

Civil Rights Office Programs

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Program Overview and Staff

Disadvantaged Business Enterprises Program (DBE)

- Sherry Tompkins

Equal Employment Opportunity (EEO)

- Gigi Ottmann-Deeves

Title VI and ADA

- Theresa Savoy

Topics for Today

- Title VI Requirements
- ADA Requirements
- Briefly discuss DBE requirements
- Questions

Title VI

Title VI of the Civil Rights Act of 1964

“No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Title VI Info

Sub-recipients, at a minimum, must include in their agreements:

- New signed Title VI Assurances
- A designated Title VI Coordinator responsible for Title VI compliance
- Appendix A & E in each contract
- FHWA Form 1273 – Must be in each FHWA construction contract and subcontract.
- <http://www.maine.gov/mdot/civilrights/title6/>

What Discrimination Does Title VI Prohibit?

In operating a federally assisted program, the State, or its subrecipient, cannot - on the basis of race, color, or national origin - either directly or through contractual means:

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

Limited English Proficiency (LEP)

- The federal government and those receiving assistance from the federal government must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information those entities provide.
- Persons who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English can be LEP.

ADA Alterations: 2013 DOJ/FHWA Definitions

- In August 2013, the Department of Justice and the Federal Highway Administration reached agreement on the definitions of Alterations on pavement treatment types.
- These definitions are changing how government entities upgrade accessibility to pedestrian facilities.
- These definitions apply to ALL government agencies, regardless of funding.

Alteration Requirements

- Any alteration within the scope of a project requires that the curb ramp be reviewed and - if not compliant - be made ADA compliant.
- In 2013, DOJ and FHWA more clearly defined an alteration: If you pave, it is considered an alternation.
- This means that when you pave a road, you must ensure that the curb ramps impacted by the project are made accessible.

ADA Curb Ramps Requirements

Ramp Slope	8.3% max
Ramp Width	5 ft (4 ft. min)
Ramp Cross Slope	2% max.
Ramp Flares	10% max. (where walkable surface is adjacent to ramp)
Landing Dimensions	4'x4' min.
Counter Slope (gutter pan)	5% max. with flush transition
Landing Slope	2% max (parallel and perpendicular to path of travel)
Grade Break	Flush & 90° to direction of ramp travel
Detectable Warning	Required per standard

Technical Feasibility

Alterations must meet the minimum design standards:

- Document, document, document when unable to meet specific design standards
- Technical infeasibility refers only to structural conditions, not cost.
- Even if you cannot meet *all* design standards, you must meet the standards to the maximum extent feasible. Document.

Work Zone Requirements

Alternate Pedestrian Access Routes

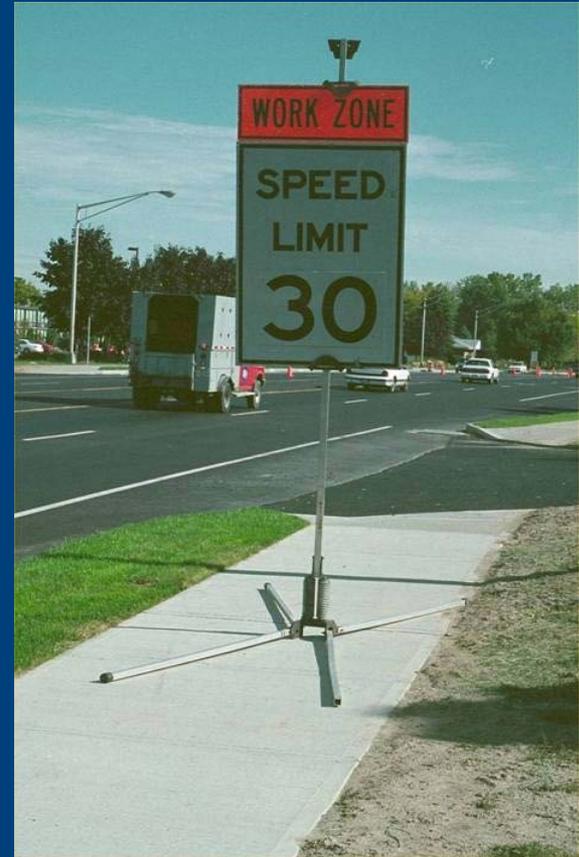
Alternate Pedestrian Access Routes are required “to the maximum extent feasible” when an existing pedestrian access route is blocked by construction, alteration, or other temporary condition.



Alternate Pedestrian Access Routes

- ❖ Manual on Uniform Traffic Control Devices 2009:
 - Part 6: Temporary Traffic Control
 - Chapter 6D.01: Pedestrian Considerations
 - Chapter 6D.02: Accessibility Considerations

Examples of what not to do...



Coordination of Utility Work



Placement of Work Zone Signage

- Signage should be placed in advance of construction site, at beginning of the block at accessible crossing point
- Appropriate in communicating to persons with visual impairments
- Adequate illumination & reflectors

Effective Barriers



Common Sense



DBE Program – Why?

- The DBE Program is a Federally mandated program to assist women, minority and disadvantaged small business owners in promoting their business and its services within the contracting community.
- The purpose is to attempt to level the playing field that has historically been unbalanced in the Highway and Bridge Construction Industry.

Current DBE Goal

- The DBE goal for this fiscal year is set at 2%.
- This means that annually, 2% of the total federally funded program dollars let by MaineDOT - which includes Construction, Consultant and Locally Administered projects - would be contracted/subcontracted to MaineDOT certified women, minority or disadvantaged small businesses.

DBE on-site documentation requirements:

- Once a DBE firm has a signed subcontract for work to be performed on your project, a copy of the signed subcontract document must be in the on-site project files.
- This document may also be reviewed during on-site visits from personnel from the MaineDOT Civil Rights Office and the FHWA.

DBE on-site documentation requirements:

- The DBE Utilization Form must be in the Resident's on-site files. This form may be reviewed during visits by personnel from the MaineDOT Civil Rights Office and the FHWA.
- If you do not have the Utilization Form for your project, you can contact the Civil Rights Office or print from the website:
- <http://www.maine.gov/mdot/civilrights/dbe/>

CUF: What is Commercially Useful Function?

- We must verify that a DBE firm named to work on your project is actually performing the services outlined in its subcontract with its own equipment and with its own workforce. Those services are what is called the Commercially Useful Function (CUF) of the firm.
- We must verify that the employees of the firm listed are listed on the DBE company's payrolls and not on another firm's payroll.

When should CUF on-site review be completed?

A CUF On-Site Review should be completed:

- When the DBE is initially on the project and during the peak period of the DBE's work
- Whenever changes in the performance of the work will warrant its completion.
- If a recognized DBE is employed on the project, but not listed on the Utilization Form.

CUF Guidelines and Instructions:

- Responses to questions on the CUF On-Site Review form should be completed as thoroughly as possible. Additional sheets should be used, if needed. The CUF On-Site Review should be completed by the Resident, or his/her designee.
- MaineDOT's copy should be forwarded to the Civil Rights Office

DBE Contact Information

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Questions?

Thank you!