



MONTANA

Department of Transportation

Federal Highway Administration
Title VI Program Implementation Plan
FY 2023

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Introduction to MDT

Mission & Vision

The mission of the Montana Department of Transportation (MDT) is to plan, build, operate, and maintain a safe and resilient transportation infrastructure to move Montana forward. The department's guiding vision to accomplish this mission is that MDT will set the gold standard for a highly effective, innovative, and people-centric department of transportation.

The core values that guide all MDT employee behavior, actions and approach are:

- We are **B**usiness focused,
- We **U**nify the organization,
- We **I**nnovate at all levels,
- We **L**ead by example,
- We are **D**edicated to MDT,
- We **E**mpower our employees,
- We **R**espect each other, and
- We **S**erve Montana with pride.

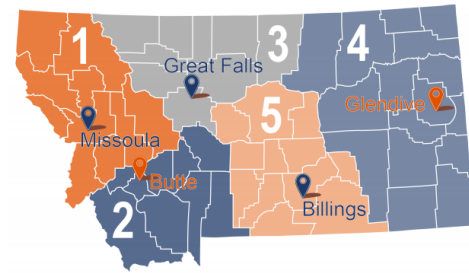
Team MDT – We are **B.U.I.L.D.E.R.S.**

Organization

MDT is responsible for the planning, design, maintenance, operation, and management of Montana's state-owned roadways, walkways, rest areas, airports, and numerous public-use facilities. The departmental structure helps staff at the state, regional, and local level efficiently deliver transportation improvements, comply with relevant rules and regulations, and maintain and operate transportation infrastructure to enable daily movement of goods and people across the state.

Each division within the department provides a critical function toward meeting MDT's mission of ensuring Montana's transportation network continues to remain a quality resource for all users. As transportation funding changes on both the federal and state levels, efficient management of resources to address needs will make all the difference in how Montana's transportation network continues to support the growth of businesses, communities, and the Montana way of life. MDT's leaders, employees, and partners are focused on the future of our state and finding the best ways to move Montana forward, together.

Montana's geographic and demographic diversity means regions in Montana face different travel demands and transportation challenges. Larger, metropolitan areas with a need to expand urban roadways or manage congested intersection operations may vary from rural Montana's need to reduce roadway departure crashes or manage the movement of large trucks through small towns. To address these unique challenges, the state is split into five transportation districts, each managed by district administrators focused on the individual transportation needs within their jurisdiction.



District 1 - Missoula
Phone: 406.523.5800

District 2 - Butte
Phone: 406.494.9600

District 3 - Great Falls
Phone: 406.454.5880

District 4 - Glendive
Phone: 406.345.8200

District 5 - Billings
Phone: 406.252.4138

As a recipient of federal financial assistance from the United States Department of Transportation (USDOT), Federal Highway Administration (FHWA), MDT is committed to comply with Title VI of the Civil Rights Act of 1964 and other nondiscrimination statutes, regulations, and authorities to deliver its federally assisted programs, services, and activities in a fair and nondiscriminatory manner. This Implementation Plan sets forth the requirements that govern MDT's compliance with Title VI Program responsibilities for FHWA.

Policy Statement

MONTANA DEPARTMENT OF TRANSPORTATION

FHWA TITLE VI PROGRAM POLICY STATEMENT

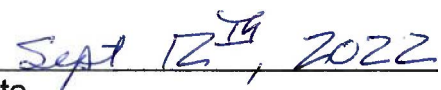
MDT, as a recipient of federal financial assistance and under Title VI of the Civil Rights Act of 1964 and all related statutes and regulations, will make every effort to ensure that no person shall on the grounds of race, religion (where the primary objective of the financial assistance is to provide employment per 42 U.S.C. §2000d-3), 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 MDT programs or activities.

MDT is committed to comply with 23 CFR Part 200 and 230. I have signed the USDOT Standard Title VI/ Non-Discrimination Assurances, which is included as Attachment 1. In accordance with 23 CFR 200.9(b)(1), I have designated MDT's Office of Civil Rights Bureau Chief, Megan Handl, as the Agency-wide Title VI Coordinator for the MDT Title VI Program. The Title VI Program Coordinator is responsible for initiating and monitoring Title VI activities and preparing required reports. See Attachment 2, for designation of MDT Agency-wide Title VI Program Coordinator.

I have delegated sufficient responsibility and authority to the Title VI Program Coordinator and to the MDT Administrators to effectively implement MDT's Title VI Program for FHWA. See Attachment 2, for delegation.

The MDT Title VI Program Coordinator is responsible for the implementation of MDT's Title VI obligations which involve education, training, and prevention and investigation of claims of discrimination under Title VI. The Title VI Program Coordinator coordinates all complaints filed, conducts investigations, and maintains the files on all Title VI complaints.


Malcolm D. Long, Director
Montana Department of Transportation


Date

1. Standard USDOT Title VI Assurances

Pursuant to Section 23 C.F.R. 200.9(a)(1) MDT provides assurances 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 otherwise be subject to discrimination under any program or activity for which MDT receives federal assistance from the USDOT, FHWA. MDT's current Title VI / Non-Discrimination Assurances signed by the MDT Director is included as Attachment 1.

2. Organization and Staffing

FHWA guidance recommends agencies implement an interdisciplinary approach to maintain Title VI compliance. Based upon this guidance, the MDT Director has delegated sufficient responsibility and authority to MDT's Office of Civil Rights and MDT Administrators to effectively deliver its programs and activities in compliance with Title VI. See Attachment 2.

Office of Civil Rights

MDT's Office of Civil Rights (OCR) is responsible for administering MDT's Title VI Nondiscrimination Program. MDT's OCR Bureau Chief serves as the Agency-wide Title VI Program Coordinator. With support from the Title VI Advisory Team and MDT's Administrators, the Title VI Program Coordinator is responsible for administering MDT's Title VI Program and has been delegated sufficient authority and responsibility to effectively carry out the duties assigned to this position.

OCR is administratively attached to the MDT Professional Services Division and has direct and independent access to the MDT Director. The MDT organizational chart, included as Attachment 3, depicts the relationship between OCR and MDT's Director.

OCR Bureau Chief/ MDT's Agency-wide Title VI Program Coordinator:

MDT's OCR Bureau Chief partners with MDT's Administrative staff to ensure compliance with Title VI of the Civil Rights Act of 1964 and related statutes and regulations. The OCR Bureau Chief works with the Title VI Advisory Team to administer the Title VI program, process discrimination complaints, and provide technical assistance and guidance to MDT administrators and program managers. Specifically, this person has the authority and responsibility to:

- Recommend, develop, disseminate, monitor, and pursue policies, guidelines, and best practices on the implementation of Title VI.
- Review, evaluate, and monitor programs and activities related to Title VI and effectuate changes to ensure consistency and program effectiveness.
- Ensure complaints are processed, investigated, and resolved in a fair and timely manner in accordance with Title VI and federal operating regulations.
- Review MDT's agreements for Title VI compliance, see Attachment 4.

- Analyze MDT Directives for Title VI implications.
- Advise the Director and Administrative staff concerning significant developments in the implementation of MDT's Title VI Program.
- Submit the USDOT Title VI Assurances to the MDT Director for signature (after securing approval of the Chief Counsel).
- Partner with Administrators to resolve any deficiencies found by FHWA.
- Conduct Title VI compliance reviews of MDT's internal program areas.
- Develop procedures for prompt processing Title VI Complaints.
- Develop procedures for collecting statistical data of participants in, and beneficiaries of State highway programs.
- Conduct required Title VI reviews of sub-recipients and third parties receiving Federal-aid highway funds.
- Develop Title VI training materials; conduct training on Title VI Program and related statutes; and provide resource information on the MDT website for MDT employees, sub-recipients, and stakeholders.
- Prepare and present MDT's Title VI Annual Goals and Accomplishments report to Title VI Advisory Team for review; and submit approved document to FHWA.
- Prepare and present MDT's Title VI Implementation Plan to Title VI Advisory Team for review and submit approved document to FHWA.
- Prepare recommendations to Title VI Advisory Team for implementing the Title VI Plan and schedule quarterly meetings for follow-up.
- Develop Title VI information for dissemination to the public and, where appropriate, in languages other than English.
- Develop Title VI information for dissemination to the public consistent with the Limited English Proficiency (LEP) guidelines.
- Supervise EEO Specialists staff.

Administrative Staff

Administrators have the authority and responsibility to:

- Attend quarterly meetings with OCR.
- Participate in Title VI training.
- Promote awareness of MDT's Title VI Program.
- Partner with OCR to resolve deficiencies and monitor and implement corrective actions.
- Refer Title VI complaints and discrimination allegations to OCR.
- Serve as designated contact for Title VI within their District or Division unless the Administrator has otherwise identified a District or Division Title VI point of contact.

Title VI Advisory Team

The Title VI Advisory team is comprised of a subset of administrators that engage in focused Title VI Implementation meetings. Permanent members include the Title VI

Program Coordinator, Chief Engineer, Rail, Transit and Planning Administrator, Public Information Officer, and Chief Legal Counsel. The Title VI Advisory Team may integrate other administrators and program managers into the Title VI Advisory Team.

The Title VI Advisory Team has the following responsibilities:

- Oversee Program Reviews.
- Serve as subject-matter experts for MDT programs and activities.
- Provide leadership, guidance, and technical assistance to program areas having significant impacts on the public and businesses, which are referred to as federal program areas, in carrying out their Title VI responsibilities.
- Provide Title VI technical assistance to administrators and program managers.
- Monitor program implementation of corrective actions.
- Review and approve annual Title VI Implementation Plans and MDT's Goals and Accomplishments Report.
- Present recommendations for Title VI Training for MDT employees and supervisors.

3. Program Area Review Procedures

This section highlights MDT Divisions and programs that assist OCR with civil rights compliance by collecting data, conducting audits, and alerting OCR of Title VI issues. Federal regulations require OCR conduct annual reviews of specific program areas that assure MDT complies with Title VI Program requirements. During FFY 2023, MDT plans to evaluate other State Department of Transportation programs and approved plans for best practices on conducting reviews of program areas.

OCR reviews all MDT agreements to verify nondiscrimination requirements are included in each agreement. In addition, OCR reviews Title VI Public Meeting/Hearing Forms to verify compliance. All MDT staff are encouraged to report potential complaints and violations. Once reported, the Title VI Program Coordinator works with the affected Division, bureau, or unit to address issues and educate the staff.

Administration Division

The Administration Division consists of three bureaus: Accounting Controls Bureau, Commitment Management Bureau, and Fiscal Operations Bureau.

Accounting Controls Bureau

The Accounting Controls Bureau (ACB) establishes internal control structures, develops and implements accounting policies, ensures proper accounting treatment of transactions, develops and implements MDT's accounting structure, and provides technical oversight to MDT financial functions. The ACB consists of one section: The Accounting Treatment Section. Additionally, the ACB Bureau Chief has technical supervision of Department financial staff in all Divisions and Districts.

Accounting Treatment Section: This section engages specific positions such as District Financial Officers and Financial Contacts to aid in managing the accounting treatment and oversight for MDT's programs and assists with the complex programs of MDT.

Commitment Management Bureau

The Commitment Management Bureau (CMB) maintains financial planning processes and systems that MDT Divisions need to conduct financial analyses. The primary functions of the CMB are department-wide budget development and monitoring, federal fiscal management, and executing MDT's delegated authority from the State's Purchasing Services Bureau. The CMB has three distinct sections: the State Appropriations Management Section, the Federal Funds Management Section, and the Procurement Services Section to meet the above responsibilities. Staff respond to questions and provide training as needed.

State Appropriations Management Section: This section is responsible for the development and monitoring of MDT's operating budget, tentative construction plans, director reports, long-range financial planning, and setting budget procedures for the agency. The section is involved firsthand with the executive planning processes (EPP); fiscal note development and financing; and funding structures and models for MDT programs.

Federal Funds Management Section: This section is responsible for developing, obtaining approval, and monitoring the fiscal aspects of implementing the Transportation Construction Program (TCP) for the State of Montana. The section also develops and maintains various financial information systems; coordinates MDT's use of these systems, and uses the information from these systems to analyze, report, and frame MDT recommendations regarding the use of available fiscal resources.

Procurement Services Section: This section is responsible for MDT's commodity purchases, contracted services, building construction procurement activities, and provides procurement training to MDT staff. It ensures formal solicitations include approved Title VI language and provides alternative accessible formats upon request. The section ensures solicitations are posted to the Department of Administration (DOA) website as prescribed by Montana law. Letters are sent to vendors who may be interested. Vendors may be selected from the DOA vendor list, the MDT vendor list, the DBE Directory, Chamber of Commerce referrals, the phone book, or local business advertisements.

Fiscal Operations Bureau

The Fiscal Operations Bureau (FOB) consists of the Motor Fuels Section, Accounting Systems Operations Section, and Payroll and Benefits Section. The FOB establishes and maintains a variety of accounting functions for MDT such as payroll and benefits, accounts payables, receivables, collections, and management of the gasoline and

special fuel tax. The FOB develops and implements accounting policy and procedure, conducts financial monitoring, and ensures MDT's internal accounting and financial information systems comply with state and federal regulations and align with the Division's accounting operational goals, objectives, and priorities.

Motor Fuels Section: This section ensures that all fuel taxes legally owed to the state by licensed and unlicensed distributors are properly collected and remitted. The section also:

- Processes and approves licenses for gasoline and special fuel distributors, compressed natural gas dealers, and liquid petroleum gas dealers.
- Provides education and training services for both internal and external customers on motor fuel tax laws.
- Administers the Alcohol Tax Incentive Administration Act of 1983 that provides for payments to Montana ethanol producers.
- Coordinates the administrative rule process that pertains to motor fuels.
- Coordinates the dyed fuel enforcement program.
- Verifies refund requests of fuel tax from aviation and railroad users before they are issued.
- Coordinates the first step in the dispute resolution process, which conducts reviews involving motor fuel appeals.

Accounting Systems Operations Section (ASO): ASO ensures MDT processes transactions in compliance with established accounting principles and procedures, and state and federal laws and regulations. Core responsibilities include establishing and maintaining the accounting functions of accounts payable, project/grant cost accumulation, federal billings, and financial monitoring. ASO is responsible for the collection, processing, and accounting for all monies owed to MDT. ASO manages and implements changes to MDT's internal accounting and related systems such as Cost Accounting and Record Entry System (CARES), Billing Voucher/State Share and the Accounts Payable (AP) system.

Payroll and Benefits Section: This section maintains, records, and reports MDT's payroll processes and other internal accounting systems. It disseminates information to employees regarding benefit changes, allocates labor costs to various activities and projects, documents and qualifies eligible reimbursement costs, and coordinates new policy and procedure implementation with the Human Resources and Occupational Safety Division. The section's primary duties include providing bi-weekly payrolls, employee benefits payments, payroll deductions, tax deductions, and employee reimbursements.

OCR monitors the activities of the Administration Division by ensuring the Procurement Services Section includes approved Title VI language in all proposals solicited by MDT and by requiring that all contracts are co-signed by OCR.

Highways and Engineering Division

The Highways and Engineering Division assists the OCR by ensuring Title VI compliance in all activities related to design, construction, and preservation of Montana's highway system. The Highways and Engineering Division (headed by the Chief Engineer) works in conjunction with other Divisions and bureaus within MDT, such as Civil Rights and Environmental Services, to ensure that location and design conform to applicable Title VI requirements. The Highways and Engineering Division is comprised of three parts that have significant potential Title VI impact: Preconstruction, Construction, and Engineering Operations. Preconstruction is comprised of Bridge Bureau, Consultant Design Bureau, Highways Bureau, Right of Way Bureau, and Traffic Safety Bureau. Construction is comprised of Engineering Construction Contracting Bureau, Construction Engineering Services Bureau, Geotech and Pavement Bureau, and Materials Bureau. Engineering Operations Bureau is comprised of Research, Engineering Training, and Engineering Systems.

Preconstruction

Consultant Design Bureau

Consultant Design has the overall responsibility for the administration and management of the MDT Consultant program. Work associated with the Consultant Design Bureau includes:

- Advertising for consultant services.
- Maintaining prequalified consultant lists.
- Preparing Request for Qualifications (RFQs) and RFPs.
- Overseeing the consultant evaluation/selection process.
- Conducting contract negotiations, processing, and executing consultant contracts.
- Processing consultant progress payments.
- Processing contract amendments.
- Monitoring project progress and resolving disputes.

Consultant selection complies with state and federal requirements. Title VI requires that "all persons" have a right to participate in federal aid programs. MDT adheres with this requirement by assigning a minimal weight (5%) to location as a consideration in the selection process. Specific Title VI Assurances are included in all RFPs and in all executed consultant contracts.

OCR monitors the activities of the Consultant Design Bureau by periodically reviewing consultant contractors to ensure that all Title VI requirements are met. OCR reviews consultant contracts to determine compliance with Title VI contract specifications.

Right of Way Bureau (ROW)

The ROW Bureau has the overall responsibility of acquiring land for transportation projects and managing MDT's real estate and administrative needs. Bureau responsibilities include:

- Designs preconstruction project right-of-way.
- Coordinates and assists District Right of Way staff.
- Provides valuations and appraisals of property to be acquired.
- Assists and pays individuals and businesses relocated by highways.
- Manages State owned property.
- Oversees the Highway Beautification Act.
- Arranges for utilities relocation that conflict with highway construction.

The ROW Bureau conducts appraisals, acquisitions, relocations, land sales, and property management in a non-discriminatory basis by standardization of procedures, uniformity of administration, and published information that concerns Title VI considerations in brochures and public notices. When language or other barriers, such as age, are identified, ROW personnel (including contractors) employ interpreters, tribal members, relatives and/or friends of the client to assist with negotiations and other issues.

Construction

The Construction Bureau, principally through Engineering Construction Contracting Bureau, ensure that open, free, and competitive bidding processes are in place by providing accessible locations and by assuring construction contracts are awarded based on low bid, responsibility, responsiveness, bonding, insurance, and DBE requirement compliance. Alternative Contracting contracts are awarded through a combination of qualifications, proposal scoring, and a price component. When applicable, race conscious DBE goals are established by the OCR in all federal-aid contracts prior to bid letting. The Construction Bureaus comply with Title VI by reviewing all sub-contracts submitted by prime contractors for the FHWA Form PR-1273 and the appropriate wage decision.

Engineering Construction Contracting Bureau (ECCB)

ECCB edits, compiles, and distributes bid packages for highway construction projects across the state. Advertising is accomplished via the Internet and newspapers having major circulation throughout the State, via a mailing list which anyone can request to be put on, and to out-of-state plan rooms as requested.

ECCB's staff provides support and training in the use and implementation of the mandatory electronic bidding system. Special efforts have been made to provide training to Indian reservations. Accessible computers and printers are available for public use in the ECCB office. Staff members allow the public to access their computers. Desk arrangements allow handicapped access. Staff members contact OCR staff if any unique accommodations requests arise.

OCR relies on ECCB staff to monitor the activities and practices of the bidding, advertising, and distribution process for compliance with Title VI requirements. Any suspected violations must be reported to OCR. OCR also acts in an advisory capacity to help resolve potential issues. OCR conducts periodic program reviews of ECCB's monitoring activities based on the following:

- Special efforts to accommodate protected groups when a bid opening occurs in a physical location. Most bid openings (with the exception of Alternative contracting) are done electronically.
- Training practices in the use and implementation of the mandatory electronic bidding system (Project Expedite™ bidding software).
- State and federal mandates that address legal advertising with emphasis on communicating project information to protected groups.
- Title VI related documents are included in bid packages, publications, and legal advertisements. Prime contracts are reviewed pursuant to federal aid regulations for detail including the PR-1273, wage rates, and appropriate DBE goals.
- Emerging technological advances to provide for more equitable access for both handicapped and non-handicapped individuals to project information and support data using electronic communication. MDT capability to provide Braille documents is currently limited by available equipment and funds.
- As Read and Transportation Commission Award reports, for potential Title VI impact.

The Research Section is responsible for contracting research projects through its Research Program and conducting an Experimental Projects Program. Solicitations comply with MDT's Purchasing Services Section or Consultant Design Bureau requirements. MDT Research requirements are used for contracting with various public entities to perform research projects.

OCR monitors mailing lists and conducts periodic reviews to ensure that protected groups have equal access to research opportunities information.

Rail, Transit and Planning Division

Rail, Transit, and Planning Division (RTPD) provides a broad range of multi-modal transportation planning functions and analyses to enable project selection and programming for MDT's short and long-range transportation and grant programs. The principal duties in this Division which have Title VI impacts are planning, public involvement, contractual/consultant services procurement, grant/sub-grant recipients, equipment procurement, rail transit, special studies, and sub allocated pass-through funding to governmental subdivisions. The impacts of these areas are incorporated in the Process Handbook for Transportation Planning program description. RTPD ensures that:

- Grant and sub-grant programs for non-governmental organizations are publicized through the State to assure that protected groups receive appropriate notification and may participate in identified programs.
- Existing statistical data identifying concentrations of protected group populations is used in the development of MDT Public Involvement Strategies.
- Procurement of consultant services and equipment will be accomplished in accordance with State and Federal law (see Purchasing section of this Plan).

The statewide transportation planning process includes development, administration, and updating highway, transit, rail, and bicycle/pedestrian plans and programs in accordance with federal and state laws, regulations, and policies. The process relies heavily on cyclical and ongoing public involvement efforts to involve stakeholders, the public, and other state, tribal, and local agencies and governments in the decision-making process. Products include plans, reports, and studies that guide MDT decision makers in carrying out MDT's statutory responsibilities as the Montana agency responsible for comprehensive statewide transportation planning and policy.

Multimodal Planning and Grants Bureaus

The Multimodal Planning and Grants Bureaus are responsible for ensuring that Montana residents are aware of transit and rail issues and programs and that the benefits of MDT's services are equitably distributed. This objective is accomplished by publicizing the availability of assistance in regional, local, and minority newspapers, the MDT newsletter, and direct mail. Staff solicits participation from throughout Montana including the seven Indian reservations. Staff also provides opportunities to participate in the transit and rail planning through public meetings, surveys, toll-free telephone numbers, and consultant studies. Interpreters will be used to aid those with special needs.

To prevent discriminatory treatment of protected groups, staff ensures that applicants and recipients of assistance have access to processes for corrective or remedial actions. Complaint procedures are in place that will facilitate a resolution of problems at the lowest possible level. Staff also ensures that decisions on locations of services and facilities and the level and quality of transit services comply with Title VI requirements. Multimodal Planning and Grants Bureaus staff also conduct the following activities:

- Review data to determine if concentrations of Title VI protected populations exist and may affect decision-making.
- Review Metropolitan Planning Organization (MPO) Title VI plans to ensure the plans effectively address and comply with Title VI requirements.
- Review of Federal Transit Association (FTA) Section 5310 and 5311 transportation providers on a three-year rotational basis with one-third being reviewed each year.
- Review urban areas without formal transportation plans as appropriate or as changes in federal-aid property projects may dictate.

The Multimodal Bureau is also tasked with supporting bicycle and pedestrian modes and bicycle and pedestrian related improvements.

As part of the Grants Bureau, State Highway Traffic Safety Section (SHTSS) is tasked with reducing the number and severity of traffic crashes, injuries, and fatalities on Montana highways. SHTSS conducts several programs with multiple projects that focus on impaired driving prevention and occupant protection, and other traffic safety related problem areas using National Highway Traffic Safety Administration (NHTSA) funds.

SHTSS distributes federal funds to other state and local government agencies and non-governmental entities who provide highway traffic safety, enforcement, and education programs within the state. The SHTSS grants provide funding for agencies to conduct overtime activities for highway traffic safety programs. Funding is distributed to local agencies based upon population size and crash rates, with areas having the highest crash rates/fatalities assigned priority, without regard to sex, race, color, or national origin.

Traffic safety funds grants are awarded to non-law enforcement entities based upon selection criteria. Programs targeted to reduce traffic fatalities and injuries and that otherwise meet the goals and objectives of the Comprehensive Highway Safety Plan are selected and awarded without regard to sex, race, color, or national origin. Grant recipients agree not to participate either directly or indirectly in discrimination prohibited under 49 CFR §26.5. Grant applications are made available on the MDT website at: mdt.mt.gov/visionzero/grants/ Interested parties have an equal opportunity to apply. The website is advertised on SHTSS's written material, public announcements, and by staff contacts with the public.

Environmental Services Bureau

The Environmental Services Bureau (ESB) assures MDT project documentation complies with the National Environmental Policy Act (NEPA) and Montana Environmental Policy Act (MEPA) for transportation highway projects. ESB conducts Community Impact Assessments and Environmental Justice Analysis. Areas of concern include Indian reservation lands, tribal lands outside a reservation, and minority and low-income neighborhoods.

ESB evaluates potential impacts of transportation projects and alternatives. After appropriate analysis and evaluation, ESB determines appropriate mitigation for the impacts of a transportation project and alternatives on neighborhoods in collaboration with other MDT design and operations staff.

All environmental documents undergo review by Engineering Section Supervisor or the Bureau Chief to assure completeness and accuracy of the documentation. Documents for major transportation projects are reviewed by MDT's staff attorneys and MDT's

design and operations staff. The Title VI Program Coordinator reviews selected draft environmental documents for Title VI compliance. Any issues are reported to OCR. Procedures for studying neighborhood impacts are set forth in MDT's Environmental Manual, Chapter 19 at: mdt.mt.gov/publications/manuals.shtml.

Procedures for conducting Environmental Justice Analysis are set forth in MDT's Environmental Manual, Chapter 24 at: mdt.mt.gov/publications/manuals.shtml.

Human Resources and Occupational Safety Division (HROS)

HROS is composed of three bureaus: HR Bureau, Workforce Planning Bureau, and Safety Bureau.

- HROS has a complaint process. If a complaint is based on a protected class or protected activity, it is sent immediately to the OCR. HR and OCR work together to carry out nondiscrimination responsibilities.
- HROS works to proactively recruit qualified applicants and works with OCR on the Affirmative Action Program.
- The Safety Bureau develops and presents safety training and works in conjunction with OCR to prevent discrimination.

Maintenance Division

Service level guidelines are established by Maintenance Chiefs, District Administrators, and the Maintenance Division Administrator. These guidelines prescribe uniform service levels and winter hours of service.

- Winter road reports are provided to the traveling public. Telecommunication Devices for the Deaf (TDD) are available for public use and are included at rest area locations along interstate highways.
- Maintenance's Traveler information system has a text to voice option, and all the conditions and events have a textual narrative that can be invoked.
- Purchasing Services Section requirements are utilized when maintenance contracts are advertised and awarded.

Each District's Maintenance Supervisor(s) monitors written reports, public comments, and performs road inspections to ensure all members of the public receive equal road maintenance services. The Maintenance Supervisors are instructed to report possible Title VI and other civil rights violations and complaints to OCR for processing.

Motor Carrier Services Division (MCS)

The MCS Division protects the Federal and Montana investment in Montana's highway system and ensures traveling public safety through regulation of the motor carrier industry and enforcement of state and federal commercial and agricultural motor carrier laws, rules, and regulations; licenses and permits commercial vehicles in compliance

with state, regional, and federal law and/or agreement and establishes state, national, and international commercial motor carrier regulatory and enforcement rules and policy on behalf of the State of Montana. The current version of MDT's FMCSA Title VI Program Compliance Plan is located here:

mdt.mt.gov/other/webdata/external/civilrights/FMCSA_Title_VI_Plan.pdf

Director's Office

The Public Information Officer (PIO) or designee works with the project team and/or consultants to coordinate open house meetings and hearings and approve materials to ensure compliance with Title VI and ADA requirements. The PIO, designee, or consultant is responsible for completing and submitting to OCR the Title VI Public Meeting/Hearing Form after each open house meeting/hearing.

District Responsibilities

Each District relies on the Purchasing Services Section to administer MDT's purchasing procedures when procuring items and equipment costing greater than \$5,000. District purchasing policy adheres to the MDT Purchasing Bureau's Procedures Manual. In cases when leasing is required, each District utilizes the MDT's Purchasing Services Section format that includes required Title VI language.

Public meetings, open houses, and forums are managed by MDT's PIO or a public information contractor in coordination with the Project Design Manager and are scheduled in the nearest location or town offering accessible facilities for all protected groups. Meeting times and location are selected to provide all protected groups the opportunity to participate. Documents are maintained to assure these considerations have been accomplished.

OCR monitors District activities in the following way:

- All managers verify and report Title VI compliance issues.
- District staff with responsibilities related to purchase orders and agreements, report Title VI compliance issues.
- District construction personnel report any Title VI compliance issues regarding construction documents (state and contractor) and operations.
- Persons scheduling public meetings, open houses, and forums verify Title VI Compliance and report this activity to OCR.
- Purchasing Services Section verifies appropriate Title VI language is contained in contracts issued by the District.

4. Sub-recipient Review Procedures

In FFY 2022, MDT determined in conjunction with FHWA that it did not have any subrecipients. In FFY 2023, MDT will develop a procedure for identifying subrecipients for Title VI review and conducting subrecipient reviews.

MDT will monitor subrecipients that receive FHWA funding through MDT for compliance with Title VI requirements. Prior to receiving funding, subrecipients will sign an Agreement with MDT that includes assurances of nondiscrimination in accordance with USDOT Order 1050.2A.

MDT will require subrecipients to develop Title VI plans that align with FHWA Title VI requirements and guidance, which must be updated every three years. MDT will add language to the FHWA subrecipient contracts with the new subrecipient Title VI Plan requirements.

If any subrecipient Title VI Plan deficiencies are identified, MDT will work with the subrecipient to correct the deficiencies, including providing technical assistance.

5. Data Collection – Reporting - Analysis

OCR uses the U.S. Census Bureau data to collect statistical data about the race, color, religion, sex, and national origin of participants in, and beneficiaries of Montana’s highway program. For the purposes of the Environmental Justice Analysis, MDT’s ESB also obtains data from the federal, tribal, state and local health, environmental, social services, and economic development agencies; MPOs; and public involvement and outreach within the affected communities.

MDT will review data collection processes set forth in subrecipient Title VI Plans for how Title VI data is collected, analyzed, and reported.

From October 1, 2021 - September 30, 2022, no FHWA related Title VI complaints or ADA complaints were filed against MDT.

OCR tracks Title VI and Title VII complaint information in a complaint tracking data base and captures the below information for each report:

Case #	Protected Class on which complaint is based	Nature of the Complaint	Date Filed	Date Investigation Complete	Authority	Date Received & Date Closed	Notes

6. Training

Internal Employee Training

New Employee Orientation: New MDT employees will receive Title VI Program training directly from an employee from the OCR in-person or online within three months of their hire date. This training will take place at the new employee orientation and will highlight:

- state and federal nondiscrimination laws;
- the process for filing a complaint with the OCR and the state and federal authorities regulating and investigating complaints of discrimination; and
- introduction to internal and external civil rights information on MDT's website and an explanation of the resources contained therein.

Biennial Training: MDT staff complete biennial Title VI Program training conducted by OCR or other training approved by FHWA. The training will cover the above requirements and highlight:

- Legislative changes;
- MDT's responsibilities to its employees and to the public;
- the rights and responsibilities of MDT employees; and
- the process to file complaints with OCR and outside authorities with timelines associated with each.

Other Training: MDT employees complete all training required by the Montana Department of Administration. Further, OCR will also provide customized training to address specific Title VI issues upon request.

External Stakeholder Training

MDT provides training opportunities for external stakeholders through webinars or classroom setting. Participants are presented instruction on civil rights requirements and are encouraged to participate in discussions regarding potential civil rights issues in the workplace. Participants are provided presentation materials, which include an OCR complaint form and contact information for the Title VI Program Coordinator and other staff trainers. Materials are provided in alternative accessible formats upon request. OCR is developing an online training format and provides targeted training on request.

7. Complaint Procedures

The following procedures cover complaints filed under Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987:

Any person who believes they, or any specific class of persons, were subjected to prohibited discrimination based on race, color or national origin

may file a written complaint individually or through a representative. A complaint must be filed no later than 180 days after the date of the alleged discrimination, unless the discrimination is ongoing, or the time for filing is extended by the FHWA.

Complaints related to MDT's Federal-aid Highway Program may be filed with MDT, FHWA Montana Division Office, the FHWA Headquarters Office of Civil Rights (HCR), the USDOT, Departmental Office of Civil Rights, or the United States Department of Justice (USDOJ). MDT will ensure that all complaints are sent to the appropriate authority for disposition.

Complaints alleging violations of Title VI by MDT or its subrecipients may be filed in writing with the following agencies:

Montana Department of Transportation
Office of Civil Rights
2701 Prospect Ave.
PO Box 201001
Helena Montana 59601

Federal Highway Administration – Montana Division
585 Shephard Way, Suite 2
Helena Montana 59601

Federal Highway Administration
U.S. Department of Transportation Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-105
Washington, DC 20590
CivilRights.FHWA@dot.gov,
FHWA.TitleVIcomplaints@dot.gov

Federal Coordination and Compliance Section - NWB
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington D.C. 20530

NOTE: Additional information regarding the Title VI complaint process can be found at:
fhwa.dot.gov/civilrights/programs/title_vi/titleviqa.cfm.

Confidentiality and Retention: Complaints and investigative files are confidential. The contents of such files will only be disclosed to appropriate MDT personnel and federal authorities in accordance with federal and state laws. MDT will retain files consistent with records retention schedules and all federal guidelines.

Processing Complaints

OCR is charged with the primary responsibility of processing Title VI external discrimination complaints received by MDT. All discrimination complaints received by staff and management must be referred to OCR for review and action. OCR processes complaints consistent with FHWA's Questions and Answers for Complaints Alleging Violations of Title VI of the Civil Rights Act of 1964 guidance. OCR will inform the FHWA Division Office, which will forward the complaint to the FHWA HCR for review and further investigation if accepted.

Complaints shall set forth, as fully as possible, the facts and circumstances surrounding the alleged discrimination. If a person makes a verbal complaint to an MDT employee, that person shall be interviewed by OCR. If necessary, OCR will assist the person in documenting the complaint in writing and submitting the written version to the person for signature. Within 10 days of receipt of the complaint, OCR will acknowledge receipt, inform the complainant of action proposed or taken, and forward the complaint to the appropriate regulatory agency. Complaints forwarded to FHWA will include the following information, if available:

- Name, address, and phone number of the complainant.
- Name(s) and address(es) of alleged discriminating official(s).
- Basis of complaint (i.e., race, color, national origin, sex, age, disability).
- Date of alleged discriminatory act(s).
- Date of complaint received by MDT.
- A statement of the complaint.
- Other agencies (state, local or federal) where the complaint has been filed.
- An explanation of the actions MDT has taken or proposed to resolve the issue raised in the complaint.

FHWA has final decision authority and may take any of the following actions:

Accept: If a complaint is filed timely, contains sufficient information to support a claim under Title VI, and concerns matters under FHWA's jurisdiction, then FHWA will send a written notice that it has accepted the complaint for investigation to the complainant, the respondent agency, and the FHWA Division Office.

Preliminary review: If it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then FHWA may (1) dismiss it, or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.

Procedural Dismissal: If a complaint is not filed timely, is not in writing and signed, or features other procedural or practical defects, then FHWA will send the complainant, respondent, and FHWA Division Office a written notice that it is dismissing the complaint.

Referral/Dismissal: If the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter, or (2) lacks jurisdiction over the respondent entity,

then FHWA will either dismiss the complaint or refer it to another agency that has jurisdiction. If FHWA dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper federal agency and a copy to the USDOT Departmental Office of Civil Rights.

See Attachment 5 for MDT's Complaint Form.

8. Dissemination of Title VI Information

Engaging the public early and throughout the transportation decision-making process is key to MDT's mission. Meaningful public involvement efforts build trust and credibility for the department and enhance the awareness and understanding of MDT actions and business practices.

Public involvement includes providing the public with information at key decision points and providing opportunities for input in planning and project development. MDT's Public Involvement Plan (mdt.mt.gov/publications/docs/manuals/pubinvhb.pdf) provides details on how the department strives to inform and involve all affected parties, including traditionally underserved groups (e.g., those with disabilities, minority and ethnic groups, low-income groups, and those with limited English proficiency).

Public involvement is vital to good decision-making, acceptance of ideas, reducing misunderstanding, and avoiding and resolving conflict. Capturing the public's interest takes effort and continual attention. Engaging the public starts with MDT's long-range planning and continues through construction and operation.

MDT's public involvement can be identified in phases:

Planning and Programing: The planning and programing phase considers statewide, systems-level, metropolitan, non-metropolitan, transit, and aeronautics actions. The project development and construction phase centers on specific highway improvement projects. Both phases provide opportunities for the public to review and provide input for consideration in shaping decisions.

MDT's PIO and Public Involvement Specialist; both are available to assist department staff and consultants with public involvement activities and planning, including arranging provisions to accommodate special needs of individuals and protected groups.

Project Development and Construction: MDT's project staff and consultants offer OCR's informational brochure at public meetings, hearings, and open houses. See Attachment 5. MDT's project staff and consultants also complete a Title VI Public Meeting/Hearing Form as appropriate and submit to OCR. See Attachment 6. MDT periodically reviews its public involvement activities to ensure Title VI compliance.

MDT also includes public involvement-related questions on the TranPlanMT biennial public and stakeholder surveys (mdt.mt.gov/publications/surveys.shtml) and reviews responses for consideration of changes to the public involvement process.

At least once every five years, MDT solicits and reviews comments from non-metropolitan local officials on the effectiveness of the consultation process and any proposed changes.

Working continually, cooperatively, and comprehensively with the public and stakeholders allows MDT to deliver transportation solutions that improve safety and efficiency, protect natural and human environments, and contribute to community vitality and general well-being for all.

9. Review of MDT Directives

MDT employs the following processes to review agency directives, administrative rules, policies, procedures, and manuals for Title VI Program compliance:

- Title VI Program Coordinator works collaboratively with the Title VI Advisory Team to ensure MDT directives comply with Title VI requirements.
- Staff conducts a Title VI analysis in completing environmental reviews and refers Title VI issues to the Title VI Advisory Team.
- Staff and consultants hosting public meetings complete the Title VI checklist, submit to the Title VI Program Coordinator for review, and refer any Title VI issues to the Title VI Advisory Team.
- OCR Bureau Chief serves as the civil rights advisor to the Director and Administrative staff to ensure MDT directives comply with Title VI Program requirements.
- Title VI Program Coordinator works cooperatively with the FHWA Division Civil Rights staff and Title VI Advisory Team to implement federal Title VI Program directives.
- Legal Services Unit reviews administrative rules, policies and procedures, and agency manuals to identify legal issues.

10. Compliance and Enforcement Procedures

Corrective Action Plan

MDT's goal under the FHWA Title VI Program is to achieve voluntary compliance. If deficiencies are found during a Title VI review, the Title VI Program Coordinator will prepare a compliance review report to submit to the Title VI Advisory Team. The Title VI Advisory Team will meet and confer with the program area or subrecipient and prepare a

corrective action plan (CAP) that includes the deficiencies, a discussion of required remedial actions and deadlines for implementing the CAP, not to exceed 90 days.

Programs and subrecipients are expected to correct deficiencies according to their CAP and provide periodic updates to the Title VI Advisory Team. The Title VI Program Coordinator will provide technical assistance, as needed, and work with the program manager or subrecipients to obtain voluntary compliance with the CAP.

When a program area or subrecipient has completed the CAP, the Title VI Program Coordinator will submit a summary report to the Title VI Advisory Team. If the summary report demonstrates the deficiencies are addressed, the Title VI Advisory Team will authorize the Title VI Program Coordinator to prepare a closeout letter notifying the program manager or subrecipient that the review process is complete.

Addressing Noncompliance

The Title VI Advisory Team will require full cooperation from its programs and subrecipients to correct deficiencies found during Title VI reviews. If the Title VI Advisory Team is unable to obtain voluntary compliance it will take necessary steps to ensure compliance.

MDT Programs and Activities: In the event an MDT program fails to cooperate during a review or comply with the terms of a CAP, the Title VI Advisory Team will make recommendations to the MDT Director regarding next steps.

Subrecipients: In the event subrecipient fails to cooperate during a review or comply with the terms of a CAP, the Title VI Advisory Team will work through the program with oversight of the subrecipient to attempt to resolve the issue using the program's normal administrative solutions. If the issue is not corrected, the Title VI Advisory Team may take the following steps, with the concurrence of FHWA:

- Cancel, terminate, or suspend the contract or agreement in whole or in part;
- Refrain from extending further assistance to the subrecipient under the program for which the failure or refusal occurred until the subrecipient provides satisfactory assurances of future compliance;
- Initiate other action deemed appropriate under the circumstances, until the subrecipient provides satisfactory assurances of future compliance; and/or
- Refer the case to FHWA for appropriate administrative action or legal proceedings.

Process for Resolution of Deficiencies

MDT is committed to taking prompt action to correct deficiencies identified by FHWA. Upon receiving notice of program deficiencies, MDT will take the following actions:

- The Title VI Program Coordinator will distribute findings to the Director, affected Deputy Director or Chief Operating Officer, and Title VI Advisory Team.

- The Title VI Program Coordinator will work in conjunction with the Title VI Advisory Team to develop a corrective action plan (CAP).
- The Title VI Advisory Team will submit the CAP to the Director and affected Deputy Director or Chief Operating Officer.
- The Title VI Program Coordinator will submit the final CAP to FHWA for comment and approval.
- Each CAP will contain:
 - Description of identified deficiencies.
 - Applicable laws, rules, and regulations.
 - Action items necessary for the MDT program to correct deficiencies.
 - Timeline and deadlines to complete the action items, not to exceed 90 days.
 - Strategy to monitor deadlines.
 - Timeline to provide updates to FHWA.

Upon FHWA's approval of the CAP, the Title VI Program Coordinator will work with the Title VI Advisory Team to implement the plan and schedule monthly meetings to track MDT's implementation and compliance with the CAP. The Title VI Program Coordinator will provide updates to FHWA as required in the CAP, and if necessary, work with the affected program area to update its procedures to implement the CAP. The CAP and its results will be included in the Title VI Goals and Accomplishments Report.

11. Limited English Proficiency

Executive Order 13166, guidance entitled *Improving Access to Services by Persons with Limited English Proficiency* (LEP) requires federal agencies:

Assess and address the needs of otherwise eligible persons seeking access to federally conducted programs and activities who, due to LEP, cannot fully and equally participate in or benefit from those programs and activities. LEP individuals are those who do not speak English as their primary language and have a limited ability to read, write, speak, or understand English due to their national origin. These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

The USDOJ's LEP Guidance advises each federal department or agency to "take reasonable steps to ensure 'meaningful' access to LEP individuals to the information and services they provide." It further explains that the identification of "reasonable steps" to ensure meaningful access will be contingent on a number of factors. Among the four factors to be considered are:

- The number or proportion of LEP persons in the eligible service population;
- The frequency with which LEP individuals come in contact with the program;
- The importance of the service provided by the program;
- The resources available to the agency.

The current version of MDT's Language Assistance Plan for LEP individuals is located at:

mdt.mt.gov/other/webdata/external/civilrights/limited_english_proficiency_plan_2012.pdf

OCR will annually monitor the LEP Plan to evaluate its effectiveness in serving LEP individuals and modify it accordingly. As part of this annual monitoring, MDT recently conducted a survey of MDT employees that work with LEP individuals and is evaluating new Census data to determine the best methods to provide access to MDT's programs and services for LEP individuals. When the updates are finalized, OCR staff will train MDT employees on the resources available to assist LEP individuals, including I Speak Cards and translation and interpretation services.

Attachments

Attachment 1: USDOT Standard Title VI/ Non-Discrimination Assurances

The United States Department of Transportation

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

The Montana 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 Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA), 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);
- 49 C.F.R. part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 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, 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 DOT, including the FHWA, FTA and FAA.

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 Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted FHWA, FTA, or FAA programs:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 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 all FHWA, FTA, and FAA programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The Montana 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, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

3. 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, the Montana 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 FHWA, FTA, and FAA's 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 FHWA, FTA, and FAA. You must keep records, reports, and submit the material for review upon request to FHWA, FTA, and FAA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Montana 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 U.S. Department of Transportation under the FHWA, FTA, and FAA. This ASSURANCE is binding on Montana, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the FHWA, FTA, and FAA funded programs. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Montana Department of Transportation

by 
Malcolm D. Long, Director

DATED Sept 12th, 2022

APPENDIX A

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

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

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

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

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Montana Department of Transportation will accept title to the lands and maintain the project constructed thereon in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and Federal Aviation Administration (FAA) Programs, and the policies and procedures prescribed by the FHWA, FTA, and FAA 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 U.S. Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Montana Department of Transportation all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Montana 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 will be binding on the Montana Department of Transportation, its successors and assigns.

The Montana 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 will on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the Montana Department of Transportation will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction.*

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

APPENDIX C

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

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Montana Department of Transportation 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 U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Montana Department of Transportation 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 Montana Department of Transportation 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 Montana 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 to make clear the purpose of Title VI.)

APPENDIX D

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

The following clauses will be included in deeds, licenses, permits, or similar instruments/ agreements entered into by Montana Department of Transportation 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, or national origin will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, Montana Department of Transportation 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, Montana Department of Transportation will there upon revert to and vest in and become the absolute property of Montana 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 to make clear 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:

Pertinent Federal Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21,
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 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, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189), as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*).

Attachment 2: MDT Designation and Delegation Letter



Malcolm "Mack" Long, Director

2701 Prospect - PO Box 201001
Helena, MT 59620-1001

September 12, 2022

Lucia Olivera
Division Administrator
Federal Highway Administration
585 Shephard Way
Helena, MT 59601

Subject: Title VI Program Implementation Plan, FFY 2023


Dear Ms. Olivera,

I am designating the Montana Department of Transportation (MDT) Office of Civil Rights (OCR) Bureau Chief as the Agency-wide Title VI Coordinator for the MDT Title VI Program. I am delegating sufficient responsibility and authority to the Title VI Program Coordinator and to MDT's Administrators to effectively implement MDT's Title VI Program for the Federal Highway Administration.

The contact information for MDT's Title VI Coordinator is as follows:

Megan Handl
Bureau Chief
Office of Civil Rights
Montana Department of Transportation
2701 Prospect Avenue
Helena, MT 59620
Office: (406) 444-6324
mhandl@mt.gov

Sincerely,



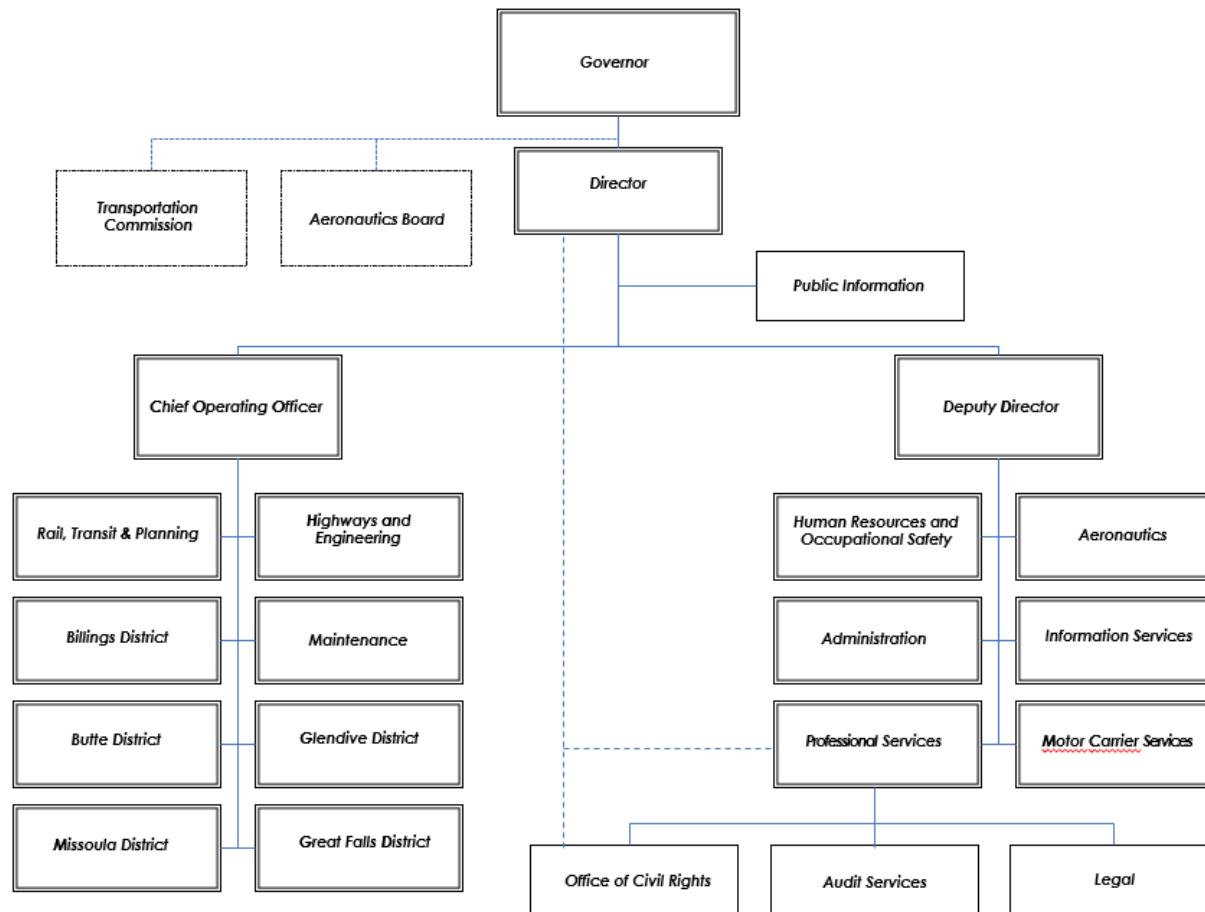
Malcolm D. Long
Director

Copies: Dwane Kailey, MDT Chief Operations Officer
Julie Brown, MDT Deputy Director
Megan Handl, MDT OCR Bureau Chief
Valerie Wilson, MDT Chief Legal Counsel

Attachment 3: Organizational Chart



Montana Department of Transportation Department Outline



November 15, 2021

Attachment 4: MDT Nondiscrimination and Disability Accommodation Notice

MDT NONDISCRIMINATION AND DISABILITY ACCOMMODATION NOTICE

Montana Department of Transportation (“MDT”) is committed to conducting all of its business in an environment free from discrimination, harassment, and retaliation. In accordance with State and Federal law MDT prohibits any and all discrimination and protections are all inclusive (hereafter “protected classes”) by its employees or anyone with whom MDT does business:

Federal protected classes

Race, color, national origin, sex, sexual orientation, gender identity, age, disability, income-level & Limited English Proficiency

State protected classes

Race, color, national origin, parental/marital status, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, religion/creed, social origin or condition, genetic information, sex, sexual orientation, gender identification or expression, ancestry, age, disability mental or physical, political or religious affiliations or ideas, military service or veteran status, vaccination status or possession of immunity passport

For the duration of this contract/agreement, the PARTY agrees as follows:

(1) Compliance with Regulations: The PARTY (hereinafter includes consultant) will comply with all Acts and Regulations of the United States and the State of Montana relative to Non- Discrimination in Federally and State-assisted programs of the U.S. Department of Transportation and the State of Montana, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

(2) Non-discrimination:

- a. The PARTY, with regard to the work performed by it during the contract, will not discriminate, directly or indirectly, on the grounds of any of the protected classes in the selection and retention of subcontractors, including procurements of materials and leases of equipment, employment, and all other activities being performed under this contract/agreement.
- b. The PARTY will provide notice to its employees and the members of the public that it serves that will include the following:
 - i. A statement that the PARTY does not discriminate on the grounds
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of any protected classes.
 - ii. A statement that the PARTY will provide employees and members

of the public that it serves with reasonable accommodations for any known disability, upon request, pursuant to the Americans with Disabilities Act as Amended (ADA).

- iii. Contact information for the PARTY's representative tasked with handling non-discrimination complaints and providing reasonable accommodations under the ADA.
- iv. Information on how to request information in alternative accessible formats.

- c. In accordance with Mont. Code Ann. § 49-3-207, the PARTY will include a provision, in all of its hiring/subcontracting notices, that all hiring/subcontracting will be on the basis of merit and qualifications and that the PARTY does not discriminate on the grounds of any protected class.

(3) Participation by Disadvantaged Business Enterprises (DBEs):

- a. If the PARTY receives federal financial assistance as part of this contract/agreement, the PARTY will make all reasonable efforts to utilize DBE firms certified by MDT for its subcontracting services. The list of all currently certified DBE firms is located on the MDT website at mdt.mt.gov/business/contracting/civil/dbe.shtml
- b. By signing this agreement, the PARTY assures MDT that:

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

- c. The PARTY must include the above assurance in each contract/agreement the PARTY enters.

(4) Solicitation for Subcontracts, Including Procurement of Materials and Equipment:

In all solicitations, either by competitive bidding, or negotiation, made by the PARTY 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 PARTY of the PARTY's obligation under this contract/agreement and all Acts and Regulations of the United States and the State of Montana related to Non-Discrimination.

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- (5) Information and Reports:** The PARTY will provide all information and reports required by the Acts, 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 MDT or relevant US DOT Administration 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 PARTY will so certify to MDT or relevant US DOT Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

(6) Sanctions for Noncompliance: In the event of a PARTY's noncompliance with the Non-discrimination provisions of this contract/agreement, MDT will impose such sanctions as it or the relevant US DOT Administration may determine to be appropriate, including, but not limited to:

- a. Withholding payments to the PARTY under the contract/agreement until the PARTY complies; and/or
- b. Cancelling, terminating, or suspending the contract/agreement, in whole or in part.

(7) Pertinent Non-Discrimination Authorities: During the performance of this contract/agreement, the PARTY, for itself, its assignees, and successor in interest, agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Federal

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 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, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airways Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (broadened the scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, The Age

Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients, and contractors, whether such programs or activities are Federally funded or not);

- Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38;
- The Federal Aviation Administration’s Non-Discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English Proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*).
- Executive Order 13672 prohibits discrimination in the civilian federal workforce on the basis of gender identity and in hiring by federal contractors on the basis of both sexual orientation and gender identity.

State

- Mont. Code Ann. § 49-3-205 Governmental services;
- Mont. Code Ann. § 49-3-206 Distribution of governmental funds;

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- Mont. Code Ann. § 49-3-207 Nondiscrimination provision in all public contracts.

(8) Incorporation of Provisions: The PARTY will include the provisions of paragraph one through seven in every subcontract, including procurements of materials and

leases of equipment, unless exempt by the Acts, the Regulations and/or directives issued pursuant thereto. The PARTY will take action with respect to any subcontract or procurement as MDT or the relevant US DOT Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the PARTY becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the PARTY may request MDT to enter into any litigation to protect the interests of MDT. In addition, the PARTY may request the United States to enter into the litigation to protect the interests of the United States.

Civil Rights Discrimination Complaint Form

You MUST file your complaint within 180 calendar days of incident. You are not required to use this form to file a complaint. In your complaint, explain in as much detail as possible, how you were discriminated against. Include all relevant names and dates. Attach any additional documentation, as necessary, to your complaints. Someone from the Office of Civil Rights will be in contact with you **within seven (7) business days** of receiving the complaint.

Montana Department of Transportation
Office of Civil Rights
2701 Prospect Avenue, PO Box 201001
Helena, MT 59620-1001
Email: mdtcrform@mt.gov
Voice: (406) 444-6334
TTY: (800) 335-7592
Fax: (406) 444-7243

Complainant Information

☐ Someone else (Specify who)

- ☐ Retaliation

Description of why you are filing your complaint: (attach additional pages if needed)

☐ Vaccination Status or Possession of Immunity Passport

Date _____

Non-Discrimination Authorities

- * Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- * The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 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, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- * Airport and Airways Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- * The Civil Rights Restoration Act of 1987, (PL 100-209), (broadened the scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients, and contractors, whether such programs or activities are Federally funded or not);
- * Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38;

Authorities (continued)

- * The Federal Aviation Administration's Non-Discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- * Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- * Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English Proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- * Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 et seq.).
- * Executive Order 13672 prohibits discrimination in the civilian federal workforce on the basis of gender identity and in hiring by federal contractors on the basis of both sexual orientation and gender identity.
- * Mont. Code Ann. § 49-3-205 Governmental services;
- * Mont. Code Ann. § 49-3-206 Distribution of governmental funds;
- * Mont. Code Ann. § 49-3-207 Nondiscrimination provision in all public contracts.

This document is printed at state expense. Information on the cost of producing this publication may be obtained by contacting the Department of Administration.



MONTANA
Department of Transportation

Non-Discrimination & Accessibility

ADA, Title VI, and Title VII

For more information on at ADA, Title VI, Title VII, or non-discrimination at MDT, visit our website:

mdt.mt.gov/business/contracting/civil/eeo.aspx

Montana Department of Transportation (MDT) is committed to conducting all of its business in an environment free of discrimination, harassment, and retaliation. In accordance with State and Federal law MDT prohibits any and all discrimination on the basis of protected classes by its employees or anyone with whom MDT chooses to do business.

If you believe discrimination is occurring in any of MDT's programs or services, please contact:

Montana Department of Transportation
Office of Civil Rights
Department of Transportation
2701 Prospect Avenue, PO Box 201001
Helena, MT 59620-1001
Voice: (406) 444-6334
TTY: (800) 335-7592
Fax: (406) 444-7243

Alternative accessible formats of this document will be provided on request. Persons who need an alternative format should contact the Office of Civil Rights, Department of Transportation, 2701 Prospect Avenue, PO Box 201001, Helena, MT 59620-1001. Telephone: (406) 444-5416 or Montana Relay Service at 711.

Rev 03/2022

Attachment 6: Title VI Public Meeting/Hearing Form

Title VI Public Meeting/Hearing Form

Location: _____ District: _____ Date: _____
Project No: _____ Designation: _____ CN: _____
Title VI
Representative: _____

Was the following language displayed, stated, or paraphrased to the audience? ☐ Yes ☐ No

This meeting is held pursuant to Title VI of the 1964 Civil Rights Act which ensures that no person in the United States shall, as provided by Federal and State Civil Rights laws, be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination on the basis of a protected status during any MDT project. Further information is available in Title VI pamphlets available at the sign-in table.

Type of Meeting/Hearing:

☐ Informational ☐ Hearing (Public Input Sought)
☐ Scoping ☐ Other: _____

Type of Notice(s) for Meeting/Hearing:

☐ Paid Advertising ☐ Public Service ☐ Newspaper ☐ Radio
☐ Television ☐ Internet ☐ Landowner letter
☐ Direct Mailing (postcard, brochure, etc.) ☐ Other: _____

Will this project / issue impact minority groups?

☐ Yes ☐ No ☐ Unknown

If yes, please explain. _____

Complete questions below as appropriate:

Will there be:

Relocations? ☐ Yes ☐ No ☐ Unknown

Additional R/W? ☐ Yes ☐ No ☐ Unknown

If yes, please explain. _____

What minority groups were represented?

☐ Native American ☐ Hispanics ☐ Asians

☐ African Americans ☐ Unknown ☐ Other: _____

The meeting was held within _____ miles of the project site.

Post Hearing Observations

Was there a language barrier? ☐ Unknown ☐ Yes ☐ No

Was a translator requested? ☐ Yes ☐ No

If yes, what language? _____

Were the facilities accessible to the disabled? ☐ Yes ☐ No

(see <http://www.ada.gov/business/accessiblemtg.htm>)

If no, please explain:

Were other accommodations requested?

☐ Yes ☐ No

If yes, please explain:

Were disabled persons present?

☐ Unknown ☐ Yes ☐ No

Were Title VI pamphlets with accessibility statements available?

☐ Yes ☐ No

How many members of the public attended? _____

Did any members of the public make comments?

☐ Yes ☐ No

Were any written Title VI complaints regarding the meeting/project received?

☐ Yes ☐ No

[If yes, please submit a copy of the written Title VI complaint to the Title VI Program Coordinator.]

What time was the meeting held? _____ to _____

Per **SAFETEA-LU**, were any “advanced visualization techniques” used?

☐ Yes ☐ No

If yes, please describe briefly:

Please submit this completed form electronically to the Title VI Program Coordinator at mdtcrform@mt.gov