concepts peculiar to the

program or activity and of any particularized vocabulary and phraseology used by the LEP person. Interpreters also should understand and follow confidentiality and impartiality rules regarding the person for whom they are interpreting. They should understand and adhere to their role as interpreters without deviating into a role as counselor, advocate, or legal advisor.

DelDOT will determine which items will be translated applying the four-factor analysis. DelDOT will translate written materials into the language(s) most frequently identified with the intent of ensuring meaningful access to the particular LEP population. Written materials may include, but are not limited to:

- Emergency transportation information;
- Markings, signs, and packaging for hazardous materials and substances;
- Signage in bus and train stations, and in airports;
- Notices of public hearings (i.e., legal notices) regarding DelDOT's proposed transportation plans/projects, changes to plans/projects, and reduction, denial, or termination of services or benefits;
- Signage in waiting rooms, reception areas, and other initial points of entry;
- Notices advising LEP persons of free language assistance and language identification cards for staff;
- Statements about available services and access to free language translation services in appropriate non-English languages, in brochures, booklets, outreach and recruitment information, and other materials for the identified LEP population;
- Written tests that do not assess English-language competency, but test competency for a particular license, job, or skill for which knowing English is not required;
- Applications or instructions on how to participate in a DelDOT program or activity or to receive DelDOT benefits or services (i.e., ROW acquisition/relocation brochure);
- Consent forms.

## **Language Assistance**

DelDOT maintains a listing of employees proficient in languages other than English. This is a resource made available by DelDOT employees to assist LEP persons in accessing necessary services, programs, or activities. DelDOT can utilize State of Delaware procurement contracts that have been established for the purpose of providing onsite oral and written interpretation services, and telephone-based services.

## **SUMMARY**

DelDOT's Title VI plan ensures that the benefits of our programs and project are available to everyone. Although the Civil Rights Administrator has primary responsibility to direct Title VI compliance activities, it is imperative that every DelDOT employee understand his or her role. With the input of our internal and external partners and resources, DelDOT can be sure the intent of Title VI will be carried out as part of our day-to-day activities.

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## **15. ATTACHMENTS**

- ATTACHMENT 1 – Title VI Non-Discrimination Statement
- ATTACHMENT 2 – Title VI Assurances – Appendix A, B, C, D, and E
- ATTACHMENT 3 – Organizational Charts
- ATTACHMENT 4 – Title VI Public Notice (English and Spanish)
- ATTACHMENT 5 – Title VI Complaint Form

## **ATTACHMENT 1 - 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 commitment to nondiscrimination and its understanding of responsibilities for the effective implementation of the Title VI Program. Further, DelDOT has signed the FHWA Title VI Assurance document, and will ensure that sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees sign an Assurance document as well.

State of Delaware, Department of Transportation

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, (i.e. State, Federal Highway Administration (FHWA), or Federal Transit Authority (FTA)).

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 his or her 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.

Dated: 2/26/24  
By:  \_\_\_\_\_ Nicole Majeski  
Secretary, Delaware Department of Transportation

## **ATTACHMENT 2 – STATE OF DELAWARE TITLE VI ASSURANCE STATEMENT**

In accordance with USDOT 1050.2A, below is the signed state of Delaware standard DOT Title VI Assurances:

THE DELAWARE DEPARTMENT OF TRANSPORTATION (hereinafter referred to as DelDOT) hereby agrees that as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (U.S. DOT) it will comply with:

- 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, (*Nondiscrimination 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 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964;
- The Civil Rights Restoration Act of 1987 (The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination 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 nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.)
- The American with Disability Act (ADA)
- The Executive Order #12898 regarding Environmental Justice and Executive Order #13166 regarding Limited English Proficiency EO are non-discriminatory in their intent, while they are not statutes and a person may not bring a lawsuit under them, FHWA has included them as sections within the Title VI/Nondiscrimination Plan.
- Other pertinent federal directives.

The preceding statutory, regulatory cites as well as reference to Executive Orders and federal directives hereinafter are referred to as "the Acts and the Regulations."

### **General Assurances**

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, DelDOT 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 De/DOT receives Federal financial assistance from DOT, including FHWA.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Nondiscrimination 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 nondiscrimination statutes and requirements to include all programs and activities of recipients (DelDOT), so long as any portion of the program is Federally assisted.

### **Specific Assurances**

More specifically, and without limiting the above general assurance DelDOT hereby gives the following specific assurances with respect to its programs:

1. That DelDOT agrees that each "activity," "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of 49 CFR Part 21, will be facilitated, or conducted, or will be operated in compliance with all requirements imposed by, or pursuant to, 29 CFR Part 21 and 28 CFR §50.3.
2. That DelDOT 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 all programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"De/DOT 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. That DelDOT shall insert the clauses found in Appendix A and Appendix E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. That DelDOT will insert the clauses found in Appendix B of this Assurance as a covenant running with the land, in any deed in which the United States has a property interest affecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where DelDOT receives Federal financial assistance to construct a facility, or part of a facility, this Assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where DelDOT receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, this Assurance shall extend to rights to space on, over or under such property.
7. That DelDOT shall include the appropriate clauses found in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by DelDOT 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 DelDOT for the period during which Federal financial assistance is extended to a 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 DelDOT 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 DelDOT retains ownership or possession of the property.

9. DelDOT shall provide for such methods of administration for a program as are found by the U. S. DOT Secretary of Transportation, or the official to whom he 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 that program will comply with all requirements imposed or pursuant to the Act, the Regulations and this Assurance.
10. DelDOT agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts and the Regulations as well as this Assurance.

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

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal-aid and Federal financial assistance extended after the date hereof to DelDOT and is binding on it, other recipients, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest and other participants in its programs. The person whose signature appears below is authorized to sign this assurance on behalf of DelDOT.

Dated: 2/26/24

By:  Nicole Majeski  
Secretary, Delaware Department of Transportation

## **FHWA - APPENDICES TO THE TITLE VI ASSURANCE**

### **APPENDIX A TO DELDOT TITLE VI ASSURANCES**

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 Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, (Federal Highway Administration (FHWA), or Federal Transit Authority (FTA), 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 by it during the contract, will not discriminate on the grounds of race, color, or national origin 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, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR 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, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts and the Regulations, 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 Federal Highway Administration (FHWA), or Federal Transit Authority (FTA) 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 (FHWA), or Federal Transit Authority (FTA), 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 Federal Highway Administration (FHWA), or Federal Transit Authority (FTA) may determine to be appropriate, including, but not limited to:
  - withholding payments to the contractor under the contract until the contractor complies; and/or 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 five in every subcontract, including procurements of materials and leases of

equipment, unless exempt by the Acts and Regulations. The contractor will take action with respect to any subcontract or procurement as DelDOT or the Federal Highway Administration (FHWA), or Federal Transit Authority (FTA) 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 DelDOT to enter into any litigation to protect the interest of DelDOT. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

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## **APPENDIX B TO DELDOT TITLE VI ASSURANCES 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.

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Delaware Department of Transportation (DelDOT) will accept title to the lands and maintain the project constructed thereon in accordance with (Name of Appropriate Legislative Administration), the Regulations for the Administration of (Name of Appropriate Program), and the policies and procedures prescribed by the Federal Highway Administration, and the Federal Transit Authority of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto DelDOT all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

### **(HABENDUM CLAUSE)**

TO HAVE AND TO HOLD said lands and interests therein unto DelDOT 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 DelDOT, its successors and assigns.

DelDOT, 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 DelDOT 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, U.S. Department of Transportation, 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 U.S. Department of Transportation and its assigns as such interest existed prior to this instruction.\*

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

## **APPENDIX C TO DELDOT TITLE VI ASSURANCES**

### **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 DelDOT pursuant to the provisions of Assurance 7(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:

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.

With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, DelDOT 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. •

With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the DelDOT will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of DelDOT 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 TO DELDOT TITLE VI ASSURANCES**

### **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 DelDOT pursuant to the provisions of Assurance 7(b):

The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, 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.

With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, DelDOT 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.\*

With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, DelDOT will there upon revert to and vest in and become the absolute property of DelDOT 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 TO DELDOT TITLE VI ASSURANCES**

During the performance of this contract, the contractor or consultant, 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 U.S.C. § 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 U.S.C. § 460 I), (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, (29 U.S.C. § 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 U.S.C. § 6101 et 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);

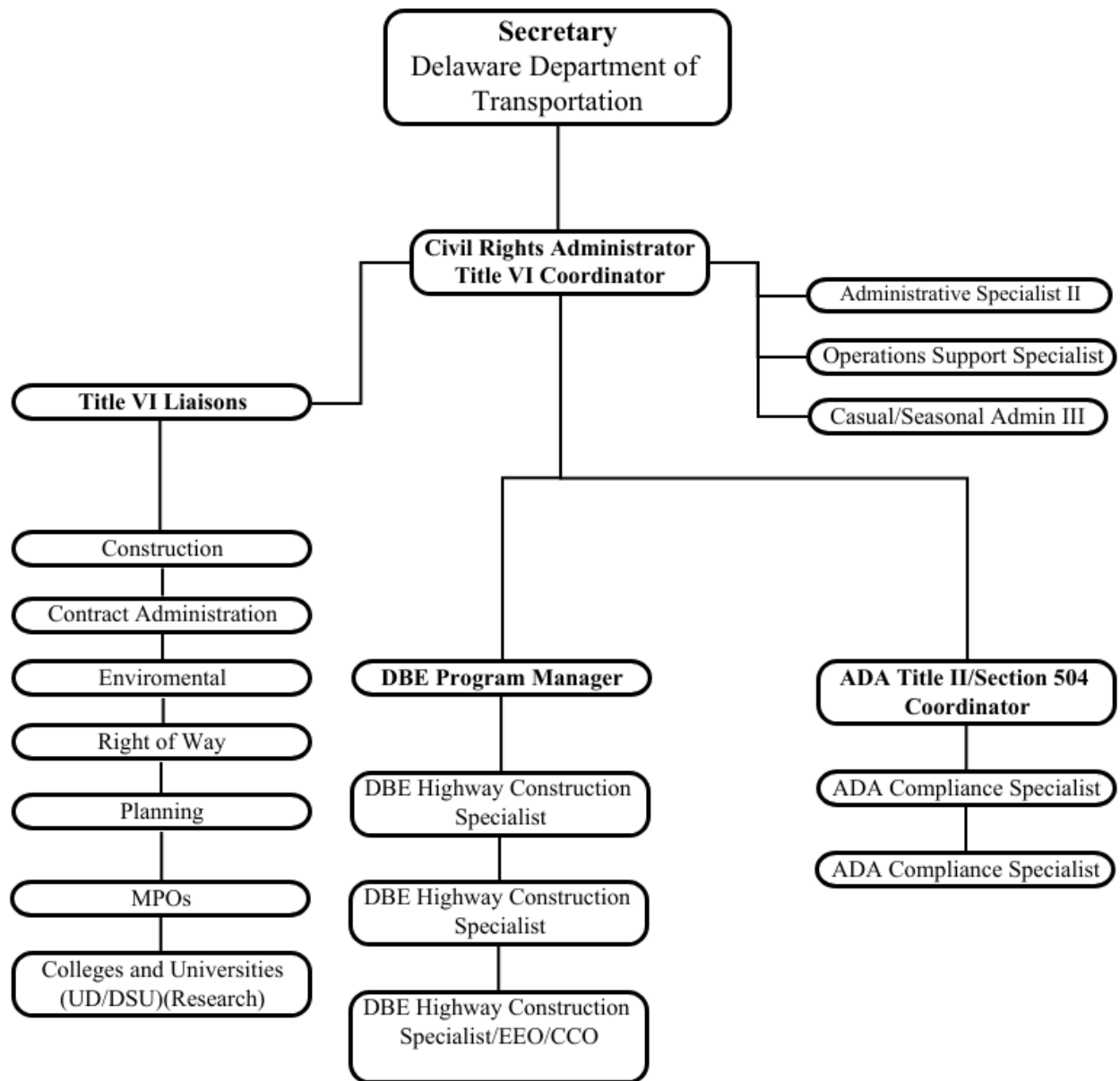
The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the 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 U.S.C. §§ 12131 - 12189) as implemented by 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 nondiscrimination 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.

### ATTACHMENT 3 – Organizational Chart



## **ATTACHMENT 4 – Title VI Public Notice (English and Spanish)**

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

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

Any person who desires more information regarding Delaware Department of Transportation's Title VI Program can contact its Title VI Program Coordinator – Ms. Wendy B. Henry at the address noted below.

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

Ms. Wendy Henry - Title VI Program Coordinator  
Delaware Department of Transportation  
800 Bay Road  
Dover, DE 19901  
(302) 760-2555  
[Wendy.Henry@Delaware.gov](mailto:Wendy.Henry@Delaware.gov)

## **Aviso público sobre los derechos del programa Título VI**

El Departamento de Transporte de Delaware notifica públicamente su política de mantener y garantizar el pleno cumplimiento de los requisitos de no discriminación del Título VI de la Ley de Derechos Civiles de 1964. El Título VI estipula que ninguna persona en los Estados Unidos de América se excluirá de la participación, se le negarán los beneficios o se le someterá a discriminación en cualquier programa o actividad en los que reciba asistencia financiera federal por motivos de raza, color u origen. Además del Título VI, hay otros estatutos de no discriminación que brindan protección legal. Estos estatutos incluyen los siguientes: la Sección 162 (a) de la Ley Federal de Ayuda a las Carreteras de 1973 (23 USC 324) (sexo), la Ley de Discriminación por Edad de 1975 (edad) y la Sección 504 de la Ley de Rehabilitación de 1973 / La ley de americanos con discapacidades de 1990 (discapacidad).

Cualquier persona que desee más información sobre el Programa Título VI del Departamento de Transporte de Delaware puede comunicarse con su Coordinadora del Programa Título VI, la Sra. Wendy Henry, a la dirección que se indica abajo.

Cualquier persona que crea que, individualmente o como miembro de una clase específica de personas, ha sido objeto de discriminación por motivos de raza, color, nacionalidad, sexo, edad, discapacidad, nivel de ingresos o dominio limitado del inglés tiene derecho a presentar una queja formal. Cualquier queja de este tipo debe presentarse por escrito y enviarse dentro de 180 días posteriores a la fecha del supuesto incidente a:

Ms. Wendy Henry - Title VI Program Coordinator  
Delaware Department of Transportation  
800 Bay Road  
Dover, DE 19901  
(302) 760-2555  
[Wendy.Henry@Delaware.gov](mailto:Wendy.Henry@Delaware.gov)

## Attachment 5 – Title VI Complaint Form



### DELAWARE DEPARTMENT OF TRANSPORTATION CIVIL RIGHTS COMPLAINT FORM

#### Contact Information

Name:

Address:

City:

State:

Zip:

Home Phone:

Work Phone:

Email:

#### Discrimination Complaint

Date of Alleged Incident: mm/dd/yyyy

You were discriminated  
against because of:

##### TITLE VI

☐

Race

☐

Color

☐

National Origin

##### Other Discriminatory Actions

☐

Age

☐

Disability

☐

Sex

☐

Other

1. Explain as briefly and clearly as possible what happened and how you were discriminated against.

**2. If you believe that you have been retaliated against for complaining about discrimination or cooperating in an investigation of alleged discrimination, please explain the basis for the alleged retaliation.**

**3. Please list below any persons (name and phone number) that DelDOT may contact for additional information to support or clarify your complaint. (i.e. witnesses, fellow employees, or supervisors).**

**4. Please provide any other information that you think is relevant to your discrimination complaint.**

**5. If you have an attorney representing you concerning the matters raised in this complaint, please provide the following contact information.**

**Name:**

**Address:**

**City:**

**Zip:**

**Telephone No.:**

**6. What remedy are you seeking for the alleged discrimination?**

**Please print, sign and date the complaint below. (Please note that the complaint cannot be processed without a signature.)**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

If your complaint is for the Delaware Department of Transportation, the signed complaint may be scanned and sent electronically to:

[DOT.CivilRightsSection@delaware.gov](mailto:DOT.CivilRightsSection@delaware.gov)

Send original via US mail to:

Delaware Department of Transportation  
Office of Civil Rights

Attention: Title VI Coordinator

800 S. Bay Road

Dover, DE 19901

For additional questions please  
call 302-760-2035.

If your complaint is for the Delaware Transit Corporation, send the complaint to:

Delaware Transit Corporation

Attn: Customer Relations/Title VI

119 Lower Beech Street, Suite 100

Wilmington, DE 19805

For additional questions please call:

800-652-3278 option 2

(i.e., complaints regarding fixed route, paratransit  
or other DTC services)

To file a complaint directly with the Federal Highway Administration (FHWA) send it via electronic mail to:

[FHWA.TitleVIcomplaints@dot.gov](mailto:FHWA.TitleVIcomplaints@dot.gov)

Send original complaint to:

FHWA Office of Civil Rights

Attn: Title VI Complaint

8th Floor E81-105

1200 New Jersey Avenue, S.E.

Washington, DC 20590

202-366-0693

To file a complaint directly with the Federal Transit Administration (FTA) send it via electronic mail to:

[FTACivilRightsCommunications@dot.gov](mailto:FTACivilRightsCommunications@dot.gov)

Send original complaint to:

Federal Transit Administration

Office of Civil Rights

Attention: Complaint Team

East Building, 5th Floor-TCR

1200 New Jersey Avenue, S.E.

Washington, DC 20590

202-366-4043

## 16. ACRONYMS

<b>CEE</b>	.....	Categorical Exclusion Evaluation
<b>CFR</b>	.....	Code of Federal Regulations
<b>DelDOT</b>	.....	Delaware Department of Transportation
<b>EEO</b>	.....	Equal Employment Opportunity
<b>EJ</b>	.....	Environmental Justice
<b>E.O.</b>	.....	Executive Order
<b>FHWA</b>	.....	Federal Highway Administration
<b>FTA</b>	.....	Federal Transportation Administration
<b>LEP</b>	.....	Limited English Proficiency
<b>MPO</b>	.....	Metropolitan Planning Organizations
<b>ROW</b>	.....	Right-of-Way
<b>SPR</b>	.....	State Planning and Research
<b>U.S.C.</b>	.....	United States Code
<b>UPWP</b>	.....	Unified Planning Work Program
<b>USDOT</b>	.....	U.S. Department of Transportation
<b>TIP</b>	.....	Transportation Improvement Program
<b>WILMAPCO</b>	.....	Wilmington Area Planning Council

## 17. TITLE VI DEFINITIONS

***Affirmative Action*** - A good faith effort to eliminate past and present discrimination in all federally assisted programs and to ensure future non-discrimination practices.

***Beneficiary*** - Any person or group of persons (other than the United States) entitled to receive benefits, directly or indirectly from any federally assisted program i.e., relocated, impacted citizens, communities, etc.

***Citizen participation*** - An open process in which the rights of the community to be informed, to provide comments to the Government, and to receive a response from the Government are met through full opportunity to be involved and to express needs and goals.

***Compliance*** - That satisfactory condition existing when a recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good faith effort toward achieving this end has been made.

***Deficiency status*** - The interim period during which the recipient State has been notified of deficiencies, has not voluntarily complied with Title VI program guidelines, but has not been declared in noncompliance by the Secretary of Transportation.

***Discrimination*** - That act (or action) whether intentional or unintentional, through which a person in the United States, solely because of race, color, religion, sex, or national origin, has been otherwise subjected to unequal treatment under any program or activity receiving financial assistance from the Federal Highway Administration under title 23 U.S.C.

***Facility*** - Includes all, or any part of, structures, equipment, or other real or personal property, or interests therein, and "the provision of facilities" includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.

***Federal assistance*** - Includes:

- (1) Grants and loans of Federal funds,
- (2) The grant or donation of Federal property and interests in property,
- (3) The detail of Federal personnel,
- (4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and
- (5) Any Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

***Noncompliance*** - A recipient has failed to meet prescribed requirement and has shown an apparent lack of good faith effort in implementing all of the Title VI requirements.

**Persons** - Where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: "White not of Hispanic origin", "Black not of Hispanic origin", "Hispanic", "Asian or Pacific Islander", "American Indian or Alaskan Native." Additional subcategories based on national origin or primary language spoken may be used, where appropriate, on either a national or a regional basis.

**Program** - Includes any highway, project, or activity for the provision of services, financial aid, or other benefits to individuals. This includes education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient.

**State highway agency** - That department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term "State" would be considered equivalent to "State highway agency" if the context so implies.

**Program area officials** - The officials in FHWA who are responsible for carrying out technical program responsibilities.

**Recipient** - Any State, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term "recipient" does not include any ultimate beneficiary under any such program.

**Secretary** - The Secretary of Transportation as set forth in 49 CFR 21.17(g)(3) or the Federal Highway Administrator to whom the Secretary has delegated his authority in specific cases.

**Title VI Program** - The system of requirements developed to implement Title VI of the Civil Rights Act of 1964. References in this part to Title VI requirements and regulations shall not be limited to only Title VI of the Civil Rights Act of 1964. Where appropriate, this term also refers to the civil rights provisions of other Federal statutes to the extent that they prohibit discrimination on the grounds of race, color, sex, or national origin in programs receiving Federal financial assistance of the type subject to Title VI itself. These Federal statutes are:

- (1) Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-d4 (49 CFR, Part 21; the standard DOT Title VI assurances signed by each State pursuant to DOT Order 1050.2; Executive Order 11764; 28 CFR 50.3);
- (2) Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601- 4655) (49 CFR Part 25; Pub. L. 91-646);
- (3) Title VIII of the Civil Rights Act of 1968, amended 1974 (42 U.S.C. 3601-3619);
- (4) 23 U.S.C. 109(h);
- (5) 23 U.S.C. 324;
- (6) Subsequent Federal-Aid Highway Acts and related statutes

## 18. AUTHORITIES

**Title VI of the Civil Rights Act of 1964 ([42 USC § 2000d, 78 stat. 252](#))** prohibits discrimination in federally funded programs on the basis of race, color, and national origin.

**Federal-Aid Highway Act of 1973 ([23 USC § 324](#))**: amended Title VI to prohibit discrimination on the basis of sex in Federal-Aid highway programs.

**Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, as amended ([42 USC § 4601](#)): prohibits unfair and inequitable treatment of persons as a result of projects that are undertaken with Federal Financial Assistance.

**Civil Rights Restoration Act of 1987 ([Public Law 100-259 March 1988](#))** amended Title VI of the 1964 Civil Rights Act to make clear that discrimination is prohibited throughout all the operations of an agency if any part of the agency receives Federal assistance.

**Title VIII of the 1968 Civil Rights Act ([Fair Housing Act](#))**: prohibits discrimination in the sale or rental of housing on the basis of race, color, religion, sex, national origin, or disability.

**[Executive Order 12898](#)**: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

**[Executive Order 13166](#) (Limited English Proficiency)**: Improving Access to Services for Persons with Limited English Proficiency.

**[23 CFR Part 200](#)**: FHWA Title VI Program and Related Statutes – Implementation and Review Process

**The National Environmental Policy Act of 1969 ([42 USC § 4321](#))** prohibits disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.

**[49 CFR Part 21](#)**: Nondiscrimination in Federally-Assisted Programs of The Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964.

**[28 CFR Part 50.3](#)**: Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.

