DEPARTMENT OF TRANSPORTATION
CIVIL RIGHTS
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NOTICE OF 45-DAY EXTENSION

PUBLIC COMMENT ON DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

This is to inform you of the 45-day extension of the DBE Program Public Comment period. The extension period is from February 4, 2006, to March 20, 2006. This letter includes the schedule of upcoming statewide Public Forums.

The California Department of Transportation (Department) is required by a recent Ninth Circuit Court of Appeals ruling to consider amending its Disadvantaged Business Enterprise (DBE) program goals for all federally funded projects. The Ninth Circuit Court of Appeals decision, Western States Paving Co., Inc. v. Washington Department of Transportation et al., has established new evidentiary standards necessary to constitutionally support the use of race-conscious DBE goals such as those currently used by the Department. The decision is binding on the states within its jurisdiction, including California.

In accordance with 49 CFR Part 26.45 (g), the Department invites public participation, submission of evidence and solicits comments regarding the use of race-conscious and race-neutral measures to achieve the overall goal. Examples of evidence may include, but are not limited to, the following:

1. Disparity Studies which determine the availability and capacity of DBEs in their local transportation contracting markets.

2. Statistical studies of the following types: past or present discriminatory practices within the transportation contracting industry; discriminatory effects on factors (i.e. availability, capacity, financial resources, or locality of business) related to a DBE's ability to compete for transportation contracts; studies ascertaining discriminatory effects for each disadvantaged group separate from the rest.

3. Statistical analyses of discriminatory barriers DBE participants encounter in obtaining bonding and financing or of discriminatory barriers in DBE business formation and earnings.

4. Formal complaints by a DBE alleging discrimination for past or existing transportation contracts.

5. Signed declarations asserting describing the frequency prime contractors solicit DBEs on non-goal contracts versus the frequency solicited on contracts with goals, or declarations describing discriminatory practices by prime contractors, trade unions, business networks, suppliers and sureties against minority contractors.

After consideration of the comments and evidence received by, the Department will determine whether it is able to continue with any level of a race-conscious program this federal fiscal year or whether it is necessary to revise the goals to state the specified level of DBE participation will be achieved solely by race-neutral measures.

You are invited to attend the following Department Public Comment Forums. Your comments, submission of evidence, information and statistical evidence are very important. The public forums will be held at the following locations:

DISTRICTS	DISTRICT CONTACTS	DATE & TIME	LOCATIONS
6-Fresno	Pam Gentleman Pam.Gentleman@dot.ca.gov (559) 445-6925	Wednesday 2/21/2006 5:00p.m.-7:00 p.m.	Dept. of Transportation Manchester Mall 2015 E. Shield Suite 100 Fresno, CA 93726
11- San Diego	Nellie Richardson Nellie.Richardson@dot.ca.gov (858) 616-6507	Tuesday 2/21/2006 5:00p.m.-7:00 p.m.	Dept. of Transportation 2829 Juan Street Auditorium San Diego, 92110
3 - Marysville (Forum will be held in Sacramento)	Janice Salais Janice.Salais@dot.ca.gov (916) 324-0841 or Evelyn Dodson (Marysville) Evelyn.Dodson@dot.ca.gov (530) 741-4354	Wednesday 2/22/2006 5:00 p.m-7:00 p.m.	Dept. of Transportation 1727 30th Street 1st Floor Conference Room Sacramento, CA 95816
7- Los Angeles	Norma Dorsey Norma.Dorsey@dot.ca.gov (213) 897-6107	Monday 2/27/2006 5:00 p.m. - 7:00 p.m.	Dept. of Transportation 1st Floor Conference Room 100 South Main St. Los Angeles, CA 90012
4-Oakland (Forum will be held in San Jose, CA)	Esther Vicente Esther.Vicente@dot.ca.gov (510) 286-5871	Wednesday 3/1/2006 5:00 p.m.-7:00 p.m.	Agnews Developmental Center 3500 Zanker Road San Jose, CA 95134
8 - San Bernardino	Vickie Griffin Vickie.Griffin@dot.ca.gov (909) 383-1937	Monday 3/6/2006 1:00 p.m.-3:00 p.m.	Dept. of Transportation 655 W. 2nd Street Room 201 San Bernardino CA, 92401
5- San Luis Obispo (Forum will be held in Goleta, CA)	Gillian McCallum Gillian.McCallum@dot.ca.gov (805) 549-3037	Wednesday 3/8/2006 5:00 p.m. - 7:00p.m.	Goleta Valley Community Center 5679 Hollister Ave. Goleta, CA 93117
10 - Stockton	Zelie Nogueira Zelie.Nogueira@dot.ca.gov (209) 948-3930	Thursday 3/9/2006 5:00 p.m. - 7:00 p.m.	Dept. of Transportation 1976 E. Charter Way/ Martin Luther King Blvd. Stockton, CA 95205

If you have questions or you want to send evidence of the type outlined in this letter, contact the Department at (916) 324-8400, toll free (866) 810-6346 or by email: smallbusinessadvocate@dot.ca.gov.

Written comments are to be addressed to California Department of Transportation, Office of Civil Rights, 1823 14th Street, Sacramento, California 95814, Attention: DBE Program Manager. ***The Department must receive comments and evidence by March 20, 2006.***

For updates on the Public Forum dates and locations go to the following website, http://www.dot.ca.gov/hq/bep/ucp.htm or call the DBE Program Manager at (866) 810-6346.

Sincerely,

Angel Carrera

ANGEL CARRERA
DBE Program Manager