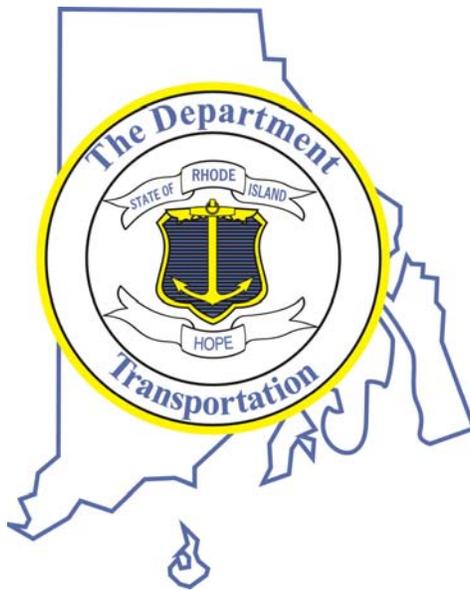


# Rhode Island Department of Transportation



## Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report

2012

TABLE OF CONTENTS

I. Civil Rights Program Organization ..... 1  
    A. External Civil Rights Programs ..... 1  
    B. Internal Civil Rights Programs ..... 2  
        1. Reorganization ..... 2  
        2. Responsibility for Title VI/Nondiscrimination Activities ..... 3  
II. Internal Monitoring Program ..... 3  
    A. Federal Programs - Process Reviews ..... 3  
    B. Results of Federal Program Process Reviews ..... 4  
        1. Planning ..... 4  
        2. Environment ..... 9  
    C. Reviews Scheduled for FY2013 ..... 9  
III. External Monitoring Program ..... 9  
IV. Training Summary ..... 10  
    A. Internal Training ..... 10  
    B. External Training ..... 10  
V. Title VI/Nondiscrimination Complaints ..... 10  
VI. Special Emphasis Area: Public Participation ..... 10



Photograph provided courtesy of the RI Secretary of State, State Archives Division

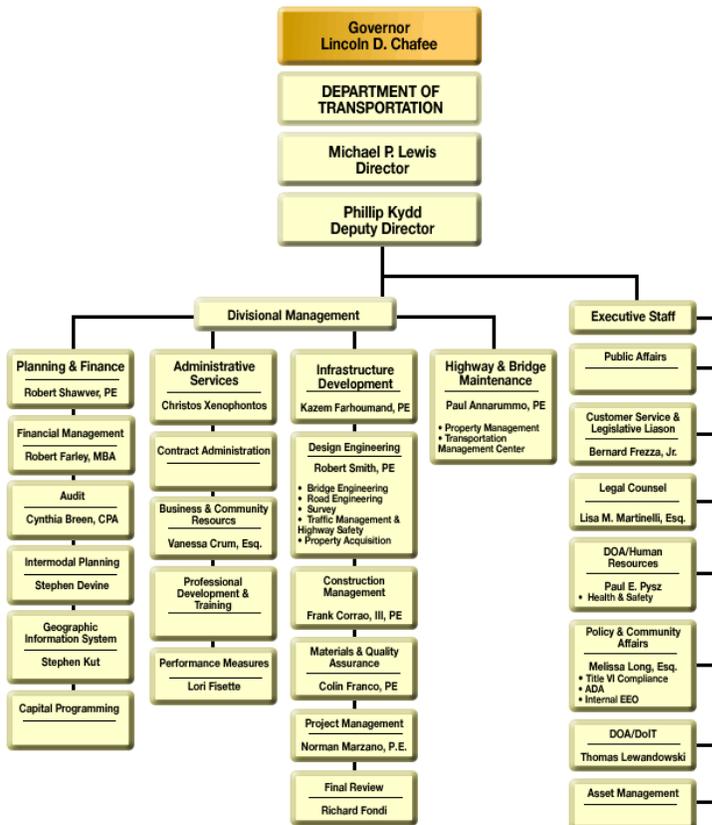
*We need Title VI of the Civil Rights Act ... to prevent ... discrimination where Federal funds are involved. ...Title VI is sound; it is morally right; it is legally right, it is constitutionally right. ... Let me say it again: The title has a simple purpose — to eliminate discrimination in Federally financed programs.*

Senator John O. Pastore

## I. CIVIL RIGHTS PROGRAM ORGANIZATION

The Rhode Island Department of Transportation (RIDOT or the Department) is committed to fulfilling its obligations under federal and state civil rights laws and equal employment requirements and to supporting the Department’s contractors, consultants and sub-recipients in achieving full compliance with those laws and requirements as well. The Department does not discriminate in its employment and programs or activities against persons in protected classes, nor does it tolerate any such discrimination by its contractors, consultants, or sub-recipients. Moreover, the RIDOT strives to be a model agency with respect to (1) promoting diversity and equal employment opportunities within its workforce; (2) developing opportunities for full and meaningful participation of minority- and women-owned business enterprises in its programs and projects; and (3) delivering its services, programs and activities in a nondiscriminatory manner.

RIDOT relies on its Civil Rights Programs to honor this commitment. Since October 2011, when RIDOT filed its Title VI/Nondiscrimination Plan, the Department has modified its organizational structure. Consequently, responsibility for the Civil Rights Programs is now found both within the Administrative Services Division and at the Executive Support staff level.



### A. External Civil Rights Programs

RIDOT’s external civil rights programs consist of the following programs: Disadvantaged Business Enterprises (DBE), including Mission 360, the Department’s DBE Supportive Services program; Contractor Compliance; On-the-Job Training; and Workforce Development. The Administrator of the Office of Business and Community Resources manages the operation of these programs and reports to the Assistant Director for Administrative Services. The Administrator of the Office of Business and Community Resources also briefs the

Department Director on the progress of these programs on a monthly basis.

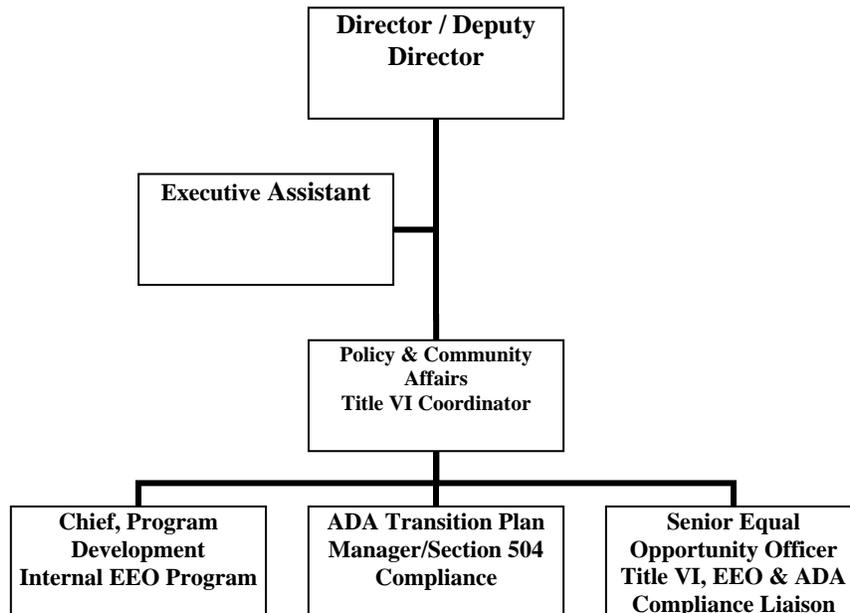
**B. Internal Civil Rights Programs**

RIDOT's internal civil rights programs include Title VI/Nondiscrimination, Internal Equal Employment Opportunity (EEO), and Americans with Disabilities Act (ADA) compliance. The Department's Title VI Coordinator is primarily responsible for initiating and monitoring RIDOT's Title VI activities and preparing required reports. The Title VI Coordinator also manages the operation of the Internal EEO and ADA programs.

**1. Reorganization**

Under RIDOT's modified organizational structure, which became effective on May 11, 2012, a new office of Policy and Community Affairs was created at the Executive Support staff level. The functions of the Title VI/Nondiscrimination programs, Internal EEO/AA, ADA programs were reallocated to this new office under the supervision of the designated Title VI Coordinator with full-time responsibility for initiating and monitoring RIDOT's Title VI activities. This new office reports directly to the Director and the Deputy Director.

In addition to the Title VI/Nondiscrimination Coordinator, the Internal EEO/AA Chief Program Development, and ADA programs Manager, the Office of Policy and Community Affairs at RIDOT has recently hired a full time Senior Equal Opportunity Officer civil rights professional to facilitate the processes of the efforts and reporting activities of all three programs within the civil rights organization.



2. Responsibility for Title VI/Nondiscrimination Activities

As discussed in RIDOT's Title VI/Nondiscrimination Plan dated October 2011, the head of each of the Department's program divisions is ultimately responsible for adhering to the principles of Title VI and nondiscrimination in RIDOT's day-to-day activities. To accomplish this duty, each division head has appointed Title VI liaisons within the operating units;<sup>1</sup> the objective is to provide a point-person within the operating units who collaborate with the Title VI Coordinator to implement Title VI/Nondiscrimination principles by actively participating in the following efforts:

- program operation and document review to ensure compliance with the Department's Title VI/Nondiscrimination Assurances;
- collection and analysis of demographic data for project areas, and application of such data to improve project outcomes;
- dissemination of program notices and information such that notices and information are accessible to disabled individuals and Limited-English Proficient (LEP) populations;
- meaningful community outreach, with the goal of involving and educating minority, low-income and LEP populations; and
- the elimination of discrimination, if found.

RIDOT's Title VI liaisons work with the Title VI Coordinator and the Senior Equal Opportunity Officer to implement RIDOT's Title VI/Nondiscrimination obligations.

## II. INTERNAL MONITORING PROGRAM

### A. Federal Programs - Process Reviews

As discussed in the RIDOT's Title VI/Nondiscrimination Plan dated October 2011, RIDOT's Title VI Coordinator worked with the designated liaison for RIDOT's Planning & Finance Division to conduct a review of RIDOT's Planning processes. Additionally, RIDOT's Title VI Coordinator had an opportunity to participate in an FHWA program review of RIDOT's Approval of Categorical Exclusions by Programmatic Agreement. Thus, RIDOT's Title VI Coordinator worked with RIDOT's Environmental and Capitol Projects unit, including its Title VI liaison, to review Title VI and Environmental Justice compliance within one aspect of RIDOT's Environmental processes. The results of these reviews are discussed further below.

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<sup>1</sup> Title VI liaisons are assigned in the following operating units: Planning & Finance, Intermodal Planning, Contract Administration, Maintenance Operations, Property Management, Traffic Management, Road Engineering, Bridge Engineering, Traffic Engineering, Property Acquisition, Construction Management, Materials & Quality Assurance, and Environmental & Capitol Projects.

B. Results of Federal Program Process Reviews

1. Planning

RIDOT's Division of Planning & Finance coordinates with Rhode Island's single statewide metropolitan planning organization—the Rhode Island Planning Council—to conduct the work of the Rhode Island Statewide Planning Program, which includes programmatic transportation planning. The Rhode Island Statewide Planning Program (RISPP) staff, including staff members responsible for transportation planning, are employees of the Rhode Island Department of Administration.

RISPP is responsible for developing short and long-range plans that provide efficient transportation services to the citizens of the state. During the FY2012 reporting period, RISPP prepared and submitted a Title VI plan, Title VI Report of the Rhode Metropolitan Planning Organization and a Limited English Proficiency Plan to RIDOT for review.

**The analysis of the above reports produces the following results:**

- **Public Participation**

**(1) Did RISPP consult with interested parties in developing the Public Participation Plan?** Yes.

**(2) Was there an opportunity for public comment on the Public Participation Plan?** Yes. See page 4 of the Statewide Planning Public Participation Guide found at <http://www.planning.ri.gov/transportation/ppg.pdf>

**(3) Is the Public Participation Plan published and/or available electronically?** Yes. However, there are problems with the .pdf file which may prevent the file from being fully accessible to anyone using a screen reader; the document is not tagged, text lacks language specification etc.

Recommend: PDF tags provide a hidden structured, textual representation of the PDF content that is presented to screen readers. They exist for accessibility purposes only. Adobe Acrobat Capture 3.0, a tool that could be used to convert paper-based documents into accessible Adobe PDF files while retaining the exact look and feel of the original document by embedding a layer of searchable, accessible text using Optical Character Recognition (OCR) software.

**(4) Does RISPP hold its public meetings at locations found on Rhode Island Public Transit Authority (RIPTA) bus routes?** Yes. A sample listing of meetings was provided. Six meetings held and all were on RIPTA bus routes.

Recommend: A full listing of all public meeting locations be provided in the next annual report.

**(5) Does RISPP hold its public meetings at times that are consistent with RIPTA timetables?** Five of the six public meetings were held at times consistent with RIPTA timetables. One meeting time was not consistent.

**(6) Are public meeting locations accessible to disabled individuals?** Yes.

**(7) Is the meeting format of public meetings conducive to participation by minority, low-income, and disabled populations?** Unknown.

**(8) Does the RISPP actively solicit input from minority, low-income, and disabled populations?** During the FY12 reporting period, RISPP used its outreach mailing and email lists; as well as posting information into the RISPP website as primary means for soliciting input.

Recommend: Need to review the composition of the outreach mailing and email lists that are being used for the solicitation of input from minority, low-income, and disabled population.

**(9) Does the RISPP publish meeting notices and public information using media targeted to minority, low-income, and disabled populations?** The media used has been the Providence Journal which is considered broad, statewide media, not targeted media, radio and TV media outlets not used.

Recommend: RISPP to use neighborhood newspapers or radio stations specific to that demographic composition of the population of that area.

**(10) Does the RISPP collect statistical data regarding the race, color, national origin, gender, disability- or income-status of public meeting participants?** No.

Recommend: Public participation feedback card be developed and used to collect ethnicity, gender and disability stats of those who attend SPP meetings.

- **LEP Plan**

**(1) Has the RISPP conducted an LEP four-factor analysis?** Yes.

**(2) Does the RISPP have a language implementation plan?** Yes.

- **Adequacy of Rhode Island Statewide Planning Program Data Collection and Analysis**

**(1) What are the RISPP's methods of data collection?** U.S. Census Bureau's American Community Survey 1, 3 and 5 year estimates.

**(2) Does the Rhode Island Statewide Planning Program collect and analyze data regarding community boundaries, racial and ethnic makeup, income levels, and community services (including schools, hospitals, employment centers, and shopping areas)?** Census data used.

**(3) What data does the RISPP use to analyze the benefits and burdens of transportation systems investments on minority, low-income, and disabled populations?** 2010 American Community Survey 1 Year Estimate Census data was used to analyze Environmental Justice (EJ) for minority and low-income populations. Data on the disabled population is obtained through RIPTA.

- **Tribal Coordination**

**(1) Does the RISPP coordinate with local Native American tribes<sup>2</sup> in Statewide Transportation Planning?** Transportation Advisory Committee (TAC) membership includes Narragansett Indian Tribe representative. It is not known whether other tribes in RI are involved in coordination effects.

**(2) Do coordination activities reflect early involvement, timely information exchange, adequate notice, and consideration of input by the local Native American tribes?** Yes. All activities are coordinated with the Narragansett Indian Tribe.

**(3) Does the RISPP have training and knowledge of local Native American tribe customs and laws?** Unknown

- **Identification of Social, Economic, and Environmental (SEE) Effects and Impacts**

**(1) Is there a systematic interdisciplinary approach to identifying SEE effects and impacts?** Not sure.

**(2) What public involvement techniques do the RISPP use?** Holds public informational workshops, hearings, some are held at regional locations around the state. Publishes proposed plans on the RISPP website.

**(3) If there are minority or disabled citizen advisory committees, what are they, and what is their makeup (race, color, national origin, sex, disability- or income status)?** The Governor's Commission on Disabilities is represented on the Transportation Advisory Committee.

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<sup>2</sup> There are four federally recognized Native American tribes in the vicinity of Rhode Island: the Narragansett Indian Tribe, the Mashpee-Wampanoag Tribe, the Wampanoag Tribe of Gayhead (Aquinnah), and the Mashantucket Pequot Tribe.

Statewide Planning is an ex-officio member of the Accessible Transportation Advisory Committee (ATAC) a consumer group for members of the disability community and keeps the ATAC informed of MPO activities.

Newly formulated Social Equity Advisory Committee (SEAC) who has 15 members.

**(4) How does the RISPP Program select those committees?** The Sustainable Communities Grant consortium will work directly with community agencies to seek out interested individuals to participate in the planning process. Statewide Planning Council will appoint 15 SEAC members.

- **Consultant Contracts**

**(1) Does the RISPP provide contracting opportunities—for planning studies, corridor studies, or other work—to DBEs?** Yes, Rhode Island Minority Business Enterprises.

**(2) What are the overall DBE participation levels?** 10%

**(3) What outreach strategies does the RISPP use to target DBE's?** Conducted by the Minority Business Enterprise Office

**(4) How does the RISPP monitor consultant compliance with Title VI?** Unknown

- **Title VI Plan**

**(1) Does the RISPP have an up-to-date Title VI/Nondiscrimination Assurance?** Yes, Statewide Planning's signed electronic submission of the FY 2012 Certification and Assurances for Federal Transit Administration Assistance Program was completed on FTA's TEAM website at <https://ftateamweb.fta.dot.gov>.

This is not accessible to the public as it requires login permissions. It should be available on the main RISPP website. The printed copy included the FY12 Report is not signed.

**(2) Has the RISPP incorporated relevant Title VI assurance language into its documents, where applicable?** It is posted on the RISPP website: [www.planning.ri.gov/transportation/Title6Notice.pdf](http://www.planning.ri.gov/transportation/Title6Notice.pdf)

**(3) Does the Rhode Island Statewide Planning Program have an up-to-date Title VI/Nondiscrimination Policy?** Yes.

**(4) Has the RISPP designated a transportation planning staff member to act as a Title VI liaison?** Yes.

**(5) Does the demographic makeup (race, color, sex, national origin, disability status) of the State Planning Council reflect the demographics of the State of Rhode Island?** No.

**(6) What is the demographic makeup (race, color, sex, national origin, disability status) of the RISPP staff?** Unknown.

Recommend: that it be listed in next annual report.

**(7) What process does the RISPP use to investigate and track Title VI complaints?** RISPP will put in place the following Title VI complaint procedure.

**Review and Response:** Upon receipt of the Complaint, the Chief of Statewide Planning shall review and forward the complaint to the Rhode Island Department of Transportation Title VI Officer and the Rhode Island Department of Administration Civil Rights Offices. The complainant shall be notified of such action in writing by the Chief of Statewide Planning

**Submission of Complaint to the Rhode Island Department of Transportation:** In accordance with Chapter VII, Title VI Discrimination Complaints, of Federal Transit Administration (FTA) Circular 4702.1A, such a complaint process including the investigatory phase should be completed 180 calendar days after the date that FTA or FHWA accepts the complaint for investigation. Chapter IX of the FTA Circular 4702.1A, which outlines the complaint process to the Department of Transportation, may be obtained online at [www.fta.dot.gov](http://www.fta.dot.gov). Paper copies of the circular may be obtained by calling FTA's Administrative Services Help Desk, at 202-366-4865.

These procedures do not deny the right of the complainant to file formal complaints with other state or Federal agencies or to seek private counsel for complaints alleging discrimination. These procedures are part of an administrative process that does not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

**(8) How does the RISPP notify beneficiaries and participants of the protections available under Title VI?** Yes.

<http://www.planning.ri.gov/transportation/Title6Notice.pdf>

Recommend: The use of a larger print. The American Foundation for the Blind recommends a minimum size 16 in ARIEL font style. The hyperlink to the Title

VI Complaint form is not working. A hard copy is to be posted on public bulletin board at the SPP office.

**(9) How does the RISPP monitor consultant compliance with Title VI?**  
Unknown.

**(10) Has the Transportation Planning staff received training on Title VI/Nondiscrimination?** Yes. Statewide Planning members and management staff have commenced Title VI and Environmental Justice Training starting in February 2011 with a National Highway Institute course. Additionally, FHWA's RI Division Civil Rights Specialist briefed management in May 2012 on data collection requirements of Title VI and Environmental Justice.

## 2. Environment

RIDOT's Environmental and Capitol Projects unit is part of the Department's Office of Design Engineering. The unit manages permitting for projects affecting natural and cultural resources; it is also involved in the project documentation process required under the National Environmental Policy Act (NEPA).

In the Spring of 2012, RIDOT's Title VI Coordinator, as well as the Title VI liaison for the Environmental and Capitol projects unit, worked with the Rhode Island FHWA Division to conduct a review of the Categorical Exclusions (CE) programmatic agreement process at RIDOT. As a result of the review, RIDOT is in the process of developing a new checklist and filing procedure for determining and documenting impacts in initial project assessment reports. Additionally, RIDOT will produce a CE manual describing revised processes, to include guidelines on appropriate public participation for CE actions.

## C. Reviews Scheduled for FY2013

RIDOT anticipates conducting reviews of its Right-of-Way processes in FY2013.

## III. EXTERNAL MONITORING PROGRAM

As part of its monitoring obligations under 23 C.F.R. § 200.9(b)(7), RIDOT's Title VI Program aims to provide leadership, assistance and oversight to RIDOT's sub-recipients of federal funds to ensure their compliance with Title VI and related nondiscrimination authorities. RIDOT began implementing its Plan with respect to the RISPP (see discussion above), and it will follow up and continue monitoring RISPP in FY2013.

With respect to RIDOT's municipal subrecipients, its formal monitoring program remains under development. However, Title VI Coordinator intends to work with municipal sub-recipients in FY2013 by (1) continuing sub-recipient training on Title VI/Nondiscrimination obligations; (2)

identifying all current sub-recipients and their Title VI designees; and (3) establishing a schedule for compliance reviews.

#### IV. TRAINING SUMMARY

##### A. Internal Training

RIDOT's Title VI Coordinator conducted Title VI trainings for RIDOT's Title VI liaisons on December 13, 2011, and January 4, 2012. RIDOT's Title VI Coordinator also coordinated U.S. Census Bureau training for RIDOT's Title VI liaisons on January 31, 2012.

##### B. External Training

RIDOT coordinated Title VI/Nondiscrimination training for RISPP on March 13, 2012.

#### V. TITLE VI/NONDISCRIMINATION COMPLAINTS

RIDOT did not receive any Title VI/Nondiscrimination complaints since filing of its Title VI/Nondiscrimination Plan in October 2011. However, RIDOT received an ADA Complaint filed by Acquidneck Ferry & Charter, Inc., alleging that RIDOT had discriminated against an individual on the basis of disability; specifically, complainant alleged that RIDOT had denied complainant access to a docking facility in Newport, RI. RIDOT referred the complaint to FHWA and the Rhode Island Governor's Commission on Disabilities (RIGCD) for further investigation. RIGCD investigated the complaint and determined that the docking facility is ADA accessible.

#### VI. SPECIAL EMPHASIS AREA: PUBLIC PARTICIPATION

RIDOT's Rules and Regulations Regarding Public Participation for Federal Aid Highway Projects provide the regulatory basis for RIDOT's public outreach strategy; however, RIDOT has attempted to pursue public outreach and involvement activities that enhance coordination and communication with minority and low-income communities beyond the minimum requirements of the regulations. Since the filing of RIDOT's Title VI/Nondiscrimination Plan in October 2011, RIDOT's Office of Customer Service, which organizes RIDOT's public meeting activities, has created public participation guidelines to promote greater inclusiveness of Title VI, Environmental Justice, and Limited English Proficient populations. A copy of the guidelines is provided as Appendix A.