

**Federal Highway Administration
Title VI/Environmental Justice Plan**

Updated September 2011



**State of Maine
Department of Transportation
Civil Rights Office
#16 State House Station
Augusta ME 04333-0016
Phone: (207) 624-3042
Fax: (207) 624-3021
TTY: 888-516-9364**

Submitted by: Theresa Savoy, Director, Civil Rights Office

TABLE OF CONTENTS

| | |
|---|-----------|
| NONDISCRIMINATION POLICY STATEMENT | 1 |
| AGENCY ORGANIZATION | 2 |
| ORGANIZATION AND STAFFING OF CIVIL RIGHTS OFFICE (CRO) | 3 |
| TITLE VI MONITORING AND REVIEW PROCESS | 4 |
| COMPLIANCE | 12 |
| FILING A COMPLAINT | 16 |
| EXTERNAL COMPLAINT PROCESSING | 18 |
| FHWA INVESTIGATIONS | 19 |
| FHWA DISCRIMINATION COMPLAINT FORM | 21 |
| FHWA ASSURANCES | 22 |
| STATE PROCEDURES, MANUALS, DIRECTIVES APPLICABLE TO | 32 |
| FEDERAL-AID PROGRAMS | 32 |
| APPENDICES | 33 |
| APPENDIX A | 34 |
| Limited English Proficiency | 34 |
| APPENDIX B | 37 |
| Title VI Authorities | 37 |
| APPENDIX C | 42 |
| METROPOLITAN PLANNING ORGANIZATIONS | 42 |
| APPENDIX D | 45 |
| MAINE DEPARTMENT OF TRANSPORTATION REGIONAL OFFICES | 45 |



Paul R. LePage
GOVERNOR

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
16 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0016

David Bernhardt
COMMISSIONER

NONDISCRIMINATION POLICY STATEMENT

[\(Back to Top\)](#)

MAINE DEPARTMENT OF TRANSPORTATION
EEO POLICY STATEMENT

The Maine Department of Transportation is committed to ensuring that the fundamental principles of equal opportunity are upheld in all decisions involving our employees and contractors/consultants, and to ensuring that the public-at-large is afforded access to our programs and services.

To that end, no person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any Maine Department of Transportation program or activity on the grounds of race, color, national origin, income, sex, age, disability, or limited English proficiency. In accordance with Maine State Law, no person shall be subjected to discrimination on the grounds of sexual orientation. Maine Department of Transportation assures all its programs and activities will be free from discrimination, whether those programs and activities are federally assisted or not.

Maine Department of Transportation conducts its Title VI/Environmental Justice Program in a team approach involving personnel from all program areas, with guidance from the within the Civil Rights Office to serve as the Title VI/EJ Specialist, to ensure the Maine Department of Transportation's compliance with Title VI/Environmental Justice implementing regulations.

Inquiries concerning the Maine Department of Transportation's policies, investigations, complaints, compliance with applicable laws, regulations, and concerns regarding compliance with Title VI/Environmental Justice may be directed to:

Theresa Savoy, Director, Civil Rights Office
Maine Department of Transportation
16 State House Station
Augusta, Maine 04333-1116
Telephone (207) 624-3042
TTY 888-516-9364
theresa.savoy@maine.gov

This Policy Statement must be circulated throughout the Maine Department of Transportation and be included by reference in all contracts, agreements, programs and services administered by the Department of Transportation.

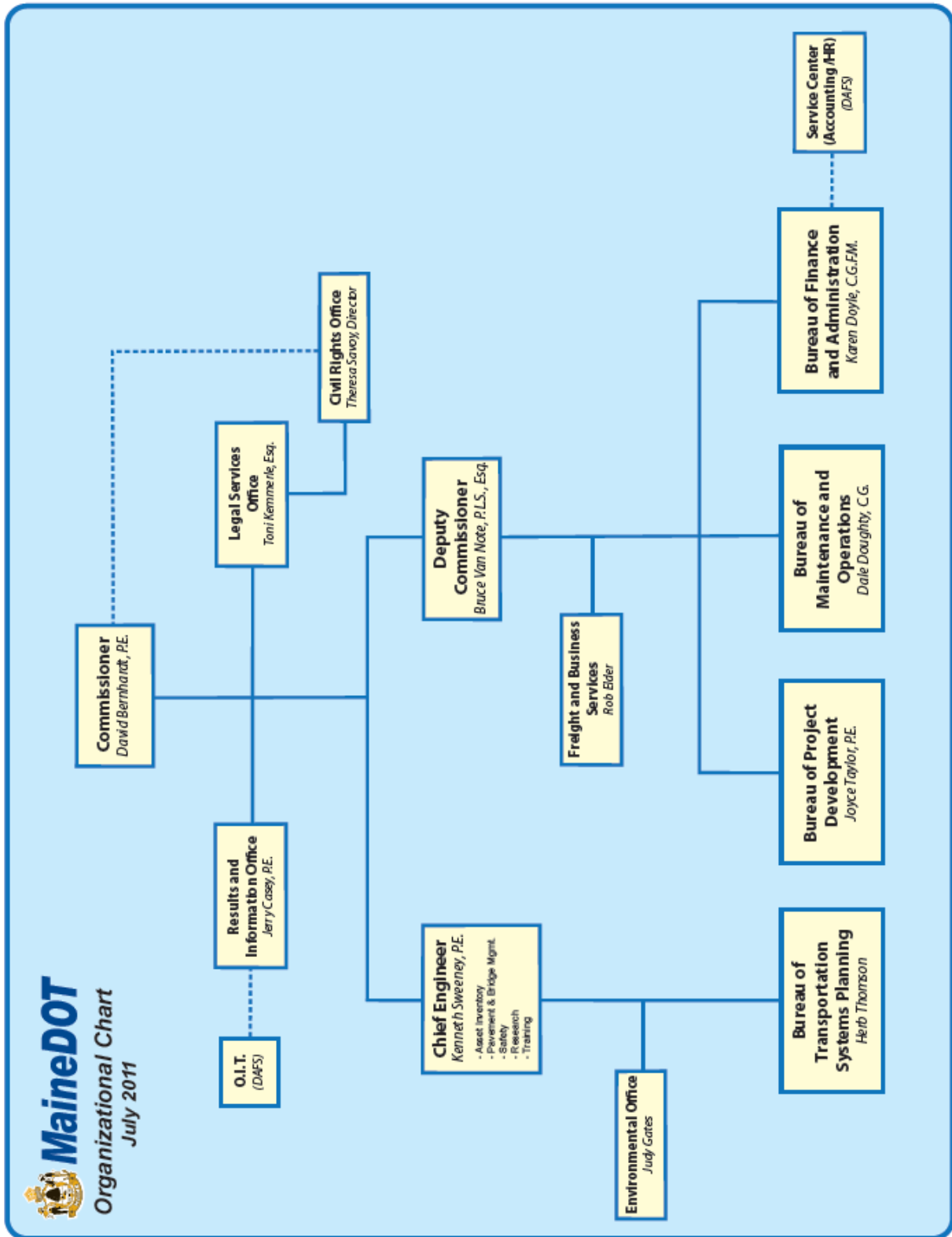
3/11/11

Date

David Bernhardt, Commissioner

AGENCY ORGANIZATION

[\(Back to Top\)](#)



ORGANIZATION AND STAFFING OF CIVIL RIGHTS OFFICE (CRO)

[\(Back to Top\)](#)

NAMES AND TITLES OF STAFF

| | | | |
|--------------------------------|---------------------|----------|--|
| Commissioner | David Bernhardt, PE | 624-3003 | david.bernhardt@maine.gov |
| Chief Legal Counsel | Toni Kemmerle | 624-3020 | Toni.kemmerle@maine.gov |
| Director, Civil Rights Office | Theresa Savoy | 624-3042 | Theresa.savoy@maine.gov |
| EEO Officer | Jackie LaPerriere | 624-3066 | Jackie.laperriere@maine.gov |
| EEO Officer | Gigi Ottmann-Deeves | 624-3036 | Gigi.ottmann-deeves@maine.gov |
| Davis Bacon Compliance Officer | Richard Stephens | 624-3056 | Richard.w.stephens@maine.gov |

Description Of Organization And Staffing Of Civil Rights Office (CRO)

The Commissioner of MaineDOT is responsible for ensuring the implementation of the MaineDOT's Title VI/EJ programs. The Director of Civil Rights, on behalf of the Commissioner, is responsible for the overall management of the Title VI/EJ programs. The day-to-day administration of the program lies with the Director who will serve as the Title VI/EJ Specialist, under the supervision of the Chief Legal Counsel. The Title VI/EJ Specialist at all times has direct access to the Commissioner. The Director of Civil Rights shall have lead responsibility for coordinating the administration of the Title VI/Environmental Justice (Title VI/EJ) and related statutes program, plan, and assurances. Title VI Liaisons in special emphasis program areas will work with the Title VI/EJ Specialist to administer the program in their areas. Special emphasis program areas for MaineDOT are:

- Bureau of Transportation Systems Planning: Statewide Planning and Statewide Multimodal Planning Division
- Bureau of Project Development: Urban and Arterial Highway Program, Urban and Federal Bridge Program, Multimodal Program and Property Office
- Transportation Service Center (Human Resource)
- The Civil Rights Office.

Duties of Civil Rights Office:

The efforts to prevent discrimination must address, but not be limited to:

- ❖ a program's impacts,
- ❖ access,
- ❖ benefits,
- ❖ participation,
- ❖ treatment,
- ❖ services,
- ❖ contracting opportunities,
- ❖ training opportunities,
- ❖ investigations of complaints,
- ❖ allocations of funds,
- ❖ Prioritization of projects, and the functions of right-of-way, research, planning, and design.

Authorities For nondiscrimination include but are not limited to:

Title VI of the Civil Rights Act of 1964, the Age Discrimination Acts of 1967 and 1975, Section 504 of the Rehabilitation Acts of 1973, the American with Disabilities Act of 1990, Title IX of the Education Amendments of 1972, and Title 23, United States Code, Section 324.

TITLE VI MONITORING AND REVIEW PROCESS

[\(Back to Top\)](#)

The Title VI/EJ Specialist is charged with the responsibility for implementing, monitoring and ensuring MaineDOT's compliance with the Title VI/EJ regulations and related statutes. Title VI/EJ responsibilities are as follows:

1. Monitor Title VI/EJ activities.
2. Provide training to MaineDOT staff as needed, and to outside agencies as requested.
3. Submit Title VI/EJ Program implementing plan annually to FHWA Division Office and to FTA Regional Office.
4. Develop Title VI/EJ information for dissemination (where necessary, in other language(s), format(s)).
5. Prepare an annual accomplishment report and submit to FHWA Division Office and to FTA Regional Office annually.
6. Establish procedures to promptly investigate complaints, to identify and eliminate discrimination, to review programs and grant applications, to resolve deficiencies within 90 days, and to collect and analyze statistical data.

7. Develop a program to conduct Title VI/EJ reviews of program areas and conduct reviews of programs – with program personnel (for both FTA and FHWA sub-recipients).

Title VI/EJ Liaisons in Special Emphasis Programs

In addition to the Title VI/EJ Specialist, each of the special emphasis program areas shall have a designated a Title VI/EJ liaison. The special emphasis program areas are:

- Bureau of Transportation Systems Planning: Statewide Planning and Statewide Multimodal Planning Division
- Bureau of Project Development: Urban and Arterial Highway Program, Urban and Federal Bridge Program, Multimodal Program and Property Office
- Transportation Service Center (Human Resource)
- The Civil Rights Office.

The Liaisons shall be responsible for ensuring Title VI program development in their areas, sharing Title VI information and resources, ensuring compliance of their sub recipients, Title VI program monitoring, and reporting to the Civil Rights Office the results and goals of their respective programs.

Data Collection and Reporting

Special Emphasis Program area reports will be required for each of the special emphasis program areas. The Title VI/EJ Liaisons will be responsible for coordination and compilation of these reports into an annual report submitted by July 25th each year to the Director of Civil Rights Office. These reports will include statistical data regarding race, color, national origin, English language ability and sex of participants in, and beneficiaries of MaineDOT programs, e.g., relocatees, impacted citizens, transport users, and affected communities. The report shall specifically review Title VI/EJ accomplishments achieved during the year by the special emphasis area program including training given by or taken by the MaineDOT employees, dissemination of public information, complaints, and reviews as well as any other related activity. The report will clearly show the work plan for goals for the next year.

Title VI Liaisons

The current assignments for Title VI Liaisons are:

| Program Area | Details | Title VI Liaison | Phone# / e-mail |
|---------------------|---|---------------------------|--|
| Civil Rights Office | DBE ADA OJT Contract Compliance | Theresa Savoy Director | 207-624-3042 Theresa.savoy@maine.gov |

| | | | |
|--|---|---------------------------------------|--|
| | Title VI/EJ Labor Compliance | | |
| Bureau of Trans. System Planning | Statewide Planning | Margaret Duval, Deputy Chief, BTSP | 207-624-3557 Margaret.duval@maine.gov |
| | Statewide Multimodal Planning Division (Transit) | Susan Moreau Manger | 207-624-3239 susan.moreau@maine.gov |
| Project Development | U&F Bridge | David Sherlock Program Manager | 207-624-3421 david.sherlock@maine.gov |
| | U&A Highway | Brad Foley Program Manager | 207-624-3539 Brad.foley@maine.gov |
| | Multimodal | Norman Baker Program Manager | 207-624-3437 Norman.baker@maine.gov |
| | Property Office | Todd Pelletier, Director | 207-624-3551 Todd.pelletier@maine.gov |
| Human Resources | Internal Personnel Programs and Services | Christy Cross | 207-624-3063 christy.cross@maine.gov |

Title VI/EJ Plan Update Requirement

An annual update of the Title VI implementation plan and a report on goal attainment and of goals for the upcoming fiscal year will be submitted by October 1 each year to the Federal Highway Division Administrator for approval or disapproval. The Title VI/EJ Specialist will be responsible for submitting the report.

Bureau of Transportation System Planning (BTSP)

This Bureau develops the State's Biennial Transportation Improvement Program (BTIP), the 6-Year Plan and the 20-Year Plan, and the Statewide Transportation Improvement Program (STIP) to meet present and future needs for safe, efficient, and reliable transportation. The Regional Planning Committees and the Metropolitan Planning Organizations (MPO's) provide information in developing these planning documents. This Bureau also encompasses clean air issues, safety, bridge and pavement management, transportation analysis, transportation reporting, inventory, research, mapping, major project studies and training and technical assistance for communities. This Bureau includes the Plan and Program Development Division, Transportation

Research Division, Community Services Division, and Systems Management Division and Statewide Multimodal Planning Division (SMPD).

The BTSP's SMPD is responsible for coordinating passenger-related functions, including bus, van pool, car pool, air, rail, and marine transportation and pedestrian and bicycle programs. The SMPD is responsible for developing transportation alternatives that are environmentally sound, cost effective and politically acceptable.

Two Liaisons will be assigned from BTSP. One will focus on the statewide planning and the other will focus on passenger related functions.

Title VI/EJ Responsibilities:

Statewide Planning:

Designate a Title VI/EJ liaison who will:

- Ensure that all aspects of the planning process operation, including environmental impact reviews, comply with Title VI/EJ.
- Serve as a resource person for the Bureau of Planning, helping to develop and document procedures that ensure participation of a cross section of people representative of the affected population, including identifying and proactively reaching out to various and diverse social, economic, and ethnic interest groups, and ensuring the groups are represented in the planning process.
- Provide training and information to planning staff, MPO's, and Regional Planning Organizations regarding Title VI/Environmental Justice annually.
- Provide statistical data on race, color, national origin, income and sex of populations/population groups in all areas impacted by programs or services.
- Ensure equal opportunity for participation on Regional Planning Committees.
- Ensure Title VI/EJ language is included in every Bureau of Planning sub-recipient contract.
- Perform reviews annually of MPO's and of other Bureau sub-recipients to ensure Title VI/EJ adherence.
- Provide the Title VI/EJ Specialist with an annual report of Title VI/EJ accomplishments for the previous year and goals for the next year, and results of Title VI/EJ reviews. Report is due to the Civil Rights Office by July 25th each year.

Statewide Multimodal Planning Division

Designate a Title VI/EJ liaison who will:

- Ensure that all aspects of passenger-related functions/programs/contracts/grant programs comply with Title VI/EJ.
- Disseminate Title VI and related information to sub-recipients and the public.
- Provide annual training to sub-recipients to ensure they can implement Title VI effectively for their Maine DOT contracts/grants.
- Provide the Title VI/EJ Specialist with an annual report on Title VI/EJ accomplishments for the previous year and goals for the next year. (See Appendix

C: "FTA Circular 4702.1A data collection and reporting requirements") Report is due to the Civil Rights Office by July 25th each year.

- Ensure Title VI/EJ language is included, or incorporated by reference, in every sub-recipient contract.
- Provide Title VI and Environmental Justice assistance to transit providers and staff regularly.
- Perform reviews annually of Office of Passenger Transportation sub-recipients to ensure Title VI/EJ adherence.

Bureau of Project Development

The Bureau of Project Development assumes complete multiple phases of construction projects, including: advertising for bids, conducting public hearings, obtaining legal title to property, and supervising construction. Program areas within the Bureau of Project Development for purposes of Liaison responsibilities are the Property Office, Multimodal Program, Urban and Arterial Highway Program, Urban and Federal Bridge Program.

Designate Title VI/EJ liaisons who will:

- Monitor all Project Development activities to ensure nondiscrimination within program areas.
- Provide the Title VI/EJ Specialist with an annual report on Title VI/EJ accomplishments for the previous year and goals for the next year. Report is due to the Civil Rights Office by July 25th each year.
- Perform reviews as needed of Bureau of Project Development sub-recipients to ensure Title VI/EJ adherence.
- Provide statistical data on race, color, national origin, income and sex of populations/population groups in all areas impacted by programs or services.
- Ensure Title VI/EJ language is included in every Bureau of Project Development program area sub-recipient contract and sub-contract.
- Serve as a resource person for Program area, helping to ensure participation of a cross section of people representative of the affected population, including various and diverse social, economic, and ethnic interest groups, are represented in the project development process.
- Provide training and information to program area staff annually regarding Title VI/EJ.

Civil Rights Office

Coordinates external civil rights for FTA, FAA and FHWA sub-recipients; wage issues; programs and policies in the areas of Nondiscrimination, Affirmative Action, and Equal Opportunity,

Title VI/EJ Responsibilities:

Designate a Title VI/EJ Liaison who will:

- Gather information for the annual Title VI/EJ report on Supportive Services, on the On-the-Job Training Program, and on the Disadvantaged Business Enterprise Program.

- Ensure Title VI/EJ language is included in every Civil Rights Office sub-recipient contract and subcontract.
- Perform reviews annually of Civil Rights Office sub-recipients to ensure Title VI/EJ adherence.
- Perform Title VI reviews with liaisons of sub-recipients in other program areas.
- Provide training and technical assistance to Title VI liaisons.
- Compile and forward all Title VI/EJ reports to FTA by August 1st each year and to FHWA by October 1st each year.
- Maintains the Title VI Plan and ensures Title VI and EEO are implemented fully in Department external programs.

Office of Human Resources

Designate a Title VI/EJ Liaison who will

- Coordinate Internal Civil Rights Issues and ensures nondiscrimination for MaineDOT personnel.
- Trains supervisors and other employees in nondiscrimination areas.
- Monitors and ensures nondiscrimination, EEO, and AA programs for MaineDOT employees.
- Investigates and resolves complaints of discrimination made by MaineDOT employees.
- Provide the Title VI/EJ Specialist with an annual report on Title VI/EJ accomplishments for the previous year and goals for the next year. Report is due to the Civil Rights Office by July 25th each year.
- Provide statistical data on race, color, national origin, income and sex of populations/population groups internally for all programs or services.

The Civil Rights Office reviews the nondiscrimination policies of each contractor and applicant as part of the prequalification processes for selection. This process happens each year, with some firms being qualified for up to three years. The policies are reviewed again at recertification periods and during any compliant investigation or a scheduled EEO Contractor Compliance Review.

MaineDOT Internal Compliance Reviews

Special emphasis program reviews will be conducted based on the annual summary of Title VI activities, accomplishments and problems. The reviews will be conducted by The Title VI/EJ Specialist, with the corresponding Title VI/EJ liaisons, to assure effectiveness in their compliance of Title VI/EJ provisions. The Title VI/EJ Specialist and departmental program Liaisons will coordinate efforts to ensure the equal participation in all their programs and activities at all levels.

The following questions will be used to assess the Title VI programs in special emphasis areas of MaineDOT:

1. Has the program submitted Title VI Assurances from any sub recipients (i.e. MPO's, municipalities, transit providers) to the Civil Rights Office?
2. Are Contractors and consultants aware they are bound by contract provisions?

3. Are all the nondiscrimination statutes included?
4. Does the Program have a Title VI Liaison assigned?
5. Has the Liaison monitored Title VI activities and prepared required reports?
6. Has the Liaison conducted training and disseminated public information regarding Title VI and related acts?
7. Has the Liaison been trained in conducting compliance reviews and complaint investigations?
8. Is the Liaison collecting and analyzing statistical data regarding participants in and beneficiaries of all state programs?
9. Are Title VI and related requirements included in all contracts and program directives?
10. Has the Liaison conducted Title VI reviews of sub-recipient (contractors, consultants, universities, MPO's, etc.)?

The Programs will develop action plans with specific activities, responsible individuals, and due dates in response to these answers in order to fully implement Title VI in their programs. The Civil Rights Office will conduct the program reviews, and provide support and training to the liaisons as requested to ensure program success.

Title VI/EJ Reviews on Sub-Recipients

Title VI/EJ compliance reviews will be conducted on a sample of sub recipients annually by the Title VI/EJ Specialist and/or the relevant departmental program representatives. Priority for conducting reviews will be given to those local governments, the Metropolitan Planning Organizations (MPO's), Regional Planning Committees, and other recipients of federal (US Department of Transportation) funds with the greatest potential of impact to those groups covered by the act. The reviews will entail examination of the recipients' adherence to all Title VI/EJ requirements. The status of each review will be reported in the annual update and report to relevant US Department of Transportation (US DOT) modes (e.g. Federal Highway Administration, Federal Transit Administration).

A preliminary schedule for the reviews follows in the Workplan for FFY 2010. Reviews will be conducted jointly by the Civil Rights Office and the Title VI Liaisons for the program areas.

FTA Title VI Compliance Reviews

A report will be submitted to FTA at least every three years, by August 31st, in accordance with FTA Circular 4702.1A, Title VI Program Guidelines for Federal Transit Administration Recipients. The report may be submitted more often should conditions warrant.

The objectives of FTA's Title VI requirements, as set forth in FTA Circular 4702.1A, "Title VI Program Guidelines for Federal Transit Administration Recipients", are:

- To ensure that FTA-assisted benefits and related services are made available and are equitably distributed without regard to race, color, or national origin;
- To ensure that the level and quality of FTA-assisted transit services are sufficient to provide equal access and mobility for any person without regard to race, color, or national origin;
- To ensure that opportunities to participate in the transit planning and decision-making process are provided to persons without regard to race, color, or national origin;
- To ensure that decisions on the location of transit services and facilities are made without regard to race, color, or national origin; and
- To ensure that corrective and remedial action is taken by all applicants and recipients of FTA assistance to prevent discriminatory treatment of any beneficiary based on race, color, or national origin.

Identification of deficiencies, remedies, and sanctions

Every effort will be made to identify and resolve deficiencies in an informal and collaborative manner. Notation of resolutions will be made part of the Title VI review reports and/or complaint investigations files. Should sanctions be required, the Civil Rights Office will document in the sanctions notification the noted deficiencies and the remedies required.

COMPLIANCE

[\(Back to Top\)](#)

Remedial Action

MaineDOT will actively pursue the prevention of Title VI/EJ deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements.

When deficiencies are found, either through observation, Title VI reviews, or complaints, procedures will be promptly implemented by the Title VI Liaisons and/or the Civil Rights Office according to the investigative plan as described in the following sections or through technical assistance to correct the deficiencies and to put the corrective action(s) in writing.

The period to determine, document and implement corrective action(s) to effect compliance may not to exceed 90 days from the date deficiencies are found. Specific plans for FTA and FHWA sub-recipients follow. Internal investigation will follow the FHWA plan but with internal resolution and remediation if possible rather than immediately forwarding to FHWA HQ or to the FTA for resolution.

Outreach and Education

The Civil Rights Office has posted on the web site and has distributed copies of Title VI informational brochures to subrecipients.

- [Title VI Assurances \(PDF\)](#)
- [Title VI Compliance Form \(PDF\)](#)
- [How to engage Low-Literacy and Limited English Proficiency Populations](#)
- [Department of Justice, Federal Protections Against National Origin Discrimination \(pamphlets\)](#)

Included were a Title VI brochure in English and Spanish, and a copy of the Department of Justice Title VI Brochure.

The Title VI liaisons have been given copies of the brochures to distribute at public forums.

Technical Assistance

Technical assistance is first provided upon review to help address deficiencies, to improve the program, and to bring the subrecipient or program into compliance.

Examples of technical assistance provided include referring subrecipients or programs to the LEP booklet, suggesting additional forums for public contact, sharing ideas from other successful programs, sharing a FHWA Title VI PowerPoint, and explaining Title VI data resources

Sanctions:

Sanctions for noncompliance with Title VI will be applied to those who cannot and/or will not come into compliance with Title VI requirements within the timeframe allowed in the corrective action plan and who have no justifiable cause for an extension. Sanctions imposed by the Maine Department of Transportation will include the following:

- Withholding of funds due for the duration of the period of noncompliance
- Cancel or terminate the contract or agreement in whole or in part
- Referral to the appropriate Federal Agency for further review

In the event MaineDOT fails or refuses to comply with the terms of Title VI, the FHWA may take any or all of the following sanctions:

- Cancel, terminate, or suspend the Nondiscrimination agreement, therefore receipt of federal funds, in whole or part.
- Refrain from extending any further assistance to the State of Maine under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the MaineDOT
- Take other action that may be deemed appropriate under the circumstances until compliance or remedial action has been accomplished by the Maine Department of Transportation
- Refer the case to the Department of Justice for appropriate legal proceedings.

Complaints

If any individual believes that s/he or any other program beneficiaries have been the object of an unequal treatment or discrimination as to the receipt of benefits and/or services, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age, or handicap, s/he may exercise their right to file a complaint with MaineDOT. Complaints may be filed with the Title VI/EJ Specialist, or with a Title VI Liaison. Every effort will be made to resolve complaints informally at the lowest level.

Civil Rights Office
Maine Department of Transportation
16 State House Station
Augusta, ME 04333-0016
207-624-3042
Fax: 624-3021

TTY: 888-516-9364

Complaints may also be filed directly with the Federal Highway Administration, the Federal Transit Administration, the EEOC, and/or the Maine Human Rights Commission.

FHWA Maine Division

Edmund S. Muskie Federal Building
40 Western Avenue, Room 614
Augusta, ME 04330
Phone 207-622-8350
Fax: (207) 626-9133
Cheryl.martin@dot.gov

Maine Human Rights Commission

51 State House Station
Augusta, ME 04333-0051
PHONE: 207-624-6050
TTY: 1-888-577-6690
FAX: 207-624-6063
www.state.me.us/mhrc/

Federal Transit Administration

Region 1
Volpe Center, 55 Broadway, Suite 904
Cambridge, MA 02142
Phone: (617) 494-2055
FAX 1-617-494-2865
Margaret.Griffin@dot.gov

Federal Highway Administration

U.S. Department of Transportation
Office of Civil Rights
400 7th Street, S.W., Room 4132
Washington, DC 20590
Phone: 202-366-1583

EEOC General Information and Assistance

Toll Free Phone: 1-800-669-4000
TTY: 1-800-669-6820
info@ask.eeoc.gov

Maine is served by the New York District Office and the Boston Area Office.

EEOC New York District Office

Location: 33 Whitehall Street
New York, New York 10004

Phone: 212-336-3620

TTY: 212-336-3622

Director: Spencer H. Lewis, Jr.

Regional Attorney: Elizabeth Grossman

Office Hours: The New York District Office is open Monday-Friday from 8:30 a.m. - 5:00 p.m. Please call first to obtain information or schedule an appointment. [New York District Office](#)

EEOC Boston Area Office

Location: John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203

Phone: 617-565-3200

Fax: 617-565-3196

TTY: 617-565-3204

Director: Robert L. Sanders

Regional Attorney: Elizabeth Grossman

Office Hours: The Boston Area Office is open Monday-Friday from 8:30 a.m.-5:00 p.m. [Boston District Office](#)

FILING A COMPLAINT

[\(Back to Top\)](#)

I. Introduction

The Title VI/Environmental Justice and Related Statutes complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the MaineDOT's programs, activities and services as required by statute.

II. Purpose

The purpose of the discrimination complaint procedures is to describe the process used by the Civil Rights Office for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

III. Roles and Responsibilities

The Director of Civil Rights Office working at the direction of the Commissioner has overall responsibility for the discrimination complaint process and procedures. The Director of Civil Rights Office provides direction to the Title VI/EJ Specialist on the discrimination complaint process. The Director of Civil Rights Office may, at her/his discretion, assign a capable person within MaineDOT or an investigator from another branch of state or federal government to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon the information obtained from the investigation.

In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted by a Title VI/EJ Specialist or Liaison in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

The complainant shall make him- or herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

IV. Filing Complaints

Applicability

The complaint procedures apply to the beneficiaries of MaineDOT programs, activities, and services, including but not limited to the public, contractors, subcontractors, consultants and other sub-recipients of federal and state funds.

Eligibility

Any person who believes that s/he has been excluded from participation in, denied benefits or services of any program or activity administered by MaineDOT or its sub-recipients, consultants, and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age, or disability may bring forth a complaint of discrimination under Title VI/EJ and Related Statutes.

Time Limitation and Filing Options:

Title VI/EJ complaints of discrimination may be filed with:

- MaineDOT's Civil Rights Office
- The Federal Highway Administration
- The Federal Transit Administration
- The U.S. Department of Transportation
- The Maine Human Rights Commission

In all situations, MaineDOT employees must contact the Title VI/EJ Specialist or the Director of Civil Rights Office immediately upon receipt of a Title VI/EJ complaint.

Complaints must be filed no later than 180 days after:

- The date of the alleged act of discrimination; or
- The date the person became aware of the alleged discrimination; or
- Where there has been a continuing course of discriminatory conduct, the date on which the conduct was discontinued.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event a person makes a verbal complaint of discrimination to a MaineDOT employee, the Title VI/EJ Specialist or Liaison or other person authorized to receive complaints on behalf of MaineDOT shall interview the person. If necessary, the authorized person will assist the person in writing the complaint for the person or the person's representative to sign.

Designated MaineDOT special emphasis area employees will require the sub-recipients they serve to forward any complaint of discrimination made to them about their own actions or actions of sub-grantees or contractors to their Title VI/EJ liaison.

EXTERNAL COMPLAINT PROCESSING

[\(Back to Top\)](#)

Initial contact

Special emphasis program area Title VI/EJ Liaisons and the Title VI/EJ Specialist serve as MaineDOT's resources for members of the public who wish to file a discrimination complaint under Title VI/EJ and related statutes. As resources, they will provide complainants with

1. An explanation of their filing options.
2. The discrimination complaint process.
3. A Title VI/EJ and Related Statutes Discrimination Complaint Form.

Use of the Complaint Form is not necessary for the complainant. Rather, it is intended to help the complainant provide enough information to begin processing the complaint.

The Complaint Review Process

- (1) The Director of Civil Rights Office or her/his designee, reviews the complaint upon receipt to ensure that relevant information is provided, the complaint is timely, and meets jurisdiction.
- (2) The complaint shall be investigated, unless:
 - The complaint is withdrawn.
 - The complainant fails to provide required information.
 - The complaint is filed beyond the 180-day timeframe.
 - The complainant is not part of a protected group.
 - The complaint is determined to be more appropriately under a jurisdiction other than MaineDOT. If this is the case, the complainant will be directed to the appropriate agency.
- (3) Upon determination that the complaint warrants a MaineDOT investigation, the complainant is sent a letter, acknowledging receipt of the complaint, and giving the name of the investigator.
- (4) The respondent – the person alleged to have committed the discrimination -- is notified by mail that s/he has been named in a complaint. The letter also includes the investigator's name and informs the respondent that s/he will be contacted for an interview.

FHWA INVESTIGATIONS

[\(Back to Top\)](#)

Investigation Plan

The investigator shall prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s);
- Basis for the complaint;
- Issues, events or circumstances that caused the person to believe that s/he has been discriminated against;
- Information needed to address the issue;
- Criteria, sources necessary to obtain the information;
- Identification of key people;
- Estimated investigation time line;
- Remedy sought by the complainant(s).

Conducting the Investigation

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.
-

Investigation Reporting Process

- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the Director of Civil Rights Office or her/his designee, for review.
- The Director of Civil Rights Office or designee reviews the file and investigative report. Subsequent to the review, the Director of the Civil Rights Office may make an analysis of "probable cause" or "no probable cause" and will forward the report to FHWA Headquarters for a decision and resolution(s).

Reporting Requirements to an External Agency

A copy of the complaint, together with a copy of the investigation report and the Director of Civil Rights Office's recommendation letter is forwarded to the Federal Highway Administration Headquarters and to the Federal Highway Administration Maine

Division Office within 60 days of the date the complaint was received. (See FTA Complaints section for Transit Complaint Reporting)

Records

All records and investigative working files are maintained in a confidential area. Records are kept for three years.

[\(Back to Top\)](#)

FHWA DISCRIMINATION COMPLAINT FORM

**Maine Department of Transportation
Title VI/Environmental Justice and Related Statutes**

1. Name:
2. Address:
3. Telephone Number:
4. Name of person charged with discrimination (respondent):
5. Date of alleged discriminatory act:
6. Type of discrimination:
7. Please write a summary of the facts supporting your complaint (use additional pages as necessary):
8. Names of witnesses to the alleged discriminatory act:
9. What do you want as a remedy for the alleged discrimination?

Signed: _____

Date: _____

FHWA ASSURANCES

[\(Back to Top\)](#)

FEDERAL HIGHWAY ADMINISTRATION CIVIL RIGHTS ASSURANCE

The Maine Department of Transportation HEREBY CERTIFIES THAT, as a condition of receiving Federal financial assistance under the Federal Transit Act of 1964, as amended, it will ensure that:

1. No person on the basis of race, color, or national origin will be subjected to discrimination in the level and quality of transportation services and transportation-related benefits.
2. The Maine Department of Transportation will compile, maintain, and submit in a timely manner Title VI information required in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.9.
3. The Maine Department of Transportation will make it known to the public that those person or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transportation-related benefits may file a complaint with the Federal Highway Administration and/or the U.S. Department of Transportation.

The person or persons whose signature appears below are authorized to sign this assurance on behalf of the grant applicant or recipient.



David Bernhardt, Commissioner
Maine Department of Transportation

Date: 3/11/11

MAINE DEPARTMENT OF TRANSPORTATION TITLE VI ASSURANCE

FEDERAL HIGHWAY ADMINISTRATION ASSISTED PROGRAMS

The Maine Department of Transportation (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal Transit Program:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with the Federal Transit Program and, in adapted form in all proposals for negotiated agreements:

The Maine Department of Transportation, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full 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 the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to this Act and the Regulations.

4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall 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 shall extend to rights to space on, over, or under such property.

7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements enter into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal-aid Highway Program and (b) for the construction or use of or access to space on, over, or under real property acquired, or improved under the Federal Transit 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 shall 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, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, 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 Act, the Regulations and this assurance.

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 financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal-aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal-aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

3/11/11

(Date)

MAINE DEPARTMENT OF TRANSPORTATION
(Name of Recipient)

A handwritten signature in black ink, appearing to read 'D. Bernhardt', written over a horizontal line.

(Signature of Authorized Official)

David Bernhardt, Commissioner

Attachments:
Appendices A, B, and C

**(APPENDIX A TO MAINEDOT TITLE VI ASSURANCE)
FEDERAL HIGHWAY ADMINISTRATION ASSISTED PROGRAMS**

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 shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Maine Department of Transportation (hereinafter, "MAINEDOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

(2) Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall 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 shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

(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 shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

(4) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of Information, and its facilities as may be determined by the Maine Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the Maine Department of Transportation or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with nondiscrimination provisions of this contract, the Maine Department of Transportation shall impose contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

(a) withholding of payments to the contractor under the contract until the contractor complies; and/or

(b) cancellation, termination, or suspension of the contract, in whole or in part.

(6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Maine Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Maine Department of Transportation to enter into such litigation to protect the interests of the Maine Department of Transportation, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

**(APPENDIX B TO MAINEDOT TITLE VI ASSURANCE)
FEDERAL HIGHWAY ADMINISTRATION ASSISTED PROGRAM**

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Maine Department of Transportation will accept title to the lands and maintain the project constructed thereon, in accordance with the Title 23, United States Code, the Regulations for the Administration of the Federal-aid Highway Administration Program and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation and, also in accordance with and 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, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) 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 Maine Department of Transportation 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 Maine Department of Transportation 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 shall be binding on the Maine Department of Transportation, its successors and assigns.

The Maine Department of Transportation, 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 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 with regard to any facility located wholly or in part on, over or under such lands hereby conveyed [,] [and] * (2) that the Maine Department of Transportation shall 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, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall 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 purposes of Title VI of the Civil Rights Act of 1964.

**(APPENDIX C TO MAINEDOT TITLE VI ASSURANCE)
FEDERAL HIGHWAY ADMINISTRATION ASSISTED PROGRAMS**

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Maine Department of Transportation pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, 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 said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination of Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, Maine Department of Transportation shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, Maine Department of Transportation shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Maine Department of Transportation and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Maine Department of Transportation pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for herself/himself, his/her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in case of deeds, and leases add "as a covenant running with the land") that (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, be 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 services thereon, no person on the grounds of race, color, or national origin shall be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination, and (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, Maine Department of Transportation shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, Maine Department of Transportation shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Maine Department of Transportation and its assigns.

* 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 of the Civil Rights Act of 1964.

STATE PROCEDURES, MANUALS, DIRECTIVES APPLICABLE TO

FEDERAL-AID PROGRAMS

[\(Back to Top\)](#)

1. Maine DOT Right of Way Manual
<http://www.state.me.us/mdot/technical-publications/rowmanual.php>
2. Maine DOT Public Involvement and Transportation Decision Making Manual
<http://www.maine.gov/mdot/pi/>
3. Maine DOT Administrative Policy Memorandums (APMs)
Contact Office of Human Resources for a Copy – 207-624-3050
4. Maine's Handbook for Local & Inter-Community Rules of the Sensible Transportation Policy Act
<http://www.maine.gov/mdot/planning-documents/stpa/sensibleTrans-handbook.html>
5. Working with the Maine Department of Transportation: a Guide for Metropolitan Officials
<http://www.maine.gov/mdot/working-with-dot/pdf/2007workingwithmaineDOT.pdf>
6. Maine DOT A Contractor's Guide to Equal Employment Opportunity
<http://www.maine.gov/mdot/disadvantaged-business-enterprises/pdf/2010%20Contractor's%20Guide%20to%20EEO.pdf>
7. Maine DOT Consultant Procedures for Professional, Architectural, Engineering and Environmental Services
<http://www.maine.gov/mdot/cpo/docs/general/consultant-procurement-manual.pdf>
8. Maine DOT Disadvantaged Business Enterprise Program Manual
Contact Civil Rights Office for a Copy- 207 624-3042
9. Maine DOT On-the-Job Training Program Manual <http://www.maine.gov/mdot/disadvantaged-business-enterprises/pdf/ojt%20manual%202009.pdf>
10. Maine DOT Contract Compliance Review Process
<http://www.maine.gov/mdot/disadvantaged-business-enterprises/pdf/2006%20compliance%20manual%20rev.pdf>
11. Maine DOT Affirmative Action Plan
Contact Office of Human Resources for a Copy – 207-624-3050
12. Maine DOT Office of Passenger Transportation Biennial Operations Plan
<http://www.maine.gov/mdot/ptp/bop.htm>
13. Maine DOT Local Project Administration Certification course manual & Reference Guide
<http://www.maine.gov/mdot/locally-administrated-projects/LocalProjectAdministration1.php>
14. Maine DOT Standard Specifications – Section 100 and Appendix
http://www.maine.gov/mdot/contractor-consultant-information/ss_standard_specification_2002.php

APPENDICES

Limited English Proficiency

Compliance with Title VI includes Limited English Proficient (LEP) persons. Language barriers prohibit people who are LEP from obtaining services and information relating to transportation services and programs. Because people who are LEP are not able to read instructions or correspondence written in English and may not understand verbal information, they often are not aware of regulatory requirements and legal implications of the services they seek.

It is essential that MaineDOT personnel, transportation providers, professionals, and other sub-recipients of federal funds become informed about their diverse clientele from a linguistic, cultural and social perspective. These individuals should become culturally competent so they can encourage vulnerable LEP minority populations to access and receive appropriate transportation services with more knowledge and confidence.

U.S. DOT guidelines require that recipients of federal financial assistance provide “meaningful access to programs and activities” by giving LEP persons adequate and understandable information and allowing them to participate in programs and activities, where appropriate. The Department will take “reasonable steps” to remove barriers for LEP individuals.

In order to provide meaningful access to programs and facilities, the Department must identify and understand how to reach the LEP population areas in Maine. The following U.S. Census 2002 tables summarize Maine’s LEP data. These charts should be used by the project managers, planners, municipalities, and consultants to aid in identifying LEP areas near projects or transit systems. Once identified, the parties organizing public involvement and information should make every reasonable effort to ensure the LEP populations have timely and inclusive access to the information and processes through any of the methods that have worked in Maine in the past or any of the methods suggested in the US DOT Federal Highway Administration Guide entitled ***“How to Engage Low-Literacy and Limited English Proficiency Populations in Transportation Decision making”***. The document can be found electronically at the following web address: <http://www.fhwa.dot.gov/hep/lowlim/index.htm> .

LEP individuals riding on Transit in minority service areas will have access to bus schedules published in languages other than English, including, but not limited to Spanish, French, and Somali, depending upon the needs of the transit area.

Public notices and other public information or resources shall be printed in languages other than English where a concentration of LEP individuals requires the need for translation. Generally, this is when more than 5% of a census area speaks the primarily

same language other than English. Maine currently has no such areas. However, transit routes in Portland do have some information printed in other languages.

The decision to engage in an LEP outreach plan should be determined on a case by case basis at the program level. Any LEP individual directly impacted or benefiting from MaineDOT programs should be offered translation proactively as a rule. We require transit providers to hire a translation service to be available for transit users. The service should be similar to the AT&T Language Line service and available on all busses. <http://www.language.com/>

All programs and services shall make use of the U.S. Census "I Speak" Language identification flash card to identify a language that a LEP individual can understand, then refer to the Bureau of Developmental Services for a translator at public gatherings or negotiations as needed. The **United States Census 2000 Language Identification Flashcard** is available by contacting the Civil Rights Office or any Title VI liaison. The Flashcards can be found on the web via the following link: http://www.aafp.org/PreBuilt/census2000_ispeakcards.pdf

A list of language interpreters is available by contacting the Title VI/EJ Specialist or through the **State of Maine Bureau of Developmental Services** website:

<http://www.maine.gov/dhhs/oma/interpreters.html>

Other reasonable steps will depend on:

- The number and proportion of LEP persons potentially served by the recipient's programs or activities and the variety of languages spoken in the recipient's service area.
- The frequency with which LEP individuals are affected by the program or activity.
- The importance of the effect of the recipient's program on LEP individuals.
- The resources available to the recipient and the urgency of the situation.
- The level of services provided to fully English proficient people.
- Whether LEP persons are being excluded from services or provided a lower level of services.
- Whether the recipient has adequate justification for restrictions, if any, on special language services or on speaking languages other than English.

Specific guidance by DOT programs:

Planning Process: Follow all guidelines above and make use of the US DOT Guide.

Public Meetings: Outreach ahead of time, find out how to communicate with affected area. Make use of the US DOT Guide. Bring "I Speak" cards.

Property Acquisition: Bring "I Speak" cards. Arrange for translators.

Construction: Have "I Speak" cards on hand. Arrange for translators.

Transit Programs: Use "I Speak" cards as a polling tool. Become familiar with languages used on the routes. Consider publishing in most predominant languages other than English. Obtain translation phone service. For public process and planning refer to US DOT Guide.

Other Services or any questions: Contact the Civil Rights Office at (207) 624-3042 for Assistance.

[\(Back to Top\)](#)

Title VI Authorities

Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000d to 2000-4;

42 USC 4601 to 4655; 23 USC 109(h); “No person in the united State shall, on the grounds of race, color, national origin be excluded form participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” (Prohibits Discrimination in impacts, services, and benefits of, access to, participation in, and treatment under a Federal-Aid recipient’s programs or activities)

The Civil Rights Restoration Act of 1987, P.L. 100-209, Clarification of the original intent of Congress in Title VI of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973.

(Restores the broad, institution-wide scope and coverage of the non-discrimination statutes to include all programs and activities of Federal-Aid recipients, sub recipients and contractors, whether such programs and activities are Federally assisted or not)

The Federal-aid Highway Act, 49 U. S. C. 306: Outlines the responsibilities of the U.S. Department of Transportation and, at outlines the Secretary’s authority to decide whether a recipient has not complied with applicable Civil Rights statues or regulations, requires the Secretary provide notice of the violation, and requires necessary action to ensure compliance.

The 1973 Federal–aid Highway, 23 U.S.C. 324, provides: “No person shall on the grounds of sex be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal assistance under this Title or carried on under this title” (Prohibits discrimination on the basis of sex)

The Age Discrimination Act of 1975, as amended 42 U.S.C. 6101, provides: “No person in the United State shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance” (Prohibits discrimination based on sex)

The Americans with Disabilities Act, P.L. 101-336, provides: “No qualified individual with a disability shall, by such reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a State or a local government.” (Provided enforceable standards to address discrimination against people with disabilities)

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 790, provides that: “(N)o qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.” (Prohibits discrimination based on physical or mental handicap)

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601, provides: “For the fair and equitable treatment of persons displaced as direct result of programs or projects undertaken by a Federal agency or with Federal financial

assistance.” (Provides for fair treatment of persons displaced by Federal and Federal-aid programs and projects)

The Uniform Relocation Act Amendments of 1987, P.L. 101-246, provides: “For fair, uniform, and equitable treatment of all affected persons;...(and) minimizing the adverse impact of displacement..(to maintain)...the economic and social well-being of communities; and to establish a lead agency and allow for State certification and implementation.” (Updated the 1970 Act and clarified the intent of congress in programs and projects which cause displacement)

The Civil Rights Act of 1991, in part, amended Section 1981 of 42 U.S.C. by adding two new sections that provided: (b) For the purposes of this section, the term ‘make and enforce contracts’ includes the making performance, modification, and termination of contracts and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

(c)The rights protected by this section are protected against impairment by non-governmental discrimination and impairment under color of State law.”

Title VIII of the 1968 Civil Rights Act, 42 U.S.C. 3601, provides that: “(I) It shall be unlawful...to refuse to sell or rent after making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion or national origin.” (Prohibits Discrimination in the sale or rental of housing-HUD is the primary interest agency, but FHWA and States under Title VI are responsible for preventing discrimination in the function of Right-of-Way)

The National Environmental Policy Act of 1969, 42 U.S.C. 4321

Requires that consideration of alternatives, including the “no build” alternative, consideration of social, environmental and economic impacts, public involvement, and use of a systematic interdisciplinary approach at each decision making stage of Federal-aid project development.

Title IX of the Education Amendments of 1972

Makes financial assistance available to institutions of higher education to: (1) strengthen , improve and, where necessary, expand the quality of graduate and professional programs leading to an advanced degree; (2) establish, strengthen, and improve programs designed to prepare graduate and professional students for public service; and (3) assist in strengthening undergraduate programs of instruction in certain instances.

NONDISCRIMINATION EXECUTIVE ORDERS

E.O. 12250: Department of Justice Leadership and Coordination of Nondiscrimination Laws.

E.O. 12259- HUD Leadership and Coordination of Federal Fair Housing Programs

E.O. 12292- Amended E.O. 12259, in part and addressed leadership and coordination in Federal Fair Housing Programs. It affirmatively furthers fair housing in all Federal programs and activities relating to housing and urban development throughout the United States.

E.O. 12898: Federal Actions to Address Environmental Justice in Minority populations and low-income populations

E.O. 13160- Nondiscrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent in a Federally conducted education and training programs

E.O. 13166- August 11, 2000-requires Federal agencies and their recipients to improve access to federally sponsored programs for persons with Limited English Proficiency.

E.O. 13175- Consultation and Coordination with Indian Tribal Governments

NONDISCRIMINATION REGULATIONS

23 CFR Part 200- FHWA's Title VI Program Implementation and Review Procedures

23 CFR Part 420.121(h)-the part of FHWA's planning regulations that specify the applicability of Title VI of the 1964 Civil Rights Restoration Act of 1987 to FHWA funded planning and research activities

23 CFR Part 450- FHWA's and FTA's Statewide and Metropolitan Planning Regulations

23 CFR Part 450.316(b) (2) & (3) - requires the metropolitan planning process to be consistent with Title VI of the 1964 Civil Rights Act and the Title VI Assurances

23 CFR Part 633, Subpart A- specifies required contract provisions to be included in all Federal aid construction contracts, including Title VI and other prescriptions included in Form FHWA 1273

23 CFR Part 633, Subpart B, Appendix A- specifies the types of contracts to which Title VI of the 1964 Civil Rights Act applies

23 CFR Part 771.105(f) - FHWA Policy on Title VI-expands on 23 CFR 200.7 and names categories covered b with wording similar to Title VI of the Civil Rights Act of 1964- race, color, national origin, age, sex, handicap

28 CFR Part 35- the Department of Justice's regulations governing Nondiscrimination on the basis of disability in State and local government services

28 CFR Part 41- requires the Department of Justice to coordinate the implementation of Section 504 of the Rehabilitation Act (Provides guidelines for determining discretionary practices)

28 CFR Part 42, Subpart C- DOJ's regulation implementing Title VI of the Civil Rights Act of 1964

28 CFR Part 42.200, Subpart D- "Nondiscrimination in Federally-assisted Programs- Implementation of Section 815 © (1) of the Justice System Improvement Act of 1979"- Also implements Executive Order 12138

28 CFR 50.3: DOJ's Guidelines for the enforcement of Title VI, Civil Rights Act of 1964.

49 CFR Part 21-DOT's Guidelines for the enforcement of Title VI, Civil Rights Act of 1964

49 CFR Part 24- DOT's regulation implementing the Uniform Relocation and Property Acquisition Act for Federal and federally assisted programs requiring compliance with Nondiscrimination Statutes and Executive Orders

49 CFR Part 25- DOT's implementation of Title IX of the Education Amendments Act of 1972

49 CFR Part 26- Participation by disadvantaged Business Enterprises in DOT Financial Assistance Programs

49 CFR Part 27- DOT's regulation implementing Section 504 of the Rehabilitation Act of 1973 as amended

49 CFR Part 28- Enforcement of Nondiscrimination on the Basis of handicap in Programs or Activities Conducted by the Department of Transportation

49 CFR Part 37- Transportation Services for Individuals with Disabilities, implementing the transportation and related provisions of Title II and III of the ADA

NONDISCRIMINATION DIRECTIVES & GUIDANCE

DOT Order 1000.12- Implementation of the DOT Title VI Program

DOT Order 1050.2- Standard Title VI Assurances

DOT Order 5610.2- USDOT Order on Environmental Justice

FHWA Order 4710.1-Right of Way Title VI Review Program

FHWA Order 4710.2- Civil Rights Compliance Reviews of Location Procedures

FHWA Order 4720.6- Impacts of the Civil Rights Restoration Act of 1987 on FHWA Programs September 2, 1992

FHWA Order 6640.23- Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (See also DOT Order 5610.2 on Environmental Justice)

Joint FHWA/FTA Memo dated October 7, 1999- (published in the Federal Register May 19,2000)- providing guidance on implementing Title VI in Metropolitan and Statewide Planning

DOT Policy Guidance Document dated December 14, 2005- Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficiency (LEP) persons- Federal Register Vol. 70 No 239 (DOT's initial LEP guidance regarding recipients' obligation was released on January 22, 2001)

DOJ Policy Guidance Document dated October 26, 2001- Memo re: E.O. 13166, Improving Access to Services for persons with Limited English Proficiency

DOJ Policy Guidance Document dated January 11, 2002- Memo re: E.O. 13166, Improving Access to Services for persons with Limited English Proficiency

DOJ Policy Guidance Document dated January 18, 2002- Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons

DOJ Policy Guidance Document dated April 18, 2002- Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons-Federal Register Vol. 67, No 75

NONDISCRIMINATION MANUALS & REPORT

DOJ's Title VI Legal Manual (<http://www.usdoj.gov/crt/cor/cord/vimannual.pdf>).

DOJ's Investigation Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI and Other Nondiscrimination Statutes
(<http://www.usdoj.gov/crt/cor/Pubs/manuals/complain.pdf>)

Federal Title VI Enforcement to Federally-assisted Programs, June 1996 Report of the U.S. Commission on Civil Rights

[\(Back to Top\)](#)

METROPOLITAN PLANNING ORGANIZATIONS

1.5.1 Metropolitan Planning Organizations (MPO's)

The Federal Highway Act requires that a Metropolitan Planning Organization (MPO) be designated for each urbanized area defined by the U.S. Census. The designation is based on population density. The MPO is responsible for insuring that the urbanized area has a continuing, cooperative, and comprehensive transportation planning process. The process must result in plans and programs that consider all transportation modes and support Metropolitan community development and social goals. These plans and programs must lead to the development and operation of an integrated, intermodal transportation system that facilitates the efficient, economic movement of people and goods. MPO's must coordinate with the MaineDOT when planning projects in urbanized areas. There are presently four MPO's in the State of Maine: Androscoggin Transportation Resource Center (ATRC); Bangor Area Comprehensive Transportation BACTS), Kittery Area Comprehensive Transportation Study (KACTS); and Portland Area Comprehensive Transportation Study (PACTS). The MPO's consist of metropolitan and state officials who serve on policy, planning and/or technical committees. The committees meet on a regular basis to establish priorities and allocate specific categories of federal transportation related funds to the area.

The passage of federal authorizing legislation (August 10, 2005, the President signed into law the **Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users** (SAFETEA-LU) has increased and strengthened the transportation planning process.

Responsibilities of the MPO's include:

- Support the economic vitality of the Metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
- Increase the safety and security of the transportation system for motorized and non motorized users;
- Increase the accessibility and mobility options available to people and for freight;
- Protect and enhance the environment, promote energy conservation, and improve quality of life;
- Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
- Promote efficient system management and operation; and

- Emphasize the preservation of the existing transportation system.

For more information on Metropolitan Planning Organizations in Maine, call MaineDOT's MPO Coordinator, at (207) 624-3280 or contact any of the following:

ATRC: Jennifer L. Williams, Director - 783-9186- E-mail: jwilliams@avcog.org

BACTS: Rob Kenerson, Director - 942-6389 - E-mail: rkenerson@emdc.org

KACTS: Tom Reinauer, Director - 324-2952 - E-mail: treinauer@smrpc.org

PACTS: John Duncan, Director - 774-9891 - E-mail: jduncan@gpcog.org

3.1.1 Regional Councils of Governments / Planning Commissions

The advantage of using regional agencies for transportation planning assistance is that they draw on a very broad base of local knowledge, covering all aspects of those factors that control the demand for travel and transport, such as land use, and local demographic trends. They are also familiar with changes in land use and demographics in neighboring towns that may affect your community. The level of expertise in transportation planning and degree of specialization of staff varies considerably between agencies. For locally oriented transportation planning, a Regional Council/Planning Commission would be a sound choice. They have a regional perspective which is important to transportation systems. Dues-paying member communities usually receive free, or reduced-rate, transportation planning assistance. For larger projects beyond its capabilities or resources, a Regional Council/Planning Commission could advise a community about obtaining the services of a consultant, or assist in developing a joint Regional Council/ MDOT project. Additional information can be obtained from the following RPO's:

Northern Maine Development Commission

302 Main Street

PO Box 779

Caribou, ME 04736

(800) 427-8736

<http://www.nmdc.org/>

Eastern Maine Development Corporation

(Penobscot Valley Council of Governments and Washington County Council of Governments)

PO Box 2579

Bangor, Maine 04402-2579

(207) 942-6389

<http://www.emdc.org/>

Hancock County Planning Commission

395 State Street

Ellsworth, ME 04605

(207) 667-7131

<http://www.hcpcme.org/>

Mid Coast Regional Planning Commission
166 Main Street, Suite 201
Rockland, ME 04841
(207) 594-2299
<http://www.midcoastplanning.org/>

Mid-Coast Council for Business Development and Planning
7 Park Street
Bath, ME 04530
(207) 443-5790
<http://www.mcbdp.org/>

Kennebec Valley Council of Governments
17 Main Street
Fairfield, ME 04937
(207) 453-4258 ext 25
<http://www.kvcog.org/kvcog.html>

Androscoggin Valley Council of Governments
125 Manley Road
Auburn, ME 04210
(207) 783-9186
<http://www.avcog.org/index.php>

Greater Portland Council of Governments
68 Marginal Way, 4th Floor
Portland, ME 04101
(207) 774-9891
<http://www.gpcog.org/>

Southern Maine Regional Planning Commission
21 Bradeen Street, Suite 304
Springvale, ME 04083
(207) 324-2952
<http://www.smrpc.org>

[\(Back to Top\)](#)

MAINE DEPARTMENT OF TRANSPORTATION REGIONAL OFFICES

1.4 Regional Offices of Bureau of Maintenance and Operations

Southern Region:

Region 1, P.O. Box 358 (Pleasant Hill Rd.), Scarborough, Maine 04070-0358
Contact: John Cannell, Regional Manager Tel: (207) 885-7000
Kyle Hall, Regional Engineer
Brian Keezer, Traffic Engineer

Mid Coast Region:

Region 2, State House Station 98, 45 Commerce Drive, Augusta, ME 04333
Contact: Mike Burns, Regional Manager Tel: (207) 624-8200
Jamie Andrews, Regional Engineer
Dave Allen, Traffic Engineer

Western Region:

Region 3, P.O. Box 817, (U.S. Route 2), Dixfield, Maine 04224
Contact: Norm Haggan, Regional Manager Tel: (207) 562-4228
Mark Hume, Regional Engineer
Gene Uhuad, Traffic Engineer

Eastern Region:

Region 4, P.O. Box 1208 (219 Hogan Rd.), Bangor, Maine 04401
Contact: (Vacant), Regional Manager Tel: (207) 941-4500
John Devin, Regional Engineer
Bruce Mattson, Traffic Engineer

Northern Region:

Region 5, P.O. Box 1178 (Rice Street), Presque Isle, Maine 04769
Contact: Bob Watson, Regional Manager Tel: (207) 764-2060
Brent Bubar, Regional Engineer
Jim McGinnis, Traffic Engineer

[\(Back to Top\)](#)

Maine Department
of Transportation
Maintenance Regions

Maine Department of Transportation
Region Offices
Contact Information

Southern Region – Region 1
P.O. Box 358
Pleasant Hill Road
Scarborough, ME 04070-0358
625-7000
Region Manager – John Cannell

Midcoast Region – Region 2
45 Commerce Drive
98 State House Station
Augusta, ME 04333-0098
524-3200
Region Manager – Rhonda Fletcher

Western Region – Region 3
P.O. Box 817
Route 2
Duxford, ME 04224
562-4228
Region Manager – Norm Haggan

Eastern Region – Region 4
P.O. Box 1206
219 Hogan Road
Bangor, ME 04401-1208
941-4500
Region Manager – Buddy Spaulding
(acting)

Northern Region – Region 5
P.O. Box 1178
Fire Street
Presque Isle, ME 04769
764-2060
Region Manager – Robert Watson

