

# TITLE VI PROGRAM COMPLIANCE PLAN FMCSA

Applicable to FMCSA Grants for FFY 2025



- 2 Non-Discrimination Policy Statement
- **3** Title VI Program Non-Discrimination Assurances
- **6** Appendix A
- **7** Appendix B
- **8** Appendix C
- **9** Appendix D
- **10** Appendix E
- Description for Projects HP-ITD-2025 and HP-CMV-2025 Grant Applications
- 13 Description for Project HP-ITD-2024 Grant Application
- 14 Description for Project FM-CDLPI-2025 Grant Application
- 15 CDL Self-Assessment Program Overview
- **18** DelDOT Non-Discrimination Policies
- 20 Sub-Recipient Compliance
- **21** Training
- **22** Access to Records
- 23 Complaint Disposition Process
- 25 Status of Corrective Actions
- **26** Community Participation Process
- 27 Public Notice of Title VI Program Rights
- **28** CMV Inspection Selection and Unbiased Enforcement Policies

### 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 FMCSA Title VI Program Assurance document in compliance with 49 CFR part 21 and 49 CFR part 303, 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 her or his duties and responsibilities, which include overseeing a committee of Liaisons from each Program Area. Those Liaisons will perform data collection, data analysis, process reviews and reporting related to DelDOT's Title VI program.

Date:

Бу.\_\_\_

Shanté Hastings, Cabinet Secretary

Delaware Department of Transportation

# The United States Department of Transportation Standard Title VI/Non-Discrimination Assurances

### **DOT Order No. 1050.2A**

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

### **Statutory/Regulatory Authorities**

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

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

### **General Assurances**

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

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

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

### **Specific Assurances**

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

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

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

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

- 8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
  - b. the period during which the Recipient retains ownership or possession of the property.
- 9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
- 10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

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

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

<b>Delaware Department of Transportation</b>
(Name of Recipient)
by
(Signature of Authorized Official)
Date / 6/11/2025

### APPENDIX A

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

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

### CLAUSES FOR DEEDS TRANSFERING UNITED STATES PROPERTY

### APPENDIX B

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

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

### (HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Delaware Division of Motor Vehicles and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Delaware Division of Motor Vehicles, its successors and assigns.

The Delaware Division of Motor Vehicles, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]\* (2) that the Delaware Division of Motor Vehicles will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation, including any amendments thereto, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.\*

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

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

### APPENDIX C

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Delaware Division of Motor Vehicles pursuant to the provisions of Assurance 7(a):

- A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:
  - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, or disability, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Delaware Division of Motor Vehicles will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.\*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Delaware Division of Motor Vehicles will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Delaware Division of Motor Vehicles and its assigns.\*

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

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

### APPENDIX D

The following clauses will be included in deeds, licenses, permits, or similar instruments/ agreements entered into by Delaware Division of Motor Vehicles pursuant to the provisions of Assurance 7(b):

- A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, national origin, sex, age, or disability, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, national origin, sex, age, or disability, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, Delaware Division of Motor Vehicles will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.\*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Delaware Division of Motor Vehicles will there upon revert to and vest in and become the absolute property of Delaware Division of Motor Vehicles and its assigns.\*

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

### APPENDIX E

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

- Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d *et seq.*), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. Part 21.1 *et seq.*, including any amendments thereto, and 49 C.F.R. part 303;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 et seq.) (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 et seq.) (prohibits discrimination on the basis of disability); and 49 C.F.R. part 27;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*) (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982 (Pub. L. 97-248 (1982)), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (102 Stat. 28) ("....which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.");
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189), as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 et seq).

## DESCRIPTIONS FOR PROJECTS IN DELAWARE HP-ITD AND HP-CMV 2025 GRANT APPLICATIONS

The High Priority Commercial Motor Vehicle (HP-CMV) and Innovative Technology Deployment (HP-ITD) grant programs are administered and sponsored by the Federal Motor Carrier Safety Administration (FMCSA) to support FMCSA's high priority to improve commercial motor vehicle safety, and to reduce accidents and fatalities.

The objectives of the HP-ITD program are to advance the technological capability and promote the deployment of intelligent transportation system applications for CMV operations. This includes developing and maintaining CMV, commercial driver, and carrier-specific information systems and networks. This program also aims to support/maintain CMV information systems and networks by (i) linking Federal motor carrier safety information systems with State CMV systems; (ii) improving safety and productivity of CMVs and commercial drivers; (iii) and reducing costs associated with CMV operations and regulatory requirements.

The objectives of the HP-CMV program are to support, enrich, and evaluate CMV safety initiatives through a range of coordinated efforts. These include improving existing safety programs, addressing unsafe driving behaviors of both CMV and non-CMV drivers in high-risk crash corridors, and promoting the safe and secure transportation of hazardous materials, goods, and passengers in foreign commerce. The program also supports the adoption of new safety technologies, enhancements in safety data collection, increased public awareness and education on CMV safety, and participation in the Performance Registration Information Systems Management (PRISM) program. Collectively, these efforts aim to advance the overall safety of CMV operations.

### HP-ITD Project 1: Virtual Weigh Station (VWS) – Harrington Site

This project will provide funding for the development of a new VWS site in Harrington, Delaware. The innovative technology for VWS deployment includes the installation of electronic screening devices to screen vehicle, size, weight, safety, and credential information while the vehicle is in motion. The site will be used for mainline screening in advance of a weigh pad location where the State Police conduct 'portable' size and weight enforcement.

The VWS site will weigh-in-motion screening, over-height detection, and cameras with optical character recognition to capture license plate information, USDOT number information, and HAZMAT Placard information, as well as wireless communications that allow the site to transmit information to enforcement officers located at fixed weigh stations and/or patrol vehicles for enforcement purposes. Installation of VWS technology provides a cost-effective screening and enforcement mechanism for DelDOT and Delaware State Police (DSP). The screening of commercial vehicles at VWS locations enables DSP enforcement resources to target suspected violators and violation trends based on data from the VWS, resulting in increased efficiency and effectiveness of targeted weight enforcement and roadside inspections.

The deployment of one new VWS site will complement the four (4) current VWS sites and allow DSP to implement cost-effective route monitoring and better comply with weigh regulations. It will help the State of Delaware to avoid the need for additional fixed, brick and mortar, staffed weigh stations. This additional VWS site, planned for SR-13 Southbound in Harrington, DE will provide greater coverage and flexibility for enforcement officers.

### HP-ITD Project 2: Thermal Brake Sensor – Blackbird Weigh Station Site

This project entails the procurement and integration of an automated thermal imaging system to inspect commercial vehicle tires and brakes that are entering Delaware's Blackbird weigh station on US-13 NB in Smyrna, DE. The system will be installed on the weigh station ramp to capture thermal images of each wheel set for every axle as the vehicle is passing through the system. The system will automatically inspect the images and flag vehicles that have potentially faulty equipment based on the heat signature of the thermal images. This information will be conveyed to the weigh master in the scale house that can use the information to direct the vehicle to the inspection area for a more thorough inspection of the vehicle, tires, and brakes.

### HP-ITD Project 3: Program Management Support

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

### HP-ITD Project 4: Truck Parking Information System

This project will provide funding to upgrade the pilot Truck Parking Information System (TPIS) site that was deployed at the Smyrna Rest Area on US-13 in Smyrna, DE. The current camera-based system that provides camera views of all parking spots with AI to determine parking space availability will be replaced by a Fusion sensor-based system that tracks vehicles entering and exiting the truck parking area using a camera and radar-based sensor to determine parking availability. DelDOT plans to test and validate the new system – which promises to be more accurate, cost-effective, and easier to maintain – by using the current system to support the system testing and validation process.

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

This project will provide funding the New Driver Training Program Initiative called *Share the Road (STR)*. DelDOT seeks to implement this supplemental driver education program developed by the Virginia Tech Transportation Institute (VTTI) that aims to instruct young and older drivers alike on sharing the road with heavy vehicles in order to help support the State's goal of reducing motor vehicle fatalities. This program involves two components: (1) a hands-on truck experience developed by VTTI, which demonstrates proper procedures for STR with trucks and other heavy vehicles along with the danger areas around these heavy vehicles; and (2) promoting the Tips for Sharing the Road with Commercial Motor Vehicles website (<a href="http://www.cmvroadsharing.org">http://www.cmvroadsharing.org</a>), which incorporates video clips of real-world driving events captured during VTTI naturalistic driving studies. The website is operational and available, requiring only identification and maintenance. The proposed program will promote safe driving practices among teen drivers and the general driving population while interacting with commercial motor vehicles.

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

### **HP-ITD-2024 Grant Application Projects**

### **Project 1: Commercial Vehicle Safety Alert System:**

This project will fund a vendor-provided commercial motor vehicle driver safety alert service based on real time traffic data regarding congestion, incidents and work zones. The service incorporates traffic intelligence to alert drivers through on-board devices of real-time road conditions, including work zones, congestion and incidents, enabling the driver to make safer driving decisions, and helping to improve overall road safety. Upon successful demonstration of the CVSA system through a one-year pilot, DelDOT is planning to continue offering this service to CMV drivers while they are operating in the State of Delaware. This grant seeks funding to support provision of this service for a period of three (3) years. \*

### **Project 2: Tire Abnormality Detection System Expansion:**

Through this project, DelDOT seeks to integrate Tire Abnormality Detection capabilities at existing and planned commercial motor vehicle e-screening locations (Virtual Weigh Stations) in the State of Delaware. The system, which has already been successfully integrated at one VWS location in Delaware, can identify underinflated, missing, mismatched, and flat tires at ramp to mainline speeds (1 to 100 mph). Anomalous tires can also be identified on the inside of a dual set of tires, which would be difficult to spot at mainline speeds. Anomalous or flat tires decrease a driver's directional control, increasing the risk of an accident. It also reduces the useful life of the tire and impacts fuel economy. In the case of missing or mismatched tires (old and new in dual set), the vehicle loading can become imbalanced, also increasing the risk of an accident. This project requests funding for the deployment of up to four (4) Tire Abnormality Detection System sites.

These two projects will also meet FMCSA's High Priority - Innovative Technology Development (HP-ITD) Program's objective in advancing technological capability and promoting the deployment of intelligent transportation systems (ITS) applications for commercial vehicle operations.

<sup>\*</sup>This grant has been extended for another three (3) years for a total of six (6) years.

### **FY 2025 CDLPI Grant Application**

The DMV is deeply committed to improving the Commercial Driver License (CDL) program to advance highway safety, security, and save lives. DMV's program is devoted to exceeding federal compliance standards and meeting compliance deadlines.

Delaware's FM-CDL-25-003-116996 grant application initiatives will align with the FY2025 CDLPI Grant Program's National Priority Category #1: Basic CDLPI Grant for projects that update and improve CDL programs' processes and procedures to ensure drivers of large trucks, school buses or vehicles containing hazardous materials meet the qualification requirement and possess the knowledge and skills necessary to operate those vehicles safely. DMV's strategies include the removal of any barriers to compliance and ensuring the continued accuracy, completeness, and timeliness of CDL data, and to achieve a status of zero open findings in SCORE.

While Delaware has made great progress in achieving these goals, there are still areas that require attention and enhancement for Delaware's CDL program to remain innovative and forward-thinking.

DMV's performance objectives are to strengthen the CDL program control and management oversight, support enhancements and upgrades to existing programs and infrastructures, and ensure compliance with all FMCSA requirements. These goals can be accomplished through the following three (3) objectives:

- ➤ UNI Migration REST/NIEM Web Service
- ➤ Maintenance of Program Third-Party Auditing and Training Supplies
- ➤ Maintenance of Program CDL Manuals

### UNI Mainframe\Windows Migration - RESTful Web Services

The first objective is to ensure Delaware will support the migration from UNI/AMIE (Mainframe and Windows) to UNI REST/NIEM web services. Delaware will create a new application using REST web services and utilize a .Net platform to replace the current UNI applications' (Mainframe and Windows) communication with AAMVA.

### Maintenance of Program - Third-Party Auditing and Training Supplies

The second performance objective is to enhance the Third-Party Auditing and Training Supplies. The proposal incorporates Third-Party Auditors to provide independent oversight, ensuring compliance with regulatory standards and promoting transparency and accountability while performing covert and overt monitoring of the examination being performed.

The Delaware DMV will administer Certified Commercial Knowledge Examiner (CCKE) and Certified Commercial Examiner (CCE) training for examiners for new, existing, and any Delaware CDL Third-Party Testing Organization (TPTO). At every training session, each examiner candidate receives a student binder, individual training modules, Commercial Driver Examiners Manual, CDL Safety regulations 49 CFR Part 383 and 384, process flow documents, and any specific jurisdictional information.

### Maintenance of Program - CDL Manuals

The third objective is for the purchase of CDL manuals. Delaware DMV contracts with vendor (s) for print/reprint services of the current or new releases of the CDL Driver's Manual approved by the American Association of Motor Vehicle Administrators (AAMVA).

### CDL PROGRAM SELF-ASSESSMENT (PROGRAM OVERVIEW)

### **SCORE Findings**

Delaware has one current open finding in SCORE

- FD-104008: Out-of-State Transactions that are missing from CDLIS Driver History Record (DHR)
  - O As noted in the 2023 CDL Records Analysis performed by FMCSA, there are 101 records where out-of-state transactions were not posted to the CDLIS Driver History Record within 10 days. The State is required to review the report and identified records to determine the reason that the transaction wasn't reported in a timely manner, The DE Division Office has Excel Reports available that notate a sampling of records that need to be corrected.
  - O Proposed Solution: The DMV's CDL Department will focus on reviewing the CD90.7.4 and CD90.4.1 AAMVA reports. These reports will be examined to identify transactions that failed to post to the DHRs and may require us to reach out to the SOC/SOWs to work together and resolve the errors. Additional training will be provided for staff to identify errors and monitor these reports in case action is required. This is an ongoing process.

### **Open CDLPI Grant Awards**

### **FY 2020 CDLPI, CDFA 20.232**

- Agreement number FM-CDL-20-001
- Grant award amount: \$104,018.00
- Purpose This grant provides programming in support of three (3) project efforts:
  - Maintenance of Program Road Scholar Equipment
  - Maintenance of Program CDL Manuals and Supplies
  - Travel Meetings
- Progress to Date:
  - o Maintenance of Program Road Scholar Equipment
    - New equipment has been ordered to date.
  - o Maintenance of Program Supplies
    - CDL manuals and training supplies have been ordered to date.
  - o Travel:
    - Plans are being made to arrange for travel.

This grant ends in September 2025. Delaware does not anticipate any barriers to meeting deadlines for the grant deliverables during the performance period.

### FY 2021 CDLPI, CDFA 20.232

- Agreement number FM-CDL-21-001
- Grant award amount: \$317,326.00
- Purpose This grant provides programming in support of four (4) project efforts:
  - Entry Level Driver Training (ELDT)
  - Third Party Testing Program
  - Maintenance of Program CDL Training Supplies
  - Unified Network Interface (UNI) Mainframe Migration
- Progress to Date:
  - Entry Level Driver Training (ELDT)

- The program was implemented to meet Federal Regulations on February 7, 2022. Support for the current scheduling application has expired June 2023. DMV is currently working on an alternate means to schedule and verify ELDT results.
- o Third Party Testing Program-
  - Launched Third-Party Testing Organization December 2024
  - CSTIMS middleware application is in the development stage
  - DMV began the pilot phase of Third-Party Testing with the Department of Education in December of 2023
- o UNI Mainframe Migration
  - Phase 1 of the UNI Conversion (Social Security Online Verification, SSOLV) to Windows UNI was completed
  - Phase 2 of the UNI Conversion (Problem Driver Pointer System, PDPS) to Windows UNI was in progress when AAMVA announced sunsetting of Windows UNI/AIMIE
  - Phase 3 Pivoted to begin development of a new solution utilizing RESTful web services with NIEM messaging (after announcement of UNI complete sunsetting by AAMVA). Established a connection with AAMVA for new development work. Gathering requirements for the new resolution.
- o Maintenance of Program CDL Training Supplies
  - CDL manuals and training supplies have been ordered to date

This grant ends in September 2025. Delaware does not anticipate any barriers to meeting deadlines for the grant deliverables with the performance period.

### **FY 2023 CDLPI, CDFA 20.232**

- Agreement number FM-CDL-23-001
- Grant award amount \$253,217.00
- Purpose This grant provides programming in support of three (3) project efforts:
  - Drug and Alcohol Clearinghouse (DACH)
  - Exclusively Electronic Exchange (EEE)
  - Maintenance of Program CDL Manuals and Supplies
- Progress to Date:
  - o Drug and Alcohol Clearinghouse (DACH)
    - DMV has implemented DACH on 11/18/2024.
  - o Exclusively Electronic Exchange (EEE)
    - DMV implemented EEE on 8/16/2024.
  - o Maintenance of Program Supplies
    - CDL manuals and training supplies have not been ordered to date.

This grant ends in September 2027. Delaware does not anticipate any barriers to meeting deadlines for the grant deliverables with the performance period.

### **FY 2024 CDLPI, CDFA 20.232**

- Agreement number FM-CDL-24-002
- Grant award amount: \$251,537.00
- Purpose This grant provides programming in support of two (2) project efforts:
  - MAP21 CDL 5.3.3 Medical Examiners Certification Integration Rule
  - CDL Skills Test Modernization
- Progress to Date:
  - o MAP21 CDL 5.3.3 Medical Examiners Certification Integration Rule
    - DMV implemented on April 13, 2025.
  - o CDL Skills Test Modernization
    - DMV implemented Modernization CDL Skills Testing System on February 26, 2025.
    - DMV has met with a vendor to stripe all four DMV CDL Testing Pads
    - DMV has met with ITI to update Road Scholar application
  - o Maintenance of Program Supplies
    - CDL manuals and training supplies have been ordered to date.

This grant ends in September 2027. Delaware does not anticipate any barriers to meeting deadlines for the grant deliverables with the performance period.

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

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

### What is Title VI?

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

The Delaware Department of Transportation (DelDOT) conducts its programs, activities and facilities without regard to race, color, national origin, sex, age, or disability.

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

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

### **Non-discrimination Compliance**

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

### Who can file a complaint?

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

DelDOT has posted the Notice to the Public as posters in all publicly accessed facilities, and has uploaded the Notice to the DelDOT website.

### **Complaint procedures**

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

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

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

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

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

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

http://regulations.delaware.gov/AdminCode/title2/2000/2500/2501.shtml#TopOfPage If you

have questions or need assistance, you may contact:

Wendy B. Henry, Civil Rights Administrator, (302)760-2555, <a href="wendy-henry@delaware.gov">wendy.henry@delaware.gov</a> Tom Nickel, ADA Title II/Section 504 Coordinator, (302)760-2048, <a href="tom.nickel@delware.gov">tom.nickel@delware.gov</a>, Crystal Crump, Contract Services Administrator, (302)760-2036, <a href="mailto:crystal.crump@delaware.gov">crystal.crump@delaware.gov</a>

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

### You may also file complaints with:

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

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

https://deldot.gov/Business/titleVI/index.shtml

### SUB-RECIPIENT COMPLIANCE

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

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

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

### ACCESS TO RECORDS

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

### COMPLAINT DISPOSITION PROCESS

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

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

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

Mail to the following address:

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

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

### Federal Coordination and Compliance Section - NWB

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

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

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

- Determine the scope
- Develop an investigative plan
- Prepare a Request for Information for the respondent
- Interview appropriate witnesses, personnel, etc.

- Conduct an on-site visit, as necessary. (ADA complaints involving public right -of-way require on-site review.)
- Analyze the evidence.
- Prepare the Report of Investigation (ROI)

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

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

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

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

### <u>Title VI - Delaware Department of Transportation (deldot.gov)</u>

The Title VI Complaint Form can be found here: <a href="https://Delaware Department of Transportation Title">https://Delaware Department of Transportation Title</a>
<a href="VI Complaint Form">VI Complaint Form</a>

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

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

DelDOT has no active deficiencies.

### COMMUNITY PARTICIPATION PROCESS

State laws require governmental agencies to remain "transparent" and provide information vital to the public by publishing or broadcasting program information in the news media. Advertisements must state the program is an equal opportunity program and/or indicate that Federal non- discrimination authorities prohibit discrimination. Additionally, reasonable steps shall be taken to publish information in languages understood by the population eligible to be served or likely to be directly affected by the program. These policies and procedures are articulated in greater detail in the Departments' Public Participation Plan and Limited English Proficiency Plan which are made available to the public through request and on the Department's website. Following is a sample public notice used by the Department.

Delaware Department of Transportation hereby gives public notice that is the policy of the Department to assure full compliance with title VI of the Civil rights Act of 1964, the Civil Rights Restoration Act of 1987 and related non-discrimination authorities in all programs and activities. It is our policy that no person in the United States of America shall, on the grounds of race, color, national origin, sex, disability, or age, be excluded from the participation in, be denied the benefits of or be otherwise subjected to discrimination under any of our programs or activities.

The Division of Motor Vehicles is required to follow the DelDOT Public Participation Plan when DelDOT determines that an intensive Public Outreach effort is necessary (i.e., in the event that one or more facilities are closed, services offered at the facilities are changed/hours of operation changed, etc.) The Public Notice of Title VI Program Rights has been posted at all the Division of Motor Vehicles facilities and on the DelDOT/DMV website. The Division of Motor Vehicles conducts the intensive Public Outreach effort and DelDOT will provide a written summary of the effort to the Federal Motor Carrier Safety Administration (FMCSA).

DelDOT has reviewed the Community Participation Process section of the FMCSA Title VI Program Compliance Plan Checklist and has determined that the existing DelDOT Public Participation Plan includes all items identified in this section of the Plan Checklist (except for the FMCSA notification requirement).

Following is a sample public notice used by the Department:

### **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, or disability, 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, or disability, 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 B. Henry - Title VI Program Coordinator
Delaware Department of Transportation
800 Bay Road
Dover, DE 19901
(302) 760-2555
Wendy.Henry@Delaware.gov

### **CMV Inspection Selection and Unbiased Enforcement Policies**

DelDOT does not conduct enforcement activities.

