

Rhode Island Department of Transportation



Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report

2013

TABLE OF CONTENTS

I. Civil Rights Program Organization	1
A. External Civil Rights Programs	1
B. Internal Civil Rights Programs	2
1. Responsibility for Title VI/Nondiscrimination Activities	2
2. Responsibility for Annual Program Area Reviews and Reporting	3
3. Responsibility for Sub-recipient Monitoring and Reporting	3
II. Internal Monitoring Program	3
A. Federal Programs - Process Reviews	3
B. Results of Federal Program Process Reviews	4
1. Design	4
2. Right-of-Way: Property Acquisition	5
3. Right-of-Way: Property Management	6
4. Contract Administration	7
5. Construction	8
6. Maintenance	9
7. Safety—Highway Safety Improvement Program (HSIP)	12
C. Reviews Scheduled for FY2014	13
III. External Monitoring Program	14
A. Reviews Conducted in FY2013	14
B. Review Results	14
1. Rhode Island Statewide Planning Program	14
2. Local Public Agency Agreement	15
C. Reviews Scheduled for FY2014	15
IV. Training Summary	15
A. Internal Training	15
B. External Training	16
V. Title VI/Nondiscrimination Complaints	16
VI. Special Emphasis Area: Public Participation	16
VII. Environmental Justice	17
VIII. Limited English Proficiency	17



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.

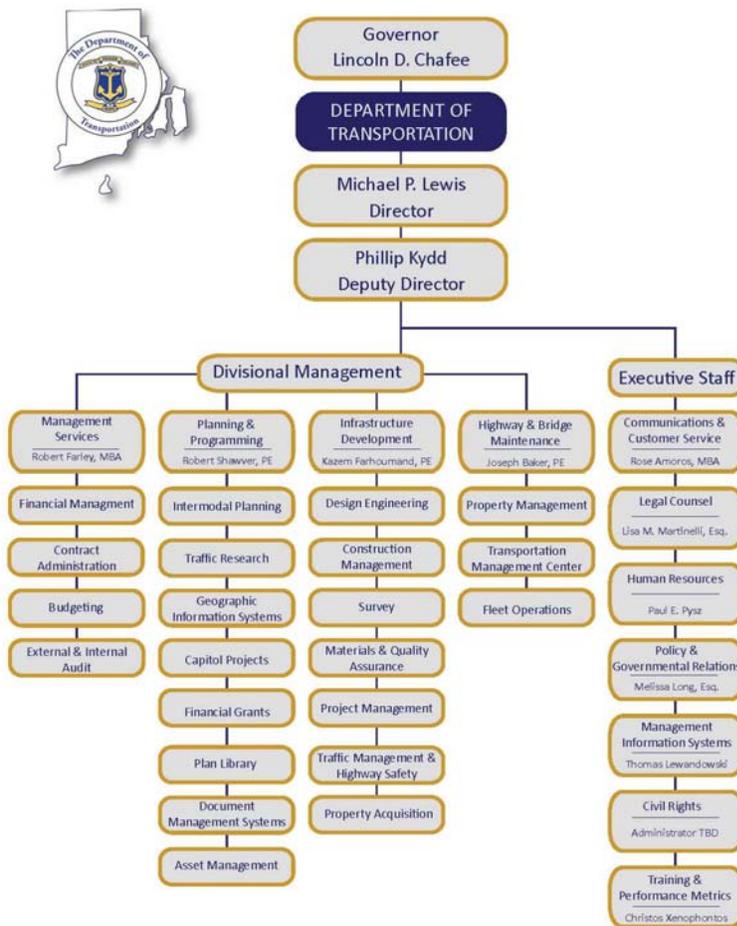
Senator John O. Pastore

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. The Office of Civil

Rights (OCR) is an Executive Staff office that oversees and coordinates RIDOT’s internal and external civil rights programs. The Department will recruit a Chief Civil Rights Officer to lead OCR in the future; in the interim, OCR staff report directly to RIDOT’s Deputy Director.



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. Recruitment is currently underway for the Administrator of External Civil Rights Programs, who will

manage the operation of these programs and report to the Chief Civil Rights Officer. Other staff members include three Senior External Equal Opportunity Compliance Officers and a Senior DBE Compliance Officer.

B. Internal Civil Rights Programs

RIDOT's internal civil rights programs consist of the Title VI/Nondiscrimination, Internal Equal Employment Opportunity (EEO), and Americans with Disabilities Act (ADA) compliance programs. The Department's Title VI/Nondiscrimination Coordinator is primarily responsible for initiating and monitoring RIDOT's Title VI activities and preparing required reports. The Title VI/Nondiscrimination Coordinator also currently manages the operation of the Internal EEO and ADA programs.¹ In addition to the Title VI/Nondiscrimination Coordinator, internal civil rights program staff includes the Internal EEO/Affirmative Action Officer, the ADA Transition Plan Manager, and a Senior Equal Opportunity Officer.

1. 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/Nondiscrimination liaisons within the operating units; the objective is to provide a point-person within the operating units who collaborates with the Title VI/Nondiscrimination Coordinator to implement Title VI/Nondiscrimination principles by actively participating in the following activities:

- 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.

¹ Once the Department recruits and hires a Chief Civil Rights Officer to lead the OCR, the Chief Civil Rights Officer will serve as RIDOT's Title VI/Nondiscrimination Coordinator and manage all internal and external civil rights programs for the Department. Until that time, however, Melissa A. Long, Esq., continues to serve as RIDOT's Title VI/Nondiscrimination Coordinator.

2. Responsibility for Annual Program Area Reviews and Reporting

Title VI/Nondiscrimination liaisons are program area experts who collaborate with the Title VI/Nondiscrimination Coordinator to develop annual program area reviews. Liaisons meet with federal program managers and the Title VI/Nondiscrimination Coordinator on or before December 1 to discuss review findings, to devise proposed corrective actions where needed, and to implement corrective action plans. The Title VI/Nondiscrimination Coordinator monitors progress and briefs the Department Director and Deputy Director on a monthly basis.

3. Responsibility for Sub-recipient Monitoring and Reporting

The Title VI/Nondiscrimination Coordinator is responsible for establishing a system to ensure that sub-recipients (1) sign and submit Title VI/Nondiscrimination Assurances, (2) identify a program coordinator, (3) submit a program plan, (4) prepare a program report, and (5) have a process for prompt disposition of discrimination complaints.

II. INTERNAL MONITORING PROGRAM

In light of feedback received from the FHWA Civil Rights Specialist, RIDOT has refined its approach to annual reviews of federal program areas. The goal of the refined approach is to further develop the overall three-year work plan described in RIDOT's Title VI/Nondiscrimination Plan dated October 2011.

A. Federal Programs - Process Reviews

RIDOT's Title VI/Nondiscrimination Coordinator worked with designated liaisons and some program managers to assess whether and to what extent specific nondiscrimination procedures exist within the following program areas:

- Design
- Right-of-Way – Property Acquisition
- Right-of-Way – Property Management
- Contract Administration
- Construction
- Maintenance
- Safety

In assessing nondiscrimination procedures, reviewers analyzed program processes and documents to determine the extent of compliance with nondiscrimination principles. The reviews, discussed further below, have resulted in commitments to develop and implement protocols that are consistent with the Department's overall Title VI/Nondiscrimination Program.

B. Results of Federal Program Process Reviews

1. Design

RIDOT's Office of Design Engineering, within the Infrastructure Development Division, remains responsible for managing project development—from design study to preparation of Plans, Specifications & Estimates (PS&E)—for the construction and reconstruction of state-owned and maintained transportation infrastructure. RIDOT's Title VI/Nondiscrimination Coordinator is working with the Office of Design Engineering to develop and implement Title VI/Nondiscrimination protocols relevant to the project development process.

The Title VI/Nondiscrimination Review focused on identifying the existing (1) processes for organizing public meetings, soliciting public input, and addressing comments received; (2) data collection practices and protocols; and (3) processes to ensure that Appendix A of the standard Assurances is included in all contracts and subconsultant agreements.

- The Office of Design Engineering relies heavily on local municipalities for both soliciting public input related to project development, and addressing comments received. Consultants develop Public Participation Plans for larger projects, but the Office of Design Engineering generally uses local leaders to identify stakeholders. In light of the heavy reliance on municipalities for conducting outreach and communicating about project-related decisions, the Office of Design must develop and implement protocols to ensure that the municipalities provide proper outreach to Title VI and Environmental Justice (EJ) populations. The Title VI/Nondiscrimination Coordinator will work with the Title VI/Nondiscrimination liaisons and program managers to develop such protocols.
- During project development, the Office of Design Engineering collects, documents, and analyzes demographic data as part of its obligation to conduct reviews under the National Environmental Policy Act (NEPA). RIDOT processes over 90 percent of its projects as Categorical Exclusions (CEs); however, the 2012 Program Review of Rhode Island Approval of CEs by Programmatic Agreement revealed that (1) the current CE form used by project managers does not include review of demographic data or consideration of EJ issues; and (2) there is inconsistency in how project managers view and complete the NEPA process. The Title VI/Nondiscrimination Coordinator will work with Title VI/Nondiscrimination liaisons (including the Title VI/Nondiscrimination liaison for the Environmental and Capitol Projects unit) and program managers to develop consistent protocols for collecting, documenting and analyzing demographic data.
- Discussions with the project managers in the Office of Design Engineering revealed that project managers are not uniformly including Appendix A of the

standard Assurances in all contracts. The Title VI/Nondiscrimination Coordinator will work with RIDOT's Office of Design Engineering, Office of Legal Counsel and Contract Administration to initiate inclusion of Appendix A of the standard Assurances as a Project Specification in every contract.

- The Office of Design Engineering relies on Contract Administration to review subconsultant agreements to ensure the inclusion of Appendix A of the standard Assurances in all subconsultant agreements. However, the Title VI/Nondiscrimination liaison for Contract Administration relies on project managers to review subconsultant agreements to ensure inclusion of Appendix A of the standard Assurances in all subconsultant agreements. The Title VI/Nondiscrimination Coordinator will work with the Office of Design Engineering and Contract Administration to clarify roles and responsibilities for this task, and to identify a process to ensure inclusion of Appendix A of the standard Assurances in all subconsultant agreements.

2. Right-of-Way: Property Acquisition

The Department's Property Acquisition unit operates from within the Infrastructure Development Division and is responsible for appraising, negotiating for and acquiring real estate needed for RIDOT projects. The Property Acquisition unit also provides relocation assistance to displaced individuals and businesses.

The Title VI/Nondiscrimination Review focused on assessing existing processes for valuations, acquisitions, negotiations, and relocations, emphasizing processes for (1) procuring fee appraisals and title examinations, and (2) collecting data on impacted individuals.

- RIDOT's Property Acquisition unit contracts with outside vendors for the following services: appraisals and title commitments. The State of Rhode Island's Master Price Agreement (MPA) lists six qualified appraisal firms; however, only one qualified title company currently does business with the State of Rhode Island. When procuring appraisal services, the Property Acquisition unit develops a scope of work, solicits all MPA-listed firms for bids, and ultimately selects the lowest bidder to perform the work. Appraisers estimate fair market value by collecting market data and apply a unit price per square foot standard in accordance with federal regulations.
- The Property Acquisition unit initiates minor strip acquisitions and easements—comprising approximately 95 percent of the unit workload—by sending an introductory cover letter and package of information via first-class mail. The unit thereafter follows up with a telephone call and an offer of a personal meeting. In more complex, fast track, or total parcel acquisitions, unit staff contacts affected parties by telephone and makes an appointment to make a formal offer and discuss the project and overall process. Prior to filing a condemnation action, the

Property Acquisition unit provides at least two meetings or contacts and a minimum of 30 days in attempt to solicit feedback on RIDOT's offer. The Property Acquisition unit hires interpreters in cases where language barriers exist, and makes necessary accommodations for disabled individuals.

- With respect to relocation processes, the Property Acquisition unit identifies relocatees as soon as RIDOT discovers that it will initiate acquisition of an occupied property. The Property Acquisition unit issues a notice advising relocatees about advisory assistance and benefits and provides a brochure outlining information about the program. RIDOT prepares eligibility letters at or about the same time it makes an acquisition offer to a property owner. The Property Acquisition unit inspects replacement dwellings using a uniform evaluation checklist. It establishes the amount of relocation benefits through collecting market data of available housing, as well as some data regarding income level.
- The Title VI/Nondiscrimination Coordinator will work with the Title VI/Nondiscrimination liaison to review procurement templates and to include Title VI/Nondiscrimination notifications where needed.
- The Title VI/Nondiscrimination Coordinator will work with the Title VI/Nondiscrimination liaison to develop data collection methods, such as surveys, as well as protocols for analyzing data to discover whether any discernable trends exist. Additionally, the Title VI/Nondiscrimination Coordinator will work with the Title VI/Nondiscrimination liaison to explore revisions to the ROW Procedures Manual, informational packages, and the Relocation Assistance Program Brochure to incorporate Title VI/Nondiscrimination principles where appropriate.

3. Right-of-Way: Property Management

The Property Management office operates from within the Department's Division of Highway and Bridge Maintenance. The Property Management office manages the use and disposition of Department-owned real estate.

The Title VI/Nondiscrimination Review focused on assessing existing processes for (1) selling, leasing, licensing, granting easements in or otherwise authorizing use of Department-owned real estate; (2) calculating rental amounts and fair market value; (3) procuring vendors; and (4) data collection and analysis.

- RIDOT's Property Management unit prepared a Property Management Procedural Manual in March 2009. The manual describes uniform processes for disposing of or otherwise transferring interest in Department-owned real estate. The manual does not include the correct Title VI/Nondiscrimination appendices or language to be included in property transfer documents.

- Despite the incorrect language referenced in the Property Management Procedural Manual, the Property Management unit has revised its standard document templates to incorporate Title VI/Nondiscrimination language in property transfer documents. The Title VI/Nondiscrimination Coordinator has reviewed property transfer documents prepared in 2012 and 2013 and found Title VI/Nondiscrimination language in the overwhelming majority of documents.
- The Title VI/Nondiscrimination Coordinator will work with the program manager and Title VI/Nondiscrimination liaison to update the unit's Property Management Procedural Manual to reflect the correct Title VI/Nondiscrimination appendices or language to be included in property transfer documents. The Title VI/Nondiscrimination Coordinator will also train the program manager and Title VI/Nondiscrimination liaison about recent changes to the standard Title VI/Nondiscrimination Assurances, and work with the unit to revise document templates accordingly.
- The Property Management unit calculates rental amounts and fair market value by referring to a present market value appraisal. Depending on the complexity, size, and utility of the property, market value may be estimated by in-house appraisers or outside fee appraisers.
- RIDOT's Property Management unit contracts with outside vendors for the following services: appraisals and maintenance/repair services (e.g., HVAC systems, fire protection, electrical repair, painting). When procuring appraisal services, the Property Management unit develops a scope of work, solicits MPA-listed firms for bids, and selects the lowest bidder to perform the work. When procuring maintenance/repair services, the Property Management unit selects licensed and insured vendors listed on the MPA.
- The Property Management unit collects data on the number of leases, licenses and Letters of Authorizations granted; Purchase and Sales Agreements entered into; and value of real estate transactions. The Title VI/Nondiscrimination Coordinator will work with the program manager and Title VI/Nondiscrimination liaison to develop (1) demographic data collection methods and (2) protocols for analysis to determine whether discernable trends exist.

4. Contract Administration

The Contract Administration Office is responsible for construction contract procurement through electronic bidding, as well as for the procurement of Architectural & Engineering (A&E) and other professional-type services and for the preparation and negotiation of professional services contracts.

The Title VI/Nondiscrimination Review examined (1) current protocols for ensuring that all solicitation documents include Title VI/Nondiscrimination notices and that all construction contracts include Federal Form 1273; and (2) existing post-qualification processes.

- All RIDOT construction contracts include nondiscrimination notices and Federal Form 1273 as part of the Quest program. RIDOT's Title VI/Nondiscrimination Coordinator has worked with Contract Administration to revise the Quest program to include all Title VI/Nondiscrimination notices consistent with standard Assurances. Pending adoption of those revisions, Contract Administration relies on project managers in the Office of Design Engineering to include Appendix A of the standard Assurances in all contracts. However, as discussed above, project managers are not uniformly including Appendix A as a Project Specification in every contract. The Title VI/Nondiscrimination Coordinator will work with RIDOT's Office of Design Engineering, Office of Legal Counsel and Contract Administration to initiate inclusion of Appendix A of the standard Assurances as a Project Specification in every contract.
- During post-qualification, the Title VI/Nondiscrimination liaison for Contract Administration relies on the Construction Management section to review subcontract agreements and to ensure inclusion of federal flowdown clauses, as required by the Bluebook and Project Specifications. The Title VI/Nondiscrimination Coordinator will work with Contract Administration, the Office of Legal Counsel, and the Construction Management section to modify post-qualification processes to ensure inclusion of Appendix A of the standard Assurances in all subcontract agreements.
- The Title VI/Nondiscrimination liaison for Contract Administration relies on project managers to review subconsultant agreements to ensure inclusion of Appendix A of the standard Assurances in all subconsultant agreements, whereas the Office of Design Engineering relies on Contract Administration to review subconsultant agreements to ensure the inclusion of Appendix A of the standard Assurances in all subconsultant agreements. The Title VI/Nondiscrimination Coordinator will work with the Office of Design Engineering and Contract Administration to clarify roles and responsibilities for this task, and to identify a process to ensure inclusion of Appendix A of the standard Assurances in all subconsultant agreements.

5. Construction

The Department's Construction Management section oversees all active construction projects and ensures compliance with all RIDOT design and material specifications.

The Title VI/Nondiscrimination Review focused on evaluating current processes for (1) monitoring and inspecting work; (2) implementing mitigation measures; (3) penalizing

contractors; and (4) ensuring that Appendix A of the standard Title VI/Nondiscrimination Assurances is included in all contracts and subcontracts.

- RIDOT's Construction Management section assigns construction oversight responsibilities to the project's Resident Engineer. The Resident Engineer trains and directs one to three project inspectors (depending upon the size and complexity of the project), who ensure work is done safely and according to project plans.
- Construction Management staff implements mitigation measures according to project plans and specifications. When members of the public request mitigation measures during the course of during construction activities, project staff documents the requests in project files and evaluates requests by weighing effectiveness and cost.
- RIDOT specifications define liquidated damages based on contract value. The Construction Management section uses scheduling software to track and mitigate delays, and to assign responsibility to the contractor or RIDOT as appropriate.
- Construction Management staff withholds bi-weekly progress payments for failure to provide certified materials, noncompliance with contract specifications, and where the contractor fails to send accident claims to its insurer.
- The Title VI/Nondiscrimination Coordinator will collaborate with RIDOT's Office of Training and Development and Construction Management staff to provide training on data collection and analysis; the goal of the training will be to determine whether the Construction Management section can identify patterns or trends with respect to how it evaluates requests for mitigation measures, as well as how it penalizes contractors.
- As discussed above, the Construction Management section reviews subcontract agreements during post-qualification to ensure inclusion of federal flowdown clauses, as required by the Bluebook and Project Specifications. The Title VI/Nondiscrimination Coordinator will work with the Construction Management section, Contract Administration, and the Office of Legal Counsel to modify post-qualification processes to ensure inclusion of Appendix A of the standard Assurances in all subcontract agreements.

6. Maintenance

The Division of Highway and Bridge Maintenance is responsible for routine maintenance of approximately 1,100 miles of state highways, over 800 bridges, and associated roadsides and highway appurtenances. The Division of Highway and Bridge Maintenance also processes Physical Alteration Permit Applications and Utility Permit

Applications, and administers the Department's Adopt-a-Spot and Adopt-a-Highway programs.

The Title VI/Nondiscrimination Review examined current prioritization processes for the following maintenance operations: litter/debris removal, mowing, tree-trimming, sweeping, and winter storms. The Review also evaluated RIDOT's guardrail replacement program, processes for reviewing Physical Alteration and Utility Permit applications, as well as Adopt-a-Spot and Adopt-a-Highway applications. Finally, the Review considered data collection protocols and procurement practices.

- Prioritization of maintenance operations:
 - **Litter/debris removal** – the Division of Maintenance prioritizes high volume roads (i.e., interstates, freeways) and assigns crews to other roads as complaints, notifications, and observation warrant.
 - **Mowing** – the Division is responsible for maintaining 10-20 square miles of grassed area throughout seven Maintenance districts. Local district offices schedule operations to maintain adequate clear zones along the roadside and to improve sight distance of traffic control devices and along vertical and horizontal curves. Operations occur April through November; availability of staff and equipment dictate cycles. The Division uses inmate crews to assist operations; it often assigns crews to the Providence metropolitan area due to the design of the roadside (it is difficult to use larger equipment to conduct mowing operations in the metro area). The Division implements a reduced mowing program along the southern portion of I-95, all of I-295 and portions of other highways across the state due to lack of resources (personnel, equipment, funding).
 - **Tree-trimming** – the Division conducts trimming operations (1) to address an issue identified in the field (e.g., damaged or weakened tree), (2) to improve sight distance, or (3) to remove invasive species.
 - **Sweeping** – operations typically start in late winter/early spring and continue through the summer months; sidewalks adjacent to State-maintained roadways are swept when roadway sweeping occurs. The Division is looking to define sweeping routes.
 - **Winter storms** – the Division continuously monitors the atmospheric and pavement forecast information that it receives throughout the year. The winter season typically runs from November 15 to April 15. The Division assigns crews as needed from each of the seven Maintenance districts, and prioritizes all districts equally. RIDOT does not yet define a level-of-service for roadways, but assigns equipment/routes based on the various roadway classifications (high volume roads require larger equipment; smaller equipment is assigned to secondary roads); the goal is to ensure

coverage along all State-maintained roadways. Use of equipment, personnel and vendors depends upon storm conditions predicted and encountered, as well as the timing, duration and severity of the storm. Park-and-ride lots are generally treated at the same time as roadways; however, to avoid damaging vehicles parked in park-and-ride lots, or blocking them in with plowed snow, crews may wait until lots are empty before treating them.

- The Division of Maintenance coordinates guardrail replacement with the Office of Design Engineering and the Construction Management section. The Office of Design Engineering uses historical data to estimate guardrail and attenuator quantities and to prepare bi-annual guardrail replacement contracts. The Maintenance Division contacts the Resident Engineer assigned to oversee the guardrail replacement contract to report locations where damaged guardrail exists. The Maintenance Division reports locations as they are observed/identified.
- Application review processes:
 - **Physical alteration permits** – staff reviews applications for completeness upon submission. Complete applications are logged into an electronic database and transferred to the reviewing section. Maintenance Engineering reviews residential applications; the Office of Design Engineering reviews commercial and multi-unit residential applications. Maintenance Engineering investigates existing site conditions for all applications and reviews residential applications according to the Physical Alteration Permit manual and engineering judgment. The Division works with applicants to find workable solutions, but issues denials where warranted for safety reasons. The Office of Design Engineering reviews commercial and multi-unit residential applications for safe access and drainage impacts.
 - **Utility permits** – staff logs applications into an electronic database system and assigns review to the Maintenance Engineering team. When applications relate to locations within active construction or design projects, staff forwards the relevant documents to the appropriate section for review and comment. Substantial utility projects (e.g., multi-mile projects or installation of utilities along a bridge) are also forwarded to the Office of Design Engineering for review and comment.
 - **Adopt-a-Spot** – staff forwards applications to the Property Management office for review and approval.
 - **Adopt-a-Highway** – staff forwards applications to the Property Management office for review and approval.

- The Division collects data regarding operations, staff assignments, equipment and materials used, service requests, work orders, and the state of infrastructure. Most of the data is used as historical reference information, and some data is used to determine the effectiveness of Division programs. The Title VI/Nondiscrimination Coordinator will work with the Title VI/Nondiscrimination liaison to develop (1) demographic data collection methods across different Division activities and (2) protocols for analysis to determine whether discernable trends exist with respect to those impacted by Maintenance activities.
- The Division of Maintenance contracts with outside vendors for concrete, asphalt, metals, equipment and other materials required to perform maintenance functions. The Division also contracts with engineering consultants and vendors for winter operations. When procuring materials and services, the Division's Business office prepares requisition paperwork according to State Purchasing Regulations and selects most vendors through the MPA. However, the Division conducts extensive outreach to interested snow vendors, advertising not only through the State of Rhode Island's Division of Purchases, but also on the internet, in the Providence Journal, through Mission 360, and by holding meetings with former vendors and other interested parties.

7. Safety—Highway Safety Improvement Program (HSIP)

The Department's Traffic Engineering unit, within RIDOT's Infrastructure Development Division, is responsible for administering HSIP. A core Federal-aid program, the objective of HSIP is to implement infrastructure-related highway safety improvements with the goal of significantly reducing traffic fatalities and serious injuries on all public roads.

The Title VI/Nondiscrimination Review focused on current project development processes for safety and non-safety projects, as well as the public participation process used to develop Strategic Highway Safety Plan (SHSP), HSIP, and other safety related documents.

- The Traffic Engineering unit develops safety projects using a data-driven planning approach. As a first step, RIDOT identifies high-risk locations on all public roads statewide by analyzing year-old data on crashes involving fatalities and serious injuries. Thereafter, RIDOT performs a road safety assessment or engineering review of the high-risk locations and convenes stakeholders to identify potential countermeasures. The Traffic Engineering unit then assesses the effectiveness of proposed countermeasures, conducts preliminary design and prioritizes projects by examining Benefit/Cost ratios.
- The Traffic Engineering unit develops arterial traffic signal systems based on the most congested roadways.

- Much like the Office of Design Engineering, the Traffic Engineering unit relies heavily on local municipalities for both soliciting public input related to projects development, and addressing comments received. The Traffic Engineering unit must develop and implement protocols to ensure proper outreach to Title VI and EJ populations. The Title VI/Nondiscrimination Coordinator will work with the Title VI/Nondiscrimination liaison and program manager for Traffic Engineering to develop such protocols.

C. Reviews Scheduled for FY2014

RIDOT's Title VI/Nondiscrimination Coordinator will work with designated liaisons and program managers to assess whether and to what extent specific nondiscrimination procedures exist within the following programs and program areas:

- Research: The Title VI/Nondiscrimination Coordinator will complete a review of how research projects using SPR and metropolitan funds are advertised and awarded.
- Pavement Management: The Title VI/Nondiscrimination Coordinator will review prioritization processes and data collection methods.
- 511 Traveler Information Program: The Title VI/Nondiscrimination Coordinator will review the feasibility of adapting RIDOT's 511 Information Program for Limited English Proficient populations.
- Environment: The Environmental and Capitol Projects unit initiated a project in 2012 to revise the CE form and to draft a CE manual. The program manager has reported that those efforts have been on hold in light of the Notice of Proposed Rulemaking for Programmatic Agreements and Additional Categorical Exclusions (Docket No. FHWA - 2013-0049). The Title VI/Nondiscrimination Coordinator will work with Title VI/Nondiscrimination liaisons in the Office of Design Engineering and the Environmental and Capitol Projects unit to explore development of alternative protocols for collecting, documenting and analyzing demographic data.
- Adopt-a-Spot/Adopt-a-Highway: The Title VI/Nondiscrimination Coordinator will work with the program manager and Title VI/Nondiscrimination liaisons in the Division of Maintenance to review program documents and project files, and to evaluate data collection protocols.
- Solicitation documents for purchases outside of Contract Administration: The Title VI/Nondiscrimination Coordinator will work with Title VI/Nondiscrimination liaisons in Property Acquisition, Property Management, the Division of Maintenance, and Financial Management to review procurement templates and sample project files to evaluate whether Title VI/Nondiscrimination notifications are included where needed.

III. EXTERNAL MONITORING PROGRAM

The Title VI/Nondiscrimination Coordinator is responsible for establishing a system to ensure that sub-recipients (1) sign and submit Title VI/Nondiscrimination Assurances, (2) identify a program coordinator, (3) submit a program plan, (4) prepare a program report, and (5) have a process for prompt disposition of discrimination complaints.

In addition to the Rhode Island Statewide Planning Program (RISPP), Rhode Island's single Metropolitan Planning Organization, there are 24 current sub-recipients of FHWA funds. Ten are municipalities, eight are non-profit organizations, four are state or quasi-public agencies, one is a consulting firm, and one is the University of Rhode Island. The Title VI/Nondiscrimination Coordinator chooses at least one sub-recipient annually for a Title VI/Nondiscrimination Review. The Title VI/Nondiscrimination Coordinator evaluates the following factors when identifying sub-recipients for review: (1) the overall amount of grants awarded, (2) the age of the grant award(s), and (3) the sub-recipient's existing cycle for certification or other federal reviews. Title VI/Nondiscrimination Reviews consist of investigation of current processes, interviews with the sub-recipient's Program Coordinator and other personnel as needed, and review of relevant documents.

A. Reviews Conducted in FY2013

RIDOT's Title VI/Nondiscrimination Coordinator worked with the designated liaison for the Division of Planning and Programming to evaluate the FY2012 review of RISPP and to conduct a refined process review of RISPP's documents and activities.

Additionally, RIDOT's Title VI/Nondiscrimination Coordinator reviewed the Department's standard Local Public Agency Agreement to determine whether it includes Title VI/Nondiscrimination Assurance language for sub-recipients.

B. Review Results

1. Rhode Island Statewide Planning Program

The Title VI/Nondiscrimination Liaison for the Division of Planning and Programming worked with RISPP's Title VI/Nondiscrimination liaison, as well as the Assistant Chief of RISPP, to review processes and documents related to the Unified Planning Work Program, the Long-Range Transportation Plan, and the Public Participation Plan. The Review also examined data collection protocols.

- RISPP updates its Title VI/Nondiscrimination Assurance once per year with the approval of its Consolidated Planning Grant with FHWA. However, review of the assurances signed on October 28, 2013, reveals that RISPP does not use updated FHWA Title VI/Nondiscrimination Assurance language. The Title VI/Nondiscrimination Coordinator will train the Title VI/Nondiscrimination liaison and Assistant Chief of RISPP about recent changes to the standard Title

VI/Nondiscrimination Assurances, and work with RISPP to revise its standard assurances accordingly.

- RISPP has 15 sub-recipients of FHWA Planning Challenge grants, 16 sub-recipients of Safe Routes to School grants, and two consultant firms. RISPP has a process for obtaining Title VI/Nondiscrimination Assurances from each of its sub-recipients. The Title VI/Nondiscrimination Coordinator will review the standard Title VI/Nondiscrimination Assurance language used in sub-recipient contracts and work with RISPP to revise its contract templates as necessary.

2. Local Public Agency Agreement

The Department's standard Local Public Agency Agreement does not currently include Title VI/Nondiscrimination Assurances language for sub-recipients. However, the Department's Division of Management Services and Division of Planning and Programming have made significant progress toward the creation of a draft Master Agreement/manual for RIDOT sub-recipients. The draft Master Agreement includes all federal flowdown requirements, including Title VI/Nondiscrimination Assurances language. RIDOT's Title VI/Nondiscrimination Coordinator will facilitate completion of the draft Master Agreement for RIDOT sub-recipients. Alternatively, the Title VI/Nondiscrimination Coordinator will suggest revisions to the standard Local Public Agency Agreement.

C. Reviews Scheduled for FY2014

The University of Rhode Island (URI) is the sub-recipient of 17 FHWA grant awards worth approximately \$6,000,000.00. The Title VI/Nondiscrimination Coordinator will work with URI (1) to review and update Title VI/Nondiscrimination Assurances, (2) to identify a Title VI/Nondiscrimination Program Coordinator, (3) to prepare a Program Plan and Reports, and (4) to review its processes for prompt disposition of discrimination complaints.

IV. TRAINING SUMMARY

The Office of Civil Rights coordinates training activities with RIDOT's Office of Professional Development and Training.

A. Internal Training

During FY2013 the Office of Professional Development and Training conducted Sexual Harrassment Training for 348 employees, Diversity Training (Valuing Differences) for 198 employees, and training on RIDOT's Technical Infeasibility Determination Policy for 210 employees. Additionally, RIDOT's Title VI/Nondiscrimination Coordinator conducted Title VI/Nondiscrimination trainings as described below.

- Division level training – The Title VI/Nondiscrimination Coordinator provided training to the Chief Engineer and the Administrator for Highway and Bridge Maintenance. Trainings focused on Title VI/Nondiscrimination principles, responsibilities of program area managers and Title VI/Nondiscrimination liaisons, the goal of annual reviews, and the need for Title VI/Nondiscrimination reporting.
- Federal Program Area Manager training – the Title VI/Nondiscrimination Coordinator provided training to federal program area managers to review their responsibilities and the responsibilities of Title VI/Nondiscrimination liaisons, to evaluate the results of FY2013 reviews, and to identify focus areas and training objectives for FY2014.
- Title VI/Nondiscrimination liaison training – the Title VI/Nondiscrimination Coordinator provided training to review responsibilities and to answer questions about reviews and reporting requirements.

B. External Training

RIDOT provided training for the Assistant Chief of RISPP to review Title VI/Nondiscrimination principles and responsibilities.

The Office of Civil Rights is coordinating with the Office of Professional Development and Training to provide training on Title VI/Nondiscrimination Assurances and related responsibilities for RIDOT's contractors and sub-recipients.

V. TITLE VI/NONDISCRIMINATION COMPLAINTS

RIDOT did not receive any Title VI/Nondiscrimination complaints during FY 2013.

VI. SPECIAL EMPHASIS AREA: PUBLIC PARTICIPATION

RIDOT has identified Public Participation and improved customer service as an area of special emphasis. As discussed in the Department's Title VI/Nondiscrimination Plan, RIDOT's Rules and Regulations Regarding Public Participation for Federal Aid Highway Projects have provided the regulatory basis for RIDOT's public outreach strategy since their adoption in 1991; however, RIDOT recognizes that the Department must improve implementation of the regulations to achieve enhanced coordination and communication with the public.

- RIDOT has recently combined communications and customer service functions under the Office of Communications and Customer Service. The Office of Communications and Customer Service is creating new techniques to ensure inclusive outreach, such as distribution of weekly Community Updates to diverse stakeholders impacted ongoing construction projects, and creation of checklists to streamline organization of public meetings, workshops and events.

- The Title VI/Nondiscrimination Coordinator will continue to work with the Chief Public Affairs Officer and the Title VI/Nondiscrimination Liaison for Customer Service and other federal program areas to update RIDOT's Public Participation Plan. The updated Public Participation Plan will document (1) specific requirements regarding notification and inclusion of Title VI and EJ populations, (2) systems to ensure inclusive outreach, (3) protocols for notifying the public about programs, as well as for addressing public comment and feedback, (4) processes for notifying the public about meetings and events, and for collecting comments, and (5) demographic profiles of EJ and Limited English Proficient populations impacted by RIDOT programs and activities.

VII. ENVIRONMENTAL JUSTICE

As discussed in RIDOT's Title VI/Nondiscrimination Program document, the Department has been in the process of enhancing the functionality of its Geographic Information System (GIS). Upon completion of the enhancement project, census data will be available as a project-level overlay so that RIDOT's operating units can easily map census tracts and block groups to depict the demographic makeup of project areas; the mapping tool will facilitate analysis of demographic data so that operating units can determine whether discriminatory trends or patterns exist in how RIDOT implements its programs and activities.

The target completion date for Phase I of the enhancement project is the end of the calendar year. Phase II – implementation and training – is scheduled to take place by the end of FY2014. The Title VI/Nondiscrimination Coordinator will work with the Office of Professional Development and Training and Title VI/Nondiscrimination liaisons to organize appropriate training.

VIII. LIMITED ENGLISH PROFICIENCY

RIDOT conducted a four-factor analysis and developed a Language Assistance Plan in 2011. The Title VI/Nondiscrimination Coordinator has worked with the Title VI/Nondiscrimination liaison for Customer Service to implement the Plan. The Title VI/Nondiscrimination Coordinator will work with the Office of Communications and Customer Service to update the Plan during FY2014, and with the Office of Professional Development and Training to provide training on the Plan.